CITY OF EL CENTRO

El Centro Police Department

MEMORANDUM

TO: Aaron Messick, Lieutenant

FROM: Kelly Brown, Deputy Chief

RE: Use of Force Review Board 23E-27190

DATE: November 1, 2023

On the evening of October 31, 2023, officers of this department utilized a less lethal munition to subdue an armed individual during a call for service in the [redacted] As a result, the munition penetrated the suspect's skin, requiring medical attention. The incident was documented under El Centro Police Department case #23E-27190.

At the direction of the Chief of Police and pursuant to El Centro Police Department Policy, section 301, you are hereby directed to convene a review board to objectively evaluate the facts and circumstances surrounding the use of force. The review should be completed and submitted for my review no later than thirty (30) days from today's date, which would be December 11, 2023.

If you should have any questions regarding this directive, please contact my office at your earliest convenience.

CITY OF EL CENTRO

El Centro Police Department

MEMORANDUM

TO: Rene McNish, Commander

FROM: Use of Force Review Board

RE: ECPD Case # 23E-27190

DATE: February 28, 2024

Incident:	Less Lethal Use of Force
Date/Time:	Tuesday, October 31, 2023, at 1936 about hours
Location:	[redacted] El Centro, California
Officer(s) Involved:	Nathan Montalvo, Police Officer
Additional Officers:	Damian Valdez, Sergeant William Yu, Officer Giselle Machuca, Officer Victor Flores, Officer Karla Valle, Officer
Dispatcher(s) Involved:	Cynthia Perez, Dispatcher 1
Suspect:	[redacted]
Use of Force Review Board:	Aaron Messick, Lieutenant (Patrol Division) Omar Mandujano, Sergeant (Patrol) Adrian Chilpa, Sergeant (Training and Recruitment) Alfredo Hernandez, Detective (Investigations)

The board was comprised of four ECPD officers, one lieutenant, two sergeants, and one officer. Together, they had roughly 85 years of law enforcement experience.

Lieutenant Aaron Messick:
21 years of service (Rangemaster, Less Lethal Instructor, Chemical Agent Instructor, Defensive Tactics Instructor, Investigations Sergeant, Admin Sergeant, Arrest and Control Instructor, SWAT Lieutenant)

Sergeant Omar Mandujano:
21 years of service (Rangemaster, Investigations, OIS Investigations, Training, and Recruitment, Less Lethal Instructor, Defensive Tactics Instructor, SWAT Supervisor)

Sergeant Adrian Chilpa:
16 years of service (Training and Recruitment, Defensive Tactics Instructor, CNT Supervisor)

Detective Alfredo Hernandez:
27 years of service (Investigations, Rangemaster, CNT, SWAT)

Introduction:

On November 1, 2023, I (Lt. Messick) was assigned to form a Use of Force (UOF) Review Board. The UOF Review Board was tasked to review the deployment of a less lethal shotgun beanbag round. The incident occurred on October 31, 2023, at [redacted] El Centro, CA. The review board delved into the events that took place before and during the incident to determine officers' conformance with department policy and procedures. As outlined in ECPD Policy 301.4.2, RESPONSIBILITIES OF THE BOARD:

> *The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.*

The Use of Force Review Board convened on Wednesday, December 13, 2023, and met in person in the department's Rollcall room. The board reviewed the following documents, audio, and video:

- All reports prepared by ECPD officers
- Memorandum from Sergeant Fisher
- Suspect [redacted] criminal and police contact history
- Officers training records
- Officers' body-worn camera videos
- Dispatch recorded telephone calls, including 911 calls and calls made to the suspect's wife
- Recorded radio communication between officers and dispatch
- ECPD policies: 300 Use of Force, 301 Use of Force Review Board, 302 Handcuffing and Restraints, 303 Control Devices and Techniques, 421 Mobile Audio / Video, 423 Portable Audio / Video Recorders

Synopsis:
There was one El Centro Police Department (ECPD) officer involved with the deployment of a less lethal munition: Officer Nathan Montalvo, badge number 364 (ECPD case# 23E-27190). In this case, the suspect was [redacted] who may be referred to as [redacted] subject, or suspect.

ECPD officers were dispatched to the address of [redacted] El Centro, CA, in reference to a call of a "5150." Officers William Yu and Nathan Montalvo were advised by dispatch that [redacted] was at that location, was under the influence of alcohol, and was having suicidal thoughts. They were also advised [redacted] did not have a weapon.

Narrative:
The following is a summary of the events surrounding the contact with the suspect and the use of force, which was used. It does not detail all the telephone calls, radio transmissions, the incident, or prior contacts with [redacted] Each officer on the scene drove a marked, black and white police vehicle. All officers wore a dark navy-blue police uniform, with their badge and ECPD patches. This incident was captured in its entirety on body-worn cameras.

