



PUBLIC RELEASE MEMORANDUM

Date: March 28, 2025

Subject: **Fatal Officer-Involved Incident**

Involved Officers: Officer Alex Yanez
Fontana Police Department

Involved Subject/DOB: Larry Luis Mendez (DOB: 04/08/1983)

Incident Location: I10-Freeway Eastbound Onramp at Milliken Avenue

Incident Date: July 12, 2021

Case Agent/Agency: Detective Gary Naranjo
Ontario Police Department

Agency Report #: 210700428

DA STAR #: 2023-00-0037210

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PREAMBLE

This was a fatal officer involved shooting by an officer from the Fontana Police Department (FPD). The shooting was investigated by the Ontario Police Department (OPD). This factual summary is based on a thorough review of all the investigative reports, photographs, and audio/visual recordings submitted by OPD, DR# 210700428.

FACTUAL SUMMARY

On July 12, 2021, at approximately 2:58p.m., FPD Officer Guillermo Bermudez attempted a traffic stop on Larry Mendez in the area of Bloomington, County of San Bernardino. As Bermudez got out of his marked black and white patrol vehicle, Mendez took off in a 2005 Lexus LS430 at a high rate of speed. Mendez led officers on a high-speed pursuit through the City of Bloomington eventually entering the I10-Freeway and proceeding westbound. During the pursuit, Mendez reached speeds upwards of 90mph, drove into oncoming traffic, and drove through multiple construction zones.

In the area of Milliken Avenue and the I10-Freeway, the OPD Airship (helicopter) joined the pursuit and began calling out direction of travel. Eventually, Mendez travelled through a construction zone that led him to the Haven Avenue offramp of the I10-Freeway. Mendez made a left hand turn and then quickly got back on the I10-Freeway going eastbound. Mendez proceeded toward the Milliken Avenue offramp through another construction zone, knocking over several traffic cones in the process. Mendez took the Milliken Avenue offramp and, before coming to the end of the offramp, abruptly turned over the median onto the onramp in an apparent attempt to continue his flight. At this time, FPD officers conducted a Precision Immobilization Technique Maneuver (PIT), causing Mendez's vehicle to spin, facing backwards down the onramp. Mendez proceeded down the onramp in reverse, knocking over a metering light in the process. After knocking over the metering light, Mendez again began driving forward where he was the subject of a second PIT. Immediately following the second PIT, three patrol cars pinned Mendez in.

Three officers, including Officer Alex Yanez got out of their patrol cars with guns drawn. Yanez positioned himself on the hood of a patrol unit. Officers gave Mendez several commands to not move and show his hands. Mendez ignored those commands. Instead, Mendez continued to try to drive his car through the patrol car barricade in the direction of Bermudez. At this time, Yanez fired six rounds through the driver's window in the direction of Mendez. Mendez was struck by all six rounds and sustained fatal injuries as a result.

On the floor of Mendez's vehicle under a camouflage bag, OPD officers observed the muzzle of a silver-colored, small-framed, Wischo-Kgerlangen .25 caliber, semiautomatic pistol. The handgun had an empty chamber and an empty magazine inserted. Inside the camouflage bag was 1.9 grams of methamphetamine and a methamphetamine pipe.

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STATEMENTS BY POLICE OFFICERS¹

Officer Alex Yanez was interviewed by Detective Naranjo of OPD on July 23, 2021. Also present during the interview were Detectives Zeen and Sadeghian of OPD, along with legal counsel for Officer Yanez, Christopher Kucharski.

On July 12, 2021, Officer Yanez had been employed as a peace officer for two years with FPD. On that date, he wore a black polo shirt with FPD patches on both shoulders and his name on the front. Yanez wore a duty-belt containing a tourniquet, keys, a Glock 22 duty-weapon, handcuffs, Rapid Containment Baton (RCB), radio, taser, and two extra magazines. Yanez was equipped with a body-worn camera, which was recording during this Lethal Force Encounter (LFE). Yanez had callsign 2 Paul 42 and drove FPD unit F18.

On July 12, 2021, Officer Yanez traveled in the area of Cherry Avenue and Jurupa Avenue in the City of Fontana when he heard a pursuit call over the radio. The radio message indicated that a suspect had fled the vehicle on foot in the area where a traffic stop was attempted. The radio message further indicated that there was potentially a passenger in the vehicle that was fleeing from officers. Yanez self-dispatched to assist the solo FPD officer involved in the pursuit. Yanez stood by at Citrus Avenue and the I10-Freeway in the City of Fontana when he heard that the suspect, later identified as Larry Mendez, was exiting the I10-Freeway at Citrus Avenue. At that time, Yanez became the primary officer in the pursuit. Yanez observed Mendez to be driving a silver four-door Lexus sedan.

