



PUBLIC RELEASE MEMORANDUM

Subject: Non-Fatal Officer-Involved Shooting

Involved Officers: Deputy Richard Burrud
San Bernardino County Sheriff's Department

Deputy Eric De Dios
San Bernardino County Sheriff's Department

Deputy Cesar Tejeda
San Bernardino County Sheriff's Department

Deputy Austin Schwingel
San Bernardino County Sheriff's Department

Involved Subject/DOB: Stephen Antwan Thompson
12/21/1996

Subject's Residence: Brownwood, Texas

Incident Date/Time: March 30, 2023, 10:52 p.m.

Incident Location: Open field, Adelanto

Case Agent/Agency: Detective Francisco Demara
San Bernardino Sheriff's Department

Agency Report Number: DR# 172303952, H# 2023-037

DA STAR Number: 2024-30931

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PREAMBLE

This was a non-fatal officer-involved shooting by deputies from the San Bernardino County Sheriff's Department. The San Bernardino County Sheriff's Department investigated the shooting. This factual summary is based on a thorough review of all the investigative reports, photographs, video, and audio recordings submitted by the San Bernardino County Sheriff's Department.

FACTUAL SUMMARY

On Thursday, March 30, 2023, shortly after 10:00 p.m., deputies from the San Bernardino County Sheriff's Department in Victorville attempted to conduct a traffic stop on a white Mercedes-Benz driven by Stephen Antwan Thompson. This vehicle was linked to an attempted murder that occurred the previous day, during which gunfire from a high-caliber rifle was unleashed on the victims' residence. The Mercedes-Benz had been identified but remained at large, with the investigation ongoing. Given the violent nature of the crime, the driver of the Mercedes-Benz was considered to be armed and dangerous.

Thompson refused to pull over for the traffic stop initiated by Deputy John Portillo and led deputies on a dangerous high-speed chase through the streets of Victorville to a residential neighborhood in Adelanto. Deputy Richard Burrud, who had been involved in the previous night's attempted murder investigation, joined the pursuit. Riding along with Deputy Burrud that night, was a sheriff's explorer, Witness #1. The California Highway Patrol's Aviation Unit, H-82, provided aerial support for the deputies.

During the vehicle pursuit, Thompson ignored multiple red traffic lights, drove without his vehicle's headlights on, and endangered other motorists. Thompson reached speeds exceeding 140 miles per hour, creating a significant distance between himself and the pursuing deputies as he sped toward Adelanto. Due to the extreme danger posed to the public, the pursuing deputies slowed and turned off their emergency lights and sirens. As the deputies quickly lost sight of Thompson, H-82 continued to monitor Thompson from above, providing updates on his location and direction of travel.

Deputies Eric De Dios, Cesar Tejeda, and Austin Schwingel monitored the radio broadcasts regarding the pursuit. Deputies De Dios and Tejeda immediately connected the Mercedes-Benz with the previous night's attempted murder case because they had responded to that attempted murder scene and had participated in the investigation. Earlier that day, Deputy De Dios also assisted in the search of a residence on Arlington Street in Adelanto, which was listed as the registered address for the Mercedes-Benz.

Suspecting that Thompson was driving to the Arlington Street address, Deputy De Dios began heading that way. Deputy Tejeda drove toward Highway 395 to look for the

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Mercedes-Benz which had last been seen nearby. Deputy Schwingel also headed toward Highway 395 to support his partners should the need arise.

Once Thompson reached Adelanto, he drove into a residential neighborhood, not far from the Arlington Street residence. With H-82's guidance, Deputy Burrud and Deputy Portillo located Thompson. The deputies activated their lights and sirens, attempting a traffic stop, but Thompson quickly raced away. Reaching speeds over 100 miles per hour, Thompson lost control of the Mercedes-Benz when he tried to negotiate a turn at Seneca Road and Jonathan Street. With his vehicle disabled in a dirt field, Thompson fled the scene on foot. Thompson ran north toward the back of a nearby house and climbed the fence into the backyard. The house was located on Tara Lane, one block north of the intersection of Seneca Road and Jonathan Street.

Following H-82's continued guidance, Deputy Burrud drove north on Jonathan Street to Tara Lane with his unit's emergency lights and sirens activated. As Deputy Burrud turned east onto Tara Lane, H-82 broadcast that Thompson was at the second house east of Jonathan Street. In response, Deputy Burrud hit the brakes, trying to stop as quickly as possible. Just then, Thompson bolted from the backyard, toward the street, straight into Deputy Burrud's path. Thompson began shooting his Glock 10mm semiautomatic handgun at Deputy Burrud and Witness #1, who were still inside the patrol unit. Thompson's bullets struck the front of the patrol unit. Deputy Burrud pushed Witness #1 down toward the floorboard, lowering him below the engine block, and covered Witness #1's body with his own to protect him.

As Thompson sprinted north across the street, he repeatedly shot at Deputy Burrud and Witness #1, firing until his gun was empty. The chamber empty, Thompson swiftly exchanged magazines and resumed shooting at Deputy Burrud and Witness #1. Deputy Burrud heard the gunshots and the bullets striking the front of his vehicle, but with his head down, he was unable to see Thompson. Deputy Burrud feared Thompson was approaching the unit to kill them. Deputy Burrud knew he needed to look up to assess the situation and act to save their lives. Deputy Burrud peered up and saw Thompson, just 15 yards away and still firing at them as he sprinted across the street toward a house on the north side of Tara Lane. Deputy Burrud drew his handgun and fired one round at Thompson. The bullet whizzed past Thompson, who scrambled over the fence, sprinted into the backyard, and continued to flee. Deputy Burrud quickly exited the patrol unit, bolted around the back, and brought Witness #1 out of the vehicle, to a place of safety.

H-82 broadcast that shots were fired. Deputies De Dios, Tejeda, and Schwingel heard the broadcast. Fearing that their partner had been shot, the deputies activated their patrol units' lights and sirens and raced to the scene.

Thompson sprinted through multiple backyards, heading northeast until he reached Justine Way. H-82 followed Thompson overhead and briefly lost visual of Thompson when he hid beneath a vehicle parked beside a house on Justine Way. H-82 guided the

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deputies to the location. Additional deputies, including Deputy Adolfo Bahena, who had been involved in the attempted murder investigation, and officers with the California Highway Patrol also responded to the scene. The multitude of law enforcement officers set up a perimeter around the residence to contain Thompson at about 10:36 p.m. Because they were facing an armed, barricaded subject, the Sheriff's Specialized Enforcement Division (SED) was called to respond to the scene.

