



PUBLIC INFORMATION RELEASE MEMORANDUM

DATE: March 29, 2022

SUBJECT: Officer Involved Shooting (Fatal)

Officers: Sergeant Eric Bennett
San Bernardino Police Department

Lieutenant Brian Harris
San Bernardino Police Department

Sergeant Ernest Luna
San Bernardino Police Department

Detective Brian Olvera
San Bernardino Police Department

Involved Subjects: Santos Anthony Villegas (Deceased)
Date of Birth 03/12/84
Colton, CA

Date of Incident: August 17, 2020

Incident location: *** W. Orange St.
San Bernardino, CA

DA STAR #: 2021-12625

Investigating Agency: San Bernardino Police Department

Case Agent: Detective Joshua Cunningham

Report Number#: DR # 2020-0087469

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PREAMBLE

This was a fatal officer involved shooting by officers from the San Bernardino Police Department. The shooting was investigated by the San Bernardino Police Department. This factual summary is based on a thorough review of all the investigative reports, photographs, audio and video recordings submitted by the San Bernardino Police Department, DR# 2020-00087469.

FACTUAL SUMMARY

On August 17, 2020, at around 1:55 in the afternoon, Officer Curtis Ford, from the San Bernardino Police Department attempted to conduct an enforcement stop of a white Ford Expedition. The driver of the vehicle, a male Hispanic with face and neck tattoos, had yelled profanities at Officer Ford as he drove past Officer Ford's patrol vehicle. Officer Ford knew a white Ford had been involved in a recent rash of shootings in the area. Officer Ford lost sight of the vehicle as he followed it but was eventually able to locate the suspect, later identified as Santos Villegas, walking on 11th Street just west of G Street in the City of San Bernardino.

Officer Ford exited his marked patrol vehicle and approached Villegas on foot. Officer Ford, who was wearing a San Bernardino Police Department uniform, ordered Villegas to stop. Villegas continued walking north in an alleyway. As Villegas turned the corner, Villegas looked back at Officer Ford and pointed a semi-automatic handgun at Officer Ford. Villegas racked the weapon and Officer Ford heard the trigger being pulled, but the weapon did not fire. Officer Ford took cover near a parked SUV and Villegas ran north in the alley.

Officer Ford called for back-up and advised dispatch that Villegas had pointed a gun at him, racked the weapon, and pulled the trigger. A perimeter was established, and the area from H Street to G Street and 11th Street to Baseline was blocked. The officers searched for Villegas for approximately one hour. During the search, a detective was able to review surveillance video from a security camera at a nearby gas station. The detective saw Villegas entered the rear yard of *** W. Orange St. and never left. The detective advised the other officers, over the radio, of his observations.

Officers focused their search to the yard at *** W. Orange St. At around 3:27 in the afternoon, Villegas was located hiding in a small wooden box near a detached garage. Officers gave Villegas multiple verbal commands to show his hands and get out of the box, but Villegas refused to comply with the officers' orders. Officer Guzman eventually deployed his Taser, but Villegas still did not comply with the officers' commands. Instead, Villegas stuck a handgun out of the box and pointed the weapon at officers. Detective Brian Olvera, Sergeant Eric Bennett, Sergeant Ernest Luna, and Lieutenant Harris all fired their weapons at Villegas striking him multiple times.

After the lethal force encounter, officers pulled Villegas from the box and handcuffed him. Officers requested medical aid respond to the scene to treat Villegas. Paramedics responded and Villegas was pronounced deceased at the scene.

A tan .22 caliber Walther P22 handgun, serial number WA270487, was located at the scene.

STATEMENTS BY POLICE OFFICERS

On August 17, 2020, at approximately 7:03 in the evening, **Officer Curtis Ford** was interviewed by Detective Joshua Cunningham.¹

On August 17, 2020, Officer Curtis Ford, from the San Bernardino Police Department, was assigned as a District Resource Officer in the Western District. Officer Ford was wearing a San Bernardino Police Department uniform and driving a marked patrol vehicle. On that date, Officer Ford was assisting the Vice Unit during a prostitution sting. The officers took a break after working the program for approximately one hour.

After the break, Officer Ford returned to the staging area located near 11th St. and H St. Officer Ford was seated in his patrol vehicle when he saw an older model Ford Explorer or Ford Expedition drive by. The vehicle was occupied by two Hispanic males. Officer Ford made eye contact with the driver, a Hispanic male with face and neck tattoos, who said, "What the fuck." Officer Ford found the driver's actions strange and began to follow the vehicle.

Officer Ford attempted to get close enough to the vehicle to read the license plate number. As Officer Ford drove east from H St. to get behind the vehicle, Officer Ford noticed the vehicle was already at G St. The vehicle started making turns in what Officer Ford believed was an attempt to avoid him. When Officer Ford followed the vehicle on to Orange St., he saw two males working on a car in the street and noticed dust was "flying everywhere." Officer Ford observed the vehicle drive at a high rate of speed, fail to stop at the stop sign at G St. and Orange St., and make a right turn on to G St. Due to other vehicles being in the area, Officer Ford was unable to immediately make the turn on to G St. and lost sight of the vehicle. Officer Ford advised dispatch of the incident and the vehicle's last known direction. Sergeant Bennett contacted Officer Ford on the radio at which time Officer Ford informed Sergeant Bennett of his observations.

Officer Ford began driving back to his assigned location at the prostitution sting. As Officer Ford was driving on 11th St. from G St. he saw a Hispanic male with neck tattoos walking east on the north sidewalk. When Officer Ford got closer to the subject, Officer Ford noticed the male was sweating "profusely." Officer Ford asked the subject, later

¹ Officer Ford reviewed his body worn camera video recording prior to being interviewed by Detective Cunningham.

identified as Santos Villegas, if he had seen a subject driving at a high rate of speed in the neighborhood. Villegas said he did and pointed south which Officer Ford found odd since the vehicle was never on 11th St.

Officer Ford asked Villegas whether he was on probation or parole. Villegas mumbled something and started walking eastbound on 11th St. At that time, Officer Ford was able to see Villegas' profile and a face tattoo. Officer Ford believed Villegas was the same subject who had been driving the vehicle earlier. Since Officer Ford had already witnessed Villegas driving at a high rate of speed almost striking two subjects in the street and failing to stop at a stop sign, Officer Ford activated the emergency lights on his patrol vehicle to conduct additional investigation. Officer Ford wanted to make sure the vehicle was not stolen or involved in a carjacking.

After Officer Ford activated the emergency lights on his patrol vehicle, Villegas continued to walk east on 11th St. towards a north/south alley. Officer Ford followed Villegas on foot. Officer Ford called out and told Villegas to stop. Villegas told Officer Ford he was not on probation or parole and he did not have to talk to Officer Ford. Villegas took his shirt off his shoulder leading Officer Ford to believe Villegas was going to run. Officer Ford started to grab the microphone on his radio to advise dispatch that he was going to check on a subject at G St. and 11th St. Officer Ford then ran three steps toward Villegas to see whether Villegas was going to run from him. At that time, Villegas turned his body toward Officer Ford and pulled a green and tan colored gun out of his pocket with his right hand.

Initially, Officer Ford was unsure Villegas was holding a gun but then Officer Ford said Villegas tilted the gun to the side. Villegas pointed the gun towards Officer Ford and racked it with his left hand. Officer Ford was looking at the barrel of the gun and said, "Oh shit." Officer Ford did not have his gun out at the time and ran behind a vehicle parked in front of *** W. 11th St. to take cover. As Officer Ford turned to run, he heard the "click" of the trigger being pulled. The gun, however, did not fire. Officer Ford pulled out his gun but initially remained behind the car because he believed Villegas' gun misfired. Officer Ford did not believe Villegas' gun would misfire a second time and was concerned that Villegas might try and shoot at him as he was running away. When Officer Ford did come out from behind the car to try and locate Villegas, Villegas was already in the alley. Officer Ford advised dispatch of the incident and provided a description of Villegas.

Additional police officers arrived in the area and a perimeter was set up. Officer Ford, Sergeant Bennett, Sergeant Luna, Officer Guzman, and Officer Castro started to search for Villegas. Citizens in the area had advised the officers a subject, matching the description of Villegas, ran into a house located at *** W. Orange St. Officers searched the two houses located at the address and detained several individuals but did not locate Villegas. Officers began a yard to yard search with Officer Guzman's K-9. At some point, the officers received information that Villegas had run into *** W. Orange St., which was located one house east of where the officers had initially started their search. A group of officers were finishing searching a garage at *** W. Orange St.

when they noticed a fresh shoe print on the fence on the west side of the house and located a set of keys on the ground near some trash cans. Officer Ford was standing at *** W. Orange St. when he heard Detective Stack say, "We have contact to the east."

Officer Ford heard several officers yelling, "Show me your hands." Officer Ford and Officer Castro ran toward *** W. Orange St. As Officer Ford was running up the driveway, he heard someone yell, "Taser. Taser." Officer Ford heard the Taser being deployed but did not see which officer fired the Taser. After Officer Ford reached the backyard, he saw several officers pointing their weapons to an area under a stairwell attached to a garage and an attached apartment. Officer Ford was able to see the lower half of Villegas' body. The upper portion of Villegas' body was concealed in what Officer Ford described as a "makeshift dog kennel." The dog kennel had concrete pillars and a wood top. Officer Ford described Villegas as laying on his back with his head almost touching the wood top. Approximately one to two seconds after the Taser was deployed, Officer Ford heard an officer say, "Gun," followed by six to nine gunshots.