Officer Yanez observed Mendez exit the freeway with a female passenger in the back seat. Mendez proceeded towards Valley Boulevard and went head-on with oncoming traffic. At the last second, Mendez made a U-turn and went back towards the I10-Freeway. Yanez advised his partners of Mendez's driving over the radio. When it was safe to do so, Yanez made a U-turn and continued his pursuit of Mendez. Yanez was now third in the pursuit. Mendez entered the I10-Freeway westbound and continued fleeing from officers, reaching speeds in excess of 90mph. Yanez observed Mendez driving extremely recklessly, going at a high rate of speed, weaving in and out of traffic, and travelling on the shoulder of the freeway before abruptly cutting back into traffic lanes. As the pursuit neared the Haven Avenue off-ramp, Mendez proceeded through a construction zone on the right side of the I10-Freeway. Mendez then exited at Haven and proceeded to immediately re-enter the I10-Freeway going eastbound. Mendez again drove through a construction zone, hitting traffic cones in the process.

As Mendez approached Milliken Avenue and the I10-Freeway, he appeared to be taking that exit. Mendez took the exit, but before reaching the end, turned across a concrete median back onto the I10-Freeway eastbound. At that time, an officer conducted a PIT maneuver on Mendez's vehicle, causing Mendez to spin and proceed backwards towards a metering light. Mendez's vehicle hit the metering light, knocking it to the ground. A second PIT maneuver was conducted by another officer on Mendez's vehicle. Mendez's vehicle struck yellow attenuators

¹ Herein is a summary only. All reports submitted were reviewed, but not all are referenced here.

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lining the edge of the onramp. Three FPD units were able to box in Mendez's vehicle and the officers driving those FPD units exited their vehicles. Yanez's vehicle was at a 90-degree angle to the rear driver's-side door of Mendez's vehicle.

Officer Yanez became concerned that he might be hit by the suspect vehicle as he stood in between the suspect vehicle and a patrol car. Consequently, Yanez jumped onto the hood of a patrol unit and drew his firearm, pointing it at Mendez. Yanez observed Officer Hart towards the rear driver's side door of Mendez's vehicle to Yanez's right and Officer Bermudez in front of Mendez's vehicle to Yanez's left. Yanez heard the engine of Mendez's vehicle revving and saw the tires moving. Meanwhile, Mendez reached to his right towards the passenger seat of his vehicle while turning his torso in that direction. Officer Bermudez remained to Yanez's left in the direction Mendez appeared to be aiming his vehicle. Fearing that Bermudez would be struck by Mendez's vehicle, Yanez fired from his duty-weapon to stop the threat, from four to seven feet away. Once it appeared the threat had been neutralized, Yanez stopped firing and checked to see if his partners had been hurt. When it appeared that his partners were okay, Yanez then realized he needed to render aid to Mendez.

Officer Yanez observed another officer remove the female passenger from the rear seats of Mendez's vehicle. Yanez put on safety-gloves and worked with yet another officer to pull Mendez from the vehicle. Yanez put Mendez's vehicle in park and shut off the ignition. Once the officers pulled Mendez from the vehicle, Yanez started chest compressions on Mendez. After a round of 30 chest compressions, Yanez was removed from performing life-saving treatment to Mendez and other officers took over. Yanez was escorted from the scene by a corporal and checked for any injuries that may have resulted from this LFE.

Officer Guillermo Bermudez was interviewed by Detective Mena of OPD on July 15, 2021. Also present during the interview were Detectives Naranjo and Zeen of OPD.

On July 12, 2021, Officer Bermudez had been employed as a peace officer for 17.5 years, nearly five of those with FPD. On that date, Bermudez wore black boots, black Battle Dress Uniform (BDU) pants, a black FPD polo shirt, and a black tactical vest. The tactical vest had a FPD cloth badge affixed to the front along with the word "police" written in white block lettering on the back. The black FPD polo shirt had FPD shoulder patches, which were visible from under the tactical vest. Bermudez was equipped with a duty-weapon, which was in a holster on his hip. Attached to his tactical vest, Bermudez carried handcuffs, pens, a back-up firearm, extra magazines, keys, flashlight, and a holder for his body-worn camera. In the holder for the body-worn camera, Bermudez had his body-worn camera, which was activated during this LFE. Bermudez had call-sign 2 Paul 43 and drove marked police Unit F35.