For nearly 10 minutes, deputies used the public address (PA) system to urge Thompson to surrender. Deputy Tejeda gave multiple commands over the PA, advising Thompson that they were from the San Bernardino County Sheriff's Department and they had him surrounded. Deputy Tejeda told Thompson they were seeking a peaceful resolution, that he needed to drop the handgun, and walk out toward the street with his hands in the air. Deputy Tejeda warned Thompson that if he did not walk out with his hands in the air, he would be shot. A second deputy repeated similar commands while they held the perimeter and waited for SED to arrive. Thompson refused to surrender and remained hidden.

At 10:45 p.m., Thompson emerged from his hiding place beneath the vehicle still holding the handgun. H-82 warned the deputies that Thompson still had the gun in his hand. Thompson walked around the backyard before climbing a side perimeter fence and fleeing again. Thompson scrambled over several fences and made his way through residential yards until he reached homes on Torrey Way. Just beyond the homes on Torrey Way was a large open field and Highway 395, a heavily traveled state highway. H-82 tracked Thompson from above while several deputies, including Deputies Tejeda and De Dios, followed Thompson in their patrol units. Additional deputies, including Deputy Austin Schwingel, chased Thompson on foot.

Thompson ran toward a residence on Torrey Way, climbed over the fence, and ran into the backyard. The deputies approached the residence, anticipating they would set up another perimeter to contain Thompson. However, Thompson climbed over the rear perimeter fence and ran eastward into the desert field toward Highway 395. H-82 advised deputies of Thompson's location and guided them northward on Torrey Way to Villa Street where there was a point of entry into the field.

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Google map showing location of scene.

As Deputy Tejeda drove northbound on Torrey Way, he saw several deputies running in the street. Deputy Tejeda offered them a ride. Deputy Schwingel got into Deputy Tejeda's patrol vehicle. Deputy Adolfo Bahena, followed by Deputies Tejeda and Schwingel, and Deputy De Dios, drove with their headlights and emergency lights activated toward Villa Way, the entry point into the field. When the deputies drove into the dark desert field, they turned on their spotlights to illuminate Thompson. H-82 intermittently activated the helicopter's spotlight, casting light upon Thompson in the darkness.

Thompson continued to run eastward through the desert toward Highway 395 with the patrol units closing in on him. As the units drew near, Thompson suddenly turned his upper body as he ran and discharged his handgun at the advancing deputies, striking Deputy Bahena's patrol unit.¹ As soon as the deputies saw Thompson shooting at them, they immediately stopped their vehicles. Without hesitation, Deputies De Dios, Tejeda, and Schwingel exited their vehicles and engaged Thompson, returning fire. Thompson was struck and fell to the ground. Thompson was quickly taken into custody. The deputies administered first aid to Thompson, who had sustained a single gunshot wound, until paramedics arrived and transported him to the hospital.

STATEMENTS BY POLICE OFFICERS²

The involved deputies were employed by the San Bernardino County Sheriff's Department. The deputies drove distinctively marked patrol units and wore uniforms identifying them as sheriff's deputies. The deputies did not have body-worn cameras, but their belt recorders were activated during the incident under review. Each deputy was

¹ Deputy Bahena ducked when his patrol unit was struck with a bullet from Thompson's gun. Thompson was already falling to the ground, hit by another deputy's gunfire, when Deputy Bahena rose to return fire. Deputy Bahena did not shoot at Thompson.

² Herein is a summary only. All reports submitted were reviewed, but not all are referenced here.

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given the opportunity to review audio and video of the incident prior to their interviews. The department issued firearms used by each deputy during the officer-involved shooting and the number of shots fired by each is as follows:

Deputy Richard Burrud	Glock 34, 9mm handgun	1 shot
Deputy Eric De Dios	Aero Precision M4, 5.56 caliber rifle	2 shots
Deputy Cesar Tejeda	Aero Precision M4, 5.56 caliber rifle	4 shots
Deputy Austin Schwingel	Sturm Ruger & Co., 5.56 caliber rifle	4 shots

On May 2, 2023, **Deputy Richard Burrud** was interviewed by Detectives Nicholas Paslak and Amy Bilbao of the San Bernardino County Sheriff's Department.

Deputy Burrud was employed by the San Bernardino County Sheriff's Department as a deputy sheriff. On March 29, 2023, Deputy Burrud assisted in the investigation of a shooting that occurred at a residence in Victorville. The shooter had fired from a close range of 10 to 15 yards, approximately 20 high-caliber rifle rounds at the victims' residence, "painting up their whole front living room area." The victims advised that they had a financial dispute with Witness #2 (the father of Stephan Antwan Thompson) and Witness #3. Witnesses saw a white vehicle leave the scene immediately after the gunshots. The victims identified Witness #2's vehicle as a white Mercedes-Benz.

During the shooting investigation, deputies discovered that Witness #2 and Witness #3 had two white vehicles registered under their names: a Mercedes-Benz sedan and a GMC truck. A witness saw Witness #2 and Witness #3 leave their home in a white Mercedes-Benz shortly before the shooting. Later that evening, deputies stopped the GMC truck and detained Witness #2 and Witness #3. Inside the GMC, deputies found a loaded handgun, which was not connected to the shooting, but no rifle was discovered. When asked about the Mercedes-Benz, the Witness #2 and Witness #3 claimed they did not know its whereabouts. The ongoing investigation, which included the execution of search warrants, led deputies to suspect the involvement of an additional individual involved in the shooting. This subject and the rifle that was used in the incident remained at large. To locate the additional subject and the rifle, deputies entered the Mercedes-Benz into the Automated License Plate Reader (ALPR) system.