On Tuesday, October 31, 2023, at about 1936 hours, ECPD's Communication Center received a 911 call from [redacted] Dispatcher Cynthia Perez spoke with [redacted] and remained on the phone for approximately 21 minutes. [redacted] stated he was "drunk" by himself and "suicidal." [redacted] said he had no weapons, was outside on the patio, and requested that the dispatcher stay on the line with him. During their conversation, [redacted] speech was slurred and sometimes hard to understand. At one point, [redacted] said he would open the garage and something about his son being inside.

Officers arrived on the scene, and dispatch asked [redacted] several times to step outside and speak with them. [redacted] began talking to the officers on scene and seemed aggravated. He yelled out "fuck you" to the officers, that he did not know what to do, and stated, "fucking shoot me" several times.

The officers on scene tried numerous times to establish a rapport with [redacted] and used de-escalation techniques to get [redacted] to exit his house. While reviewing the body-worn camera footage from the on-scene supervisor, Sergeant Valdez, Valdez mentioned leaving the residence if it was determined [redacted] was inside by himself. A short time later, the garage door of the residence opened. [redacted] was seen inside the garage. He was shirtless and continued to yell at the officers. Officers attempted to get [redacted] to comply and verbally asked him to step out of the garage. Officers prepared to encounter [redacted] by staging next to a vehicle, which was parked in the driveway. Officers had both lethal and less lethal force options available. Officer Montalvo had a clearly marked, orange, less lethal shotgun with him. [redacted] walked across the garage and grabbed a handsaw off the garage wall. At this point, Officer Montalvo announced "less lethal" and deployed one beanbag round from the shotgun, which struck [redacted] on his upper right chest area, just under the clavicle.

[redacted] was given verbal commands to drop the saw, which he did as he fell to the ground. [redacted] was handcuffed, and paramedics provided medical aid. The residence was checked for

additional occupants inside, and no one else was located. It was later determined the beanbag round penetrated the skin and was lodged in [redacted] was transported by ambulance to El Centro Regional Medical Center for treatment. Due to the severity of the wound, [redacted] was later transported to UCSD for removal of the beanbag.

Interviews:
No officers, witnesses, or suspects were interviewed as part of this review board.

Tactics Review:

- Officers waited for additional units before contacting the suspect
- Medical aid was requested to stage in the area
- Officers had several less lethal options on the scene, including Tasers, a less lethal shotgun, impact weapons, and OC spray.
- Numerous verbal commands were given to the suspect in an attempt to de-escalate and control the suspect and the situation
- A designated and marked less-lethal shotgun was used in an attempt to control and gain the compliance of the suspect
- Before the use of the less-lethal shotgun, it was clearly announced
- There was a lethal force as cover when the less lethal munition was deployed
- Once less lethal was deployed, officers maintained control of the scene and handcuffed the suspect
- The residence was checked for any additional subjects or persons inside; none were located

Policy Review:
After thoroughly reviewing all the information (documents, video, and audio) received by the UOF board, we found the officers' actions were within department policies and procedures.

- **Officer Yu** – Before contacting the suspect, Officer Yu had his weapon drawn and in the low-ready position. Officer Yu was standing outside the garage and, from his body-worn camera video, had a view into the garage interior. When the suspect reached for the handsaw, Officer Yu momentarily pointed his handgun at the suspect and gave him verbal commands. After the suspect was hit with the less-lethal bean bag munition, the suspect laid on the ground. As officers approached the suspect to be handcuffed, Officer Yu lowered his handgun back to the low-ready position and then secured his handgun in its holster. Officer Yu's actions were found to be justified and within policy.

- **Officer Flores** – Was on scene at the time of the deployment of the less lethal bean bag munition. From viewing Officer Flores's body-worn camera video, Officer Flores was standing outside the garage and did not have a clear view of the garage's interior. After the less lethal munition was deployed, Officer Flores drew his handgun, pointed it in the direction of the suspect, and approached the garage. Officer Flores's handgun was in the high-ready position as he approached the suspect. Officer Flores's handgun was momentarily pointed at the suspect until Sergeant Valdez told Flores to lower his weapon, which he did. Then, as officers were handcuffing the suspect, Officer Flores

provided lethal cover as the suspect was taken into custody. He then holstered his handgun. Officer Flores's actions were found to be justified and within policy.

ECPD Policy 300.4.2 DISPLAYING OF FIREARMS
Given that individuals might perceive the display of a firearm as a potential application of force, officers should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

(a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.

(b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

Once it is reasonably safe to do so, officers should carefully secure all firearms.

- **Officer Montalvo** – used a less lethal shotgun, announced "less lethal," and fired one beanbag round at the suspect. His actions were found to be justified and within policy.

ECPD Policy 303.9 KINETIC ENERGY PROJECTILE GUIDELINES
This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

ECPD Policy 303.9.1 DEPLOYMENT AND USE
Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS
Before discharging projectiles, the officer should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

- **Sergeant Valdez** – handcuffed the suspect after the less lethal force option was used. His actions were justified and within policy.

ECPD Policy 302.9 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS
Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

Training and Experience of Officer Involved:
See the attached California P.O.S.T. training profile of Officer Montalvo.

Training Review:
During the board's review of this incident, the board recognized training our department could establish or incorporate. These are merely recommendations that were noticed.

