

# Calif. police shoot machete-wielding suspect

## Back story of video:

Ja Ma Lo Day, 21, of San Diego, was shot and killed by San Diego police officers Kelly Copeland and Javier Morales on July 13, 2014, in City Heights. Day, who was barricaded in his house, attacked a police officer and dog with a machete.

## Scenario:

RP calls 911 to report her live-in boyfriend armed with machete and acting irate inside of her apartment. Officers ask dispatch to have the RP meet officers outside. The RP advises nobody else is in the apartment. RP tells officers her boyfriend uses meth and she believes he is having a bad trip. The RP and her boyfriend do not have any firearms.

## **(Play video)**

3min 24seconds

<https://www.police1.com/patrol-issues/videos/calif-police-shoot-machete-wielding-suspect-Lmy7asrLD7OeqJU2/>

If it's a black and white scenario for a 5150 inside of their own home, outcome should be **WALK AWAY**.

### Considerations before clearing the scene:

- AFS check on subject. If weapons, primary officer write an MIR and forward to Investigations for GVRO.
- Forward MIR report to COAST for review.
- Document steps taken in either call card or in MIR.
- RECORD** contact with family about PD leaving and consequences of going back in.

Now...

- What would you do differently if the RP says her baby is inside of the apartment?
- What would you do different if the RP is a Victim of a domestic?
- Would you handle differently if a PC 273.5 vs PC 243(e)(1). Is Victim desirous of prosecution?

**\*\*\*GET RECORDED STATEMENT FROM VICTIM/ RP\*\*\***

*Check List:*

- Code 33 radio
- Perimeter
- Designate 1 person for announcements (i.e., Spanish, or other languages).
- HNT
- IRT
- AMR on standby
- Lethal/ Non-lethal options
- Shield(s)
- K9/ Helicopter
- Evacuate surrounding homes
- Arrest/ Contact team
- Command Post location
- Previous Events (History of subj.)/ phone #'s
- Supervisor responsibilities?

## Qualified immunity concerns??

**Teel v. Lozada**: Florida Case Law of Eleventh Circuit court denying officers qualified immunity for shooting emotionally disturbed woman armed with a knife inside of her home. This case law is still being challenged but is VERY similar to the above video.

([https://www.llrmi.com/articles/legal\\_updates/2021\\_teel\\_v\\_lozada/](https://www.llrmi.com/articles/legal_updates/2021_teel_v_lozada/))

This Florida Court Case is being challenged through 2 prongs:

**Prong One**: Did the officer violate the plaintiff's constitutional rights?

The 4<sup>th</sup> Amendment's guarantee against unreasonable searches and seizures includes the right to be free from excessive use of force. (*Graham v. Connor*)

"In determining whether [an officer's] force was reasonable, we must determine whether a reasonable officer would believe that this level of force is necessary in the situation at hand." (*Mercado v. City of Orlando*)

**Prong Two**: Was the law clearly established?

Crime v. No Crime (TC w/415 (Remember, you need a victim for PC 415), KTP/ 5150)?

**TAKE AWAY**: Both prongs must be met for officers to be covered under qualified immunity.