The following day, March 30, 2023, Deputy Burrud was on duty, assigned to patrol in the city of Victorville. A 19-year-old Sheriff's explorer, Witness #1, rode along with Deputy Burrud during his shift. At approximately 10:00 p.m., patrol deputies received an ALPR alert regarding the white Mercedes-Benz wanted in connection with the March 29, 2023, shooting in Victorville. The Mercedes-Benz was heading eastbound on Air Expressway. Deputy Burrud drove toward Air Expressway from La Paz Drive and 7th Street. Additional ALPR alerts showed that the Mercedes-Benz was on Green Tree Boulevard in Victorville. Deputy Burrud heard Deputy Portillo confirm via radio that the Mercedes-Benz's license plate matched the ALPR hit. Deputy Portillo advised that he initiated a traffic stop on the

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Mercedes-Benz in the Green Tree area, but the driver (later identified as Stephen Antwan Thompson) failed to stop, and Deputy Portillo was in pursuit.

Deputy Burrud joined the pursuit on Palmdale Road near Green Tree Boulevard. The California Highway Patrol (CHP) airship, H-82, flew overhead and assisted as the Mercedes-Benz headed westbound on Palmdale Road. A third deputy participated in the pursuit; Deputy Burrud believed it was Deputy Smith. The flight officer in H-82 reported that the Mercedes-Benz traveled over 140 miles per hour. Due to the dangerous speed, Sergeant John Rodriguez directed the deputies to disengage from the pursuit, to reduce their speed and switch off their emergency lights and sirens. H-82 stayed with the Mercedes-Benz and called out its location and direction of travel so that the deputies could follow from a safe distance.

Deputy Burrud and Deputy Portillo were headed westbound on Seneca Road when H-82 advised that the Mercedes-Benz was travelling eastbound on Seneca Road. Deputy Burrud and Deputy Portillo saw the Mercedes-Benz and both deputies made a U-turn to get behind it. Thompson quickly accelerated away from the deputies. Deputy Burrud and Deputy Portillo activated their units' lights and sirens to get Thompson to pull over so they could peacefully detain him. However, Thompson drove again at speeds exceeding 100 miles per hour. Thompson reached speeds of 150 miles per hour and drove "like it was a NASCAR race," and he was on a "speedway."

Thompson lost control of the Mercedes-Benz in a dirt field on the northeast side of Jonathan Street and Seneca Road in Adelanto. H-82 advised that Thompson got out of the Mercedes-Benz, possibly dropped a gun, and ran northbound.

Deputy Portillo drove toward the crashed Mercedes-Benz in the dirt field, while Deputy Burrud drove northbound on Jonathan Street. H-82 advised that Thompson jumped into the backyard of a residence on Tara Lane. H-82 provided the numerical address to the residence. Deputy Burrud was unfamiliar with Adelanto, but as he drove northbound on Jonathan Street, he saw that the next street was Tara Lane. As Deputy Burrud turned east on Tara Lane, H-82 advised that Thompson was possibly in the backyard of the second or third house on Jonathan Street and still heading northbound on foot. Deputy Burrud "slammed on" his brakes because he did not want Thompson to run right into him, since he did not know what Thompson would do to evade capture. Thompson had shown he was unwilling to surrender.

As Deputy Burrud slammed on his brakes, he heard gunshots and the sound of bullets impacting the front of his patrol unit. Deputy Burrud saw Thompson was only 10 to 15 yards away and was shooting at Deputy Burrud and his passenger, Sheriff's Explorer

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Witness #1.³ Deputy Burrud pushed Witness #1 down toward the floorboard, lowering him below the engine block, and covered Witness #1's body with his own, to protect him from gunfire. Deputy Burrud heard two to four more gunshots and bullets strike the patrol unit. With his head down, Deputy Burrud could not see if Thompson was approaching the patrol vehicle with the intent to kill them. Deputy Burrud knew he needed to look up cautiously to assess the situation. When he peered up, he saw Thompson about 15 yards away, directly in front of the patrol unit. Thompson was still shooting at Deputy Burrud and Witness #1 as he sprinted north across Tara Lane. Deputy Burrud saw the muzzle flashes from Thompson's black semi-automatic handgun and heard the bullets strike his patrol vehicle.



Placard tape marking the bullet strikes to Deputy Burrud's patrol unit.

Fear gripped Deputy Burrud as he realized that both he and Witness #1 could die. Time seemed to slow. Thompson's upper body was turned toward Deputy Burrud as he ran northbound and fired at them. Thompson held the handgun in one hand and was still shooting at Deputy Burrud and Witness #1 when he reached the sidewalk on the north side of Tara Lane. Deputy Burrud drew his handgun, aimed it out of his open driver's door window, and fired back at Thompson. Deputy Burrud chose his handgun because it was the quickest option available, and he needed to respond to the lethal threat posed by Thompson with lethal force. Deputy Burrud fired one shot in a northeast direction and aimed for Thompson's center of mass.⁴ Thompson was about 25 yards away and was running toward the fence that divided the front and backyard of a house on the north side of the street when Deputy Burrud fired.

³ Detectives obtained Ring video from a residence on Justine Way, directly adjacent to the scene. The video indisputably showed Thompson firing a handgun at Deputy Burrud and Witness #1, who were inside the patrol unit. Thompson continued to shoot at them as he ran north across Justine Way.

⁴ Deputy Burrud's gunshot missed Thompson.

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Yellow placards marking the locations of the empty magazine and 17 fired cartridge casings (FCC's) ejected from Thompson's gun as he fired at Deputy Burrud while running northbound.

Thompson reached the fence. Deputy Burrud feared that Thompson would turn back and continue to shoot at him and Witness #1; however, Thompson hopped the fence and headed north. Deputy Burrud no longer saw Thompson and did not fire any additional rounds. Deputy Burrud radioed, "Shots fired." Deputy Burrud estimated Thompson had fired between eight and 10 rounds at them.⁵

Deputy Burrud exited and rounded the back of his unit. Deputy Burrud extracted Witness #1 from the vehicle and directed him to sit behind the patrol unit's rear passenger side tire for safety. Deputy Burrud asked Witness #1 if he was hurt and examined him for bullet wounds. Witness #1 stated he was okay and appeared to be uninjured. Deputy Burrud grabbed his rifle, a superior option to his handgun, in case Thompson hopped back over the fence and resumed shooting at them. Deputy Burrud hunkered behind his patrol unit,

⁵ Based on the crime scene investigation, Thompson fired 17 rounds at Deputy Burrud and Witness #1. 17 fired cartridge casings, headstamped with "BLAZER 10mm AUTO," and "10mm AUTO," and an empty gun magazine discarded by Thompson when he reloaded his weapon, were found along the path taken by Thompson as he ran across Justine Way.