After the shooting, Officer Ford saw Villegas lying on the ground. Villegas had sustained several gunshot wounds. Villegas' gun was on the ground approximately three feet away from Villegas. The officers formulated a plan as to how to approach and handcuff Villegas. Officer Guzman handcuffed Villegas. Officers requested medical aid to respond to the scene. Officer Ford was assigned to scene security to watch the gun that was found on the ground near Villegas. Officer Ford recognized the gun on the ground as the same gun Villegas pointed at him and pulled the trigger.

On August 17, 2020, at approximately 11:20 in the evening, **Sergeant Eric Bennett** was interviewed by Detective Joshua Cunningham.²

On August 17, 2020, Sergeant Eric Bennett, from the San Bernardino Police Department, was assigned as a patrol sergeant in the city's Southern District on Shift 2. Sergeant Bennett was wearing a San Bernardino Police Department uniform and driving a marked patrol vehicle. On that date, Sergeant Bennett was getting ready to clear an unrelated shooting call he was investigating in the area of 11th St. and E St. when he heard Officer Ford put out over the radio that he had a white Ford Explorer traveling north on G St. at a high rate of speed. Sergeant Bennett knew the officers were working a prostitution program and did not want to stay in the area too long, so he briefly spoke with Officer Ford and then drove off.

A short time later, Sergeant Bennett heard Officer Ford put out over the radio that he had a subject with a gun who was running northbound. Sergeant Bennett did not initially hear anything about the gun being fired or the trigger being pulled. Sergeant Bennett was in the area and knew Officer Ford was working in the area of 11th St. and G St. Sergeant Bennett drove to Orange St. and started to establish a perimeter. When Sergeant Bennett arrived in the area, a Hispanic female approached him and pointed

² Sergeant Bennett did not review his body worn camera video recording prior to being interviewed.

out a white Ford Expedition. An older Hispanic male approached Sergeant Bennett and told him he saw a subject run to *** W. Orange St. Sergeant Bennett focused his search for the suspect on Orange St. and requested assistance from the San Bernardino County Sheriff's Department helicopter.

Sergeant Bennett spoke with Officer Ford on the radio to get additional information. Officer Ford told Sergeant Bennett the suspect had a gun. Officer Ford said he saw the suspect rack the gun and he heard the "click" of the trigger; the gun, however, did not fire. At that time, Sergeant Bennett realized there had been an assault with a deadly weapon on a police officer and Sergeant Bennett was going to do his best to locate the suspect. Sergeant Luna, Officer Castro, and Officer Guzman arrived with his K-9 to assist. Those three officers, along with Sergeant Bennett and Officer Ford made up a 5-man search team.

The officers started their search at *** W. Orange St. where a civilian had said the suspect was last seen. Officers searched the house, but the suspect was not located. Sergeant Bennett heard the Sheriff's Department helicopter advise there was a business at *** W. Baseline that had a camera pointed in the area the officers were searching. Sergeant Bennett asked for an officer to go over to the business. Detective Alvarez went to the business to review the surveillance video. During that time, Sergeant Bennett and the other officers continued their search for the suspect. The officers were searching *** W. Orange St. when Detective Alvarez advised the suspect may have gone east from *** W. Orange St. The search team went to *** W. Orange St. and an officer located a set of keys with a Ford key on it. Sergeant Bennett also heard someone on the radio advise they had found .22 caliber ammunition in the Ford Expedition.

Sergeant Bennett, Lieutenant Harris, and Detective Olvera searched the backyard of *** W. Orange St. while Sergeant Luna and the other officers searched the yard of *** W. Orange St. At that time, Detective Alvarez advised the suspect appeared to have climbed over a wrought iron fence and went towards a structure in the backyard Sergeant Bennett was standing in. There was a detached garage in the back of *** W. Orange St. that had a second story apartment above it. There was a set of stairs leading up to the apartment. Beneath the stairs was a small wooden box against the wall. Sergeant Bennett believed the box was too small for someone to fit, but there was something about the box that did not look right.

Sergeant Bennett had his rifle pointed at the box while Detective Olvera was standing on the north side of the box. Sergeant Bennett recalled Lieutenant Harris was standing either on the right or left side of him. Detective Olvera started to take the box apart, at which time Sergeant Bennett saw a subject, later identified as Santos Villegas, inside of the box in a fetal position. The officers started to give Villegas several verbal commands to come out of the box and to show his hands. At one point, Villegas' face came out of the box and Sergeant Bennett saw the tattoos Officer Ford had described. At that point, Sergeant Bennett realized they had located the suspect who pointed a gun at Officer Ford.

Sergeant Bennett could see Villegas' left hand but was unable to see his right hand. The officers continued to give Villegas verbal commands, such as, "Let me see your hands." Villegas, however, refused to comply with the officers' orders. Detective Olvera tried to grab Villegas and pull him out of the box. Sergeant Bennett did not see a gun at that time. Sergeant Bennett, however, was still unable to see Villegas' right hand.

Detective Olvera attempted to use his baton but because of the confined area, the baton strikes were ineffective. Villegas was moving around and not complying with officers' verbal commands. At this time, Officer Guzman arrived at the scene to assist the other officers. Officer Guzman had his Taser out. Sergeant Bennett ordered Officer Guzman to tase Villegas. Officer Guzman yelled out, "Taser. Taser. Taser," and deployed the Taser. Immediately after the Taser deployment, Sergeant Bennett saw Villegas holding a tan/brown colored gun. Villegas was holding the gun in his right hand and pointing it in a westerly direction at the officers.

Sergeant Bennett heard Detective Olvera yell, "Gun." At that point, Sergeant Bennett fired approximately three to five rounds from his rifle.³ Sergeant Bennett believed Sergeant Luna also fired his gun but did not know if any other officers fired their weapons. Sergeant Bennett estimated the officers were three to four feet from Villegas when Villegas pointed the gun at the officers. Given the officers' proximity to Villegas and Villegas' earlier attempt to fire his gun at Officer Ford, Sergeant Bennett was very concerned for the safety of the officers at the scene.

After the shooting, Sergeant Bennett gave gloves to Officer Ford and Officer Guzman; they then pulled Villegas out of the box and handcuffed him. Sergeant Bennett saw the tan/brown colored handgun on the ground to his left. Officers requested medical aid to respond to the scene. However, it appeared Villegas was already deceased.

On August 17, 2020, at approximately 11:18 in the evening, **Sergeant Ernest Luna** was interviewed by Detective Mike Siems.⁴

On August 17, 2020, Sergeant Ernest Luna, from the San Bernardino Police Department, was assigned to the San Bernardino Police Department vice team. On that date, Sergeant Luna was wearing denim pants, black shirt, and a black raid vest. The word "POLICE" was written in white on the front right chest area of the vest as well as across the back of the vest. Sergeant Luna also had a San Bernardino Police Department badge displayed on the front left chest area of the vest. Sergeant Luna's detail was operating a "John Program" in the area of Orange St. and G St. Officer Ford was assigned to assist Sergeant Luna's detail.

³ After doing a round count, it was determined that Sergeant Bennett fired seven rounds from his rifle during the incident under review.

⁴ Sergeant Luna was working in an undercover capacity and not wearing a body worn camera on the date of the incident under review.

During a lunch break, Sergeant Luna was in his office at San Bernardino Police Department when he heard Officer Ford put out over the radio that he was conducting a pedestrian check in the area of G St. and Orange St. where they were conducting the program. Next, Sergeant Luna heard Officer Ford broadcast he was chasing a Hispanic male with a shaved head, face and neck tattoos, who was not wearing a shirt. Officer Ford advised the suspect, later identified as Santos Villegas, pointed a firearm at him. Sergeant Luna heard Officer Ford state Villegas tried to shoot him because Villegas “racked” the weapon and it did not fire. Officer Ford requested additional units to assist him in pursuing Villegas.

Based on the circumstances of Villegas trying to shoot a police officer, Sergeant Luna immediately left his office and went to his undercover police vehicle. Prior to arriving at the scene, Sergeant Luna heard Sergeant Bennett directing responding patrol units to set up a perimeter. Sergeant Luna met up with Sergeant Bennett at 768 W. Orange St. Sergeant Luna, Sergeant Bennett, and a few other officers started to clear the first residence. Sergeant Luna requested tactical officers because Villegas had pointed a gun at Officer Ford. Sergeant Luna was concerned Villegas was still armed and would be willing and able to engage officers. 40 King, the San Bernardino County Sheriff’s Department helicopter, advise there was a surveillance camera at a nearby gas station. Detective Alvarez went to the business to check the cameras and review any video footage.

After searching the first residence for Villegas with negative results, Sergeant Luna and the other officers continued checking houses to the east and west of the location. Sergeant Luna went to the residence east of 768 W. Orange St. because Lieutenant Harris was in the backyard of that residence and requesting additional units to help with the search. Sergeant Luna and Lieutenant Harris checked the backyard of the residence but did not locate Villegas. Sergeant Luna was searching the next house east of where he and Lieutenant Harris had just searched when Sergeant Luna heard Detective Alvarez report over the radio that Villegas was in the backyard of where Sergeant Luna and Lieutenant Harris had just searched. Detective Alvarez indicated Villegas had gone towards a stairwell in the backyard.

