



C A L I F O R N I A

DEPARTMENT OF JUSTICE

**Report on the Investigation into the
Death of Jason Maccani on February 3, 2024**

Los Angeles County AB 1506

October 2026

TABLE OF CONTENTS

BACKGROUND—AB 1506.....	1
PRIVACY STATEMENT	1
INTRODUCTION.....	2
SUMMARY OF INCIDENT	2
INVESTIGATION.....	8
Crime Scene Description	8
Crime Scene Recovery	9
Firearm and Officer Processing	10
Body Worn Camera and Other Recordings	10
Autopsy	10
INTERVIEWS OF INVOLVED OFFICERS.....	10
INTERVIEWS OF CIVILIAN WITNESSES	19
APPLICABLE LEGAL STANDARDS	21
LEGAL ANALYSIS.....	23
CONCLUSION	25



INVESTIGATION OF OFFICER INVOLVED SHOOTING

BACKGROUND—AB 1506

Pursuant to California Assembly Bill 1506 (AB 1506), the California Department of Justice is required to investigate all incidents of an officer-involved shooting resulting in the death of an unarmed civilian in the state. Historically, these critical incidents in California had been primarily handled by local law enforcement agencies and the state's 58 district attorneys.

AB 1506, signed into law on September 30, 2020, and effective July 1, 2021, provides the California Department of Justice (DOJ) with an important tool to directly help build and maintain trust between law enforcement and the communities they serve by creating a mandate for an independent, statewide prosecutor to investigate and review officer-involved shootings of unarmed civilians across California. DOJ investigates and reviews, for potential criminal liability, all such incidents covered under AB 1506, as enacted in California Government Code section 12525.3. Where criminal charges are not appropriate, DOJ is required to prepare and make public a written report, like this one, communicating:

- A statement of facts, as revealed by the investigation;
- An analysis of those facts in light of applicable law;
- An explanation of why it was determined that criminal charges were not appropriate; and
- Where applicable, recommendations to modify the policies and practices of the involved law enforcement agency.

Recommendations to modify policies and practices of the involved law enforcement agency will be based on the facts of the incident, any known policies and practices of the relevant law enforcement agency, and the experience and expertise developed by DOJ personnel.

PRIVACY STATEMENT

This report includes redactions of the names and other identifying information of witnesses and any family members of the decedent. The public interest in such information is limited, as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure outweighs any public interest in disclosure.

For reasons related to privacy, as well as readability of this report, the witnesses and key locations will be indexed as follows:

- Witness 1 (W-1), suite occupant and 911 caller
- Witness 2 (W-2), second suite occupant

INTRODUCTION

On February 3, 2024, the Los Angeles Police Department (LAPD) received a 911 call from W-1 reporting that there was an unhoused male, armed with a stick, threatening him and his business partner at their office, a clothing design suite in a downtown Los Angeles office building. The police confronted the man, later identified as Jason Maccani, in the hallway of the building. Mr. Maccani initially complied with officers' commands to exit the unit with his hands up. Video from the incident shows Mr. Maccani gripping a white pointed object in his right hand. After demonstrating initial compliance, Mr. Maccani abruptly turned around and approached the LAPD officers positioned in the hallway. Officers deployed two less-lethal rounds at Mr. Maccani to subdue him. Mr. Maccani continued his forward progress, grabbed one officer's bean bag shotgun and pressed her up against the wall. Mr. Maccani pressed the white object towards the neck of that officer and another officer, Officer Garcia-Alamilla, fired one round at Mr. Maccani, killing him.

CAUTION: The images and information contained in this report may be graphic and disturbing. Therefore, discretion is advised, especially for young children and sensitive individuals.

SUMMARY OF INCIDENT

911 Call

On February 3, 2024, at 2:14 PM, LAPD received a 911 call from W-1. W-1 reported an unhoused male, armed with a stick, was threatening employees in the building. W-1 told the 911 operator that the man, later identified as Mr. Maccani, was "kind of tweaking out" and "very dangerous." W-1 said Mr. Maccani was wearing a brown colored shirt, blue jeans, and a red winter hat.

As the call continued, loud noises can be heard in the background. W-1 whispered, "oh shit, oh shit." The 911 operator asked W-1 what was going on. W-1 replied, "He's getting very aggressive." The 911 operator asked W-1 if the man was armed, and W-1 replied, "a stick, or a pole." W-1 provided the 911 operator with his floor and unit number. The 911 operator asked W-1 if the man was hitting anyone. W-1 whispered something inaudible back.

The call continued, and the 911 operator asked W-1 where the man was located. W-1 whispered, "He's still inside." The operator asked W-1 who the man was assaulting, and W-1 responded, "My business partner." The 911 operator inquired if W-1's business partner needed an ambulance, and W-1 said "no." W-1 said, "He (W-2) seems safe ... He got away. But we are here freaked out because he is super fucking aggressive right now." W-1 described the stick as a metal clothing rack. W-1 could no longer provide Mr. Maccani's location because W-1 moved away for his safety. W-1 said the man (Mr. Maccani) was saying things like "the world was changing." W-1 said the man did not have the stick anymore but was "guarding the door."

The 911 dispatcher broadcasted, "The suspect is still on the fourth-floor unit 402 guarding the door to the studio and the PR is unable to exit."

W-1 described the man as white, 6'2", and 180 pounds. W-1 indicated to dispatch he was going down the stairs and looking for the arriving officers. W-1 located officers outside one of the building's lower-level doors.

The 911 operator broadcast the information and entered the following into the CAD system:¹

2:14 PM: “Male suspect; red beanie, brown shirt, blue jeans, under the influence, armed with a stick, threatening employees. Location: 644 Towne Avenue. Cross Streets 800 East 7th Street.”

2:15 PM: “Suspect assaulting person reporting’s business partner.”

2:16 PM: “Suspect armed with a piece of a large clothing rack metal pole.”

2:19 PM: “Suspect guarding the door to the studio unable to exit.”

Police Contact with W-1 and W-2

At 2:22:32 PM, LAPD officers met with W-1 outside of the building. Officers Desiree Rodriguez, Sandra Villegas, Michael Orozco, Caleb Garcia-Alamilla, Colin Chomuk, and Sergeant Jeffrey Punzalan followed behind W-1 as he led them into the building and up the stairs. The officers briefly stopped in the stairwell, just shy of the fourth floor, and conducted an interview with W-1. As they were talking, W-2 arrived.

W-1 and W-2 told Officers Rodriguez, Villegas, Orozco, Garcia-Alamilla, Chomuk, and Sergeant Punzalan what had happened before they arrived.² They told the officers that they were in their studio having a meeting when the man (Mr. Maccani) came in and said, “You need to leave.” They told Mr. Maccani, “Ok, we will leave.” W-1 further explained that the man was acting “antsy ... and blocking the door” and his behavior was a “red flag.” Officers asked how the man got into the studio and W-1 replied, “He just opened the door.”

Officers asked W-1 and W-2 if the man hit anyone and they replied no. Officers asked if anyone else was in the studio and W-1 replied, “No, just him.” W-1 and W-2 confirmed they wanted the man removed from their unit.

After the discussion with W-1 and W-2, Sergeant Punzalan assigned Officers Rodriguez and Chomuk as less-lethal and two other officers as arresting officers. Officers asked if there were any weapons in the unit. W-1 and W-2 said there were scissors and sheers.

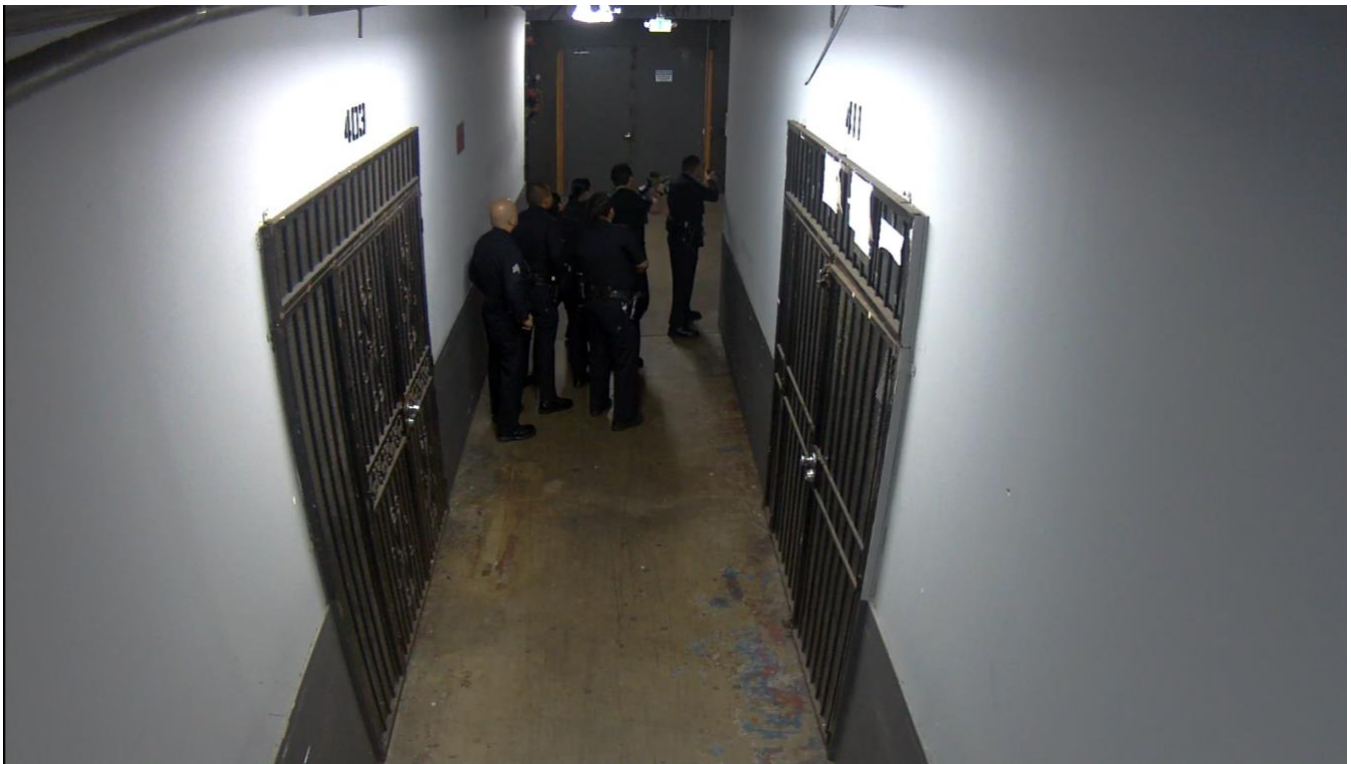
Officers discussed where they would be positioned, and Officer Rodriguez said she would conduct the call-out.