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listening to H-82's reports to determine Thompson's whereabouts. H-82 reported Thompson scaling fences and proceeding eastbound.

Residents emerged from their homes. Deputy Burrud instructed them to return inside, secure their doors and windows, and retreat to a safe area within their home. Several drivers drove along the street, heading towards their homes. Deputy Burrud told them it was not safe and to drive southbound away from the area. Several minutes passed. The radio alerted Deputy Burrud that Thompson, still on the run, was hopping fences into nearby backyards. The occupants of a house near Deputy Burrud came outside a second time. Deputy Burrud asked them if Witness #1 could take shelter in their home until the situation was resolved. They agreed.

Deputy Burrud continued to monitor radio traffic and learned that Thompson had hidden beneath a vehicle. Deputies were setting up a perimeter to contain him. Over a public address (PA) system, deputies urged Thompson to come out peacefully. However, Thompson resumed his flight from deputies. Shortly after, Deputy Burrud learned that Thompson shot at the deputies in a field northeast of Deputy Burrud's location. In response, the deputies returned fire and successfully took Thompson into custody. At that point, Deputy Burrud brought Witness #1 back to the patrol unit. A second deputy joined Deputy Burrud to cordon off the area with caution tape.

On April 25, 2023, **Deputy Eric De Dios** was interviewed by Detectives Francisco Demara and Amy Bilbao of the San Bernardino County Sheriff's Department.

Deputy De Dios was employed by the San Bernardino County Sheriff's Department as a deputy sheriff. On March 30, 2023, Deputy De Dios was on duty, assigned to patrol in the city of Victorville. Deputy De Dios's call sign was 17 Paul 12, and his unit number was 17-30.

At approximately 10:00 p.m., Sheriff's dispatch notified deputies over the air that a wanted vehicle was spotted by an Automated License Plate Reader (ALPR) in the area of Gateway Drive and Air Expressway in the city of Adelanto. Deputy De Dios was driving near Valley Center Drive and La Paz Drive. The dispatcher broadcasted the description of the vehicle, including its license plate number. Deputy De Dios immediately connected the Mercedes-Benz to the previous night's attempted murder investigation, where a suspect had fired numerous assault rifle rounds into a residence. Deputy De Dios participated in the investigation and, earlier that morning, had searched a residential address on Arlington Street in Adelanto, registered to the Mercedes-Benz.

Deputy Portillo and Deputy Eshton Smith attempted to stop the Mercedes-Benz, but the driver fled. Deputy De Dios listened to the radio broadcasts from Sheriff's dispatch and the CHP air support unit, H-82, which flew overhead as ground units pursued the Mercedes-Benz. Deputy De Dios drove toward the Arlington Street residence, expecting the Mercedes-Benz to be headed there. H-82 broadcast that the Mercedes-Benz was

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headed westbound on Palmdale Road at about 140 miles per hour. Sergeant John Rodriguez cancelled the pursuit due to the danger to the public. H-82 followed the Mercedes-Benz overhead to assist deputies with locating the vehicle.

Deputy De Dios arrived at the Arlington Street residence about seven minutes after the pursuit was cancelled. Deputy De Dios parked his unit facing east, two to three houses west of the residence, and waited for the Mercedes-Benz to arrive. Deputy Richard Burrud, who was also en route to the Arlington Street address, broadcast that he spotted the Mercedes-Benz in Adelanto. H-82 advised that two patrol units were approaching the Mercedes-Benz. H-82 described the vehicle as a white four-door AMG sedan with polished wheels and a black rooftop. Deputies attempted a second traffic stop, and the driver fled again. Shortly thereafter, the Mercedes-Benz became disabled in a dirt field at the intersection of Jonathan Street and Seneca Road, and the driver (later identified as Stephen Antwan Thompson) ran northbound from the vehicle. H-82 advised that the driver (Thompson) threw something from the vehicle and had something in his hand. H-82 described Thompson as a thin, black male adult wearing dark clothing and white shoes.

Worried for the safety of his partners because the vehicle was tied to an attempted murder suspect, Deputy De Dios drove toward Jonathan Street and Seneca Road to assist them. Deputy De Dios headed south on Jonathan Street, and as he approached Justine Way, heard H-82 advise that Thompson jumped a fence and fled through the backyard of a residence on Tara Lane. H-82 broadcast that Thompson was headed eastbound, approaching the street on the north side of a residence two houses away from a patrol unit that had just turned onto Tara Lane. H-82 then broadcasted that Thompson fired at the deputies.

Deputy De Dios was not sure which deputies had been shot at until he heard Deputy Burrud broadcast, "shots fired," over the radio. Deputy Burrud was a close friend of Deputy De Dios. Being familiar with Deputy Burrud's voice, Deputy De Dios noticed that Deputy Burrud "was distraught, he was scared, he was nervous." Deputy De Dios remembered that Deputy Burrud had a younger gentleman who was in the explorer program riding along with him. There was a pause between H-82's broadcast regarding the gunshots and Deputy Burrud's broadcast, which caused Deputy De Dios concern. Deputy De Dios was unsure whether Deputy Burrud and the explorer were okay or if they had been hit by gunfire. Deputy De Dios believed they had an active-shooter situation because Thomson, who had already shot at civilians the day prior, was now actively shooting at deputies.

H-82 advised that Thompson ran northbound through residential backyards. Deputy De Dios feared Thompson would break into a house and take a family hostage. Deputy De Dios heard that Thompson had crossed two more streets and was "hunkered down" in the backyard of a two-story residence on the north side of Justine Way.

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Directly north of the homes on Justine Way was a vacant desert field. H-82 guided Deputy De Dios eastbound through that field to the area behind the back fence of the residence where Thompson was hiding. Deputy De Dios's patrol unit's overhead emergency lights were activated. Additional patrol units arrived, with their overhead emergency lights activated, on the south side, directly in front of the residence, at about the same time. H-82 hovered above the residence. The officer in H-82 advised that he did not see Thompson leave the area but had last seen Thompson beneath a truck between air conditioning vents.