Sergeant Luna began walking to the backyard towards the fence line. Sergeant Luna heard several officers yelling, “Let me see your hands. Let me see your hands.” Sergeant Luna hopped a brick wall and ran towards the officers. Sergeant Luna saw Detective Olvera, Sergeant Bennett, and Lieutenant Harris with their weapons drawn. The officers were focused on a box area under a stairwell that Detective Alvarez had described seeing in the surveillance video. Sergeant Luna could see Villegas in the box and heard the officers continue to give Villegas commands to show his hands.

When Sergeant Luna joined the other officers, he could not see Villegas’ hands because they were being shielded by Villegas’ body. Villegas appeared to be laying in the box, almost upside down, with his head pointing to the south. Sergeant Luna saw Detective Olvera trying to clear out debris near the box. Sergeant Luna provided lethal

cover since Villegas had attempted to shoot one officer with a weapon that was still outstanding and then ran from officers.

Sergeant Luna saw a baton on the ground by Detective Olvera. Sergeant Luna heard a request for a Taser, but he was unsure which officer requested the Taser. Sergeant Luna believed the Taser was a good call because he did not believe there was an effective way to strike Villegas inside the box to get Villegas to comply with commands. Officer Guzman ran up with a Taser and deployed it. It appeared to Sergeant Luna that the Taser deployment was effective, and it had made a connection with Villegas. Sergeant Luna estimated the officers were approximately four to six feet away from the box Villegas was hiding in.

Sergeant Luna briefly looked to his left and right to see who was with him. At that time, Sergeant Luna heard Detective Olvera yell, "Gun. Gun." Sergeant Luna looked back and saw Villegas producing a firearm. Villegas was punching out the firearm while he was rolling from his upside-down position and moving towards Detective Olvera and Officer Guzman. Villegas then pointed his firearm at Sergeant Luna. Sergeant Luna was immediately afraid that Villegas was going to fire at the officers. Fearing for his life and the lives of Detective Olvera and Officer Guzman, Sergeant Luna fired approximately three to four rounds at Villegas.⁵ At this time, Sergeant Luna heard the other officers engage Villegas as well. As Villegas was struck by the gunfire, Sergeant Luna saw Villegas toss the handgun forward and then laid on his back. Villegas was still not showing his arms and hands.

After the shooting, Sergeant Luna heard Detective Olvera call out over the radio that shots were fired. Sergeant Luna looked to his left and to his right and saw that the officers at the scene were fine. Sergeant Luna broadcast over the radio that shots were fired and that the officers were okay. Sergeant Luna requested medical aid for Villegas because he saw Villegas had been directly hit with gunfire. Sergeant Luna assigned Officer Castro to maintain lethal coverage because Villegas was still moving around and not showing his hands. Sergeant Luna initially told everyone to standby while he got a head count of who was involved in the shooting. Sergeant Luna assigned another officer to monitor Villegas' handgun. Villegas was eventually handcuffed by Officer Guzman.

On August 17, 2020, at approximately 10:10 in the evening, **Detective Brian Olvera** was interviewed by Detective Joshua Cunningham.⁶

On August 17, 2020, Detective Brian Olvera, from the San Bernardino Police Department, was assigned to the Inland Regional Apprehension Team. On that date, Detective Olvera was assigned as a tactical firearms instructor teaching new officers at the police department. Detective Olvera was teaching a class when he was notified that

⁵ After doing a round count, it was determined that Sergeant Luna fired four rounds from his handgun during the incident under review.

⁶ Detective Olvera was not wearing a body worn camera on the date of the incident under review.

there was possibly a barricaded suspect. Detective Olvera was asked to assist in searching *** W. Orange St. because it was believed the suspect may be inside the residence at that location. While he was teaching, Detective Olvera was wearing black pants, black boots, and an undershirt. When Detective Olvera responded to the scene, he put on a ballistic vest carrier that had the word "POLICE" written on the front and the back. Detective Olvera was also wearing a tactical duty belt with his department issued handgun.

After Detective Olvera arrived at the location, he spoke with Sergeant Luna. Detective Olvera was advised the suspect, later identified as Santos Villegas, had been in possession of a handgun when he ran from Officer Ford and was believed to be inside the rear residence at that address. Villegas was described as a Hispanic male with face tattoos and not wearing a shirt. Detective Olvera and other officers searched the residence but did not locate the suspect. Detective Olvera and other officers began searching the exterior of the property as well as neighboring homes.

A detective went to a nearby gas station north of Detective Olvera's location to review video camera footage. While Detective Olvera was searching west of *** W. Orange St. the detective advised the suspect was last seen at a blue residence located one house east of *** W. Orange St. Detective Olvera and the other officers moved to that house and continued to search for the suspect. The property had a front house and a detached two-story house/garage to the rear of the property. A set of car keys were found on the ground next to the main house near some trashcans. Detective Olvera gave the keys to Officer Ford. The officers searched the property but failed to locate Villegas.

Detective Olvera returned to the *** W. Orange St. address and began collecting various items that had been used by the officers during that search. The detective who was reviewing surveillance video at the gas station advised that it did not appear Villegas had gone north of the houses towards Baseline St. Detective Olvera, Sergeant Bennett, and Lieutenant Harris decided to search the rear yard of *** W. Orange St. again. Detective Olvera noticed the grass was knee high. Detective Olvera was concerned Villegas could be lying in wait so Detective Olvera drew his weapon.

As Detective Olvera was searching the backyard, he noticed an area beneath a stairwell leading to the second floor. Detective Olvera saw a wood box with a black covering on it. Detective Olvera told Sergeant Bennett, who was standing to his right and armed with a rifle, about the box. Detective Olvera began to remove the cover to see what was inside the box. When Detective Olvera removed a circular piece of wood from the front of the box, Detective Olvera saw a black cloth inside. Detective Olvera grabbed the cloth and then saw Villegas inside the box. Detective Olvera immediately saw that Villegas matched the description of the suspect he had been given earlier. Detective Olvera and the other officers began giving Villegas verbal commands to show his hands.

From where Detective Olvera stood, Detective Olvera did not have a clear view of the inside of the box. Detective Olvera heard other officers continuing to give Villegas commands to come out of the box and to show his hands. Villegas would not comply with the officers' orders. Detective Olvera was concerned if the officers backed away from the box and did not immediately try to take Villegas into custody, Villegas could potentially escape. Detective Olvera tried to grab Villegas' wrists. Villegas was sweaty and Detective Olvera was unable to get a good grip on Villegas. Detective Olvera tried to grab Villegas' arms again as officers continued to give Villegas verbal commands. Villegas failed to comply with the officers' orders and continued to resist arrest by intentionally pulling back his arm out of Detective Olvera's grip.

Villegas moved to the back of the box and brought his feet towards the opening. Detective Olvera believed Villegas was possibly going to try and kick Detective Olvera in the face. Detective Olvera drew his collapsible baton to use to prevent being kicked. However, because of the confined space Villegas was in, the baton strikes were ineffective. Detective Olvera said he placed the baton back in its holder on his vest and drew his handgun because he could no longer see Villegas' hands. Detective Olvera heard another officer request a Taser.

Anticipating the Taser would be deployed, Detective Olvera stepped to his left. As Detective Olvera heard the Taser deployed, he simultaneously saw a gun come out of the box. Villegas pointed the gun toward Detective Olvera's face. Detective Olvera feared for his life as well as the safety of the other officers. Detective Olvera knew Villegas had already pointed the gun at another officer.⁷ Detective Olvera believed Villegas was going to kill him. Detective Olvera yelled "Gun" several times and fired his weapon approximately three times.⁸ Detective Olvera described the gun he saw as an olive-drab green colored, full sized semiautomatic handgun. Detective Olvera heard other officers fire their weapons.

Immediately after the shooting, Detective Olvera saw Villegas was still moving, but Detective Olvera could no longer see where Villegas' gun was. Villegas had been holding the gun in his right hand, but Detective Olvera had lost sight of Villegas' right hand. Detective Olvera repositioned himself away from the box to try and get a better view of Villegas. Officers continued to give Villegas verbal commands since Villegas was still moving and was still a threat.

After Villegas appeared to stop moving, Detective Olvera reholstered his weapon and began to remove the top portion of the box to get a better view of Villegas. At that time, one of the other officers was able to pull Villegas away from the box and handcuff him. Detective Olvera looked behind him and saw Villegas' gun on the ground. Detective Olvera determined Officer Ford, who was also on scene, had not fired during the incident and instructed Officer Ford to maintain security of Villegas' gun. Medical aid was requested for Villegas.

⁷ Detective Olvera was never told that Villegas also racked the gun and pulled the trigger.

⁸ After doing a round count, it was determined that Detective Olvera fired three rounds from his handgun during the incident under review.

On August 17, 2020, at approximately 9:08 in the evening, **Lieutenant Brian Harris** was interviewed by Detective Mike Siems.⁹

On August 17, 2020, Lieutenant Brian Harris, from the San Bernardino Police Department, was assigned to the San Bernardino Police Department patrol division as a lieutenant. Lieutenant Harris was wearing a San Bernardino Police Department uniform. On that date, Lieutenant Harris was working at his desk at San Bernardino Police Department when he heard Officer Ford over the radio broadcast that a male subject just tried to shoot him. Lieutenant Harris heard Officer Ford advise the subject pulled the slide of a gun back, but Lieutenant Harris could not recall whether Officer Ford reported the subject fired the weapon. Based on the radio traffic, it appeared the subject intentionally tried to shoot or threaten Officer Ford. Lieutenant Harris heard San Bernardino Police Department units respond to Officer Ford's location. Lieutenant Harris decided to respond to the location to assist responding officers.