- During the incident, the supervisor on scene appeared to be the only officer prepared, with latex gloves on, to make physical contact with the suspect. When practical and safe to do so, officers should put on and wear latex gloves when contacting people to provide an effective shield for the hands and wrists against certain chemicals, including detergents, alcohols, biohazards such as viruses and bacteria, bodily fluids, abrasive materials.
- During this incident, the suspect communicated with the dispatcher over the phone. At one point, the suspect asked why officers took so long to arrive. The dispatcher advised the suspect that an officer was on the scene and was waiting for additional officers to arrive. When this was told to the suspect, the board recognized that the suspect's attitude had changed, and he had become offensive. Dispatchers should not disclose tactics officers use, such as waiting for cover officers to arrive.
- It was recognized that the supervisor on the scene was part of the arrest team and was the primary officer when entering the residence. The supervisor should take more of a supervision position and utilize his resources, such as officers, to make the arrest and secure a residence.
- Identify and designate officers to a team such as an arrest team, less lethal team, etc.
- Officers were advised by dispatch that the suspect had *negative* weapons. Dispatch should consider advising officers that there are *unknown* weapons. The term negative weapons may lead officers to believe it is factually known the suspect is unarmed and

doesn't have access to potential weapons. In reality, it has not been confirmed if weapons are present.

- Dispatchers should be trained in negotiations and how to deal with suicidal callers. California P.O.S.T. offers several courses that specifically target these topics.
- When responding to a residence, apartment, building, or structure, dispatch and officers shall make every attempt to establish if there are additional occupants or persons in danger from a subject who has a mental disorder and is a danger to themselves or others. Based on the totality of the circumstances, officers shall consider leaving the scene if the mentally disordered subject is confined or contained in an area where they are not a danger to others.

Recommended Findings:

Based on a review of the information, the board has concluded that the officers' actions were justified and within policy.

Rene McNish, Commander	Rene McC #303	022924
Name	Signature	Date Approved
Kelly Brown, Deputy Chief		2/29/24
Name	Signature	Date Approved
Robert Sawyer, Chief	Robert Sawyer	2/29/24
Name	Signature	Date Approved

El Centro Police Department

General Case Report for Incident 23E-27190

Occurred Between: 19:36:42 10/31/2023 and 19:36:42 10/31/2023 **Case Status:** CLO (Closed Case)

When Reported: 19:37:21 10/31/2023 **Status Date:** 10/31/2023

Area: E1 **Report Type:** 90Z (All Other Offenses)

Location: [redacted] El Centro, CA 92243

Responsible Officer: Machuca,Giselle

Status: **Witness :**

[redacted]

Status: **Witness :**

[redacted]

Status: **Witness :**

[redacted]

Status: **Victim :**

[redacted]

Status: **Victim :**

[redacted]

Status: **Victim :**

[redacted]

Status: **Victim :**

[redacted]

Status: **Suspect :**

[redacted]

Prop. #	Item Description	Serial#	Officer	Ucr	Loc	#	Value
225779	WHI Cloth BLOOD		Valle,Karla		EIS	3	$ 0.00
225780	GRY Casing SAFARILAND BEAN BAG		Valle,Karla		EIS	1	$ 0.00
225781	RED Saw HAND SAW		Valle,Karla		EIS	385	$ 0.00
225885	RED Ammunition Defence TECH 12-guage						$ 0.00
							$ 0.00

Supplemental Narrative:
On Tuesday October 31, 2023 at approximately 1938 hours, I (Nathan Montalvo) was dispatched to [redacted] in reference to a a subject having suicidal thoughts. I was driving a marked patrol unit (P150) and wearing approved ECPD uniform. I had a functional body worn camera which recorded the incident.

Due to a previous encounter, I was familiar with [redacted] who was known to me to get physically aggressive and be extremely intoxicated. Based on [redacted] previous encounters the entire patrol team responded to the location. Upon arrival, I could hear [redacted] by the side patio speaking to someone. El Centro Police Department dispatch advised [redacted] multiple of times to exit the residence to speak with officers but he was not complying. [redacted] called out stating "Somebody say who's there". I responded to [redacted] it was the El Centro Police Department. [redacted] yelled stating "Okay because I'm going to start attacking if somebody doesn't tell me who is there." Officer Valle and I were located by the northeast corner of the residence.

As [redacted] was still by the side patio area, Officer Machuca #352 gave [redacted] multiple verbal commands in attempt to de-escalate the situation in which [redacted] did not comply. [redacted] began to respond to Officer Machuca stating "Shut the fuck up". Officers Machuca and her Field Training Officer Victor Flores were located by the northwest corner of the residence, next to to the detached garage. Refer to Officer Machuca's report for more information.

I was requested by Officer YU #358 to retrieve the less-lethal bean bag 12-gauge shotgun (RS50808M) from my patrol vehicle. After retrieving the less-lethal shotgun, I returned to the scene and Officer Valle #349 verified I was placing less-lethal bean bag shotgun shells into my less-lethal shotgun. The less lethal shotgun is orange in color and the bean bag rounds are clearly marked gray in color. Officer Yu and I were standing by the closed garage as Officer Machuca was communicating with [redacted] I did not have a clear view of [redacted] as the patio was not illuminated. [redacted] opened the garage door to the residence and began to yell "Shoot me". Officer Machuca continued to give verbal commands to [redacted] but he was not complying.