Through the upstairs window of the house, Deputy De Dios saw two or three silhouettes of the residents looking outside. Deputy De Dios believed a family occupied the home. Deputy De Dios retrieved his patrol rifle, loaded it, and made it ready for fire. Deputy De Dios walked around the area and scanned the surroundings, assessing whether he had a visual on Thompson or if Thompson had eyes on him. The fence behind the house was "staggered," and Deputy De Dios did not know if there was an opening in the fence. It was dark, and Deputy De Dios did not want to leave himself vulnerable in the event that Thompson could "just pop out" from the fence. Deputy De Dios walked toward the property line to get a better view.

Additional patrol units arrived in the area behind the house. One of those patrol units was occupied by Sergeant Rodriguez. Sergeant Rodriguez told Deputy De Dios to back away from the property and to use his patrol unit for cover. Deputy De Dios did so. Sergeant Rodriguez called for the Specialized Enforcement Division (SED) deputies to respond to the scene to assist. Multiple deputies surrounded the residence where Thompson hid. Deputies held the perimeter and gave Thompson time to get rid of the gun and surrender. Deputy De Dios yelled to Thompson, "This is the sheriff's department, come out with your hands up." Thompson stayed hidden and refused to obey commands.

Deputy De Dios heard Deputy Tejada, who was on the south side of the residence, give loud and clear commands over the public address (PA) system. Deputy Tejada ordered Thompson to come out peacefully with his hands up. Deputy De Dios believed Thompson heard the commands because Deputy De Dios heard them from his position on the north side of the residence. Deputy Tejada repeated the commands several times. The deputies allowed Thompson time to respond, hoping to de-escalate the situation and achieve a peaceful surrender. However, Thompson refused to come out peacefully and continued to hold onto the gun. Thompson had already fled from and shot at deputies, and still, he refused to surrender. This demonstrated to Deputy De Dios that Thompson was "pretty committed" and "he was determined for something else, he was dangerous for us and the civilians and the community there." Deputy De Dios interpreted this as a warning, prompting his suspicion that Thompson would not relinquish the firearm.

Deputies continued to hold the perimeter around the residence, waiting for SED to arrive, and repeated their commands multiple times for Thompson to come out peacefully. Thompson gave no response and did not comply. After about 10 to 15 minutes,

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Thompson started "wandering around in the backyard." H-82 advised that Thompson jumped over property line fences and headed eastbound through the yards. Deputy De Dios spotted Thompson jumping over one of the fences, two properties east of his location. Thompson matched the description given by H-82. Deputy De Dios saw a handgun in Thompson's right hand. Based on Deputy De Dios's training and experience, individuals typically surrender their weapons when deputies surround them. Consequently, Thompson's failure to relinquish the gun was abnormal. Thompson fled eastbound away from the deputies.

Deputy De Dios got into his patrol unit and drove north through the desert toward Villa Street and then proceeded eastbound. H-82 relayed Thompson's direction of travel to deputies. Thompson scaled fences and sprinted eastward through multiple yards to evade law enforcement. H-82 advised that Thompson still had the gun in his hand. Deputy De Dios followed Thompson because he posed a danger to the public. H-82 broadcast that Thompson had crossed the last property line at Torrey Way and was running east through the open desert field.

Deputy De Dios looked south on Torrey Way where he saw two patrol units, with their emergency lights activated, heading in his direction. Deputy De Dios had expected more than two units and worried there were not enough deputies to handle the dangerous situation safely. Deputy De Dios believed he was the first patrol unit to reach the desert field. It was "extremely dark." Deputy De Dios drove east through the desert with all his unit's lights activated, including the solid red light, emergency lights, headlights, ditch lights, and spotlights. Even with all the patrol lights illuminated, Thompson remained obscured by the darkness.

H-82 intermittently turned on the air unit's spotlight to point out Thompson's location to the ground units. However, when the air unit's spotlight was off, Deputy De Dios was unable to see Thompson. Deputy De Dios estimated he was driving five to 10 miles per hour due to the bumpy terrain. Thompson had already run about 100 yards through the desert before Deputy De Dios got close enough to see him. Thompson was running eastbound through the desert about 30 yards away. Because of the large bushes (four to six feet high) and the bumpy terrain, Deputy De Dios was unable to follow Thompson's direct path. When Deputy De Dios drove around large bushes, he would momentarily lose sight of Thompson. Deputy De Dios saw the silhouette of Thompson's gun in his right hand. Deputy De Dios held his patrol rifle in his left hand, had his driver's window rolled down, and held his driver's door propped open with his left foot so that he could get out of his unit as quickly as possible. Deputy De Dios yelled six or seven commands at Thompson, "to drop down" and "get on the ground," but Thompson still ran with the gun in his hand.

When Deputy De Dios was 15 to 20 yards away from Thompson, Thompson looked back and "made eye contact" with Deputy De Dios. The look on Thompson's face seemed to convey, "Okay, now I see you," to Deputy De Dios. Deputy De Dios felt "vulnerable" and

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immediately had the gut feeling that “this is not going to go well.” Deputy De Dios knew Thompson was wanted as a suspect in an attempted murder and that Thompson had already shot at deputies. It was clear to Deputy De Dios that Thompson “was determined to flee and not get captured.” Deputy De Dios slowed down to between three to five miles per hour, attempting to give Thompson more space. Thompson transferred the handgun from his right hand to his left hand and looked back at Deputy De Dios again.

Thompson continued running and turned his upper torso “as far back as possible,” and looked at Deputy De Dios’s patrol unit. Thompson fired two shots at Deputy De Dios. Thompson held the handgun in his left hand when he fired. Deputy De Dios saw two muzzle flashes from Thompson’s gun and “knew” Thompson was trying to kill him. Deputy De Dios closed his eyes and thought he had been hit. Deputy De Dios immediately “stomped” on the brakes and “waited to see if” he felt the “heat from the gunshots striking” his body. Deputy De Dios “didn’t know if [he’d] open his eyes again.” Deputy De Dios heard a third gunshot from Thompson’s gun. Knowing that his partners and a community of homes were behind him and they too were also in danger, Deputy De Dios immediately got out of his patrol unit and fired two rounds back at Thompson.