When Lieutenant Harris got to the scene, he eventually spoke with Lieutenant Shuelke about where the suspect may have gone. During this time, Lieutenant Harris saw Sergeant Luna walking out from a house on Orange St. with a search team. This indicated to Lieutenant Harris the suspect had not been located. Lieutenant Harris decided to attempt to contact the homeowner of the residence he was standing in front of on Orange St. The homeowner agreed to let Lieutenant Harris search his rear yard.

Lieutenant Harris walked to the rear yard with the homeowner and did a cursory search of the yard and trash cans but did not see anything. Sergeant Luna, Detective Olvera, and possibly another officer came up the driveway and helped Lieutenant Harris search the backyard. The officers looked behind some trash cans north of the residence and located a set of Ford keys. Lieutenant Harris knew the suspect had been associated with a Ford Expedition which was parked on the street or around the corner. Lieutenant Harris gave the keys to Sergeant Bennett. Sergeant Bennett and Lieutenant Harris decided to recheck the area.

An officer who had gone to a business north of Lieutenant Harris' location said over the radio that he saw the suspect from video surveillance recordings in the backyard of a residence on W. Orange St. The officer at the business advised he lost sight of the suspect by the stairwell leading up to the living area where Lieutenant Harris and other officers were currently searching. Lieutenant Harris said there was a small box and miscellaneous items underneath the stairwell.

Lieutenant Harris said he approached the wood box along with Detective Olvera, Sergeant Luna, and possibly Sergeant Bennett. Detective Olvera moved quickly towards the box and made an indication that the suspect was in the box. Lieutenant Harris thought the box was too small for a normal human being to be inside. Lieutenant Harris removed his handgun from its holster and pointed the gun at the box. Lieutenant Harris yelled at the suspect to show his hands. Lieutenant Harris believed he ordered

⁹ Lieutenant Harris was not wearing a body worn camera on the date of the incident under review.

the suspect to show his hands at least three to five times. The other officers also pointed their weapons at the box and began giving commands for the person to come out and show his hands.

Detective Olvera began pulling the box apart. When the box opened, Lieutenant Harris saw the suspect, later identified as Santos Villegas, curled up inside the box. Villegas matched the description of the suspect who, at a minimum, pointed a gun at Officer Ford. Lieutenant Harris could not see Villegas' hands. Lieutenant Harris estimated he was five to six feet away from the box. Lieutenant Harris was concerned that he could not see Villegas' hands and Villegas was not complying with officers' commands. Detective Olvera continued to try to rip the box apart and pull Villegas out.

Lieutenant Harris told Officer Guzman to "tase" Villegas which Officer Guzman did. It initially appeared to Lieutenant Harris that the Taser deployment was effective when he saw Villegas clench up and make some type of noise. The Taser deployment, however, did not produce the desired effect and Villegas stayed inside the box. Lieutenant Harris continued to hear officers give Villegas verbal commands to show his hands. Almost immediately after the Taser deployment, Lieutenant Harris saw one of Villegas' hands come out of the box holding a handgun. The gun was pointed at Detective Olvera and Officer Guzman. Lieutenant Harris heard Detective Olvera yell, "Gun." Lieutenant Harris feared for his safety and the safety of the other officers. Lieutenant Harris was especially concerned for the safety of Detective Olvera who was right next to the box. Lieutenant Harris believed they were all at risk of being shot or killed. Lieutenant Harris fired three to five rounds at Villegas.¹⁰ Once he fired, Lieutenant Harris also heard multiple officers fire their weapons almost simultaneously.

After the shooting, Lieutenant Harris saw that Villegas was clearly shot and wounded. Lieutenant Harris was unsure whether Villegas' gun fell to the ground or was moved by an officer but did remember seeing the gun on the ground approximately a foot to a foot and a half away from where the officers were standing. Additional officers ran up to the scene. Some of the officers put on gloves and pulled Villegas out of the box. Medical aid was requested for Villegas.

On August 17, 2020, at approximately 7:01 in the evening, **Officer Nathan Guzman** was interviewed by Detective Mike Siems.¹¹

On August 17, 2020, Officer Nathan Guzman, from the San Bernardino Police Department, was assigned to the patrol division as a K-9 Officer. Officer Guzman was wearing a San Bernardino Police Department uniform. On that date, Officer Guzman was on patrol when he heard Officer Ford broadcast over the radio officer safety information of a white Ford Expedition driving at a high rate of speed north on G St.

¹⁰ After doing a round count, it was determined that Lieutenant Harris fired five rounds from his weapon during the incident under review.

¹¹ Officer Guzman reviewed his body worn camera video recording prior to being interviewed by Detective Siems.

from 11th St. Officer Guzman thought if the vehicle turned east on Baseline St., it would be traveling towards his location, so he drove to the area of Baseline St. to see if he saw the vehicle. Officer Guzman did not locate the vehicle.

After a few minutes, Officer Guzman heard Officer Ford advise over the radio that he was chasing a Hispanic male with face and neck tattoos and no shirt, who had pointed a gun at Officer Ford. Officer Ford advised over the radio that he heard the Hispanic male “rack” the handgun. Officer Guzman immediately drove to the area of Orange St. and G. St. where Officer Ford reported he lost sight of the suspect. Officer Guzman drove to the west side of the perimeter and waited for two to three minutes. Officer Guzman was relieved by another patrol officer so he could use his K-9 in the area the suspect was last seen.

Officer Guzman met up with a group of other officers at 762 W. Orange St., the last reported address where the suspect had been seen. The officers conducted a search at that address, but the suspect was not located. At one point, the officers decided to conduct a yard to yard search. During that time, a detective located video surveillance from a gas station north of their location. The detective advised the officers that a subject matching the suspect description was seen on the video surveillance in the backyard of the residence located at *** W. Orange St.

Officer Guzman brought his K-9 over to *** W. Orange St. and saw a detached garage with living quarters above the detached garage. The owner of the home gave the officers the keys so they could search the garage and upstairs living quarters. Officer Guzman searched the upstairs living quarters with his K-9 but did not locate any subjects. Officer Guzman also used his K-9 to search the gate and hedge area that connected 762 W. Orange St. and *** W. Orange St. but did not locate anyone. Officer Guzman noticed his K-9 was getting tired due to the heat so he walked the K-9 back to his patrol unit, which was located across the street from *** W. Orange St.

After Officer Guzman placed his K-9 inside the patrol vehicle, he heard officers yelling from the rear of *** W. Orange St., something to the effect of “Let me see your hands.” Officer Guzman thought the officers had found the suspect and he immediately ran back towards the rear of *** W. Orange St. When Officer Guzman got to the rear yard, he saw three officers with their weapons drawn and pointed at a small box. The box was located on the west side of the detached garage. Officer Guzman took a position at the northwest direction from the box. Officer Guzman was able to see legs and shoes inside of the box.

Officer Guzman continued to hear officers yelling commands for the person in the box, later identified as Santos Villegas, to show his hands. Villegas would not comply with the officers’ verbal commands. Officer Guzman only saw Villegas’ legs and could not see Villegas’ hands. Officer Guzman said another officer at the scene unsuccessfully tried to pull Villegas out of the box.

Officer Guzman transitioned to his Taser. Officer Guzman yelled out three times, "Taser, Taser, Taser," to notify Villegas and the other officers he was going to deploy his Taser. Villegas still refused to comply with the officers' verbal commands. Officer Guzman deployed his Taser for one five second cycle. As soon as he deployed the Taser, Officer Guzman saw the barrel of a gun come out from inside the box. Officer Guzman said the gun was pointed directly at him. Officer Guzman was afraid and believed he was about to be shot. When Officer Guzman saw the barrel of the gun, he began to secure his Taser so he could transition to his handgun. Officer Guzman said at that time an officer involved shooting occurred involving other officers at the scene. Officer Guzman estimated he heard ten to twelve gunshots.

After the shooting, in order to maintain their safety and to safely extract Villegas from the box, Officer Guzman and the other officers made the decision to break down the box. Officer Guzman recalled seeing Villegas' handgun on the ground behind Officer Guzman. After the box was broken down, Officer Guzman was able to grab one of Villegas' legs and pull him from the box. Officer Guzman handcuffed Villegas and searched Villegas' right front shorts pocket for any weapons. Officer Guzman did not locate any weapons. Officer Guzman checked Villegas for a pulse but did not feel anything. Officer Guzman said officers confirmed medical aid was responding to the scene to assist.

STATEMENTS BY CIVILIAN WITNESSES

On August 17, 2020, **Witness #1** was interviewed by Officer Michael Taylor.

On that date, Witness #1 was residing with his son and fiancée at a residence located on West 11th Street in the City of San Bernardino. Witness #1, his son, and his fiancée were to the front of the residence when a Hispanic male approached on foot. The male was acting suspicious. A short time later, Witness #1 saw a police vehicle arrive and stop to the front of 740 West 11th Street. Witness #1 saw the male turn and speak towards the police vehicle. It appeared to Witness #1 that the male was speaking to the officer inside the patrol vehicle. Witness #1 was unable to hear the conversation from where he was standing.