Contact with Mr. Maccani

At 2:28:26 p.m., body-worn camera (BWC) video and building surveillance video showed LAPD Officers Garcia-Alamilla, Rodriguez, Chomuk, Villegas, Quintero, Orozco and Sergeants Punzalan and Jeffrey approach unit 402.

¹ A police CAD system (computer-aided dispatch) is the software 911 dispatchers use to log calls, track officers, and send units to incidents in real time.

² Officers Wilson Galdamez and Kurt Klimek arrived midway through the initial interview with W-1 and W-2. Officers Galdamez and Klimek remained downstairs with the witnesses when the OIS occurred.



Surveillance video – Officers approach unit 402.

Officer Rodriguez yelled, “This is the Los Angeles Police Department. Anybody in unit 402 slowly come out with your hands up.” As soon as Officer Rodriguez called out, Mr. Maccani appeared in the doorframe and began walking towards officers. Officer Orozco yelled, “Hands up, hands up!”



Officer Orozco BWC showing Mr. Maccani with his arms raised

Mr. Maccani put both of his hands up in the air. Officer Orozco continued, “Turn around and face away from me. Walk backwards to the sound of my voice.” Mr. Maccani initially complied with officers’ commands. Mr. Maccani had both hands up and walked backwards towards the officers.

Officer Orozco continued to order Mr. Maccani, “To your left, to your left, hold on right there!” At 2:28:42 PM, Mr. Maccani put his hands down and turned around towards the officers positioned in the hallway. Officer Orozco yelled, “Hold on right there!” Initially, Mr. Maccani walked slowly towards the officers and Officer Orozco reached out his hand to signal him to stop.

At 2:28:44 PM, Officer Rodriguez fired a less-lethal beanbag round and Officer Chomuk fired a less-lethal 40-millimeter round. The rounds appeared to have no effect on Mr. Maccani.



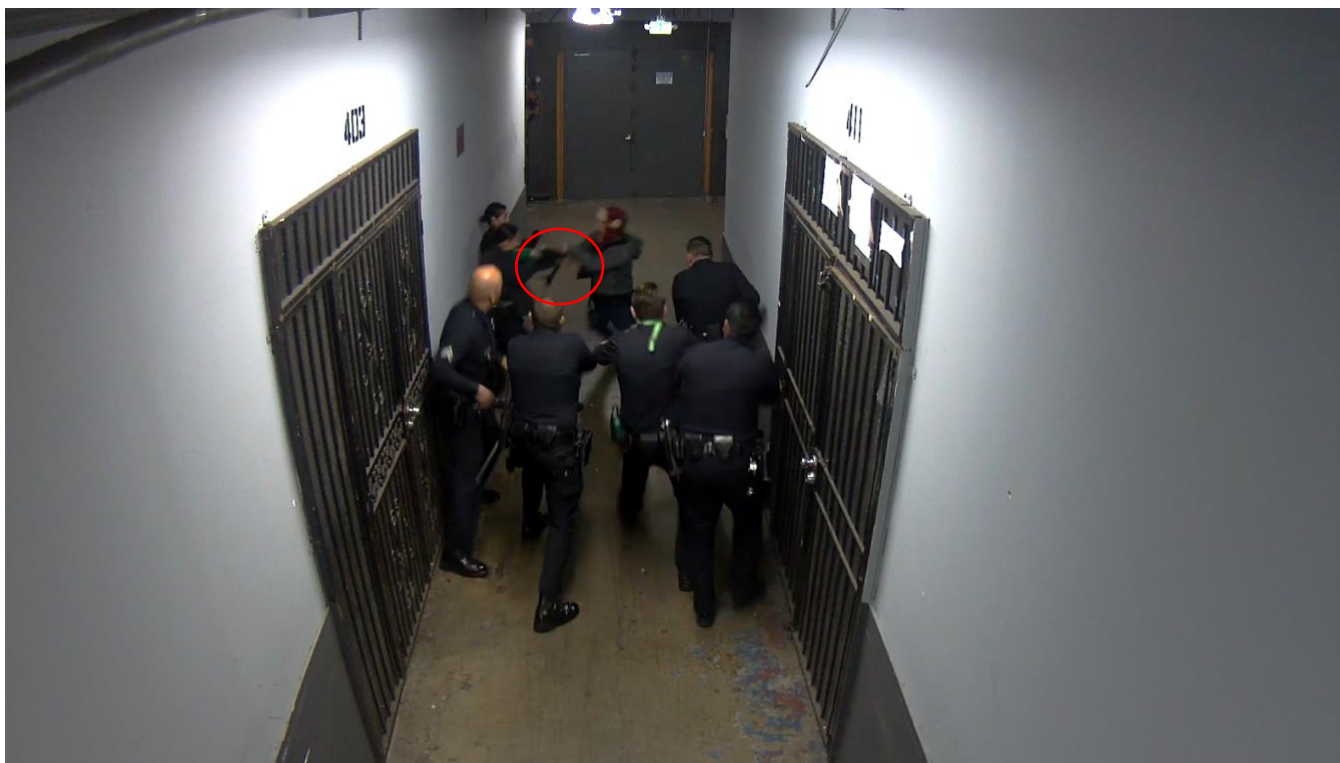
Officer Orozco BWC showing Mr. Maccani being struck by less-lethal 40-millimeter round.

Immediately after being hit by the less-lethal rounds, Mr. Maccani took an offensive stance gripping a white object with a protruding point in his right fist. This object was later identified as a plastic fork. Mr. Maccani’s fist concealed the prong end of the fork, leaving only the handle protruding from his fist. Mr. Maccani continued to move forward towards officers with the object in his hands.



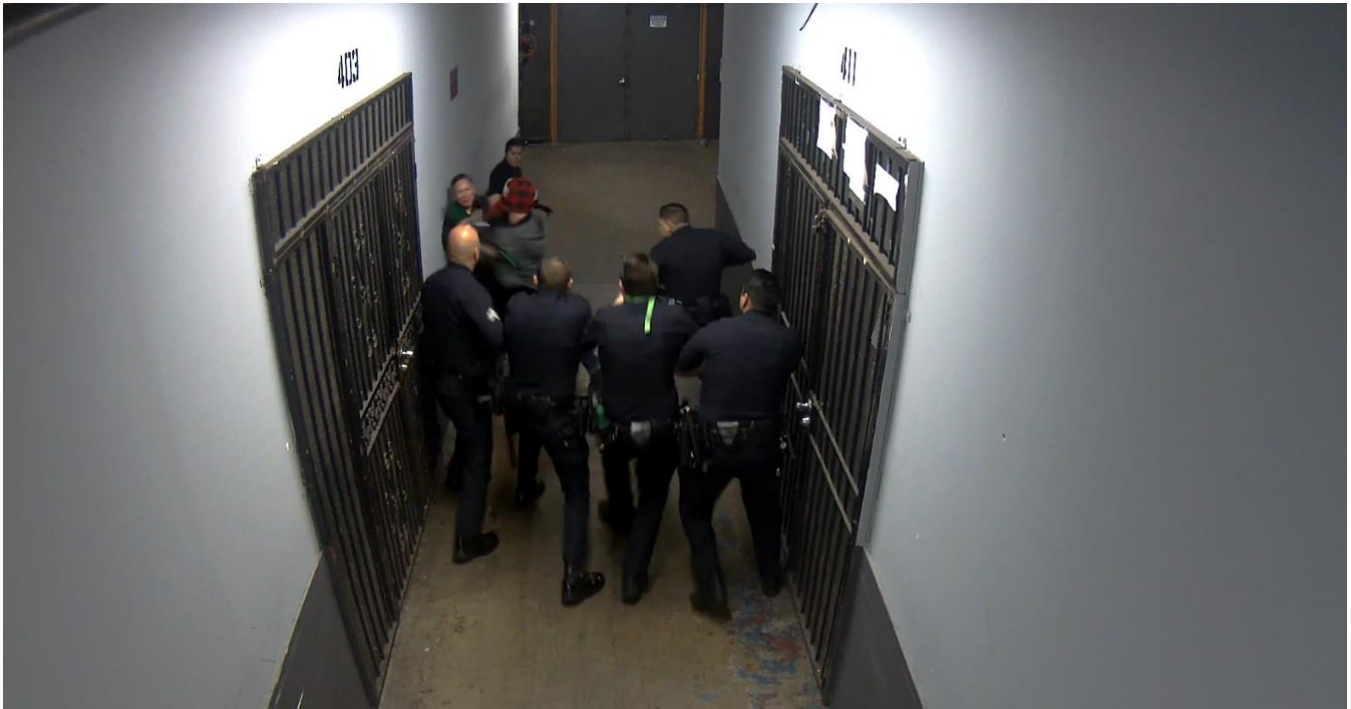
Officer Orozco BWC capturing Mr. Maccani gripping a white pointed object.

At 2:28:46 PM, Officers retreated backwards, and Officer Rodriguez fired a second less-lethal beanbag round at Mr. Maccani. Mr. Maccani screamed, appearing enraged by the shot, and charged towards Officer Rodriguez, grabbing her beanbag shotgun.