As I approached the garage door, I saw [redacted] on his knees with his head down. [redacted] then stood up and began to reach for a hand saw that was hanging on the west wall. [redacted] grabbed the saw and held it in his right hand. The saw was about 20" in length with a red handle. Due to the nature of the call, statements made by [redacted] previous encounter's and [redacted] arming himself with a hand saw to potentially harm me or other Officer's, I verbally alerted to [redacted] and other officers stating "Less- lethal, less-lethal, less-lethal." I fired a single bean bag round striking [redacted] in the upper right shoulder area. Once the round impacted [redacted] he walked backwards. [redacted] dropped the handsaw as directed. [redacted] fell to the floor and Officers detained [redacted] in handcuffs. An ambulance was requested to our location and Officer Flores began to render aid to [redacted] injuries. [redacted] sustained a wound on the front right shoulder. It appeared the bean bag round entered [redacted] shoulder.

The distance between [redacted] and myself were approximately 19' feet. The single shell case that was collected by Officer Valle was located 48.5' feet south of the southern curb line of [redacted] and 14.7 feet east of the west property border line. All video obtained from my Watch Guard body worn camera was uploaded into the El Centro Police Department digital database.

Recommendations
Attach to Original Report.

Supplemental Narrative:

On October 31, 2023, at approximately 1937 hours, I was on patrol in a fully marked El Centro Police Department unit (P151) in the City of El Centro, County of Imperial. I was wearing a full El Centro Police Department(ECPD) uniform. This incident was recorded on my department-issued body-worn camera. I responded to assist Officer G. Machuca #352, at [redacted] in reference to a suicidal subject.

Upon arrival, Officer Machuca was giving verbal commands to the subject who was later identified [redacted] As Officer Machuca asked [redacted] to step outside the residence to help him, [redacted] refused. Officer Machuca asked [redacted] if he had any weapons and [redacted] responded "that's for you to find out." Officer Machuca then asked [redacted] if someone was inside the residence with him and he responded, "My son." After [redacted] was speaking with Officer Machuca, [redacted] kept making statements that he wanted to die and said "Shoot me," however Officer Machuca advised [redacted] we were there to help him.

A couple of minutes before making contact with [redacted] Officer N. Montalvo #364 and I inspected the less lethal shotgun and verified the shotgun contained one bean bag round.

At approximately 1956 hours, [redacted] opened the garage door. Officer Machuca gave verbal commands to [redacted] and asked him step outside the residence with his hands up. As Officer Machuca asked [redacted] to step outside, [redacted] reached for a hand saw that was hanging on the left side of the inside wall of his garage. Officer Montalvo asked [redacted] to drop the weapon, however [redacted] refused to follow commands and was in possession of a hand saw. Officer Montalvo then shot a single bean bag to [redacted] right shoulder making [redacted] fall to the floor and de-escalate the threat. Sergeant D. Valdez and Officer W. Yu #358 successfully detained [redacted] in handcuffs.

After making the scene safe and providing medical attention to [redacted] I took several of photographs of the scene and the handsaw [redacted] was in possession of. I later uploaded the photographs into the El Centro Police Department(ECPD) ("T") Drive as evidence. I also retrieved the handsaw and later booked as evidence into the El Centro Police Department. I then located three gauzes that were used on [redacted] and booked the gauze into the ECPD evidence room as evidence.

I then located the shell casing that was deployed by Officer N. Montalvo. The shell casing was a spent 12 gauge drag stabilizer bean bag. I took several of photographs of the shell casing
and later uploaded them into the ECPD ("T") Drive as evidence. I booked the shell casing into the ECPD evidence room as evidence.

Recommendations:
Attach to Officer G. Machuca's original report.

Supplemental Narrative:
On 10-31-2023, at 1938 hours, I was in full class B police uniform, driving a fully marked police unit (#P222), assigned to patrol. I responded to a radio call regarding a suicidal subject at [redacted]. The reporting party, [redacted] called El Centro Police Department (ECPD) dispatch, stating he had been consuming alcohol and was having suicidal thoughts.

I was familiar with [redacted] from a prior police police contact on 09-10-2023, in which I was dispatched to the location under similar circumstances (refer to CR #23E-22672). During that incident, [redacted] made numerous verbal threats to officers at the scene and was physically resistive when he was being taken into custody.

I arrived at the scene and advised ECPD dispatch to instruct [redacted] to step out of the residence via telephone. I could hear [redacted] talking from inside of the residence. [redacted] speech sounded slurred, consistent with someone who was heavily intoxicated with an alcoholic beverage.

Other officers arrived at the scene and staged in the front yard of the residence. I heard Officer G. Machuca #352 establish verbal communication with [redacted] advising him that officers were present to help him. Officer Machuca asked [redacted] to step out of his residence. [redacted] shouted, "Shoot me," several times in response.