Witness #1 saw the male turn around and walk eastbound towards the north/south alleyway. Witness #1 saw a police officer exit his patrol vehicle and walk towards the male. Witness #1 heard the police officer tell the male, "Don't make me chase you." Witness #1 said the police officer and male were face to face and about fifteen feet away. Witness #1 saw the male reach towards his waistband with his right hand pull out a green colored pistol. The male held the pistol out straight towards the police officer. Witness #1 heard a "click" sound. Witness #1 thought the pistol had malfunctioned and the male had intended to shoot the officer but failed. Witness #1 said the police officer ducked away while saying, "Oh shoot." Witness #1 saw the male

turn northbound towards the alleyway and run. Witness #1 feared his family could be harmed and they entered the house and closed the door.

Witness #1 described the male who had pointed the pistol at the police officer as Hispanic, 25-29 years old, approximately 6 feet tall, thin build, clean shaven bald head, and dark colored eyes. The male did not have a shirt on but was carrying a shirt over his left shoulder. Witness #1 said the male was wearing dark black and grey plaid shorts that had a long cut.

INCIDENT AUDIO AND VIDEO

BODY WORN CAMERA RECORDINGS. All body worn camera recordings submitted were reviewed in their entirety.¹² Not all the officers involved in the incident under review were wearing body worn cameras. Some footage of the perimeter search conducted by officers was contained on the recordings. Given that the officers spent over an hour searching for Villegas, not all details of the perimeter search will be included in the body worn camera summaries.

Officer Curtis Ford

Officer Ford was wearing a body worn camera during the incident under review. The recording was approximately one hour and forty-six minutes in length. Officer Ford was not present when the lethal force encounter occurred. Therefore, the summary will only cover Officer Ford's initial contact with Villegas.

Villegas could be seen walking on a sidewalk away from Officer Ford. Villegas was wearing dark shorts but no shirt. Officer Ford began to follow Villegas as Villegas continued walking past a silver Ford SUV. As Officer Ford neared the left rear corner of the SUV, Villegas could be seen walking northbound into an alley. Villegas appeared to look over his left shoulder and back towards Officer Ford.

Officer Ford appeared to start running towards the alley as Villegas turned around and began walking back towards the street. Villegas could be seen with his right arm raised. Villegas appeared to be pointing an object towards Officer Ford. Officer Ford could be seen drawing his firearm with his right hand. Officer Ford then turned and ran back towards the driver's side of the SUV. When Officer Ford moved back towards the alley, Villegas was no longer in view.

Officer Ford began to run towards the alley. Villegas could not be seen in the alley. At this point, the audio on the recording started. Officer Ford could be heard talking on the radio. Officer Ford advised Villegas went "westbound in the alley heading towards H." Officer Ford was heard describing Villegas' firearm as a "green tan color." Officer Ford

¹² There was a 30 second delay before any sound on the recordings was audible.

described Villegas as a “HMA, face tats, tattoos all around his neck, grey gym shorts.” Officer Ford advised Villegas was “shirtless.” The video showed Officer Ford running in the alley.

Sergeant Eric Bennett

Sergeant Bennett was wearing a body worn camera during the incident under review. The recording was approximately one hour and thirty-four minutes in length. The summary will only cover from the point where Sergeant Bennett entered the backyard of *** W. Orange St. and end at the point immediately following the lethal force encounter.

Sergeant Bennett and Detective Stack were seen walking to the residence at *** W. Orange St. and walking up to the back of the house. When Sergeant Bennett reached the backyard, other officers were already in the yard conducting a search. Sergeant Bennett unmuted the audio on his body camera and advised dispatch they were searching *** W. Orange St.

Detective Alvarez could be heard on the radio advising dispatch that Villegas was seen near the rear of *** W. Orange St. Sergeant Bennett was heard telling Detective Alvarez on the radio that a set of keys were found near that area of the yard. Detective Alvarez stated Villegas was seen jumping over a wrought iron fence and near a set of stairs and that Villegas had not come out.

Sergeant Bennett, Detective Olvera, and Lieutenant Harris could be seen entering the enclosed backyard. The attention of the officers appeared to be focused on the area beneath the stairs. Villegas was located hiding in a wooden structure. The view of Sergeant Bennett’s body camera was blocked by Sergeant Bennett’s arm. All three officers were heard giving verbal commands to Villegas to show his hands and get out of the box.

Detective Olvera was heard saying, “He’s not coming.” At one point, Sergeant Bennett was heard yelling, “Hands. Hands. You will get shot.” Sergeant Bennett continued to yell for Villegas to show his hands. Sergeant Bennett was heard saying, “Tase him. Tase him.” Another officer could be heard saying, “Taser. Taser. Taser.” A Taser could be heard being deployed.

Villegas could be heard screaming. Detective Olvera was then heard saying, “He’s got a gun.” Multiple gunshots could be heard. Sergeant Bennett was then heard advising dispatch that shots had been fired. Another officer was heard requesting dispatch send medical aid and advising dispatch that Villegas pointed a gun at officers.

Lieutenant Brian Harris

Lieutenant Harris was not wearing a body worn camera during the incident under review.

Sergeant Ernest Luna

Sergeant Luna was not wearing a body worn camera during the incident under review.

Detective Brian Olvera

Detective Olvera was not wearing a body worn camera during the incident under review.

Officer Nathan Guzman

Officer Guzman was wearing a body worn camera during the incident under review. The recording was approximately one hour and twenty-five minutes in length. The summary will cover from the point Officer Guzman entered the backyard to the point immediately following the lethal force encounter.

Officer Guzman could be seen running to the backyard of *** W. Orange St. with his handgun drawn. Sergeant Bennett could be seen pointing his rifle at an area beneath a staircase. Lieutenant Harris was seen standing to the left of Sergeant Bennett. Lieutenant Harris also had his handgun drawn. Detective Olvera was seen standing at the box where Villegas was hiding. Villegas could be seen inside the box with his legs and feet toward the opening of the box. Detective Olvera could be seen standing near the front of the box holding his baton.

Officer Guzman could be seen drawing his Taser and deploying it. Villegas was then seen pointing a tan-colored handgun at the officers as he stuck the gun out of the box opening. Villegas held the gun in his right hand with his middle finger on the trigger. Villegas could be seen moving and pointing the gun directly at the police officers.

Officer Guzman backed away from the box. It appeared that Detective Olvera, Sergeant Luna, Sergeant Bennett, and Lieutenant Harris all began shooting at Villegas while he was still in the box. Officer Ford and Officer Castro could be seen in the backyard. Villegas' gun was seen on the ground behind Lieutenant Harris. Officer Guzman pulled Villegas out of the box and handcuffed him.

WEAPON

A tan .22 caliber Walther P22 handgun, serial number WA270487, was located at the scene.

On August 20, 2020, the handgun was test fired at the San Bernardino Police Department with positive results.

DECEDENT

AUTOPSY. Witness #2, Forensic Pathologist for the San Bernardino County Sheriff's Department Coroner Division, conducted the autopsy of Santos Villegas on September 3, 2020. Witness #2 determined the cause of death was multiple gunshot wounds.

Gunshot Wound Number One¹³:

On the middle of the chest, located 15 ½ inches below the top of the head and at the anterior midline, was a 0.8 cm round entrance gunshot wound at the 3 o'clock position. The direction of the wound path was front to back, left to right, and upwards.

Gunshot Wound Number Two:

On the left upper chest, located 15 7/8 inches below the top of the head and 2 ¾ inches to the left of the anterior midline was a 0.9 x 0.5 cm entrance gunshot wound. On the left upper chest, located 15 ¼ inches below the top of the head and 3 ¼ inches to the left of the anterior midline, was a 2.2 x 1.5 cm exit gunshot wound. The direction of the wound path was right to left and upwards with no significant front/back deviation.

Gunshot Wound Number Three:

On the middle of the upper abdomen, located 25 inches below the top of the head and ¼ inch to the left of the anterior midline was a 1.5 x 1.3 cm entrance gunshot wound with a 0.6 cm wide abrasion along its left lateral margin. On the distal aspect of the right lateral torso, located 25 inches below the top of the head and 5 inches to the right of the anterior midline, was a gaping 11/0 x 10.0 cm exit gunshot wound. The direction of the wound path was front to back and left to right with no significant upward/downward deviation.

¹³ The numbering of the gunshot wounds is for reference only and not meant to indicate the order in which the gunshot wounds occurred.

Gunshot Wound Number Four:

On the upper abdomen, located 24 ½ inches below the top of the head and 1 ¼ inches to the left of the anterior midline, was a 0.6 cm round entrance gunshot wound with an eccentric marginal abrasion measuring up to 0.2 cm at the 5 o'clock position. The direction of the wound path was front to back with no significant right/left or upward/downward deviation.

Gunshot Wound Number Five:

On the right lower abdomen, located 27 ½ inches below the top of the head and 1 inch to the right of the anterior midline, was a 0.9 cm round entrance gunshot wound with a 0.1 cm wide circumferential marginal abrasion. On the distal aspect of the right lateral torso, located 24 ¼ inches below the top of the head and 8 inches to the right of the anterior midline, was a 3.0 x 2.6 cm "x" shaped gunshot exit wound. The direction of the wound path was front to back, left to right, and upwards.

Gunshot Wound Number Six:

On the left lower abdomen, located 26 ¾ inches below the top of the head and 2 ½ inches to the left of the anterior midline, was a 0.5 cm entrance gunshot wound with an eccentric marginal abrasion measuring up to 0.3 cm at the 9 o'clock position. The direction of the wound path was front to back, left to right, and downwards.