Deputy De Dios “didn’t even have time to put [the patrol unit] into park” before he got out of his vehicle to fire back at Thompson. Before Deputy De Dios fired, a live round dropped from the upper chamber of his rifle when he tried to confirm that it was loaded and ready. Deputy De Dios was so nervous and scared and had never been in a situation like this before. Deputy De Dios did not know where the round went and did not have time to look for it. Deputy De Dios shot his rifle from behind his open driver’s door. Because of how quickly he had to exit his unit and return gunfire, Deputy De Dios was in an awkward position with his body in a bladed stance, facing toward the vehicle, and was unable to get a proper footing. Thompson was approximately 15 yards away when Deputy De Dios shot at him. Deputy De Dios’s point of aim was Thompson’s torso area.

As Deputy De Dios shot at Thompson, he still did not know if Thompson’s gunfire had struck him and was “waiting to feel the heat” of a gunshot wound. Deputy De Dios believed that if he didn’t fire back at Thompson, Thompson would continue to shoot and kill him and his partners, or would turn and run toward Highway 395, where he could potentially carjack a vehicle and continue to flee. Thompson fell to the ground within one to two seconds of Deputy De Dios’ two gunshots. Deputy De Dios did not fire any additional rounds.

Deputy De Dios and his partners, who had also arrived on scene in the desert, quickly moved in tactical formation toward Thompson. As they approached Thompson, the deputies ordered him to show his hands. When Deputy De Dios was about five feet away, he saw Thompson’s black semi-automatic handgun on the ground about six inches from Thompson’s right hand. Thompson’s handgun had a red dot optic. Thompson was lying on his back with his arms extended out. Deputy De Dios kicked the handgun away from Thompson and stood by the firearm while his partners placed Thompson into custody.

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Deputy De Dios was unsure of the names of all the deputies but believed there were five deputies present. When the deputies attempted to turn Thompson over to place him into custody, they yelled, "Where's the firearm, where's the firearm?" It was dark, and the field was dusty, so Deputy De Dios believed his partners did not see him kick the gun away. Deputy De Dios told his partners, "The firearm is over here with me." As soon as Thompson was placed into handcuffs, the deputies began rendering first aid and called for emergency medical aid to respond to the scene. As the deputies began removing Thompson's clothing to look for injuries, Deputy Bahena said, "Hey, we located another loaded magazine."

On April 26, 2023, **Deputy Cesar Tejeda** was interviewed by Detectives Francisco Demara and Amy Bilbao of the San Bernardino County Sheriff's Department.

Deputy Tejeda was employed by the San Bernardino County Sheriff's Department. On March 30, 2023, Deputy Tejeda was on duty, assigned to patrol in the city of Victorville. Deputy Tejeda's call sign was 17 Paul 14, and his unit number was 17-17.

At approximately 10:00 p.m., Deputy Tejeda was at the High Desert Detention Center in Adelanto when he heard Sheriff's Dispatch broadcast that a vehicle wanted in connection with an attempted murder that had occurred in Victorville on March 29, 2023, was spotted on an automated license plate reader (ALPR). Dispatch described the vehicle as a white Mercedes-Benz and advised that the car was near Air Expressway and Gateway Drive. Deputy Tejeda recognized the ALPR hit was regarding a vehicle wanted in connection with an attempted murder that had occurred on March 29, 2023, in Victorville.⁶

Deputy Tejeda monitored the call as he finished booking a suspect on an unrelated case into custody at the detention center. Deputy Tejeda heard that patrol units had located the Mercedes-Benz, attempted a traffic stop, but the Mercedes-Benz failed to yield, and a pursuit had begun. As Deputy Tejeda left the detention center, he heard that the Mercedes-Benz was headed westbound on Palmdale Road, approaching Highway 395, at speeds of about 160 miles per hour. Patrol units lost sight of the Mercedes-Benz, and the pursuit was terminated due to concerns for public safety. The California Highway Patrol aviation unit, H-82, was overhead and continued tracking the Mercedes-Benz.

Deputy Tejeda drove toward Highway 395 to look for the Mercedes-Benz, which had last been seen near Bellflower Street and Delicious Street in Adelanto. When Deputy Tejeda turned south on Bellflower Street from Ranchero Road, he heard H-82 broadcast that the suspect (later identified as Thompson) was running. Deputy Tejeda heard H-82 broadcast, "shots fired by the suspect." It took Deputy Tejeda a couple of seconds to process what H-82 said because the officer said it in "such a calm demeanor." Deputy

⁶ Deputy Tejeda was familiar with the attempted murder investigation because he had responded to the scene and participated in the investigation on March 29, 2023. Deputy Tejeda provided details regarding the underlying attempted murder investigation, which were substantially similar to those given by Deputy Burrud.

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Tejeda thought the worst and feared one of his partners or an innocent bystander had been shot.

Activating his patrol unit's sirens and emergency lights, Deputy Tejeda drove southbound on Bellflower Street toward the area where the Mercedes-Benz had last been located. Overhead, H-82 tracked Thompson and broadcast that Thompson was jumping into residential backyards. Deputy Tejeda drove to Justine Way, which was the last location where H-82 had observed Thompson. At the intersection of Justine Way and Jonathan Street, Deputy Tejeda met up with an unknown deputy from the Victor Valley Station. Deputy Tejeda pulled up to the deputy and asked him if he knew where the suspect was. The deputy did not know. Because Thompson had already shot at deputies, Deputy Tejeda took out his patrol rifle and racked a round into the chamber. The deputy, later identified as Deputy Schwingel, joined Deputy Tejeda in his patrol unit, and together they headed eastbound on Justine Way, using the patrol unit as cover because they were unsure of Thompson's location.

Justine Way was an east/west street with residences located on the north and south sides. Deputy Tejeda did not know whether Thompson was on the southern or northern side of Justine Way. H-82 tracked Thompson and broadcasted his location to the deputies. H-82 advised that Thompson had a gun in his hand and was still heading eastbound, jumping over fences, through backyards. H-82 then advised they lost sight of Thompson but believed he was hiding behind an air conditioning unit at a residence on the north side of Justine Way. H-82 directed the ground units to the specific location. Shortly thereafter, H-82 broadcast that they saw Thompson hiding just west of the air conditioner units, in the backyard of the house next door to the one with the air conditioning units, where they initially believed Thompson to be. Thompson was hunkered down beneath a truck. The truck was parked on the east side of the residence. The residence was located on the north side of Justine Way.