On July 12, 2021, at approximately 3:00p.m., Officer Bermudez was driving in the area of Ninth Street, west of Cedar Avenue in the unincorporated area of Bloomington. At that time, Bermudez observed what he believed to be a silver Mercedes make a right turn west onto Ninth Street from Cedar. During the turn, the vehicle went onto the wrong side of the roadway and

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parked on the left side of the road, facing the wrong direction. Bermudez attempted to initiate a traffic stop for these vehicle code violations by activating his overhead emergency lights. Bermudez pulled his police vehicle behind the suspect vehicle and got out of the car. As soon as Bermudez got out of the car, the suspect vehicle sped off west on Ninth Street. The suspect vehicle made a quick right turn north onto Oak Street. Mid-block, the suspect vehicle stopped on the left side of the roadway and a male passenger exited the vehicle. The male passenger took off on foot towards a nearby alleyway. It appeared that a male driver and female passenger remained in the suspect vehicle. The suspect vehicle then continued north on Oak. Bermudez attempted to activate his siren. Upon trying to do so, Bermudez discovered the siren was not functioning properly and he would have to manually operate the siren by continually pressing the siren button. Bermudez used his radio to alert dispatch that he was involved in a pursuit.

As the suspect vehicle continued north on Oak Street, it reached speeds of 60mph and ran multiple stop signs. The suspect vehicle next made a right turn onto Jurupa Avenue, failing to stop at a posted stop sign then turned left onto northbound Cedar Avenue. Once on Cedar, the suspect vehicle began driving northbound in the southbound lanes. The suspect vehicle was still driving in excess of the posted speed limit. As the suspect vehicle approached Cedar and Slover Avenue, Bermudez observed a San Bernardino County Sheriff's deputy waiting in the left turn lane on Cedar headed eastbound on Slover. The suspect vehicle nearly collided head on with the sheriff's vehicle that was waiting to make the turn. The suspect vehicle swerved around the sheriff's deputy back into the correct lanes of traffic and continued northbound on Cedar. As the suspect vehicle approached the freeway overpass, it again drove on the wrong side of the road in attempts to evade officers. The suspect vehicle then entered the I10-Freeway westbound at Cedar. The driver of the suspect vehicle was later determined to be Larry Mendez.

When Mendez drove onto the freeway, he accelerated to 80 or 90mph. As Mendez approached the Sierra Avenue exit, he cut-off several vehicles and began to exit the freeway; however, Mendez cut across the gore point and made his way back onto the I10-Freeway. Once back on the I10-Freeway, Mendez drove in and out of lanes before taking the Citrus Avenue exit. Mendez turned north on Citrus. At that time, another officer joined the pursuit. At Citrus and Valley Boulevard, Mendez made an abrupt U-turn, travelling back towards the I10-Freeway. Mendez entered the I10-Freeway westbound and again reached speeds around 90mph. At Cherry Avenue, Mendez again exited the freeway, but he quickly got right back on the I10-Freeway continuing west. Multiple cars swerved and braked to avoid Mendez at the Cherry Avenue exit. Mendez proceeded to the left shoulder on the I10-Freeway at a high rate of speed, kicking up dust which obscured Officer Bermudez's vision as he attempted to follow Mendez and caused Bermudez to slow his patrol vehicle. Mendez increased separation from Bermudez. Bermudez lost sight of Mendez briefly and believed Mendez may have exited at Etiwanda Avenue. Bermudez called out to his partners to check the Etiwanda exit, when he saw Mendez continue to weave through traffic ahead on the I10-Freeway.

The pursuit continued westbound on the I10-Freeway. Near Milliken Avenue, the Ontario Airship joined the pursuit. Up to that point, Bermudez had been on the radio calling out the

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progress of the pursuit to the other officers. Once the airship arrived, it took over calling out the pursuit's progress. As the Ontario Airship joined the pursuit, Mendez drove to the right of K-rail along the right side of the I10-Freeway westbound into a construction zone. Officer Bermudez noted that this meant that the suspect would be forced to exit the freeway at Haven Avenue. Mendez exited the I10-Freeway at Haven and turned southbound on Haven, quickly taking the onramp and getting back on the I10-Freeway eastbound.

Mendez continued eastbound on the I10-Freeway. Shortly thereafter, Mendez reached another construction zone. Mendez again drove through the construction zone, hitting construction cones in the process. Mendez took the right-hand shoulder all the way to the Milliken Avenue exit. Mendez took the Milliken exit. At the stoplight at the end of the offramp, traffic had backed up. Mendez made a U-Turn across a cement divider in the roadway which led him to the Milliken Avenue eastbound onramp. Believing Mendez was about to proceed the wrong way on the freeway, Officer Bermudez engaged Mendez in a PIT maneuver, striking the driver's side of Mendez's vehicle. This caused the back end of Mendez's vehicle to spin around so that it was now facing Bermudez. Mendez continued backing into a metering light, whereupon he was struck with a second PIT by another officer. Several officers were then able to pin Mendez's vehicle in. At that time, Bermudez got out of his patrol vehicle and was prepared for a foot pursuit, as he noted often happens at the termination of a vehicle pursuit.