Gunshot Wound Number Seven:

On the left lateral chest, located 19 inches below the top of the head and 8 inches to the left of the anterior midline, was a 3.0 x 0.8 cm graze gunshot wound. The direction of the wound path was indeterminate.

Gunshot Wound Number Eight:

On the lateral aspect of the left lower chest, located 20 ½ inches below the top of the head and 7 ½ inches to the left of the anterior midline, was a 3.5 x 1.5 cm gunshot fragment entrance wound with a deep purple ecchymosis along its posterior margin. The direction of the wound path was front to back, left to right, and upwards.

Gunshot Wound Number Nine:

On the distal aspect of the left lateral torso, located 27 inches below the top of the head and 7 ¾ inches to the left of the anterior midline, was a gaping 6.0 x 2.0 cm entrance

gunshot wound. On the right lower back, located 25 ¼ inches below the top of the head and 4 ¾ inches to the right of the posterior midline, was a 0.7 cm lacerated exit gunshot wound. The direction of the wound path was front to back, left to right, and upwards.

Gunshot Wound Number Ten:

On the inferolateral aspect of the left buttock, located 36 ½ inches below the top of the head and 4 ½ inches to the left of the posterior midline, was a 3.0 cm x 0.5 cm gunshot fragment entrance wound with a 1.2 x 0.9 cm abrasion along its medial margin. The direction of the wound path was back to front, left to right, and downwards.

Gunshot Wound Number Eleven:

On the medial aspect of the right elbow, located 11 ¾ inches below the top of the right shoulder, was a 12.3 x 3.8 cm tangential gunshot wound with an abraded posterosuperior margin. The direction of the wound path was back to front and downwards with no significant right/left deviation.

Gunshot Wound Number Twelve:

On the posteromedial aspect of the right mid-thigh, located 23 ¼ inches above the bottom of the right heel, was a 0.7 cm round gunshot fragment entrance wound with a 0.7 cm long abrasion extending from the 10 o'clock position. The direction of the wound path was back to front and upwards with no significant right/left deviation.

Gunshot Wound Number Thirteen:

On the anterior aspect of the proximal right lower leg, located 13 ½ inches above the bottom of the right heel, was a 0.9 cm round entrance gunshot wound with a 0.1 cm wide circumferential marginal abrasion. The direction of the wound path was front to back, right to left, and upwards.

Gunshot Wound Number Fourteen:

On the anterolateral aspect of the mid right lower leg, located 8 ½ inches above the bottom of the right heel, was a 0.5 cm round entrance gunshot wound with an eccentric marginal abrasion measuring up to 0.1 cm at the 2 o'clock position. The direction of the wound path was front to back, right to left, and slightly upwards.

Gunshot Wound Number Fifteen:

On the posterolateral aspect of the left distal arm, located 11 inches below the top of the left shoulder, was a 0.4 cm round entrance gunshot wound with an eccentric marginal abrasion measuring up to 0.3 cm at the 8 o'clock position. On the posteromedial aspect of the left arm, located 8 $\frac{3}{4}$ inches below the top of the left shoulder, was a 13.0 x 7.0 cm gaping exit gunshot wound. The direction of the wound path was left to right and upwards with no significant front/back deviation.

Gunshot Wound Number Sixteen:

On the anteromedial aspect of the left distal thigh, located 18 $\frac{1}{2}$ inches above the bottom of the left heel, was a 5.0 x 0.8 cm tangential gunshot wound with a 0.5 x 0.3 cm abrasion along its inferior border. The direction of the wound path was upwards with no significant front/back or right/left deviation.

Gunshot Wound Number Seventeen:

On the anterolateral aspect of the left mid-thigh, located 25 inches above the bottom of the left heel, was a 0.5 cm round entrance gunshot wound with an eccentric marginal abrasion measuring up to 0.2 cm at the 9 o'clock position. On the posterolateral aspect of the left thigh, located 26 $\frac{3}{4}$ inches above the bottom of the left heel, was a 0.8 cm lacerated exit gunshot wound. The direction of the wound path was front to back and upwards with no significant right/left deviation.

Gunshot Wound Number Eighteen:

On the anterolateral aspect of the left mid-thigh, located 23 $\frac{1}{4}$ inches above the bottom of the left heel, was a 0.5 cm round entrance gunshot wound with an eccentric marginal abrasion measuring up to 0.1 cm at the 9 o'clock position. On the posterolateral aspect of the left thigh, located 26 $\frac{1}{2}$ inches above the bottom of the left heel, was a 0.8 cm lacerated exit gunshot wound. The direction of the wound path was front to back and upwards with no significant right/left deviation.

Gunshot Wound Number Nineteen:

On the anterolateral aspect of the left distal thigh, located 22 inches above the bottom of the left heel, was a 0.5 cm round entrance gunshot wound with an eccentric marginal abrasion measuring up to 0.3 cm at the 5 o'clock position. The direction of the wound path was left to right and upwards with no significant front/back deviation.

Gunshot Wound Number Twenty:

On the anterior aspect of the proximal left lower leg, located 14 inches above the bottom of the left heel, was a 0.5 cm round entrance gunshot wound with an eccentric marginal abrasion measuring up to 0.1 cm at the 9 o'clock position. On the superolateral aspect of the left popliteal fossa, located 17 inches above the bottom of the left heel, was a 1.5 cm lacerated exit gunshot wound. The direction of the wound path was front to back, slightly right to left, and upwards.

Gunshot Wound Number Twenty-One:

On the anteromedial aspect of the proximal left lower leg, located 12 $\frac{3}{4}$ inches above the bottom of the left heel, was a 0.5 cm round entrance gunshot wound with a 0.1 cm wide circumferential marginal abrasion. On the posterolateral aspect of the proximal left lower leg, located 14 $\frac{1}{4}$ inches above the bottom of the left heel, was a 1.2 cm lacerated exit gunshot wound. The direction of the wound path was front to back, right to left, and upwards.

TOXICOLOGY RESULTS. Urine and chest blood samples were collected from Villegas during the autopsy. Drug screen results were as follows: positive for amphetamine, methamphetamine, and oxycodone.

Toxicology results for the **Chest Blood** sample were listed as follows:

- Amphetamine – 51 ng/mL
- Methamphetamine – 770 ng/mL
- Codeine – Free – 7.6 ng/mL
- Morphine – Free – 84 ng/mL

Toxicology results for the **Urine** sample were listed as follows:

- Opiates – presumptive positive
- Amphetamines – presumptive positive
- Fentanyl/Metabolite – presumptive positive
- 6-MAM – Free – 44 ng/mL

CRIMINAL HISTORY. 2003, 215(a) of the Penal Code, Carjacking – Street Gang Act. San Bernardino County case number FWV027771, a felony.

2012, 29800(a)(1) of the Penal Code, Possession of Firearm by Felon, and 186.22(a) of the Penal Code, Participate In Criminal Street Gang. San Bernardino County case number FSB1204678, a felony.

2015, 12500(a) of the Vehicle Code, Driving Without a License, Kern County case number BM859802A, a misdemeanor.

2020, 12500(a) of the Vehicle Code, Driving Without a License, San Bernardino County case number MSB20000743, an infraction.

DE-ESCALATION

Officers who conducted the perimeter search for Villegas were clearly identifiable as law enforcement officers with the San Bernardino Police Department. When officers were made aware that Villegas was seen entering the back yard of *** W. Orange St. but not exiting, officers focused their attention to that area of the residence. Detective Olvera, Sergeant Bennett, Sergeant Luna, and Lieutenant Harris were in the back yard when they noticed Villegas hiding inside a wooden box underneath a staircase.

The officers attempted to de-escalate the situation by giving Villegas verbal commands to get out of the box and to show his hands. When the officers were giving Villegas those verbal commands, Sergeant Bennett warned Villegas he would be shot. Villegas failed to comply with the officers' orders. The officers also attempted to de-escalate the situation by utilizing less lethal force options. After Detective Olvera was able to partially open the box and see Villegas curled up inside. Detective Olvera attempted to grab Villegas but was unable to get a hold of Villegas to pull him out of the box. During the altercation, it appeared to Detective Olvera that Villegas was going to try to kick him. Detective Olvera used his baton to try and prevent Villegas from kicking him. However, because Villegas was confined in a tight space, the baton strikes were ineffective.

Sergeant Bennett told Officer Guzman, who was also present in the back yard, to "tase" Villegas. Officer Guzman yelled out "taser" three times which warned the other officers as well as Villegas that the taser was about to be deployed. Although the taser darts appeared to strike Villegas, the use of the taser was unsuccessful in getting Villegas to show his hands or exit from the box. Instead, the incident quickly escalated. Villegas immediately stuck his handgun out of the box and started pointing the weapon at the officers. At no time during the incident did Villegas comply with the officers' commands.

APPLICABLE LEGAL PRINCIPLES

A peace officer may use objectively reasonable force to effect an arrest if he believes that the person to be arrested has committed a public offense. (Calif. Penal C. §835a(b).)¹⁴ Should an arresting officer encounter resistance, actual or threatened, he need not retreat from his effort and maintains his right to self-defense. (Penal C. §835a(d).) An officer may use objectively reasonable force to effect an arrest, prevent escape or overcome resistance. (Penal C. §835a(d).)

¹⁴ All references to code sections here pertain to the California Penal Code.