Deputy Tejeda stopped his patrol unit in front of the residence, about 10 to 15 yards from where Thompson hid. Deputy Tejeda's patrol unit's emergency lights were activated. Two or three other Sheriff's units and two to three California Highway Patrol officers parked their patrol units, with emergency lights activated, in front of the residence. From his position, Deputy Tejeda was unable to see Thompson. Additional patrol units arrived at the rear of the residence. The deputies surrounded the front and back of the residence, setting up a perimeter to contain Thompson. Sergeant Rodriguez called for SED to respond to the scene.

For five to seven minutes, Deputy Tejeda gave multiple commands to Thompson over his patrol unit's PA system. Deputy Tejeda told Thompson, "Drop the gun," and "Suspect, we need you to exit the residence or the backyard," and "We need you to drop the gun. We want to end this in a peaceful manner." Deputy Tejeda repeated these commands several times. Thompson was given time to comply with the commands. Deputy Tejeda warned Thompson that if he came out with the handgun, he would be shot.

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Deputies on the perimeter advised that they could hear Deputy Tejeda's commands over the PA system, "loud and clear." Deputy Tejeda also heard his commands over the PA system and believed Thompson heard his commands as well. Thompson did not react to the commands or give any indication he would comply. Deputy Tejeda was concerned about his safety, the safety of his partners, and the public because Thompson had already shot at deputies and still had a gun in his hand. Thompson had shown he was committed to getting away.

H-82 broadcast that Thompson was on the move and was headed eastbound with the gun in his hand, jumping over fences, and running through backyards. Deputy Tejeda drove eastbound on Justine Way toward Torrey Way. Deputy Tejeda did not see Thompson, but H-82 kept the deputies apprised of Thompson's direction of travel. Deputy Tejeda was "nervous" and "scared," as he pursued Thompson. Deputy Tejeda thought about his family and feared he might never see them again. Deputy Tejeda was also concerned about his partners and knew they, too, had families they might never see again. Deputy Tejeda held his rifle on his lap, with the sling over his shoulder.

H-82 advised that Thompson crossed Torrey Way, jumped the fence into another backyard at a residence located on the east side of Torrey Way. H-82 advised that Thompson ran through the backyard, out into an open field, and ran east toward Highway 395. Deputy Tejeda headed north to Villa Street to get to the open field. Several other deputies were on foot and chased Thompson. Deputy Tejeda stopped and asked one of the deputies if he wanted to get inside his patrol unit. Deputy Tejeda later learned the deputy's name was Austin Schwingel. Deputy Schwingel got in the passenger side of Deputy Tejeda's unit. Deputy Tejeda drove "heading towards northbound Villa," and stopped. There he saw "a line of about anywhere from five to 10 patrol vehicles. I'm going eastbound, I'm going northbound, they all go into this dirt field. I believe one of the deputies has eyes on the suspect running through the desert."

Deputy Tejeda drove through the field at speeds between five and 12 miles per hour to catch up to Thompson. The terrain was bumpy and dusty. At one point, Deputy Tejeda's patrol unit almost got stuck in a dip, and Deputy Tejeda had to step on the accelerator to get out of the dip. Thompson ran in a northeastern direction. Along with Deputy Tejeda, several other patrol vehicles, with their emergency lights activated, followed Thompson. Because it was so dark, Deputy Tejeda could not see Thompson. Deputy Tejeda's "partner"⁷ guided him to where he believed Thompson might be. Deputy Tejeda cut eastward, attempting to form an L-shape with the other patrol units still traveling northbound.

Deputy Tejeda saw Thompson run out from behind a bush and heard his "partner" say, "He's right there. He's right there." H-82 briefly shined the spotlight on Thompson. As the

⁷ Deputy Tejeda did not specify which partner guided him. H-82 broadcasted Thompson's location to the deputies, but Deputy Schwingel was inside Deputy Tejeda's patrol unit and also guided Deputy Tejeda.

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light illuminated Thompson, Deputy Tejeda saw he was wearing all black clothing. Thompson, still running northbound, turned and looked back at the pursuing patrol units. Deputy Tejeda did not see Thompson's gun until Thompson pointed it at the patrol units and fired two rounds. Deputy Tejeda saw one to two muzzle flashes from Thompson's handgun. Thompson fired the gun with his left hand southward at deputies who were only 10 to 15 yards behind him in their patrol units. At that distance, Deputy Tejeda knew the shots fired at pursuing deputies were lethal. Deputy Tejeda did not know if any deputies were outside of their vehicles or whether Thompson's gunfire had struck any deputies inside the units.⁸

Deputy Tejeda's "heart dropped." Deputy Tejeda was terrified for his partners' lives because Thompson was trying to kill them. Deputy Tejeda also feared for his and Deputy Schwingel's lives because he knew Thompson could easily point the gun at them and kill them both. Deputy Tejeda told his partner, "He's shooting!" Deputy Tejeda immediately stopped his patrol unit, put it in park, got out, and fired his rifle at Thompson. Deputy Tejeda stood behind his open driver's door, using it for cover because Thompson was shooting at deputies. Thompson was about 15 to 30 yards away from Deputy Tejeda. Deputy Tejeda aimed at Thompson's upper torso/side with his rifle's red dot optic when he shot. Deputy Tejeda believed that Deputy Schwingel also shot at Thompson because he heard his gunfire. Deputy Tejeda knew they were in a gunfight with Thompson at that point. If they had let Thompson continue to run toward Highway 395, innocent bystanders could be hurt. Deputy Tejeda estimated that Thompson had gotten to within 100 to 150 yards of Highway 395 at the time gunshots were fired.

After firing three to four rounds, Deputy Tejeda paused to reassess the threat. Within one to two seconds of Deputy Tejeda's gunfire, Thompson fell to the ground. Deputy Tejeda did not fire any additional gunshots. Deputy Tejeda and several other deputies quickly approached Thompson to take him into custody. Thompson lay on his back, his black semi-automatic handgun with a red dot optic resting beside him. An unknown deputy kicked the handgun away from Thompson. Several deputies turned Thompson onto his stomach, placed him in handcuffs, and began to administer aid. Deputy Tejeda saw a gunshot wound on Thompson's right torso. Deputy Tejeda stepped back while other deputies packed Thompson's bullet wound to stop the bleeding. Medical aid was called to the scene and arrived within two to seven minutes.