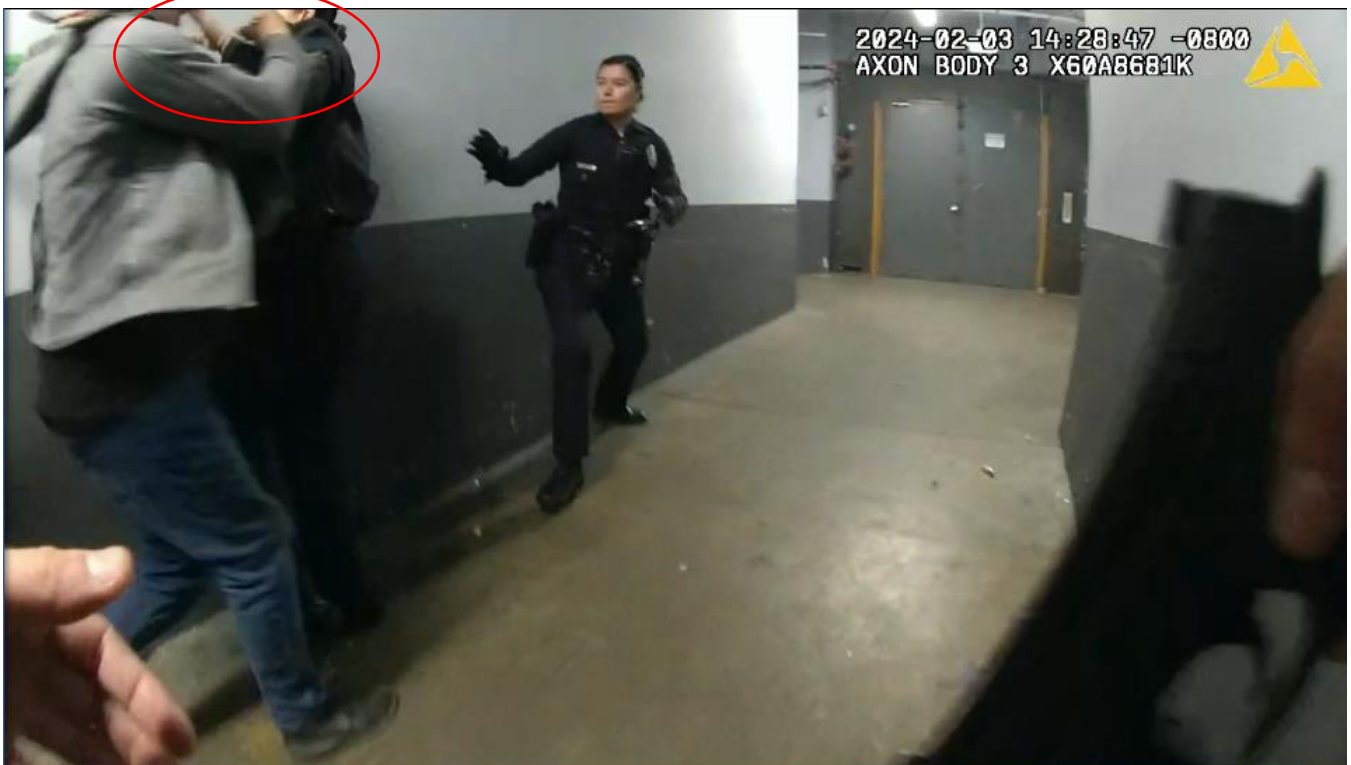


Surveillance video – Mr. Maccani grabbing Officer Rodriguez's beanbag shotgun.

Mr. Maccani grabbed onto Officer Rodriguez, pushed her up against the wall, and held the white pointed object up against her neck.



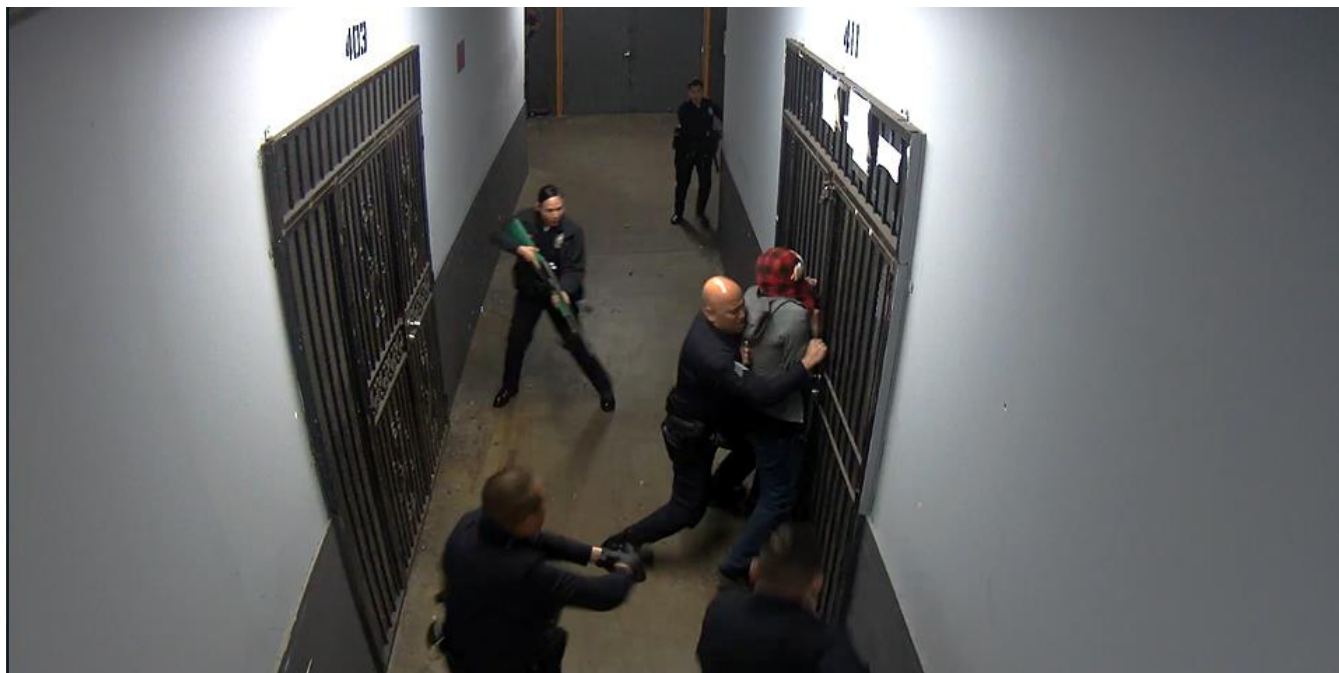
Surveillance video – Mr. Maccani with white pointed object against Officer Rodriguez's neck.



Officer Orozco BWC – Mr. Maccani with white pointed object against Officer Rodriguez's neck. Officer Villegas is standing in a ready position with her right hand raised behind Officer Rodriguez.

At approximately 2:28:48 PM Officer Garcia-Alamilla fired a single round at Mr. Maccani.

Sergeant Punzalan grabbed onto Mr. Maccani and pushed him up against the opposing wall. The other officers surrounded Mr. Maccani and took him down to the floor.



Surveillance video showing Sergeant Punzalan arresting Mr. Maccani. Officer Garcia-Alamilla is positioned behind Sergeant Punzalan with his firearm still drawn in the bottom left of the frame.

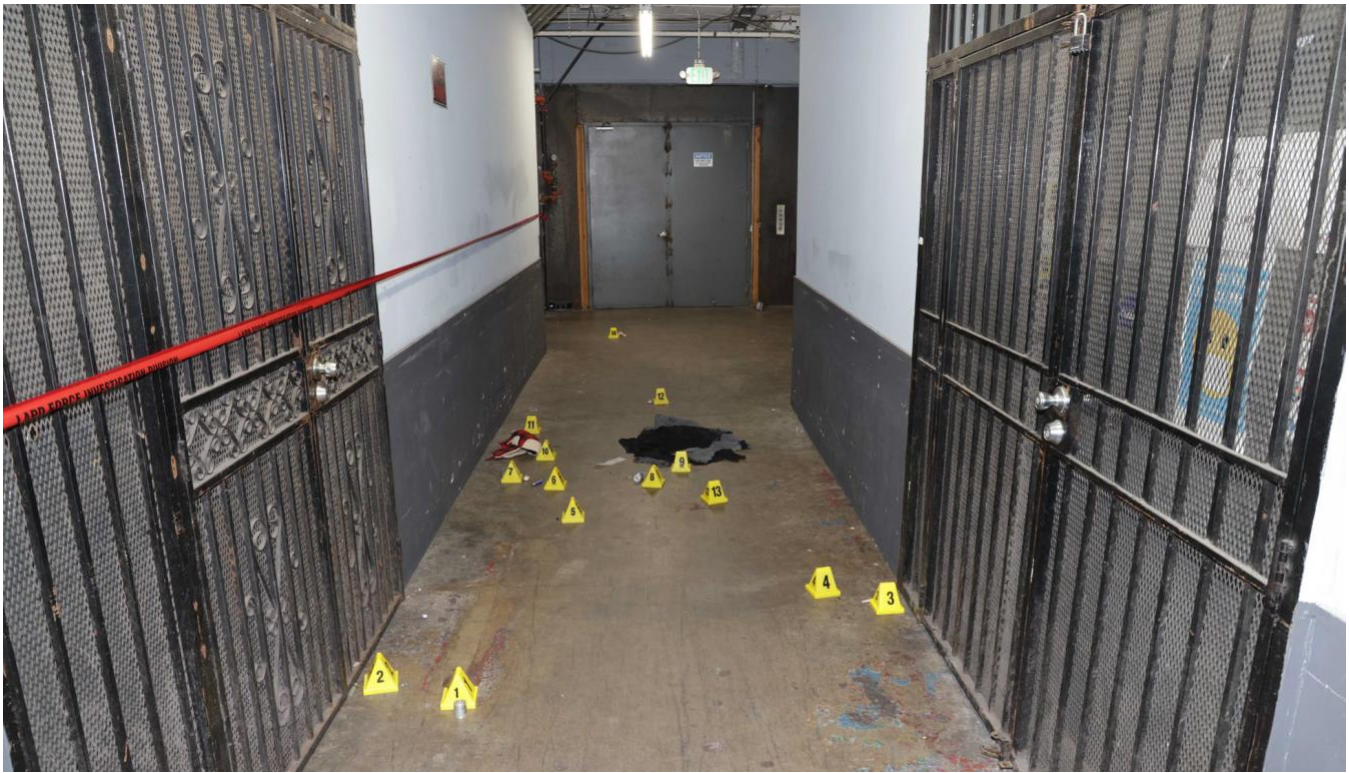
As officers handcuffed Mr. Maccani, Officer Garcia-Alamilla said that he had shot lethal. Officer Garcia-Alamilla said that he hit Mr. Maccani in the right arm. Officers rolled over Mr. Maccani and identified a gunshot wound to the chest. Officers then determined he had a weak pulse and began to give chest compressions until paramedics arrived. Mr. Maccani was taken to Los Angeles General Medical Center and succumbed to his injuries at 3:13 PM.