An arrestee has a duty to refrain from using force or any weapon to resist arrest, if he knows or should know that he is being arrested. (Penal C. §834a.) This duty remains even if the arrest is determined to have been unlawful. (*People v. Coffey* (1967) 67 Cal.2d 204, 221.) In the interest of orderly resolution of disputes between citizens and the government, a *detainee* also has a duty to refrain from using force to resist detention or search. (*Evans v. City of Bakersfield* (1994) 22 Cal.App.4th 321, 332-333.) An arrestee or detainee may be kept in an officer's presence by physical restraint, threat of force, or assertion of the officer's authority. (*In re Gregory S.* (1980) 112 Cal. App. 3d 764, 778, *citing*, *In re Tony C.* (1978) 21 Cal.3d 888, 895.) The force used by the officer to effectuate the arrest or detention can be justified if it satisfies the Constitutional test in *Graham v. Connor* (1989) 490 U.S. 386, 395. (*People v. Perry* (2019) 36 Cal. App. 5th 444, 469-470.)

An officer-involved shooting may be justified as a matter of self-defense, which is codified in Penal Code at §§196 and 197. Both of these code sections are pertinent to the analysis of the conduct involved in this review and are discussed below.

PENAL CODE SECTION 196. Police officers may use deadly force in the course of their duties, under circumstances not available to members of the general public. Penal Code §196 states that homicide by a public officer is justifiable when it results from a use of force that "is in compliance with Section 835a." Section 835a specifies a ***police officer is justified in using deadly force*** when he reasonably believes based upon the totality of the circumstances, that it is necessary:

- (1) to defend against an imminent threat of death or serious bodily injury to the officer or another, or
- (2) to apprehend a fleeing felon who threatened or caused death or serious bodily injury, if the officer also reasonably believes that the fleeing felon would cause further death or serious bodily injury unless immediately apprehended,

(Penal C. §835a(c)(1).) Discharge of a firearm is "deadly force." (Penal C. §835a(e)(1).) The "[t]otality 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." (Penal C. §835a(e)(3).) A peace officer need not retreat or desist from efforts to arrest a resistant arrestee. (Penal C. §834a(d).) A peace officer is neither deemed the aggressor in this instance, nor does he lose the right of self-defense by the use of objectively reasonable force to effect the arrest, prevent escape or overcome resistance. (*Id.*)

While the appearance of these principals was new to section 835a in 2020,¹⁵ the courts have been defining the constitutional parameters of use of deadly force for many years. In 1985, the United States Supreme Court held that when a police officer has probable cause to believe that the suspect he is attempting to apprehend “has committed a crime involving the infliction or threatened infliction of serious physical harm” to the officer or others, using deadly force to prevent escape is not constitutionally unreasonable. (*Tennessee v. Garner* (1985) 471 U.S. 1, 11-12.) California courts have held that when a police officer’s actions are reasonable under the Fourth Amendment of our national Constitution, that the requirements of Penal Code § 196 are also satisfied. (*Martinez v. County of Los Angeles* (1996) 47 Cal.App.4th 334, 349; *Brown v. Grinder* (E.D. Cal., Jan. 22, 2019) 2019 WL 280296, at *25.) There is also a vast body of caselaw that has demonstrated *how* to undertake the analysis of what is a reasonable use of force under the totality of the circumstances. (See *Reasonableness* discussion, *infra*.) As such, our pre-2020 state caselaw, developed upon the former iteration of section 196, is still instructive.

There are two new factors in section 835a that did not appear in the section previously, nor did they develop in caselaw pertaining to use of deadly force. First, a peace officer must make reasonable efforts to identify themselves as a peace officer and warn that deadly force may be used, prior to using deadly force to affect arrest. (Penal C. §835a(c)(1).) This requirement will not apply if an officer has objectively reasonable grounds to believe that the person to be arrested is aware of those facts. (Penal C. §835a(c)(1).) Second, deadly force cannot be used against a person who only poses a danger to themselves. (Penal C. §835a(c)(2).)

While the codified standards for use of deadly force in the course of arrest are set forth at subsections (b) through (d) of Section 835a, the legislature also included findings and declarations at subsection (a). These findings and declarations lend guidance to our analysis, but are distinct from the binding standards that succeed them within the section. In sum, the findings are as follows:

- (1) that the use of force should be exercised judiciously and with respect for human rights and dignity; that every person has a right to be free from excessive uses of force;
- (2) that use of force should be used only when necessary to defend human life and peace officers shall use de-escalation techniques if it is reasonable, safe and feasible to do so;
- (3) that use of force incidents should be evaluated thoroughly with consideration of gravity and consequence, lawfulness and

¹⁵ Assem. Bill No. 392 (2019-2020 Reg. Sess.) approved by the Governor, August 19, 2019. [Hereinafter “AB-392”]

consistency with agency policies;¹⁶

- (4) that the evaluation of use of force is based upon a totality of the circumstances, from the perspective of a reasonable officer in the same situation; and
- (5) that those with disabilities may be affected in their ability to understand and comply with peace officer commands, and suffer a greater instance of fatal encounters with law enforcement, therefore.

(Penal C. §835a(a).)

PENAL CODE SECTION 197. California law permits *all persons* to use deadly force to protect themselves from the imminent threat of death or great bodily injury. Penal Code §197 provides that the use of deadly force by any person is justifiable when used in self-defense or in defense of others.

The pertinent criminal jury instruction to this section is CALCRIM 505 (“Justifiable Homicide: Self-Defense or Defense of Another”). The instruction, rooted in caselaw, states that a person acts in lawful self-defense or defense of another if:

- (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury;
- (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and
- (3) he used no more force than was reasonably necessary to defend against that danger.

¹⁶ Penal C. §835a (a)(3) conflates a demand for thorough evaluation of a use of force incident with a dictate that it be done “in order to ensure that officers use force consistent with law and agency policies.” On its face, the section is clumsily worded. Nothing included in AB-392 plainly requires that a use of force also be in compliance with agency policies. A provision in the companion bill to AB-392—Senate Bill No. 230 [(2019-2020 Reg. Sess.) approved by the Governor, September 12, 2019] (Hereinafter “SB-230”), does explicitly state that “[a law enforcement agency’s use of force policies and training] may be considered as a factor in the totality of circumstances in determining whether the officer acted reasonably, but shall not be considered as imposing a legal duty on the officer to act in accordance with such policies and training.” (Sen. Bill No. 230 (2019-2020 Reg. Sess.) §1.) It is noteworthy, however, that this portion of SB-230 is uncodified, unlike the aforementioned portion of Penal C. §835a (a)(3).

(CALCRIM 505.) The showing required under section 197 is principally equivalent to the showing required under section 835a(c)(1), as stated *supra*.

IMMINENCE. “Imminence is a critical component” of self-defense. (*People v. Humphrey* (1996) 13 Cal.4th 1073, 1094.) A person may resort to the use of deadly force in self-defense, or in defense of another, where there is a reasonable need to protect oneself or someone else from an apparent, *imminent* threat of death or great bodily injury. “An imminent peril is one that, from appearances, must be instantly dealt with.” (*In re Christian S.* (1994) 7 Cal.4th 768, 783.) The primary inquiry is whether action was instantly required to avoid death or great bodily injury. (*Humphrey, supra*, 13 Cal.4th at 1088.) What a person knows and his actual awareness of the risks posed against him are relevant to determine if a reasonable person would believe in the need to defend. (*Id.* at 1083.) In this regard, there is no duty to wait until an injury has been inflicted to be sure that deadly force is indeed appropriate. (*Scott v. Henrich, supra*, 39 F. 3d at 915.)

Imminence more recently defined in the context of use of force to effect an arrest, is similar:

A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

(Penal C. §835a(e)(2).)

REASONABLENESS. Self-defense requires both subjective honesty and objective reasonableness. (*People v. Aris* (1989) 215 Cal.App.3d 1178, 1186.) The United States Supreme Court has held that an officer’s right to use force in the course of an arrest, stop or seizure, deadly or otherwise, must be analyzed under the Fourth Amendment’s “reasonableness” standard. (*Graham v. Connor, supra*, 490 U.S. at 395.)

The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than with the 20/20 vision of hindsight....The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.

(*Id.* at 396-397, citations omitted.)

The “reasonableness” test requires an analysis of “whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” (*Id.* at 397, citations omitted.) What constitutes “reasonable” self-defense or defense of others is controlled by the circumstances. A person’s right of self-defense is the same whether the danger is real or merely apparent. (*People v. Jackson* (1965) 233 Cal.App.2d 639.) If the person’s beliefs were reasonable, the danger does not need to have actually existed. (CALCRIM 505.) Yet, a person may use no more force than is reasonably necessary to defend against the danger they face. (CALCRIM 505.)