Officer Bermudez began to give Mendez commands, saying, "I'm going to shoot you" repeatedly. Despite these commands and commands of other officers telling Mendez to stop, Mendez's vehicle continued moving forward. At that time, Bermudez was standing between Mendez's vehicle and a patrol car and the only means of escape for Mendez appeared to be in Bermudez's direction. Bermudez heard shots fired from his right and observed the driver's window of Mendez's vehicle shatter. Bermudez backed up to get a better view of Mendez's vehicle at which time he observed Mendez was still not complying – Mendez appeared to be reaching towards the back seat. Bermudez observed the female passenger in the rear seats of Mendez's car appear to be panicking. Bermudez asked for other officers to cover him while he went to the passenger side of Mendez's vehicle. Bermudez dragged Mendez out of the vehicle and away from fluid leaking from Mendez's vehicle. Bermudez checked Mendez's pulse and felt none. Officer Yanez began chest compressions on Mendez, when Sergeant Lang arrived and asked who fired their duty-weapon. When Yanez indicated he had fired, Yanez was removed from chest compressions, which were taken over by Officer Hart. Within a minute, medical personnel arrived. Bermudez maintained the scene until Mendez was transported away.

Officer Taylor Hart was interviewed by Detective Sadeghian of OPD on July 14, 2021. Also present during the interview were Detectives Mena and Naranjo of OPD.

On July 12, 2021, Officer Hart had been employed as a peace officer for five years with FPD. On that date, Hart wore black tactical pants, a black polo shirt with FPD patches on each sleeve. Over the vest, Hart wore a bullet-proof vest with an affixed FPD badge and his name across the right side of his chest. On the vest, Hart had his body-worn camera attached and had three pairs

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of handcuffs, along with a tourniquet inside the vest. Hart's body-worn camera was recording during this LFE. Hart also wore a duty-belt containing a duty-weapon and keys. Hart had callsign 2 Paul 33 and drove FPD unit F8.

On July 12, 2021, Officer Hart participated in a pursuit of a suspect later identified as Larry Mendez. Hart began his portion of the pursuit at approximately 3:00p.m. at the I10-Freeway and Haven Avenue travelling westbound. Hart joined the pursuit of Mendez already in progress and found himself as the first vehicle behind Mendez upon joining the pursuit. Mendez had created distance between himself and other police vehicles involved in the pursuit by driving through construction zones. As Hart followed Mendez, Mendez exited at Haven Avenue and proceeded to immediately re-enter the I10-Freeway going eastbound. Traffic on the I10-Freeway eastbound was heavy with traffic nearly at a standstill. Mendez drove through traffic, splitting cars and proceeding through a coned-off construction zone on the right-shoulder of the I10-Freeway eastbound. Mendez struck several cones as he proceeded at a high rate-of-speed through the construction zone. Hart observed Mendez travel at speeds in excess of 80 to 90mph during the pursuit.

Mendez then approached the Milliken Avenue off-ramp, which he proceeded to take. The off-ramp had a rock center median separating it from the I10-Freeway eastbound on-ramp. Mendez drove across the rock center median in an apparent attempt to rejoin the I10-Freeway eastbound. At that time, a police vehicle driven by Officer Bermudez approached from Officer Hart's left and struck the driver's side of Mendez's vehicle. Mendez's vehicle spun and Mendez appeared to quickly put his vehicle in reverse and continue backwards down the onramp. While proceeding backwards, Mendez hit a metering pole, knocking it over. At that time, Hart struck Mendez's vehicle with his own patrol vehicle. Though Mendez continued to drive, Hart was able to position his patrol vehicle in front of Mendez's vehicle. Hart quickly parked and jumped out of his patrol vehicle.

Officer Hart began to give Mendez commands to stop and get out of his vehicle. Mendez appeared to be panicking – Mendez had his left hand up, but continued to reach around with his right hand and look about as if searching for a way out of the situation. Hart drew his duty-weapon and kept it pointed at Mendez as Hart gave Mendez those commands. At that time, Hart could see other officers outside their vehicles. Hart moved to the driver's side rear window, which was open, and continued to give Mendez commands to stop and get out of the vehicle. Hart then heard Mendez's engine rev and Hart observed the rear tires of Mendez's car begin to spin. Hart was aware of another officer to his left and he was concerned that Mendez would hit that officer with Mendez's vehicle. Hart next heard four to six gunshots and observed the driver's window shatter. The shattered window obscured Hart's vision, so Hart kicked the glass out of the way. One officer removed a female from the backseat of Mendez's vehicle. Officer Hart tried to open the driver's door to remove Mendez from the vehicle, but was unable to open the driver's door. Another officer, possibly Officer Bermudez, went around to the passenger side of Mendez's vehicle and was able to remove Mendez from the vehicle.