The garage door opened and [redacted] came into view. [redacted] was wearing pants that possibly allowed him to conceal weapons on his person. [redacted] also had a history of making verbal threats to officers and being physically resistive. Due to the rapidly developing critical circumstances, I placed [redacted] at gunpoint for my safety.

I saw [redacted] fall to the floor inside of the garage. I advanced forward and took a defensive position behind a wall at the threshold of the garage door. [redacted] got up from the floor and removed a saw that was hanging on the west wall inside of the garage. [redacted] was approximately 20 feet away from officers standing outside of the garage. I saw Officer N. Montalvo #364 fire a single round at [redacted] with a department issued less-lethal shotgun. The round appeared to strike [redacted] near his right shoulder, causing him to fall to the floor.

I approached [redacted] and secured his right hand with my handcuffs. I saw that Sergeant D. Valdez #310 had secured [redacted] left hand with another set of handcuffs. I moved [redacted] arm behind his back and locked both sets of handcuffs together, securing both of his hands behind his back.

I later uploaded video from my department issued Watch Guard body-worn camera into the ECPD digital evidence database.

Recommendations:
Attach to original report.

Supplemental Narrative:
On Tuesday, October 31, 2023, at about 1936 hours, I (Damian Valdez) responded to [redacted] in reference to a suicidal subject. The subject was identified as [redacted] who has previous history of violence and being mentally unstable. I was driving a marked patrol unit (P200) and wearing approved ECPD uniform. I had my body-worn camera activated during the incident.

On arrival I walked on foot and saw officers staged on the east and west side of the residence. Officer Machuca was talking with [redacted] from behind a parked vehicle. [redacted] appeared to be in a side patio that is between the main residence and the detached garage. I noticed [redacted] had slurred speech as if he was intoxicated. I notified Officer Yu, who as assigned as the primary officer at the time, to determine if [redacted] was by himself. I told Officer Yu once we determined [redacted] was alone and not a threat to someone else we would clear the scene. Officer Machuca kept talking with [redacted] to get information about his wife. [redacted] then stated that he wanted to be shot by us.

[redacted] then opened the garage door as Officer Yu called for [redacted] to move in with the less lethal shotgun. Officer Yu was standing by the east side of the garage as I walked toward him. Officer Machuca directed [redacted] to step out with his hands up. I heard Officer Montalvo say "Less Lethal" three times which is a notification that less lethal is about to be deployed to avoid possible sympathetic fire from other officers using lethal force. Officer Montalvo fired one round from his less lethal shotgun as [redacted] was holding a saw in his right hand. I saw [redacted] fall to the ground in the supine position. I entered the garage and handcuffed [redacted] for our safety and his. I noticed [redacted] sustained a large open wound to the upper chest near the right shoulder. It appeared the bean bag round made entry creating the open wound and he began to bleed. An ambulance was called to our location as Officer Flores rendered first aid to [redacted] Officers Montalvo, Valle and I cleared the residence for any other family members, but it was empty. [redacted] was transported to ECRMC to be treated for his wound via ambulance.

At about 2052 hours, I met with [redacted] outside of the residence (she was not present during the incident). [redacted] admitted [redacted] has mentioned before the desire of "Suicide by Cop" where the suicidal subject acts with the goal of having law enforcement use deadly force on them.

Officer Valle collected and booked the handsaw grabbed by [redacted] gauzes with blood and the single shotgun less lethal shell shot by Officer Montalvo. I notified Lt. Messick of the incident and requested Detective M. Garrido Garrido respond to our location for assistance.

Staff from ECRMC confirmed the bean bag penetrated the skin and tissue of [redacted] upper right chest. Per ECRMC staff he would have to be transported to UCSD for additional treatment. Officer Machuca made contact with staff from Imperial County Behavioral Health (ICBH) to advise them of the incident. ICBH recommended to leave a copy of the WI 5150 hold so it can be forwarded to UCSD to have [redacted] referred to additional mental health resources. [redacted] was sedated and not interviewed.

The bean bag round is designed as an impact munition fired from a 12 gauge shotgun. It is to be used for pain compliance at extended distances (up to 75 feet).

No witnesses were located in the area; a canvass of the area showed the following addresses with cameras, but no answer:

[redacted]

Recommendations:
Attach to original report.

Supplemental Narrative:

On October 31, 2023, I was assigned as a Detective for the El Centro Police Department (ECPD) Investigations Division. At approximately 2017 hours, I received a phone call on my department-issued cellular phone from the ECPD Communications Center in regards to Patrol Sergeant D. Valdez #310 requesting that I call him via phone for assistance with a use-of-force incident as I was the on-call Investigator. Officer G. Machuca #352 was the primary investigating officer. I wore my department-issued Watch Guard body-worn camera during my portion of the investigation. My camera was operable and footage was uploaded into the Evidence Library.