INVESTIGATION

On February 3, 2024 (the day of the incident), at approximately 6:04 PM, DOJ's Division of Law Enforcement (DLE) California Police Shooting Investigation Team (CaPSIT) was alerted that an OIS occurred in Los Angeles, California. The incident involved LAPD and was determined to be a qualifying event within the meaning of Government Code section 12525.3. CaPSIT agents responded to the scene to initiate a criminal investigation on behalf of DOJ. The crime scene was processed by DOJ's Bureau of Forensic Services (BFS).

Crime Scene Description

The OIS occurred in a multi-story industrial warehouse located at 801 East 7th Street in downtown Los Angeles. The OIS occurred in the main corridor on the fourth floor. The corridor was over 100 feet in length and approximately seven feet wide. Heading east through the corridor, the hallway opened into an entry landing area. The entrance to the garment sewing area is in the landing area.



Photograph of OIS Scene with Evidence Placards.

Crime Scene Recovery

DOJ Special Agent Santiago was the scene agent for this OIS. During his review of the scene, Special Agent Santiago identified the following relevant evidence:

- One 40-millimeter less-lethal casing
- One spent less-lethal beanbag shell casing
- One nine-millimeter brass casing
- Plastic Fork (held by the decedent during the OIS)



Plastic Fork.



Nine-millimeter brass casing.

Firearm and Officer Processing

Firearm

Officer Garcia-Alamilla's duty weapon was an FN, model 509, nine-millimeter pistol. The pistol contained one round in the chamber. There was a magazine seated in the duty weapon which contained 16 rounds, which was consistent with discharge of a single round.

Body Worn Camera and Other Recordings

CAPSIT agents obtained BWC from all LAPD officers on scene. Video surveillance video was also obtained from the fourth-floor cameras located at the OIS scene.

Autopsy

On February 7, 2024, Dr. Martina, Deputy L.A. County Medical Examiner, completed the autopsy of Mr. Maccani. The cause of death was a gunshot wound to the chest. More specifically, the fatal injury was to the heart with an associated hemorrhage. Dr. Martina noted the entry point as the right posterior-lateral upper arm and the exit as the right upper medial arm. There was a reentry into the right chest. No projectile was found; however, per the history the bullet was recovered at the hospital.

A drug screen was conducted, and no drugs were detected.

INTERVIEWS OF INVOLVED OFFICERS

Police officers, like all individuals, have the right to remain silent and decline to answer questions in the face of official questioning. (*Spielbauer v. County of Santa Clara* (2009) 45 Cal.4th 704, 714; see generally *Miranda v. Arizona* (1966) 384 U.S. 436.) The LAPD officers involved in this incident were sequestered and declined to provide voluntary statements. However, public employees, including police officers, may be compelled by an employer to answer questions for administrative purposes, but the use of such statements in criminal proceedings is prohibited. (*Lybarger v. City of Los Angeles* (1985) 40 Cal.3d 822, 827-828, citing *Lefkowitz v. Turley* (1973) 414 U.S. 70, 77-79, *Garrity v. State of New Jersey* (1967) 385 U.S. 493, 500.) In this case, the compelled statements of the non-shooting witness officers were reviewed and considered for the purpose of this report; however, no compelled statements of the shooting officer were reviewed.

All of the witness officers declined to provide voluntary statements regarding the incident and were subsequently compelled to participate in interviews as part of an administrative investigation. The following are summaries of those compelled interviews, which describe the incident from the individual officers' perspectives. As with any witness, their recollections may be inconsistent with the facts ultimately determined by DOJ's independent review of the evidence, including video footage.

Officer Colin Chomuk

On February 4, 2024, LAPD detective Valdovinos, and Detective Illig from the Force Investigation Division (FID) conducted a compelled interview of Officer Chomuk with his attorney present. Prior to the interview, Officer Chomuk reviewed BWC from the incident.

Officer Chomuk had been employed by LAPD for five years. On the day of the incident, Officer Chomuk was partnered with Officer Garcia-Alamilla. The pair had been working together for approximately two

months. Officer Garcia-Alamilla had approximately 23 weeks on the job. Officer Chomuk was assigned to provide Officer Garcia-Alamilla with training, familiarize him with field activities, investigations, and to monitor his performance during his probationary period.

Officer Chomuk explained that during each call, while enroute, he would discuss tactical plans with Officer Garcia-Alamilla. Officer Chomuk said that when partners are driving together, the driver would be the contact person, and the passenger would be the person deploying the 40 millimeter or less-lethal. That day, Officer Chomuk was the passenger, and Officer Garcia-Alamilla was the driver.

Officer Chomuk said they discussed tactics numerous times, and he explained what his expectations were on this particular call. For example, if they were engaged in a pedestrian stop, or engaging hands-on, Officer Garcia-Alamilla would assist Officer Chomuk and vice versa.

On the day of the OIS, Officer Chomuk and Officer Garcia-Alamilla were working central area patrol, conducting patrol, and responding to radio calls when they heard an initial code 3. A code 3 is a high property call. The call came out for an assault with “a deadly weapon suspect there now.” Officer Chomuk knew that area because it was the area of Skid Row that he typically worked. There was also a second party calling with the same issue.

Officer Chomuk decided to respond with the other units. As they were driving, Officer Chomuk relayed pertinent information to Officer Garcia-Alamilla. Officer Chomuk relayed that the suspect, later identified as Mr. Maccani, was a male, white, large in stature, approximately 6 foot 2 and went into somebody’s unit waving a big stick.

Officer Chomuk knew that area contained lofts and apartment complexes. Many of the properties were not fully secured due to the area having a lot of transitional housing for the unhoused. With multiple calls out, it added a degree of urgency because it was possible that this individual was going into different rooms and there could be multiple victims.

Upon arrival, Officers Chomuk and Garcia-Alamilla located the other officers. When they pulled up, Officer Chomuk already had the 40 millimeter deployed. He did not bring his side-handle baton due to the exigency of multiple calls coming for an “ADW [assault with a deadly weapon] suspect here now.”

As he exited his vehicle Officer Chomuk relayed to Sergeant Punzalan that he had a 40 millimeter. Officer Chomuk recalled that earlier in the day they had discussed at roll call the department’s new expectation when dealing with individuals possibly suffering from a mental health crisis or drug-induced psychosis. Officer Chomuk recalled that it is important to have a 40 millimeter, so they have multiple less-lethal options prior to using deadly force.

Once they arrived in the lobby area, they met with the other units on the call and the two reporting parties. The reporting parties advised that Mr. Maccani had entered their loft area swinging a stick and instructed them to get out. The reporting parties described the intruder as antsy and agitated. They were afraid and fled their location to a lower level and contacted the police.

Before contacting Mr. Maccani, Officer Chomuk noticed that Officer Orozco had his weapon and was posted up on the stairwell. Seeing that they did not have a less-lethal option there, Officer Chomuk repositioned himself behind him and had the bean bag slung in a position where he could switch to his pistol to be a designated cover officer should the situation escalate.

Officer Chomuk would be less-lethal, the officer in front of him was going to be contact, and Officer Garcia-Alamilla was assigned to be part of the arrest team.

They were given a layout of the location and were told that it was up the stairway and down a long hallway. They moved up towards the door so they could have eyes on the doorway and had cover and distance should the situation go awry.

Based on prior experiences in the area, Officer Chomuk was concerned about potential weapons. In this area, there are marijuana grow houses, the fabric district, and flower marts. Thus, there were lot of cutting tools like shears or large scissors. The reporting party informed them that there were shears in the loft because they made clothing and shears were used to cut fabric.

Officer Chomuk stood behind the designated contact officer, Officer Orozco. To his left, they had a second less-lethal officer, Officer Rodriguez, with the bean bag. The officers attempted a callout to Mr. Maccani. Mr. Maccani had his hands up. In his right hand he was clutching a screwdriver. It was an object that was protruding from the top part of his fist approximately three to four inches.

A female officer began to give commands to Mr. Maccani. Officer Chomuk said he had had dozens upon dozens of encounters in the Skid Row area with individuals suffering mental illness or drug-induced issues. Typically, officers have one person giving commands because if the person is having a mental health episode, having multiple people yelling different things can become confusing or contradictory.

At first Mr. Maccani complied. Mr. Maccani walked backwards towards officers with his hands in the air. Officer Chomuk signaled for the arrest team to move to the front to take Mr. Maccani into custody.

As that happened, Mr. Maccani, who was 10 to 12 feet away, turned around and looked at the officers. Mr. Maccani was still clutching the screwdriver in his right hand. The screwdriver was protruding outwards from his clenched fist, pointing upwards. Maccani brought his hands down from above his head.

Officers began giving Mr. Maccani commands to put his hands up, back up, and turn around. He did not comply. Mr. Maccani appeared to take a fighting stance. Mr. Maccani's fists were clinched about chest level; he had a slight bend in his knees and was in a charging stance. He was crouched slightly and began to advance on officers in a charging motion.

Being the less-lethal officer, Officer Chomuk believed that serious bodily injury to his partner officer or other officers was imminent. Thus, he said he deviated from policy by not giving a bean bag warning.

Officer Chomuk stepped slightly away from cover and concealment against the wall. He deployed one round from the 40 millimeter, which struck Mr. Maccani on his right side, lower rib area. At that point, Officer Rodriguez deployed a bean bag. Officer Chomuk opened the action of the 40 millimeter and began to redeploy while attempting to extract the round and insert another.

Officer Chomuk said that their efforts appeared ineffective. Less-lethal seemed to only agitate Mr. Maccani more, and those efforts did not subdue him. Officer Chomuk heard Mr. Maccani yell loudly out of anger.

Mr. Maccani charged Officer Rodriguez to his left who was holding the bean bag launcher. Then, Officer Chomuk's supervisor grabbed Mr. Maccani to subdue him.

At that point Officer Chomuk observed that Officer Garcia-Alamilla had his firearm out. Officer Chomuk instructed him to be mindful of potential crossfire because they were all moving in tight quarters. Then Officer Chomuk heard a loud bang, which he knew not to be consistent with other less-lethal options.

Because he was not actively engaged with Mr. Maccani, and his supervisor was, he assumed the role of communications. Officer Chomuk broadcasted a help call due to Mr. Maccani's agitated state, violent demeanor, and his blatant disregard for the officers who were there. According to Officer Chomuk, it was clear Mr. Maccani was "meaning to do harm to officers."

Mr. Maccani was brought down to the ground. Officer Chomuk got on top of him. He and other officers were able to mount Mr. Maccani and bring his hands together to handcuff him.