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Officers moved Mendez away from fuel that was on the ground and laid him down on the pavement. Once Mendez was on the ground, officers began performing life-saving treatment. Officer Hart began CPR and continued until he was relieved by other personnel.

STATEMENTS BY CIVILIAN WITNESSES²

Witness #1 was interviewed by Detective Patrick Woolweaver of OPD on July 12, 2021.

Witness #1 indicated that she began her day of the LFE at her boyfriend Larry Mendez's house in Watts. At around four or five o'clock in the morning the two left Mendez's house and traveled to Witness #1's trailer for her to change. They then returned to Mendez's house where Witness #1 fell asleep. Witness #1 awoke later to find Mendez carrying her to the front seat of a car. Mendez does not have a car. The next thing Witness #1 remembered as she went in and out of sleep was someone asking Mendez to be dropped off. Witness #1 was told to get in the back seat and the other individual sat in front where Witness #1 was previously sleeping.

Witness #1 did not answer whether she knew the person they gave a ride to. Witness #1 stated she had only known Mendez for two to three weeks. Witness #1 described their passenger as "look[ing] Mexican" and indicated that he was older than she was (xx years old), possibly 25-30 years of age. Contrary to her prior statement, Witness #1 then indicated that the person they picked up got in the back seat of their car and she remained in the front seat.

Witness #1 provided that she was in the front seat and Mendez yelled at her to get in the back seat in a panicked tone. Mendez was driving fast and his friend was no longer in the car. While Witness #1 was being yelled at to get into the back seat, Mendez was driving on a "dirt road." Witness #1 obliged and got into the back seat.

Suddenly, something hit Witness #1 and Mendez's vehicle and police were all around their vehicle. Witness #1 next noticed several police vehicles hitting their car. Mendez told Witness #1 he was sorry and that he loved her repeatedly. Witness #1 thought her car was struck five times by police vehicles and that there were five patrol cars around her car. Witness #1 admitted that she heard police sirens and heard police saying, "freeze, don't go." Witness #1 thought that Mendez continued to drive at that time because she heard car wheels spinning. Witness #1 told Mendez to stop because there were police at the window of their car. Witness #1 stated that there was no purpose to what Mendez was doing while police were trying to stop Mendez. Witness #1 continued to hear the wheels of their car spinning. Police officers told Witness #1 and Mendez to freeze and put their hands up at that time. Witness #1 obeyed law enforcement's commands and Mendez did not.

² All reports of civilian statements made were reviewed, though not all are summarized here.

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Instead, Mendez focused his attention on Witness #1 in the back seat of the car. At that time, police officers started shooting at Mendez while he faced towards Witness #1. Witness #1 heard five shots. The wheels of their car stopped spinning. Police officers continued to give commands to Mendez to put his hands up. Mendez continued to tell Witness #1 he was sorry and that he loved her. Mendez then fell asleep. Next, a female police officer opened her door and got her out of the car, asking if there was anything sharp in her pockets. The officer asked Witness #1 if she was okay and if she needed medical attention. Upon being removed from the car, Witness #1 saw the car from the outside for the first time stating it was either a Lexus or Mercedes, gray in color.

Witness #1 indicated that she did not know whether Mendez had any weapons in the car and never saw any. Witness #1 relayed that she knows Mendez to drink and use drugs. She thinks that Mendez's drug of choice is methamphetamine. Witness #1 "caught" Mendez using methamphetamine two weeks prior. Witness #1 herself last used methamphetamine two to three days prior. Witness #1 cannot tell when Mendez is on drugs because he has ADHD. She stated that neither Witness #1 nor Mendez used drugs the day of the LFE.

INCIDENT AUDIO/VISUAL RECORDINGS

BODY-WORN CAMERAS. All body-worn camera recordings submitted were reviewed in their entirety, though not all are summarized here. The summaries of the body-worn camera recordings end at the point immediately following the LFE.

Officer Alex Yanez

Officer Yanez was wearing a body-worn camera that was activated during the LFE. The recording is six minutes and thirty-four seconds³.