Prior to responding to assist, Sergeant Valdez and I talked via phone about this case. Sergeant Valdez relayed officers were dispatched to [redacted] regarding the subject in question, [redacted] making suicidal statements. During the encounter, [redacted] grabbed a handsaw from his garage and Officer Montalvo shot him once with a less lethal beanbag round. However, the less lethal round had penetrated [redacted] body and the beanbag was lodged inside his body. [redacted] was taken to El Centro Regional Medical Centro (ECRMC) via AMR ambulance to receive medical treatment. Sergeant Valdez requested that I respond to [redacted] residence to assist with processing the scene. I was familiar with [redacted] and his residence from a prior incident where he was experiencing suicidal ideations. Additionally, I knew [redacted] had attempted to commit suicide on other occasions.

Upon my arrival, Sergeant Valdez briefed me further and walked me through the scene. Sergeant Valdez relayed [redacted] opened his garage door and grabbed the handsaw from the west wall. When [redacted] grabbed the handsaw, Officer Montalvo deployed the beanbag round. The round struck [redacted] however, the beanbag was now lodged in [redacted] upper right chest area near his shoulder area. I noticed there were three additional handsaws hanging from the west garage wall and a hammer where [redacted] had grabbed the handsaw. I noticed there was blood stains on the garage floor and there were gauzes with blood on the ground. Sergeant Valdez relayed the blood on the gauzes was from [redacted] injury from the beanbag round and medical personnel rendering aid to him. There was a silver Dodge [redacted] parked in the driveway. The spent 12 gauge Safariland beanbag shell casing was in the driveway in between the Dodge and the garage. I instructed Officer K. Valle #349 to collect the gauzes as evidence in case they were later needed for DNA analysis. Officer Valle collected the gauzes with blood, the handsaw [redacted] grabbed, and the beanbag shell casing as evidence. Officer Valle also took photographs of the scene.

During the encounter and prior to [redacted] being shot with the beanbag round, I learned Officer Machuca had offered him help and asked him to exit his residence, but he refused to cooperate. I learned [redacted] was saying that he wanted to die and for officers to shoot him. I also learned [redacted] told officers that his son was with him inside his residence prior to the less lethal round being deployed. Sergeant Valdez told me [redacted] wife, [redacted] arrived at the scene after he was detained. [redacted] was sitting down inside her pickup across the street.

I met with [redacted] and introduced myself. I told [redacted] about me being familiar with [redacted] from his prior suicidal attempts. [redacted] was cordial and cooperative. As we were discussing [redacted] being shot with the beanbag round, [redacted] said she would bet me that [redacted] was disappointed about being shot with a less lethal round instead of a lethal round. [redacted] explained [redacted] has contemplated "suicide by cop" in the past and knew if he could get officers to a certain point or if he would reach for something, he could essentially end his life this way. [redacted] relayed she knew [redacted] purposely opened the garage door to create a risky situation. [redacted] relayed [redacted] has been tazed by officers before. I told [redacted] about [redacted] saying his child was with him and she said he made this comment on purpose to escalate the situation. [redacted] nor her children were present when this incident occurred. [redacted] relayed her children were trick-or-treating.

After the scene was processed, Sergeant Valdez and I went to ECRMC to inquire about [redacted] condition. ECRMC doctors relayed [redacted] had not sustained any life-threatening injuries, but would most likely be taken to a San Diego area hospital to have the foreign object (beanbag) removed from his body. Officer Machuca placed a mental health hold on [redacted] per Welfare & Institutions Code 5150 due to his suicidal ideations and informed personnel from the Imperial County Behavioral Health about this incident via phone.

Sergeant Valdez and I returned to the scene to canvas the neighborhood for possible cameras and/or witnesses. I located several cameras outside [redacted] but the resident, [redacted] told me none of them worked. The residence at [redacted] did not have any exterior cameras and the resident, [redacted] did not witness this incident. I located a camera outside [redacted] but the resident, [redacted] did not locate any video. [redacted] nor [redacted] witnessed this incident either. I did not locate any exterior cameras at [redacted] and received no answer at the door. I located a camera outside [redacted] but received no answer at the door.

The residence at [redacted] had a Ring camera outside their front door, but the camera was facing west of [redacted] I talked to the residents from [redacted] about them possibly witnessing this incident. [redacted] relayed she was in her bedroom located [redacted] when she heard screaming coming from outside. [redacted] was unable to decipher the screams or who was screaming, but heard the screaming about an hour prior the arrival of officers. [redacted] also heard what sounded like a gunshot, but heard the screaming prior. [redacted] mentioned she was hard of hearing, but was still able to hear the screaming. [redacted] suspected [redacted] was possibly the individual screaming due to having prior knowledge of him being suicidal and in possession of a knife in the past. [redacted] camera did not record the incident.

The following morning (11/01/23), Sergeant Valdez informed me via text that [redacted] was taken to UCSD in San Diego via ambulance. At approximately 1100 hours, I called UCSD-Hillcrest and talked to [redacted] nurse who only identified herself as [redacted] [redacted] relayed the object (beanbag) was still lodged in [redacted] body and he would possibly undergo surgery tomorrow (11/02/23) to remove it. I asked [redacted] if they could secure the beanbag for us to collect as evidence. [redacted] agreed to relay my message to the surgeon and asked me to call back tomorrow morning to obtain additional details about the surgery.