While that was happening Officer Chomuk asked, "Hey, who fired?" Officer Garcia-Alamilla responded that he fired. Once Officer Chomuk heard that, officers turned over Mr. Maccani to start performing lifesaving measures.

Officer Chomuk then moved up with the rest of the team to clear the remainder of the loft area for additional victims or suspects. After clearing the scene, Officer Chomuk observed a white plastic fork that was on the side of the hallway. They did not locate a screwdriver.

Officer Chomuk was asked why he did not call out to the other officers that Mr. Maccani had a weapon (screwdriver). He said that when dealing with individuals with mental health issues/episodes, having multiple people yelling things can confuse the suspect. Initially, Mr. Maccani was complying with commands, and he thought additional people yelling could lead to confusion.

Officer Chomuk was unable to locate a screwdriver at the scene. He did, however, see the plastic fork which was consistent with the color that he saw protruding from Mr. Maccani's hand.

Officer Desiree Rodriguez

On February 4, 2024, FID Detective Illig, Detective Valdovinos, Detective Halk and Officer Representation Section (ORS) Detective Farish, conducted a compelled interview with Officer Rodriguez. Before the interview began, Officer Rodriguez reviewed her BWC.

Officer Rodriguez had been a police officer for four years. On the day of the OIS, Officer Rodriguez was working with Officer Jauregui. Prior to that day, the pair had only worked together twice. Prior to the start of their shift, Officer Jauregui said that she would be lethal, and Officer Rodriguez would be less-lethal.

At approximately 2:00 PM, dispatch broadcasted that there was an ADW suspect, and that the suspect was armed with a stick, posing a threat to passersby and to W-1, who was inside his studio. The description provided was for a male wearing a red beanie, blue jeans, and yellow shoes.

Officer Rodriguez and her partner, Officer Jauregui, decided to take the call. As they were heading to the call, they received updated information that the suspect and W-1 were inside of the studio

together, and an updated physical description of the suspect. Given that the call was for an ADW, and could possibly lead to something more, they decided to request a supervisor and an additional unit.

At first there was some confusion with the address, but later officers saw W-1 flagging them down. W-1 was standing on the west side of the building with the door already open, telling them that the suspect, later identified as Mr. Maccani, was still inside.

Officer Rodriguez's partner started asking W-1 several questions. W-1 stated that Mr. Maccani entered their unlocked unit and told them to get out or there would be "some danger" towards them. W-1 stated that Mr. Maccani looked under the influence, and they were scared. Officer Jauregui decided to complete a private person's arrest (PPA) for a trespass in case they did not have anything else and got a quick layout of the hall that leads to the unit.

Sergeant Punzalan assigned roles: Officer Rodriguez would be less-lethal with the bean bag, Officer Chomuk would be less-lethal with the 40 millimeter, Officer Orozco was lethal, and Officer Quintero was on the arrest team. They approached the unit, and Officer Rodriguez initiated a call out to Mr. Maccani. She said, "This is the Los Angeles Police Department. Anybody inside of unit 402, slowly come out with your hands up." Mr. Maccani exited the door.

At first, Mr. Maccani seemed to comply, and then he became irate or was unable to understand. Mr. Maccani took a fighting stance and began to clench his fists. His eyes were wide open, and his jaw was grinding back and forth. He appeared disheveled, angry, excited, and fidgety. All these were indicators that he was willing to fight and may be under the influence of an unknown narcotic. Officer Rodriguez recalled his fists clenched above his head but did not recall seeing anything in his hands.

Mr. Maccani started to close the distance. Officer Chomuk launched one round with the 40 millimeter and Officer Rodriguez launched her first bean bag round from approximately 35 feet. Rodriguez stated that she launched the first round because Mr. Maccani failed to comply with commands and posed an immediate threat of harm to her partners.

Mr. Maccani continued to close distance within a matter of 10 seconds. Officer Rodriguez launched a second bean bag round. Officer Rodriguez focused on firing at the abdomen belly area. After firing the second round, Mr. Maccani yelled angrily and became even more upset and charged towards her.

At some point, Officer Rodriguez felt Mr. Maccani was touching around her abdomen area and then she saw him on the ground. Officer Rodriguez was not sure what had happened. Officer Rodriguez assumed the less-lethal rounds had worked.

Officer Rodriguez saw the officers struggling to take Mr. Maccani into custody. She took out her handcuffs and put him in custody. While placing Mr. Maccani into the recovery position, Officer Rodriguez heard Officer Chomuk say, "Who shot?" and Officer Garcia-Alamilla respond, "I shot." Officer Rodriguez told the officers not to stop compressions and to press as hard as he could, even though there was a possibility that bones may break. At approximately 2:30PM she continued to ask, "Is there a pulse?" There was no pulse at that time.

Officer Rodriguez noticed the white fork after Mr. Maccani was in handcuffs.

Sergeant Punzalan

On February 4, 2024, LAPD FID Detective Cheng, FID Detective Frausto, and ORS Detective Farish conducted a compelled interview with Sergeant Punzalan. Prior to his interview, Sergeant Punzalan reviewed his BWC video.

Sergeant Punzalan was assigned to the Central Division evening patrol. Sergeant Punzalan had worked for LAPD for approximately 17 years.

On the day of the OIS, Sergeant Punzalan received a call while on patrol requesting a supervisor and additional units for a possible ADW approximately a block away. After Sergeant Punzalan indicated he was responding to the call, he received a call back that the suspect, “male, red beanie,” may be armed with a stick and was refusing to let a W-1 and W-2 out of the location. When Sergeant Punzalan arrived on scene, he observed that Officer Rodriguez had a nonlethal beanbag slung ready and Officer Chomuk had a nonlethal 40 millimeter ready as well.

Sergeant Punzalan ensured the team arrived at the right location and then communicated with W-1 and W-2 to confirm the team fully understood the situation and had gathered all available information.

W-1 and W-2 told Sergeant Punzalan that Mr. Maccani, a stranger to them, opened their studio door, walked in, and told them to leave. The suite occupants said that Mr. Maccani was acting “erratic.” One of the witnesses couldn’t find the words to describe Mr. Maccani’s disturbed demeanor and made hand motions while saying Mr. Maccani was “kind of off” to get their point across about his unusual behavior.

Sergeant Punzalan concluded there was a possible trespass involving a person who may have a mental health issue. Sergeant Punzalan and the team were unsure if Mr. Maccani was still at the initial location on the fourth floor and whether he was still armed with a stick. However, the team concluded the third floor was safe to enter.

After learning the third and fourth floors had the exact same layout, Sergeant Punzalan examined the third floor to gather information about the fourth floor’s layout. He noted a long, tight hallway about 200 feet long that led to the building’s far east side and a studio room where, on the floor above, Mr. Maccani was last seen.

Sergeant Punzalan briefed the situation to the team and designated roles. He assigned Officer Orozco as designated cover officer, Officer Hourigan as contact person, Officer Rodriguez as less-lethal armed with a beanbag launcher, Officer Chomuk as less-lethal armed with the 40 millimeter, and an arrest team that included Officer Garcia-Alamilla. As an additional resource, Sergeant Punzalan had Officer Klimek and his partner stand with the suite occupants to get the report signed. Sergeant Punzalan then ensured everyone on the team knew the plan: to slowly enter the fourth floor, stop in the hallway at a point of advantage, and call Mr. Maccani out of the studio.

The team entered the fourth floor and proceeded until they were 30 to 40 feet from the eastern studio entry. No sound came from the hallway or studio as they approached. They used the southern (right-side) wall as cover. Sergeant Punzalan was positioned in the back, with six officers ahead of him. The point officer announced the team arrived at the correct location, studio 402.

Officer Rodriguez called out commands, “This is the police. Slowly come out of studio 402.” Mr. Maccani slowly walked out of the studio facing the officers. Officer Chomuk gave commands to turn

around, and Mr. Maccani appeared to comply, but when the arrest team began approaching, Mr. Maccani spun and charged aggressively at the officers. The span of time between Mr. Maccani exiting the studio and charging the officers was between three to four seconds. When the suspect began to charge, Sergeant Punzalan observed a 40 millimeter and a beanbag get deployed.

Around that same time, Sergeant Punzalan noticed a sharp, pointed, colorless object in Mr. Maccani's right hand. Sergeant Punzalan had been warned by both suite occupants that the studio contained loose scissors and shears. The sharp object poked out from the bottom of Mr. Maccani's fist. Mr. Maccani made a stabbing motion toward the officer to Sergeant Punzalan's left.

With Mr. Maccani's back turned to him, Sergeant Punzalan grabbed his arm and pinned him to the wall in a "bear-hug" in attempt to control him. Sergeant Punzalan sustained an injury on his hand while pressing Mr. Maccani to the wall. He initially reported the injury was from grazing the stucco on the wall; however, upon later investigation the wound's rippling pattern was consistent with the graze from a gunshot. Sergeant Punzalan did not recall hearing a gunshot outside of the two "bangs" from deploying less-lethal. Mr. Maccani kept struggling, so Sergeant Punzalan took him down to the ground.

Other officers placed handcuffs on Mr. Maccani. Sergeant Punzalan was then informed that an OIS had occurred. Sergeant Punzalan asked who shot and, outside of the less-lethal beanbag and 40 millimeter deployed by Officers Rodriguez and Chomuk, Officer Garcia-Alamilla identified himself. Sergeant Punzalan stood to assess the situation and immediately requested a rescue ambulance. He also requested additional supervisors to the location to assist with the OIS investigation and secure the perimeter.

Sergeant Punzalan assigned Officer Klimek to safely clear the room where Mr. Maccani came from to make sure there was nobody else injured and to do a protective sweep. Meanwhile, Sergeant Punzalan actively monitored the first aid administered to Mr. Maccani. When an additional sergeant arrived, Sergeant Aguirre, Sergeant Punzalan told her to stand with the officers rendering aid while he went to ensure there were no other victims, suspects, or individuals in the studio. Sergeant Aguirre also monitored Officer Garcia-Alamilla. When Sergeant Punzalan returned, he was relieved by Lieutenant Mathes and continued to assign responding officers after giving the lieutenant a briefing of the incident.

Officer Orozco

On February 4, 2024, LAPD FID Detectives Valdovinos and Illig, and ORS Detective Farish conducted a compelled interview with Officer Orozco. Prior to the interview, Officer Orozco reviewed his BWC video.