When deciding whether a person’s beliefs were reasonable, a jury is instructed to consider the circumstances as they were known to and appeared to the person and considers what a reasonable person in a similar situation with similar knowledge would have believed. (CALCRIM 505.) It was previously held that in the context of an officer-involved incident, this standard does not morph into a “reasonable police officer” standard. (*People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147.)¹⁷ To be clear, the officer’s conduct should be evaluated as “the conduct of a reasonable person functioning as a police officer in a stressful situation.” (*Id.*)

The *Graham* court plainly stated that digestion of the “totality of the circumstances” is fact-driven and considered on a case-by-case basis. (*Graham v. Connor, supra*, 490 U.S. at 396.) As such, “reasonableness” cannot be precisely defined nor can the test be mechanically applied. (*Id.*) Still, *Graham* does grant the following factors to be considered in the “reasonableness” calculus: the severity of the crime committed, whether the threat posed is immediate, whether the person seized is actively resisting arrest or attempting to flee to evade arrest. (*Id.*)

Whether the suspect posed an immediate threat to the safety of the officer or others has been touted as the “most important” *Graham* factor. (*Mattos v. Agarano* (9th Cir. 2011) 661 F.3d 433, 441-442.) The threatened use of a gun or knife, for example, is the sort of immediate threat contemplated by the United States Supreme Court, that justifies an officer’s use of deadly force. (*Reynolds v. County of San Diego* (9th Cir. 1994) 858 F.Supp. 1064, 1071-72 “an officer may reasonably use deadly force when he or she confronts an armed suspect in close proximity whose actions indicate an intent to attack.”) Again, the specified factors of *Graham* were not meant to be exclusive; other factors are taken into consideration when “necessary to account for the totality of the circumstances in a given case.” (*Mattos v. Agarano, supra*, 661 F.3d at 441-442.)

The use of force policies and training of an involved officer’s agency *may* also be considered as a factor to determine whether the officer acted reasonably. (Sen. Bill No. 230 (2019-2020 Reg. Sess) §1. See fn. 3, *infra*.)

¹⁷ The legislative findings included in Penal C. section 835a(a)(4) suggest to the contrary that “the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation”. As such, if the officer using force was acting in an effort to *effect arrest*, as is governed by section 835a, then it appears the more generous standard included there would apply.

When undertaking this analysis, courts do not engage in *Monday Morning Quarterbacking*, and nor shall we. Our state appellate court explains,

under *Graham* we must avoid substituting our personal notions of proper police procedure for the instantaneous decision of the officer at the scene. We must never allow the theoretical, sanitized world of our imagination to replace the dangerous and complex world that policemen face every day. What constitutes ‘reasonable’ action may seem quite different to someone facing a possible assailant than to someone analyzing the question at leisure.

(*Martinez v. County of Los Angeles, supra*, 47 Cal.App.4th at 343, citing *Smith v. Freland* (6th Cir. 1992) 954 F.2d 343, 347.) Specifically, when a police officer reasonably believes a suspect may be armed or arming himself, it does not change the analysis even if subsequent investigation reveals the suspect was unarmed. (*Baldrige v. City of Santa Rosa* (9th Cir. 1999) 1999 U.S. Dist. LEXIS 1414 *1, 27-28.)

The Supreme Court’s definition of reasonableness is, therefore, “comparatively generous to the police in cases where potential danger, emergency conditions or other exigent circumstances are present.” (*Martinez v. County of Los Angeles, supra*, 47 Cal.App.4th at 343-344, citing *Roy v. Inhabitants of City of Lewiston* (1st Cir. 1994) 42 F.3d 691, 695.) In close-cases therefore, the Supreme Court will surround the police with a fairly wide “zone of protection” when the aggrieved conduct pertains to on-the-spot choices made in dangerous situations. (*Id.* at 343-344.) One court explained that the deference given to police officers (versus a private citizen) as follows:

unlike private citizens, police officers act under color of law to protect the public interest. They are charged with acting affirmatively and using force as part of their duties, because ‘the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it.’

(*Munoz v. City of Union City* (2004) 120 Cal.App.4th 1077, 1109, citing *Graham v. Connor*, [*supra*] 490 U.S. 386, 396.)

NON-LETHAL FORCE. This does not suggest that anything *less than* deadly force requires no justification. “[A]ll force—lethal and non-lethal—must be justified by the need for the specific level of force employed.” (*Bryan v. MacPherson* (9th Cir. 2010) 630 F.3d 805, 825, citing *Graham v. Connor* (1989) 490 U.S. [386], 395.) The *Graham* balancing test, as described *supra*, is used to evaluate the reasonableness of lethal and non-lethal force, alike. (*Deorle v. Rutherford* (9th Cir. 2001) 272 F.3d 1272, 1282-83.)

Use of a taser or a shotgun-fired bean bag has been categorized as intermediate non-lethal force. (*Bryan v. MacPherson, supra*, 630 F.3d at 825[taser]; *Deorle v. Rutherford, supra*, 272 F.3d at 1279-80 [bean bag].) This designation exists despite the fact that such force is *capable* of being used in a manner causing death. (*Id.*) To be deemed

“lethal force” the instrumentality must be force that “creates a substantial risk of death or serious bodily injury.” (*Smith v. City of Hemet* (9th Cir. 2005) 394 F.3d 689, 693.); use of a taser or shotgun-fired bean bag both fall short of this definition. (*Bryan v. MacPherson*, *supra*, 630 F.3d at 825; *Deorle v. Rutherford*, *supra*, 272 F.3d at 1279-80.) Similarly, the use of a trained police dog does not qualify as “deadly force” as it too has fallen short of the lethal force definition set forth in *Smith*. (*Thompson v. County of Los Angeles* (2006) 142 Cal.App.4th 154, 165-169.)

Beyond the traditional *Graham* factors, and particularly in the use of non-lethal force, the failure of officers to give a warning and the subject’s mental infirmity can also be considered when assessing the totality of the circumstances. (*Bryan v. MacPherson*, *supra*, 630 F.3d at 831; *Deorle v. Rutherford*, *supra*, 270 F.3d at 1283-84.)

Failure to pass-muster under *Graham* can deem the use of non-lethal force as “excessive” and therefore violate the Fourth Amendment. (*Id.*) On the other hand, active resistance could justify multiple applications of non-lethal force to gain compliance and would not be deemed “excessive” nor violate the Fourth Amendment. (*Sanders v. City of Fresno* (9th Cir. 2008) 551 F.Supp.2d 1149, 1182 [not excessive to use physical force and tase an unarmed but actively resisting subject with 14 taser cycles where such was needed to gain physical control of him].)

ANALYSIS

In this case, Detective Olvera, Sergeant Bennett, Sergeant Luna, and Lieutenant Harris each had an honest and objectively reasonable belief Villegas posed an imminent risk of serious bodily injury or death. During Officer Ford’s attempt to contact Villegas, Villegas turned and pointed a gun at Officer Ford. Officer Ford indicated Villegas racked the gun and pulled the trigger, but the gun did not fire. Villegas’ actions in trying to shoot a police officer were witnessed by Witness #1. After the incident, Officer Ford advised dispatch what happened and requested back up. Dispatch relayed the information to responding officers that Villegas had pointed a weapon at Officer Ford. A perimeter was set up and officers started their search for Villegas. The involved officers were either wearing San Bernardino Police Department uniforms or wearing vests that clearly identified them as police officers.

The search for Villegas eventually focused on the back yard of *** W. Orange St. Detective Alvarez reviewed surveillance video from a security camera at a nearby gas station and saw Villegas go into the back yard of the location but never exit. Detective Alvarez relayed that information to the officers at the scene. Officers then made their way to the rear yard and continued to search for Villegas. Detective Olvera saw a small wooden box underneath a staircase. Villegas was hiding inside the box. Detective Olvera, Sergeant Bennett, Sergeant Luna, and Lieutenant Harris approached the box with their weapons drawn and started giving verbal commands for Villegas to get out of the box and to show his hands. Villegas refused to comply with the officers’ commands.

Detective Olvera started to take apart the box to try to get Villegas out of the box. Villegas' hands were not visible to the officers. The fact the officers were unable to see either of Villegas' hands or any weapon was of deep concern. Detective Olvera, Sergeant Bennett, Sergeant Luna, and Lieutenant Harris knew Villegas was likely armed given that Villegas had already pointed the gun directly at Officer Ford. More importantly, Sergeant Bennett and Sergeant Luna were aware Villegas had in fact attempted to shoot Officer Ford, but the gun did not fire. Consequently, Villegas' repeated refusal to get out of the box and show his hands caused the officers to fear for their physical safety.

Efforts by the officers to use less lethal means of force, including a baton and a taser, to de-escalate the situation were ultimately unsuccessful in gaining any compliance from Villegas. Instead, the situation quickly escalated, and the danger Villegas posed to the officers increased significantly. After Officer Guzman deployed his Taser, Villegas immediately stuck a gun out of the box and pointed the weapon directly at the officers. Villegas' actions clearly demonstrated to Detective Olvera, Sergeant Bennett, Sergeant Luna, and Lieutenant Harris an intent to cause serious bodily injury or death. Forced to act quickly and decisively, the officers fired their weapons at Villegas. At that critical time, Detective Olvera, Sergeant Bennett, Sergeant Luna, and Lieutenant Harris honestly and reasonably feared for their individual lives as well as the lives of their partners. Given those circumstances, the decision by Detective Olvera, Sergeant Bennett, Sergeant Luna, and Lieutenant Harris to use deadly force was justified.

CONCLUSION

Based on the facts presented in the reports and the applicable law, Sergeant Bennett's use of lethal force was a proper exercise of Sergeant Bennett's right of self-defense and defense of others and therefore his actions were legally justified.

Based on the facts presented in the reports and the applicable law, Lieutenant Harris' use of lethal force was a proper exercise of Lieutenant Harris' right of self-defense and defense of others and therefore his actions were legally justified.

Based on the facts presented in the reports and the applicable law, Sergeant Luna's use of lethal force was a proper exercise of Sergeant Luna's right of self-defense and defense of others and therefore his actions were legally justified.

Based on the facts presented in the reports and the applicable law, Detective Olvera's use of lethal force was a proper exercise of Detective Olvera's right of self-defense and defense of others and therefore his actions were legally justified.

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