On 11/01/23, Lieutenant A. Messick #308 also instructed me to file charges against [redacted] for Penal Code 148 (a) (1) due to him refusing to follow and comply with the commands of officers.

On 11/02/23, I called UCSD-Hillcrest and spoke to [redacted] nurse who only identified herself as [redacted] about recovering the object (beanbag). [redacted] told me [redacted] had undergone surgery already and the object (beanbag) surgically removed from him was secured in a box. [redacted] relayed the box was in the second floor of the OR department. [redacted] told me we had to respond to the OR department in person to attempt to collect the object (beanbag). [redacted] did not provide further information. I relayed this information to Detective Sergeant S. Fisher #311 who responded the same day (11/02/23) to UCSD-Hillcrest and collected the beanbag. Sergeant Fisher later booked the beanbag into an evidence locker.

I reviewed the CAD Call details for this case via the Spillman System law enforcement database and noticed [redacted] had called the police department at 1936 hours. [redacted] reported to the Communications Center that he was consuming alcohol and was experiencing suicidal thoughts. I located several other incidents in the database where [redacted] was feeling suicidal and causing disturbances. In September 2019, [redacted] was arrested for assaulting [redacted] during a disturbance at their residence. In this particular incident, [redacted] disclosed to the investigating officer that she and [redacted] had three children

together, but their names were not documented. (Refer to CR 19E-27509 for further details regarding the domestic violence case).

On 11/02/23, I called [redacted] to obtain her children's information because they were not documented in any prior incidents. During our conversation via phone, [redacted] relayed she was considering obtaining a restraining order against [redacted] to protect her children and herself. [redacted] mentioned [redacted] refused to obtain any local in-person mental health services and preferred the services of the Veterans Affairs as he was a veteran. [redacted] reiterated that [redacted] has contemplated suicide-by-cop before and knew that if he reached for an object or weapon it would possibly lead to the use of deadly force. [redacted] provided me with her children's information, which were [redacted] Although [redacted] relayed she was in communication with [redacted] via phone, she has refrained from visiting him in San Diego. I asked [redacted] if she wanted the case numbers for this incident and when [redacted] was arrested for domestic violence in case she decided to obtain the restraining order and she said she did. I provided [redacted] with the case numbers and we ended our conversation shortly after.

Recommendations: Submit all reports to the District Attorney's Office for charges of 148 PC and forward to Child Protective Services for review.

Narrative

Crime Code/Offense:
5150 W&I

Narrative:
On Tuesday October 31, 2023, at approximately 1942 hours, I was on patrol in a fully marked El Centro Police Department unit (D150) in the City of El Centro, County of Imperial. I was wearing a full El Centro Police Department (ECPD) uniform doubled up with Officer V. Flores #361. This incident was recorded on my department-issued body-worn camera. I responded to [redacted] in reference to a male subject later identified as [redacted] making suicidal statements. ECPD dispatch informed me [redacted] was possibly intoxicated and that they were unable to understand him. Officer K. Valle #349, Officer W. Yu #358, Officer R. Gabat #325, Officer N. Montalvo #364 and Sergeant D. Valdez #310 also responded to assist.

Upon arrival, Officer Yu and Officer Montalvo were already on scene attempting contact at the residence. ECPD dispatch had informed us [redacted] was possibly alone inside the residence however, no one was stepping out. Officer Yu requested ECPD dispatch to contact [redacted] via cellphone and have him step out of the residence. ECPD dispatch then informed us they were on the phone with [redacted] trying to convince him to step out. I heard [redacted] inside the residence yelling. I then proceeded to identify myself and gave verbal commands instructing [redacted] to come out of the residence. [redacted] initially appeared to be inside his residence, but was later discovered to be in the side patio.

[redacted] refused and stated we were "out to get him." I told [redacted] we were there to help and asked him again to step out of the residence. [redacted] responded with "shut the fuck up." [redacted] told me he was alone inside the residence and refused to step out. [redacted] then yelled "shoot me, just shoot me already." I continued giving commands, however [redacted] was not complying. ECPD dispatch then informed me they were still on the phone with [redacted] and that he advised he would be coming out through the garage door.

I was standing in front of the garage door and moved to the neighboring residence for cover. From a distance I saw the garage door open and heard Officer Yu instructing the subject to come out with his hands up. I then heard "less lethal" and saw a bean bag round being shot on the subject (see supplemental narratives for further information). I was unable to see what was happening from where I was standing. I then approached the residence and saw [redacted] laying face up inside his residence garage. I assisted in rolling [redacted] on his stomach. Officer Yu and Sargent Valdez then placed handcuffs on [redacted] I conducted a pat down search for weapons but none were located. I observed [redacted] had an open wound near his right shoulder and was bleeding. Officer Gabat and I applied pressure on the wound until the El Centro Fire Department (ECFD) arrived on scene. ECFD arrived on scene and transported Burdick to the El Centro Regional Medical Center (ECRMC).