A light-colored Lexus is visible through the windshield. Officer Yanez opens his patrol vehicle door and appears as if he is going to get out. A second patrol unit drove into view from the left. Yanez got back into his patrol car and continued driving for a short distance. A voice was heard over the radio indicating that Mendez just ran over a stop-light and that officers were boxing Mendez in. Yanez parked his patrol vehicle facing the driver's side of Mendez's vehicle towards the rear of Mendez's car. A second patrol car parked to Yanez's left facing the front of the driver's side of Mendez's vehicle.

³ The first one minute and fifty-two seconds of the recording appears to be the pursuit of Mendez. Officer Yanez is seated, driving a patrol car and his body-worn camera is affixed at approximately chest height. Based on the positioning of the camera, the pursuit cannot be viewed. Instead, the footage shows the patrol vehicle's dashboard, traffic signals, and the sky. For this reason, the description of the body-worn camera footage provided above starts the moment Officer Yanez first attempts to exit his patrol vehicle.

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Yanez drew his duty-weapon and pointed it in Mendez's direction. Yanez loudly states: "Let me see your fucking hands." Other officers stated, "I will shoot you" and "get out of the fucking car" to Mendez. Yanez climbed on the hood of the patrol vehicle to his left while two other officers approached Mendez's vehicle from the left. One officer positioned himself near the driver's-side front tire and the second positioned himself directly in front of Mendez's driver's side rear window. Yanez remained perched on the hood of the patrol car. Officers repeatedly told Mendez to stop moving and that he is going to get shot.

Mendez's vehicle appeared to be moving forward in the direction of the officer positioned near the driver's side front tire. Yanez fired six shots through the driver's window, causing the glass to shatter. Someone radios "shots fired." Yanez yelled at Mendez not to move and to stop reaching. Another officer said that he cannot see Mendez's right hand and Yanez concurs with that statement. The officer positioned to the driver's side rear door kicked out the shattered glass of the driver's window, which allowed a clearer sightline into Mendez's vehicle.

Officers continued to give Mendez commands to put his hands out the window. Yanez got down from the hood of the patrol car. Two more officers were present to his left as he got down. Officer Bermudez, one of the two additional officers, indicated that there was a female in the backseat. Yanez ran around a patrol car to his left as a female was pulled out of the back seat of Mendez's car. Yanez then ran back around the patrol car, now to his right and appeared to slip and fall as he came around the front of the car. Additional officers provided lethal coverage with their duty-weapons trained on Mendez until Mendez was pulled out of his car and life-saving measures were performed.

ONTARIO AIRSHIP. In addition to body-worn cameras utilized as part of this investigation, the Ontario Police Department Airship (helicopter) captured video footage of portions of the pursuit followed by the LFE.

The initial one minute of the recording showed the I10-Freeway near the I15 interchange as the airship attempted to locate Mendez's vehicle driving on the I10-Freeway westbound. At approximately one minute into the video, the airship zeroed in on Mendez's Lexus as it traveled faster than the speed of traffic in the number one lane as Mendez passed the Milliken overpass. Mendez moved quickly from the number one lane across to the number three lane, nearly colliding with another motorist. Mendez moved back into the number two lane before quickly merging onto the south shoulder into a paved construction zone. Mendez continued in the construction zone at a high rate of speed. After approximately 20 seconds on the paved portion of the construction zone ended and Mendez slowed to enter an unpaved portion.

As Mendez proceeded slowly through the unpaved portion of the construction zone, two patrol vehicles appeared in the number five lane as they caught up to Mendez. Mendez and the patrol cars were separated by a series of K-rail. Mendez continued through the unpaved construction zone as he rejoined the roadway on the Haven Avenue offramp. Three patrol cars followed Mendez up the offramp. Mendez proceeded in the right turn lane where he made a left turn onto

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the Haven Avenue overpass. The patrol cars followed. Mendez drove in the number three lane and briefly merged into the number two lane, narrowly avoiding a vehicle, before merging back onto the Haven Avenue onramp onto the I10-Freeway eastbound.

Mendez continued on the Haven Avenue onramp cloverleaf and proceeded under the overpass rejoining the I10-Freeway eastbound. Mendez was in the number six lane. The camera briefly lost sight of the pursuit as the helicopter repositioned itself. When the camera regained sight of Mendez, he was still proceeding in the number six lane and was being pursued by at least three black and white patrol cars. A Milliken Avenue exit sign was visible to the lower right of the screen. As Mendez drove toward Milliken Avenue he moved quickly south into a construction zone cordoned off by traffic cones. Mendez ran over several of the traffic cones before driving back into the number six lane.