On the day of the OIS, Officer Orozco was on assignment at Central, evening patrol. Officer Orozco and his partner responded to a call about an ADW suspect armed with a stick. Officer Orozco and his partner established that Officer Orozco would be lethal, and his partner would be less-lethal.

Officer Orozco and his partner made entry and proceeded to the third floor after W-1 informed them Mr. Maccani was on the fourth floor. Officer Orozco watched the staircase for Mr. Maccani as the sergeant on scene gathered information from the suite occupants.

The team formulated a plan to attempt to contact Mr. Maccani and take him into custody. Officer Orozco determined it would be within policy to unholster his firearm because of an unknown and potentially armed suspect, so he took point with his weapon in hand, but finger off the trigger.

He continued through a door to the fourth floor and advised the other officers of his surroundings as he proceeded into a long hallway with multiple doors.

After the team made the decision to continue down the hallway, Officer Orozco proceeded toward studio 402 where Mr. Maccani was last spotted. Officer Orozco took cover against the rightmost wall when the unit, ahead and offset to the right side, came into view.

While the suite occupants advised the officers there were no firearms in studio 402, they warned that scissors and shears were easily accessible in the unit. Because Mr. Maccani could be armed, Officer Orozco stayed at the ready while another officer commanded Mr. Maccani to show himself. When Mr. Maccani subsequently approached the door, Officer Orozco gave Mr. Maccani commands to put his hands up, to turn, face away from them, and walk back to the sound of his voice.

Mr. Maccani initially obeyed Officer Orozco's commands. Mr. Maccani spread the fingers of his hands when he raised his arms but kept his palms away from the officers. Suddenly, Mr. Maccani spun with his fists clenched close to his body in a fighting position while aggressively approaching the officers. Officer Orozco heard three less-lethal rounds being fired and saw a beanbag round strike Mr. Maccani in center mass. Sergeant Punzalan approached Mr. Maccani, grabbed him in a bear hug, and pinned him up towards the wall before taking him to the ground. Officer Orozco did not place his finger on the trigger at any time during the altercation. When his sergeant came within the line of fire, Officer Orozco holstered his weapon.

At this point, Officer Orozco heard an officer ask if someone fired lethal, to which Officer Garcia-Alamilla answered in the affirmative. Officer Orozco called for a rescue ambulance.

The officers laid Mr. Maccani in recovery position as they had been taught. Officer Orozco checked for a pulse after equipping PPE and, finding none, the team administered CPR as per their training. Officer Orozco administered a head tilt and chin lift to open Mr. Maccani's airways while another officer administered CPR. Officer Orozco continued administering CPR when the other officer grew tired, until another sergeant and the fire department arrived, at which time he was relieved.

Officer Jauregui

On February 4, 2024, FID Detectives Cheng and Frausto, and ORS Detective Yoon conducted a compelled interview with Officer Jauregui. Prior to her interview, Officer Jauregui reviewed her BWC video.

On the day of the OIS, Officer Jauregui was on assignment at Central, evening patrol. Officer Jauregui and her partner were at the police station when Officer Jauregui noticed her sergeant, Sergeant Punzalan, responding to a call. She decided to respond too. The comments of the call indicated the suspect was an ADW white male wielding a pole and threatening people. Before leaving, Officer Jauregui and her partner Officer Rodriguez established that Officer Jauregui would be the designated cover officer (lethal), and Officer Rodriguez would be less-lethal.

When Officers Jauregui and Rodriguez arrived, they entered the building and proceeded to the third floor with the other officers who had responded to the call. She spoke to W-1 to get all necessary information about the situation. After W-1 responded to all her questions, Officer Jauregui confirmed they wanted the officers to escort the suspect, later identified as Mr. Maccani, out of the building.

After Sergeant Punzalan assigned roles to the team, Officer Jauregui proceeded to the fourth floor in formation with the other officers. Officer Rodriguez was in front of her, equipped with a beanbag launcher. Also in front of her was Officer Orozco on lethal. Another nonlethal officer was on Officer Rodriguez's left. Officer Jauregui was near the back-left of the group on the arrest team. The plan was to have Mr. Maccani side-step to the left for the arrest team. She had her gloves on and equipment at the ready. The hallway was silent as they approached.

Shortly after the officers at the front of the group saw Mr. Maccani, one of the officers ordered, "Arrest team to the left." It appeared that Mr. Maccani was complying with the front officers' orders, albeit strangely, "he was just kind of, mute."

Suddenly, Mr. Maccani turned around and started "walking toward [them] slowly ... lung[ing] about." For a split moment, Officer Jauregui thought Mr. Maccani misunderstood directions and was walking toward them to talk, then she immediately thought, "No, that's not what he's doing. This is not good." Then Mr. Maccani lunged toward them at full force while letting out a loud grunt.

Officer Chomuk fired his less-lethal 40 millimeter, followed by Officer Rodriguez firing two rounds of beanbags. The less-lethal did not appear to work because Mr. Maccani continued to lunge towards Officers Jauregui and Rodriguez. Officer Jauregui did not know if Mr. Maccani had a weapon.

Officer Jauregui realized she heard a shot but didn't fully understand what was happening. She tried to grab her partner, Officer Rodriguez, and move toward the indented section of the hallway to get behind a wall and prevent a crossfire situation.

When Officer Jauregui turned moments later, Mr. Maccani was already on the ground, pinned by Sergeant Punzalan. Officer Jauregui rushed forward to assist and applied the left-wrist handcuff. At this point, Officer Jauregui realized Mr. Maccani had been shot because of the other officers' callouts.

The team flipped Mr. Maccani over into a recovery position immediately. At that point, Mr. Maccani was still breathing, so Officer Jauregui applied pressure to Mr. Maccani's wound with her hands. Another officer addressed Mr. Maccani while Officer Jauregui applied pressure and another officer checked for a pulse, "Hey, you okay? You're going to be okay."

An officer called for chest compressions and the team flipped Mr. Maccani flat right away. Officer Jauregui continued applying pressure throughout the maneuver, then continued applying pressure while another officer started CPR. Officer Jauregui called again that they needed a rescue ambulance. After minutes of CPR and applying pressure, the fire department arrived. Officer Jauregui continued applying pressure to the wound until three members of the fire department relieved her to transport Mr. Maccani.

Officer Quintero

On February 4, 2024, FID Detectives Cheng, and Frausto, and ORS Detective Yoon conducted a compelled interview with Officer Quintero.

Officer Quintero had been employed by LAPD for four years on patrol. He worked patrol in both North Hollywood and Central. Specifically, he worked in the central division for approximately 3 years.

On the day of the OIS, Officer Quintero heard that a primary unit was heading out to a call. He remembered the call being for a “415” (disturbing the peace), a man with a stick hitting multiple people inside the location. He and his partner, Officer Orozco, decided to back them up. Officer Quintero met with the other officers and the reporting party. He learned a suspect went inside the building and had tried attacking the employees. The suspect, later identified as Mr. Maccani, made statements like “the end of the world is here ... and we need to leave” and was acting erratic. The reporting party indicated there were knives and scissors in their unit but did not specify if Mr. Maccani was actually holding knives or scissors.

After discussions with the reporting party, assignments were given out. Officer Quintero was part of the initial arrest team. There were two less-lethal and a cover officer in addition to the supervisor on scene.

The officers approached the unit and started giving commands. Mr. Maccani failed to comply with commands and continued walking towards the officers. Mr. Maccani appeared aggressive and tense with his hands tight. Officer Quintero noticed what appeared to be a sharp white item inside his hands, but he could not remember which hand it was in. He said that Mr. Maccani was making a fist, and a sharp portion was sticking out of it.

Mr. Maccani closed in towards the center of the officers, which caused them to pan out to the sides. Officer Quintero heard the bean bag, one 40 millimeter shot, and then a live round. After the less-lethal was fired, he recalled Mr. Maccani yelling. That’s when Sergeant Punzalan, the supervisor on scene, wrapped his arms around Mr. Maccani and tackled him into the wall. Sergeant Punzalan held Mr. Maccani on the ground until the other officers were able to place him in handcuffs. Throughout the encounter, Officer Quintero kept his firearm in low ready, finger off the trigger, and never went on target.

Officer Quintero put out a shots fired call. After that, the officers noticed that Mr. Maccani had been shot and began to render aid. Officer Punzalan assisted other officers in clearing the remainder of the room. They then began to focus on administrative issues while the fire department rendered aid to Mr. Maccani.

After the room was cleared, Officer Quintero noticed the plastic fork on the ground. He believed that it was the item that Mr. Maccani was holding. Officer Quintero notified Officer Chomuk because Officer Chomuk had said he believed the item was a screwdriver.

INTERVIEWS OF CIVILIAN WITNESSES

W-1

On February 3, 2024, DOJ Special Agent Foster and LAPD Detectives Frausto, Chen, and Cruz conducted an interview with W-1.

W-1 said he and W-2 operate a design and apparel business. W-1 and W-2 were sitting in their office when they heard their office door open and close. When he turned around, W-1 saw a man petting their dog. It is common for people to stop in the office looking for work. However, based on the man’s appearance, W-1 knew immediately he was not someone from the building. Mr. Maccani appeared unkempt. His clothes were dirty, he had black on his fingers, and his shirt was covered in holes. W-1 further described Mr. Maccani’s behavior as “off.” W-1 said that Maccani was giving off weird vibes,

looked dead in the eyes, but was also smiling. W-1 said that he appeared like he was “on something” and seemed dangerous. W-1 said he was afraid for his life.

W-1 said, “Who are you? You need to leave.” Mr. Maccani said, “No, you guys need to leave. This is my spot now.” W-1 said, “Please stop. Get out.” Mr. Maccani responded and said, “Oh, the world is changing ... If you don’t leave, something bad is gonna happen to you guys.” W-1 interpreted this to mean if they did not comply with Maccani, there would be consequences. In a soft tone of voice, with his eyes wide, and a big smile, Mr. Maccani told them, “This is my space now. This doesn’t belong to you guys.”

W-2 told W-1 that they should leave. W-1 said they both felt uneasy and that they might be in danger. W-1 and W-2 started to slip away and said, “This your spot.” As they were leaving, Mr. Maccani asked for the keys, and specifically asked them if the keys were the master keys for the building. W-1 placed the keys on the chair and said “there you go” as they cautiously exited their office. W-1 believed that if he did not hand over the keys, Mr. Maccani would have used force to get the keys from him. Mr. Maccani said, “You made the right choice.”