I made contact with [redacted] wife, [redacted] who was standing by outside the residence with Officer Yu. [redacted] advised she was contacted by the ECPD dispatch and informed of the situation. I explained to [redacted] what was happening and asked if [redacted] had history of being suicidal. [redacted] told me [redacted] attempted suicide by slashing his wrist back in 2019. I asked [redacted] if [redacted] was a patient at Behavioral health. [redacted] said he was not, but stated [redacted] had been diagnosed with bipolar disorder, anxiety and depression. [redacted] advised [redacted] was taking

medication however she was unsure of when he last took it.

[redacted] added [redacted] was an alcoholic. I asked [redacted] if [redacted] had consumed any alcohol prior to our arrival. [redacted] stated [redacted] had been drinking for days and that she saw him finish a full bottle of liquor before she left the residence. [redacted] believed [redacted] had been drinking since 1200 hours. [redacted] told me [redacted] usually consumes a 12 pack of beer a day combined with shots of various liquor.

I then conducted follow-up at ECRMC where [redacted] was being treated for his wound. I spoke to [redacted] and asked him if he was still feeling suicidal. [redacted] stated he no longer felt that way and displayed interest in returning to work. I told [redacted] he initially called police stating he wanted to kill himself. [redacted] then said "lets just leave it at that" and advised he wanted to go home.

I made contact with Mental Health Rehabilitation Specialist, [redacted] from Imperial County Behavioral Health. I briefed her on the incident and asked if they were able to conduct follow-up once [redacted] gets discharged from the hospital. [redacted] advised me to fill out a 5150 form and place a hold on [redacted] for danger to self. [redacted] told me to contact her if [redacted] got discharged from ECRMC. [redacted] was later transported to UC San Diego Trauma Center by American Medical Response (AMR) ambulance.

Detective M. Garrido #340 arrived at ECRMC shortly after and was briefed on the incident. All the photographs and evidence collected were saved into the ECPD evidence drive. I later uploaded video from my department issued Watch Guard body-worn camera into the ECPD digital evidence database.

Recommendations: Forward to Investigations

CONFIDENTIAL

Profile Report for: MONTALVO, NATHAN TIMOTHY

Certification Status: Active

Name: MONTALVO, NATHAN TIMOTHY

Birth Date: [redacted]

Gender: Male

Race/Ethnicity: Hispanic or Latino

POST ID: C81-D63

Agency: EL CENTRO PD

AKA: NO ALTERNATE NAMES ON FILE

Certificates

No Certificates Issued.

Proof of Eligibility

POE	Agency Name	Agency	Issued	Status
P0009835	EL CENTRO PD	13040	06/10/2022	Active

Total Number of Proof of Eligibility: 1

Employment

Hired From	To	R	Rank	Rank Date	Agency	Agency Name	F/P	P/T	Separ.
06/10/2022			PO	06/10/2022	13040	EL CENTRO PD	F	P	

Training

Comp Date	Cat	CCN	Hrs	Rmb	Carp	Agency	School	*	Course Name
08/05/2020	A	3800-00133-19-001	136	X	N	60020	IMPERIALVC		BASIC COURSE - MODULE III (EXT)
09/11/2021	A	3800-00133-21-001	222	X	Y	60020	IMPERIALVC		BASIC COURSE - MODULE III (EXT)
12/18/2021	A	3800-00140-21-001	298	X	Y	60020	IMPERIALVC		BASIC COURSE - MODULE II (EXT)
06/09/2022	A	3800-00150-21-001	513	X	Y	13040	IMPERIALVC		BASIC COURSE - MODULE I (EXT)
07/06/2022	K	3620-23090-22-001	4	-	Y	13040	ELCENTPD		ELECTRONIC WEAPONS
08/16/2022	K	1270-20290-22-024	16	-	Y	13040	CHP		DUI DETECTION-FIELD SOBRIETY

* Meets Perishable Skills

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
08/30/2022	K	1270-20272-22-016	16	R	Y	13040	CHP		ADVANCED ROADSIDE IMPAIRED DRIVER ENFORCEMENT
09/30/2022	K	3620-32075-22-001	16	R	Y	13040	ELCENTPD		FIREARMS/TACTICAL RIFLE
11/11/2022	K	3620-29580-22-004	4	-	Y	13040	ELCENTPD	*	USE OF FORCE (PSP)
01/31/2023	K	9180-25599-22-215	4	X	Y	13040	POST	*	PSP: STRATEGIC COMMUNICATIONS-SELF PACED
03/02/2023	K	9180-25595-22-245	4	X	Y	13040	POST		BEYOND BIAS:RACIAL & ID PROFILING UPD- SELF PACED
10/13/2023	K	3620-29501-23-002	4	-	Y	13040	ELCENTPD	*	FIREARM(PSP)
12/15/2023	K	3620-29503-23-004	8	-	Y	13040	ELCENTPD	*	ARSTCTL(PSP)

* Meets Perishable Skills

Footnotes

No Footnotes on file.