Mendez then took the Milliken Avenue offramp and proceeded in the number two lane of the offramp. Mendez then straddled the number one and number two lanes before he abruptly turned across a dirt/rock center median onto the Milliken Avenue onramp. Four black and white patrol cars followed Mendez across the median. One of the patrol cars attempted a PIT on Mendez's vehicle. During the PIT, the patrol vehicle contacted the driver's side doors of Mendez's vehicle and caused it to spin and drive backwards down the onramp. While Mendez's vehicle drove backwards down the onramp, a second patrol car collided with the passenger-side rear of Mendez's vehicle at a slow rate of speed. At that time, two patrol car driver's doors opened, then quickly shut as Mendez continued, in reverse, down the onramp. Mendez collided with a metering light, knocking it down. A patrol car, marked on the roof with F8, then performed a second PIT on Mendez, spinning Mendez's car around so it faced forward down the onramp. Three patrol cars boxed Mendez in and each made contact with Mendez's vehicle. The impact of the patrol cars dislodged Mendez's rear bumper. Patrol car F8 blocked the front of Mendez's car. Patrol car F35 faced the driver's door of Mendez's vehicle. Patrol car F18 faced the driver's side rear of Mendez's vehicle. Behind Mendez's vehicle stood yellow attenuators and to the passenger side stood the K-rail.

The three patrol car drivers' doors opened nearly simultaneously and three officers got out of the patrol cars. The officers approached Mendez with their guns drawn. Mendez reversed into the attenuators, which knocked the top off one and knocked a second over. One officer positioned himself near the front driver's side wheel. A second officer positioned himself on the hood of Unit F35. A third officer positioned himself near the driver's side rear door. Mendez then drove forward and to his left, driving in the direction of the officer near the front driver's side wheel. Mendez rear bumper detached from his vehicle as he proceeded forward. At that time, the officer on the hood opened fire. The driver's window glass shattered and Mendez's vehicle stopped moving. The camera panned out slightly and six officers were then visible – the original three officers and three additional officers standing behind Unit F35. The officers all converged on the driver's side of Mendez's vehicle. Mendez's left arm laid across the driver's side window frame. A female was pulled from the rear passenger door.

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VEHICLE

The vehicle driven by Mendez during the pursuit was a silver 2005 Lexus LS430 with California license plate number 5KBB320. The vehicle was reported stolen out of El Segundo, California.

INCIDENT SCENE INVESTIGATION

The incident scene is the I10 onramp at Milliken Avenue. The first image reflects the incident scene during the investigation following the LFE. The second image reflects the incident scene during the LFE.



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DECEDENT

AUTOPSY. Dr. Timothy Jong of the San Bernardino County Sheriff's Department, Coroner Division, conducted an autopsy of Larry Mendez on July 26, 2021. Dr. Jong determined the cause of death was multiple gunshot wounds of the torso.

Gunshot Wound Number One⁴:

Located on the central chest, centered 20-1/4 inches from the top of the head and 5/16 of an inch right of anterior midline, was an entrance gunshot wound. There was no exit wound. The path of the projectile was front to back and upward. The projectile was recovered from Mendez's right lung.

Gunshot Wound Number Two:

Located on the left chest, centered 16 inches from the top of the head and 6 inches left of anterior midline, was an entrance gunshot wound. The exit wound was on the central left chest centered 16-1/2 inches from the top of the head and 3-3/4 inches left of anterior midline. The path of the projectile was back to front, left to right, and slightly downward.

⁴ The numbering of the gunshot wounds is for reference only and not meant to indicate the order in which the gunshot wounds occurred.

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Gunshot Wound Number Three:

Located on the left torso, centered 15-1/4 inches from the top of the head and 7 inches left of anterior midline, was an entrance gunshot wound. There was no exit wound. The path of the projectile was back to front, left to right, and downward. The projectile was recovered from the soft tissues of Mendez's lateral right torso.

Gunshot Wound Number Four:

Located on the lateral left upper arm, centered 7 inches from the top of the shoulder and 2-1/2 inches left of anterior midline. There was no exit wound. The path of the projectile was back to front, left to right, and upward. The projectile was recovered from the soft tissues of the left upper arm.

Gunshot Wound Number Five:

Located on the posterior left upper arm, centered 10 inches from the top of the shoulder and 1/2 inch left of posterior midline. The exit wound was on the medial left upper arm, centered 10 inches from the top of the shoulder and 2 inches right of anterior midline. The path of the projectile was back to front and left to right with no discernable upward or downward direction.

Gunshot Wound Number Six:

Located on the posterior left upper arm, centered 10-1/2 inches from the top of the shoulder and 3/4 inch left of posterior midline. There was no exit wound. The path of the projectile was slightly back to front, left to right, and downward. The projectile was recovered in the left elbow.