As they were leaving, W-2 told W-1 to call 911. W-1 believed that the officers came just in time. W-1 felt that if it was any longer, Mr. Maccani would have attacked him. W-1 was on the phone with 911 when he could hear Mr. Maccani screaming and becoming angrier and more aggressive.

Once the officers arrived, W-1 waved them down. He explained to them how to get into their office suite and provided a description of Mr. Maccani. W-1 told police that there was a disassembled metal clothing rack, or shears in the suite that Mr. Maccani could possibly arm himself with. About five minutes later W-1 heard shots fire off.

W-1 explained that while he was on the phone with 911, he told them that it looked like Maccani had a weapon because he believed if he said he was not armed that police would not come as fast.

W-2

On February 3, 2024, DOJ Special Agent Foster and LAPD Detectives Frausto, Chen, and Cruz conducted an interview with W-2.

W-1 and W-2 were having a business meeting in their suite. W-2 noticed his dog ran towards the door. When he turned, he noticed a man, later identified as Mr. Maccani, standing inside the suite. W-2 asked Mr. Maccani to leave, but Maccani refused and remained inside their suite. W-2 felt that Mr. Maccani was dangerous and looked “psycho.” Mr. Maccani was smiling and acting “weird.” Mr. Maccani said, “You guys better leave ... it’s going to be very bad right now.” W-2 was unsure what Mr. Maccani’s intentions were and could not tell if he might be concealing a weapon in his waist. Mr. Maccani also said, “This is my place you guys should leave now.”

W-2 explained that Mr. Maccani was standing approximately five feet away and took off an article of clothing in preparation to “go against” them. W-2 thought that Mr. Maccani was preparing to attack. W-2 observed Mr. Maccani going through items and was afraid he was going to grab a “sheer or something” from the table. W-2 explained that there were a lot of cutting supplies in the suite.

W-2 and W-1 made a “360” around Mr. Maccani and left the suite. When they left, Mr. Maccani said, “That was the best decision you could have made.”

As they left, W-2 and W-1 went in different directions. W-2 went to the restroom to ask somebody for help. W-2 wanted to lock the studio suite before he left, but Mr. Maccani was still inside. Mr. Maccani thought that W-2 was going to lock him in. Mr. Maccani said, "it was going to be really bad" and "if you lock me in it will go worse for you." In response, W-2 left the area and headed towards the stairs when he saw LAPD officers.

APPLICABLE LEGAL STANDARDS

Homicide is the killing of one human being by another. (*People v. Beltran* (2013) 56 Cal.4th 935, 941.) There are two types of criminal homicide, murder and manslaughter.

Murder

Murder is the unlawful killing of a human being with malice aforethought. (Cal. Pen. Code, § 187, subd. (a).) Murder is divided into first and second degrees. A willful, deliberate, and premeditated killing is murder of the first degree. (Pen. Code, § 189; *People v. Hernandez* (2010) 183 Cal.App.4th 1327, 1332.)

Second degree murder is the unlawful killing of a human being with malice aforethought but without the additional elements of willfulness, premeditation, and deliberation, that would support a conviction of first-degree murder. (*People v. Knoller* (2007) 41 Cal.4th 139, 151.) The malice required for second degree murder may be express or implied. (Pen. Code, § 188; *People v. Hernandez*, supra, 183 Cal. App.4th at p. 1332.) Malice is express when there is an "intent to kill." (Pen. Code, § 188; *People v. Delgado* (2017) 2 Cal.4th 544, 571.) Malice is implied "when the killing results from an intentional act, the natural consequences of which are dangerous to life, which act was deliberately performed by a person who knows that his [or her] conduct endangers the life of another and who acts with conscious disregard for life." (*People v. Dellinger* (1989) 49 Cal.3d 1212, 1215.)

A homicide may also be reduced to second degree murder if premeditation and deliberation are negated by heat of passion arising from subjective provocation. If the provocation precludes one from deliberating or premeditating, even if it would not cause an average person to experience deadly passion, the crime is second degree murder. (*People v. Padilla* (2002) 103 Cal.App.4th 675, 678.)

Voluntary Manslaughter

Manslaughter is an unlawful killing without malice. (Pen. Code § 192; *People v. Thomas* (2012) 53 Cal.4th 771, 813.) Several factors may preclude the formation of malice and reduce a killing that would otherwise be murder to voluntary manslaughter including: (1) heat of passion, and (2) imperfect self-defense. (*People v. Moya* (2009) 47 Cal.4th 537, 549.)

Imperfect self-defense is the killing of another human being under the actual but unreasonable belief that the killer was in imminent danger of death or great bodily injury and the use of deadly force is necessary to defend against that danger. Such a killing is deemed to be without malice and thus cannot be murder. (*People v. Cruz* (2008) 44 Cal.4th 636, 664.) The doctrine of imperfect self-defense cannot be invoked, however, by a person whose own wrongful conduct (for example, a physical assault or commission of a felony) created the circumstances in which the adversary's attack is legally justified. (*People v. Booker* (2011) 51 Cal.4th 141, 182.)

Self-Defense

A homicide is justified and lawful if committed in self-defense. Self-defense is a complete defense to a homicide offense, and, if found, the killing is not criminal. (*People v. Sotelo-Urena* (2016) 4 Cal.App.5th 732, 744.) When a person is charged with a homicide-related crime and claims self-defense, the prosecution must prove beyond a reasonable doubt that the homicide was not committed in self-defense. (*People v. Winkler* (2020) 56 Cal.App.5th 1102, 1167.)

Penal Code sections 196 et. seq. set forth the law of self-defense in homicide cases. Penal Code section 196 provides that a homicide committed by a peace officer is justified when the use of force complies with Penal Code section 835a. (Cf. Pen. Code, § 197 [listing circumstances where homicide committed by “any person” is justifiable, which includes self-defense or the defense of others].)

Under Penal Code section 835a, an officer may use deadly force only when the officer “reasonably believes, based on the totality of the circumstances, that such force is necessary”: (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 who has committed a felony “that threatened or resulted in death or serious bodily injury,” and the officer “reasonably believes that the person will cause death or serious bodily injury” if not immediately apprehended. (Pen. Code, § 835a, subd. (c)(1); see Pen. Code, § 835a, subd. (a)(2) [peace officers may lawfully use deadly force “only when necessary, in defense of human life”]; see *People v. Randle* (2005) 35 Cal.4th 987, 994 [self-defense arises when a person actually and reasonably believes in the necessity of defending against imminent danger of death or great bodily injury], overruled on other grounds by *People v. Chun* (2009) 45 Cal.4th 1172.)

To determine whether deadly force is necessary, “officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” (Pen. Code, § 835a, subd. (a)(2); *People v. Hardin* (2000) 85 Cal.App.4th 625, 629-630 [“only that force which is necessary to repel an attack may be used in self-defense; force which exceeds the necessity is not justified” and “deadly force or force likely to cause great bodily injury may be used only to repel an attack which is in itself deadly or likely to cause great bodily injury”].)

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 to another person. (Pen. Code, § 835a, subd. (e)(2); see *People v. Lopez* (2011) 199 Cal.App.4th 1297, 1305-1306 [imminent peril is “immediate and present” and “must be instantly dealt with”; it is not prospective or even in the near future].)

“Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force. (Pen. Code, § 835a, subd. (e)(3).) De-escalation methods, tactics, the availability of less than lethal force, and department policies may be used when evaluating the conduct of the officer. However, when an officer’s use of force is evaluated, it must be considered “from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” (Pen. Code, § 835a, subd. (a)(4); accord, *Graham v. Connor* (1989) 490 U.S. 386, 396-397 [“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”]; *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082-1083 [to determine whether use of force is objectively reasonable for self-defense, trier of fact must consider all the circumstances that were known or appeared to the officer as well as consideration for what a reasonable person in a similar situation with similar knowledge would have believed]; *People v. Bates* (2019) 35 Cal.App.5th 1, 9-10 [knowledge of another person’s prior threatening or violent conduct or reputation for dangerousness may provide evidence to support a reasonable belief in imminent harm].)

Self-defense also has a subjective component. (*Humphrey, supra*, 13 Cal.4th at p. 1082.) The subjective element of self-defense requires that a person actually believes in the need to defend against imminent peril or great bodily injury. (*People v. Viramontes* (2001) 93 Cal.App.4th 1256, 1262.)

Burden of Proof

A prosecutor bears the burden of proving a criminal defendant’s guilt beyond a reasonable doubt. (Pen. Code, § 1096.) Where an investigation is complete and all of the evidence is available for review, prosecutors should file charges only if they believe there is sufficient admissible evidence to prove the charges beyond a reasonable doubt at trial. (See, e.g., Nat. Dist. Attys. Assn., National Prosecution Standards (3d ed. 2009) Part IV, § 2 pp. 52-53; United States Department of Justice Manual § 9-27.220; Melilli, Prosecutorial Discretion in an Adversary System (1992) B.Y.U. L.Rev. 669, 684-685 [surveying ethical standards used in the exercise of charging discretion by prosecutors]; accord, *People v. Catlin* (2001) 26 Cal.4th 81, 109 [“A prosecutor abides by elementary standards of fair play and decency by refusing to seek indictments until he or she is completely satisfied the defendant should be prosecuted and the office of the prosecutor will be able to promptly establish guilt beyond a reasonable doubt,” quotation and internal quotation marks omitted]; *People v. Spicer* (2015) 235 Cal.App.4th 1359, 1374 [explaining that a prosecutor may have probable cause to charge a crime but reasonably decline to do so if they believe there is a lack of sufficient evidence to prove the charge beyond a reasonable doubt at trial]; cf. Rules Prof. Conduct, Rule 3.8(a) [prosecutor should not initiate or continue prosecution of charge that is not supported by probable cause].)

Further, the prosecution has the burden of proving beyond a reasonable doubt that a killing is not justified. It is not a criminal defendant’s burden to prove that the force was necessary or reasonable. (*People v. Banks* (1976) 67 Cal.App.3d 379, 383-384.) Thus, in an officer-involved shooting, the prosecution must prove beyond a reasonable doubt that the officer did not have an actual or reasonable belief in the need for self-defense or the defense of others.

LEGAL ANALYSIS

DOJ has completed an independent investigation and review of the facts and circumstances that led to the death of Mr. Maccani. This analysis is based on all the evidence provided to DOJ in this matter, including police reports, witness statements, forensic evidence, coroner’s report, body-worn camera footage, and surveillance video. The issues presented in this OIS are whether Officer Garcia-Alamilla acted lawfully in defense of others, and whether his actions are subject to criminal prosecution. A detailed analysis of the evidence surrounding the OIS shows that we could not disprove that Officer Garcia-Alamilla actually and reasonably believed that the use of deadly force was necessary to defend

against an imminent threat of death or great bodily injury to his fellow officer. Therefore, a criminal prosecution is unsupported by the evidence.

Although Officer Garcia-Alamilla did not provide a voluntary statement, his subjective belief at the time of the OIS can be inferred based upon video evidence, the facts known and observed by officers who were similarly situated, and the statements of other officers and witnesses.

Before officers arrived, Mr. Maccani exhibited erratic and threatening behavior. W-1 and W-2 were having a business meeting when Mr. Maccani entered their suite and demanded they leave. According to W-1, Mr. Maccani said, "If you don't leave something bad is going to happen to you." W-1 and W-2 were alarmed and believed that if they did not comply, Mr. Maccani would hurt them. W-1 called 911 because he was fearful that Mr. Maccani would hurt him or his business partner. Dispatch gave operative details to responding officers and coded the event as a possible assault with a deadly weapon. Both W-1 and W-2 met with police upon their arrival and told them that they believed Mr. Maccani was acting erratic and feared Maccani was going to hurt them. All of this information was conveyed to the LAPD officers at the scene which included Officer Garcia-Alamilla.

The non-shooting officers' statements were consistent with each other and with the available surveillance footage as well as the BWC footage. Although Mr. Maccani initially appeared compliant, he quickly turned and started to approach the officers. A number of the officers observed what appeared to be a screwdriver or other sharp object in Mr. Maccani's hands. The officers all described Mr. Maccani entering a "fighting stance" in varying but consistent ways. The officers all also then described Mr. Maccani approaching them aggressively. The officers assigned to less-lethal methods attempted to deploy less-lethal weapons to subdue Mr. Maccani. Instead, the deployment agitated Mr. Maccani. Specifically, as Mr. Maccani closed distance, Officer Rodriguez fired a second beanbag round. After firing the second round, Mr. Maccani yelled angrily and appeared enraged and charged towards her. Mr. Maccani grabbed Officer Rodriguez's bean bag launcher while simultaneously shoving her up against the wall. Then Mr. Maccani pressed the white pointed object towards Officer Rodriguez's neck. It was at that point that Officer Garcia-Alamilla fired one shot.

A reasonable officer, under similar circumstances and with similar knowledge to Officer Garcia-Alamilla, could similarly have come to the conclusion that Mr. Maccani posed an imminent deadly threat to Officer Rodriguez by demonstrating the present intent and opportunity to stab her. Although the object in Mr. Maccani's hand was ultimately determined to be a white plastic fork, it was reasonable for Officer Garcia-Alamilla to misperceive it as a bladed or sharp object, given the location and circumstances leading up to the OIS that were transmitted to the officers and the manner in which Mr. Maccani held the object. The OIS occurred inside a garment factory where sharp implements were, and are commonly, present. W-1 and W-2 had actually warned officers about the presence of sharp objects inside their unit. Further, similarly situated officers observed the object and described it as a screwdriver or sharp object.

The way Mr. Maccani was holding and advancing with the object contributed to the perception that it could be used offensively. Mr. Maccani held the object clenched in his fist with the pointed end facing out. After being hit by the less-lethal deployments, Mr. Maccani raised both his arms in an aggressive manner and charged Officer Rodriguez as he yelled. Further placement and direction of this object towards Officer Rodriguez's neck further escalated the possible deadly implications.

A reasonable officer in the same situation as Officer Garcia-Alamilla could have reasonably believed that Mr. Maccani had the apparent intent to immediately cause death or serious bodily injury to Officer Rodriguez and other officers in the moment before the OIS.

Thus, the totality of the evidence supports that Officer Garcia-Alamilla held the subjective belief that deadly force was necessary to defend other officers from imminent deadly force, and that such belief was not objectively unreasonable. A prosecution, therefore, could not prove beyond a reasonable doubt that the officer's use of force was unlawful.

CONCLUSION

Based on the investigation and review of evidence, along with the applicable statutes, legal principles, and subsequent analysis, there is insufficient evidence to support a criminal prosecution of Officer Garcia-Alamilla. As such, no further action will be taken in this case.



C A L I F O R N I A

DEPARTMENT OF JUSTICE

Policy and Practice Recommendations for the Los Angeles Police Department Related to the Officer-Involved Shooting of Jason Maccani on February 3, 2024

ISSUED PURSUANT TO CALIFORNIA GOVERNMENT CODE
SECTION 12525.3, SUBDIVISION (B)(2)(B)(III)

October 2026



POLICY AND PRACTICE RECOMMENDATIONS

The Attorney General is required to include “[r]ecommendations to modify the policies and practices of the law enforcement agency, as applicable” as a component of this report. (Gov. Code, § 12525.3 subd. (b)(2)(B)(iii).) Therefore, the Department of Justice (DOJ) through its Police Practices Section conducts a review of the information obtained through the criminal investigation, which may include a review of policies concerning body-worn camera footage, interview recordings, video recordings, witness statements and other records, as well as the publicly available policies of the agency employing the officers who are subject to the criminal investigation. The Police Practices Section uses the review process to identify applicable recommendations, including any recommendations to modify policies and practices that may reduce the likelihood that officers use deadly force, as well as recommendations to address any other deficiency or concern related to the officers’ conduct or the agency’s response. The Police Practices Section’s goal is that these recommendations will assist the agency and the officers involved in the incident in understanding, from an independent perspective, improvements that may be made to address what was observed through this incident.

As background, on February 3, 2024, the Los Angeles Police Department (Los Angeles PD) officers responded to a 911 call regarding a man, later identified as Jason Maccani, who had reportedly entered an occupied studio on the fourth floor of a commercial building in downtown Los Angeles. The reporting party described Mr. Maccani as “on some shit,” “very dangerous,” “aggressive,” and in possession of what the reporting party described as a “stick,” a “pole,” and a piece of a “clothing rack.” The reporting party also stated that Mr. Maccani was “attacking [the reporting party’s] business partner.” Dispatch issued a Code 3 broadcast of an “ADW [assault with a deadly weapon] suspect” and described Mr. Maccani as “armed with a large stick attacking an employee.” Following the broadcast, dispatch asked additional questions, including whether Mr. Maccani still had the stick in his hand. The reporting party said Mr. Maccani did not have the stick but did not know where it was. The reporting party also stated that Mr. Maccani was guarding the door. Dispatch again broadcast that there was an ADW suspect, adding that the person was guarding the door.

Nine Los Angeles PD officers responded to the scene. Officers met with the reporting party and the reporting party’s business partner. Officer Sandra Jauregui Villegas asked the two men if Mr. Maccani hit anything and the reporting party said no but that Mr. Maccani was “very [] antsy” and that he was demanding that the reporting party leave the studio. Officer Michael Orozco asked the reporting party if Mr. Maccani had any weapons or “a gun sitting around that [Mr. Maccani] can easily grab” The reporting party responded that there were “scissors and shoes,” presumably in the studio.

Sergeant Jeffrey Punzalen assigned roles to responding officers, including who would make contact with Mr. Maccani, who would be responsible for deploying less-lethal force if necessary, and who would arrest him. Seven officers proceeded to the fourth floor. As they moved upstairs, officers further refined their plan to decide where officers would position themselves. Once officers were in position, Officer Desiree Rodriguez called out to Mr. Maccani, stating, “[t]his is the Los Angeles Police Department. Anybody in unit 402, slowly come out with your hands up.” Officer Orozco twice repeated the same

command to put his hands up. Mr. Maccani came out with his hands up. Officer Orozco then commanded Mr. Maccani to “turn away; face away from me. Walk backwards to the sound of my voice. To your left. To your left. Hold on right there.” Mr. Maccani complied. Mr. Maccani then turned around and started walking toward the officers, as Officer Orozco repeated his command to “hold on right there.” Mr. Maccani continued to walk towards officers with his hands to his side. Officer Rodriguez fired a bean bag round, and Officer Colin Chomuk fired a 40 mm round, which struck Mr. Maccani in the chest. Mr. Maccani did not stop or slow his pace and continued walking toward the officers. Mr. Maccani crossed his arms over his chest, holding a white object in his right fist as seen from Officer Orozco’s body-worn camera video. As Mr. Maccani continued to move forward, Officer Rodriguez fired another beanbag round, which struck Mr. Maccani’s right forearm. Mr. Maccani then went towards Officer Rodriguez. When he made physical contact with her, Officer Caleb Garcia-Alamilla fired one round from his firearm, striking Mr. Maccani in his torso.

One minute and 36 seconds after Officer Garcia-Alamilla fired one round, officers began to render aid. Officers later determined that the white object in Mr. Maccani’s right hand was a plastic fork. Mr. Maccani was transported to the hospital where he was pronounced dead.

PPS evaluated all the facts and available evidence, and pursuant to its obligations under Government Code section 12525.3, subdivision (b)(2)(B)(iii), PPS concludes that no recommendations are warranted.

The Police Practices Section Concludes No Recommendations Are Warranted

The Police Practices Section has completed a thorough review of the investigation file from the DOJ’s Division of Law Enforcement, all available multi-media, and Los Angeles PD’s policies and training materials. Based on that review, the Police Practices Section concluded: (1) prior to making contact with Mr. Maccani, Los Angeles PD officers developed a plan and assigned roles to each officer, including assigning Officer Garcia-Alamilla to the arrest team and less-lethal roles to Officers Rodriguez and Chomuk; (2) one officer gave clear commands to Mr. Maccani that he initially followed; (3) officers initially used less-lethal weapons after Mr. Maccani did not comply with commands and moved towards them; (4) after Mr. Maccani made physical contact with Officer Rodriguez, a sergeant appropriately used control holds to attempt to gain compliance as the 40mm and beanbag less-lethal weapons were no longer viable options; (5) Officer Garcia-Alamilla discharged his firearm after Mr. Maccani made physical contact with Officer Rodriguez, during which time several officers believed Mr. Maccani had a sharp object in his hands that was later determined to be a plastic fork; and (6) officers rendered medical aid shortly after the shooting. Given these facts, the Police Practices Section has concluded that no recommendations are warranted for this shooting.