TOXICOLOGY RESULTS. Postmortem chest blood was taken from Larry Mendez and analyzed.

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

- Amphetamine – 140 ng/mL
- Methamphetamine – 1100 ng/mL
- Delta-9 Carboxy THC – 19 ng/mL
- Delta-9 THC – 3.5 ng/mL

CRIMINAL HISTORY. Larry Mendez has been convicted of the following:

Case No. COM-TA147007-01	Convicted on 09/10/2018 of Vehicle Code section 2800.2, subdivision (a) [evade peace officer: disregard safety] (felony). Sentenced to two years prison.
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Case No. COM8CS0385201	Convicted on 9/10/18 of Penal Code section 148, subdivision (a)(1) [resist/obstruct/delay a peace officer] (misdemeanor). Sentenced to 90 days jail.
Case No. TA145314	Sentenced on 10/10/2018 on one count of Vehicle Code section 2800.2, subdivision (a) [evade peace officer: disregard safety] (felony). Sentenced to 16 months prison.
Case No. LAXSA10074801	Convicted on 06/25/2019 of Penal Code section 487, subdivision (a) [grand theft: money/labor/property] (felony). Sentenced to three years probation and 365 days in county jail. On 03/30/2020, probation revoked. Mendez sentenced to two years prison.
Case No. DOWVA15281901	Convicted on 03/30/2020 of Vehicle Code section 2800.2, subdivision (a) [evade peace officer: disregard safety] (felony). Sentenced to two years prison.

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).) ⁵ 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).)

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.

⁵ All references to code sections here pertain to the California Penal Code.

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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 2020,⁶ 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

⁶ Assem. Bill No. 392 (2019-2020 Reg. Sess.) approved by the Governor, August 19, 2019. [Hereinafter “AB-392”]

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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 consistency with agency policies;⁷
- (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.

⁷ 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 uncoded, unlike the aforementioned portion of Penal C. §835a (a)(3).

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(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.

(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

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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.)⁸ 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

⁸ 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.

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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*.)

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 Witness #4* (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:

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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 [beanbag].) 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

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This report evaluates the use of force of Officer Alex Yanez on July 12, 2021, on the Milliken Avenue onramp onto the I10-Freeway eastbound. We draw our conclusions here based upon the legal principles cited above and a careful examination of the case agent's submission in this case.

DE-ESCALATION. Prior to the LFE, FPD officers took substantial, yet ineffective, steps to de-escalate the situation. First, officers attempted to effectuate a traffic stop on the vehicle driven by Mendez. Officers utilized their lights and sirens in an attempt to effectuate the stop, but Mendez continued to drive recklessly, endangering the officers and the public, for nearly ten minutes.

Following the second PIT, once officers had Mendez's vehicle boxed in, officers gave Mendez clear and concise directives. They demanded Mendez show his hands and informed Mendez they would shoot him if he failed to comply with their commands. Nevertheless, Mendez failed to present his hands and continued driving the vehicle in the direction of Officer Bermudez at the time of the LFE.

LETHAL FORCE ENCOUNTER. In this case, Officer Yanez had an honest and objectively reasonable belief that Mendez posed an imminent risk of serious bodily injury or death at the time he fired his duty-weapon. Prior to the LFE involved in this case, Yanez was involved in the pursuit of Mendez. During the pursuit, Mendez demonstrated a clear and unambiguous disregard for the safety of law enforcement and the public at large. Mendez travelled at a high rate of speed for a prolonged period of time, nearly striking several civilian vehicles. Moreover, Mendez twice drove into construction zones in an attempt to evade capture. This demonstrated his willful disregard for public and officer safety.

Even as the pursuit came to a close, Mendez continued to evidence his unwillingness to abide by law enforcement directives. Officers initiated a PIT on Mendez. Mendez continued driving, now in reverse. Officers conducted a second PIT. Mendez continued driving. As officers had Mendez pinned in and officers were informing Mendez that he was going to be shot, Mendez continued to drive his vehicle in the direction of Officer Bermudez. It was only at this time that Yanez discharged his firearm, killing Mendez. Therefore, the belief by Yanez that Mendez intended to seriously injure or kill Bermudez, himself, other officers, or the public at large, was both honest and objectively reasonable. Given these circumstances, the decision by Yanez to use deadly force was justified.

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CONCLUSION

Under the facts, circumstances, and applicable law in this matter, the use of deadly force by Officer Yanez was justifiable in self-defense and the defense of others. Accordingly, no criminal liability attaches in this case.

**San Bernardino County District Attorney's Office
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