On April 25, 2023, **Deputy Austin Schwingel** was interviewed by Detectives Amy Bilbao and Nicholas Paslak of the San Bernardino County Sheriff's Department.

Deputy Schwingel was employed by the San Bernardino County Sheriff's Department as a deputy sheriff. On March 30, 2023, Deputy Schwingel was on duty, assigned to patrol in the county area of the high desert. Deputy Schwingel's call sign was 7 Paul 12, and his unit number was 7-12.

⁸ Deputy Bahena's patrol unit was struck by Thompson's gunfire in the field.

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At approximately 10:00 p.m., Deputy Schwingel was on patrol in the south county area of Apple Valley when he heard dispatch broadcast an ALPR hit for a vehicle (a white Mercedes-Benz) wanted in connection with an attempted murder out of Victorville. The ALPR hit was not near Deputy Schwingel's location, so Deputy Schwingel did not respond to the call. However, as additional ALPR hits for the vehicle came through, Deputy Schwingel monitored the radio traffic in case deputies needed his assistance. Deputy Schwingel drove to Bear Valley Road.

Dispatch broadcast that the wanted vehicle was involved in a pursuit with Victorville deputies and was headed down 7th Street toward Green Tree Road, in Victorville. H-82, the CHP helicopter, assisted ground units. The pursuit continued on 7th Street toward Palmdale Road. Deputy Schwingel headed west on Bear Valley Road toward Highway 395, still monitoring the pursuit over the radio. When Deputy Schwingel reached Highway 395, he heard H-82 broadcast that shots were fired by the pursuit suspect at a deputy's vehicle in Adelanto, not far from Deputy Schwingel's location. Fearing that one of his partners had been shot and killed, Deputy Schwingel turned on his unit's overhead lights and sirens and drove code three⁹ to the scene of the shooting to assist.

Two to three minutes later, Deputy Schwingel arrived at the scene in Adelanto. H-82 was overhead, tracking the pursuit suspect (later identified as Thompson), who had fled on foot and jumped over several fences into multiple backyards of homes on Justine Way. H-82 gave Thompson's description and advised that Thompson was still armed with a handgun. Deputy Schwingel parked his patrol vehicle on Justine Way, where he saw other deputies. Deputy Schwingel grabbed his rifle and loaded a round into the chamber so he would be prepared if Thompson shot at deputies again.

Thompson hid in the backyard of a residence on Justine Way. Deputy Schwingel was unable to see Thompson, but H-82 told the deputies where Thompson hid and warned them that Thompson still had a gun in his hand. Deputy Schwingel collaborated with other deputies to establish a perimeter around Thompson, ensuring the safety of both the deputies and the public. Knowing that Thompson was armed with a handgun and had already shot at deputies, Deputy Schwingel believed Thompson "could have easily walked to that gate or hopped over a gate and snuck around the property and came out shooting at deputies." Thompson was not only a risk to the deputies, but also a threat to the public. Because Thompson was armed with a handgun, Deputy Schwingel recognized the risk that Thompson could force entry into a home and take a family hostage, possibly hurting or killing them.

The patrol units, which included at least one CHP vehicle and several Sheriff's Department vehicles, emergency overhead lights were activated. A deputy gave commands over the PA system for Thompson to come out with his hands up. Deputies on the northern perimeter of the residence advised they could hear the commands "loud

⁹ Emergency. Lights and sirens activated.

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and clear." Thompson did not surrender and gave no indication he was willing to comply with any of the commands. SWAT¹⁰ had been called to the scene. Deputy Schwingel hoped Thompson would follow commands and come out with his hands up or would "leave the firearm" or "put the firearm far away," and "lie in the backyard until our SWAT team" arrived to apprehend him.

H-82 broadcast that Thompson was walking around the backyard. Thompson headed east, jumped over the fence, and ran through multiple backyards, fleeing deputies. Deputy Schwingel and a few other deputies were on foot, while others were in their patrol units. Guided by H-82, who tracked Thompson overhead, Deputy Schwingel and three or four other deputies ran on the street, trying to catch Thompson. Other deputies drove their patrol units. Thompson jumped over a fence into the backyard of a residence on Torrey Way. Deputy Schwingel anticipated they would set up another perimeter around the residence to contain Thompson; however, Thompson hopped over the back fence and ran into an open desert field toward Highway 395.

Deputy Schwingel got into the front passenger seat of Deputy Tejeda's patrol unit. Deputy Tejeda drove on Torrey Way to Villa Street, and into the open desert field. At least four other marked patrol units did the same. All the patrol units had their headlights, spotlights, and emergency lights activated. Thompson was about 75 yards away when Deputy Schwingel first saw him. Thompson matched the suspect's description, which H-82 had previously broadcast. Thompson was running north. Several patrol units drove directly behind him. Deputy Schwingel told Deputy Tejeda where Thompson was and instructed Deputy Tejeda to drive to the left so they could create more of an "L" around Thompson. Deputy Schwingel wanted to create an "L" around Thompson to "fan out targets if he [Thompson] was going to shoot at us again." Several patrol units drove in a northeast direction behind Thompson while Deputy Schwingel and Deputy Tejeda headed northward to flank Thompson.

Deputy Schwingel and Deputy Tejeda were about 50 yards west of Thompson when Deputy Schwingel saw a black handgun in Thompson's right hand. Several other units were driving directly behind Thompson, about 30 to 40 yards away. Thompson was running at a "slow jog," as if he were "tired or exhausted." Thompson's back was to the units. Thompson turned and, with his right hand, pointed the gun south at the patrol units directly behind him. Deputy Schwingel saw "several" muzzle flashes from Thompson's gun and heard gunshots when Thompson fired. Deputy Schwingel did not know if any deputies had been shot and killed or whether any deputies were outside their units when Thompson began shooting.

¹⁰ SWAT, Special Weapons and Tactics. The SWAT team is a unit within the Sheriff's Specialized Enforcement Division (SED), specially trained and equipped to respond to critical incidents including, but not limited to hostage taking, barricaded suspects, snipers, and other high-risk incidents.

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This marked the second time Thompson had fired at deputies that evening, and Deputy Schwingel believed Thompson sought “to hurt or kill” them or “anybody that got into his path.” The open desert between Thompson and the deputies' patrol units left the deputies exposed. Deputy Schwingel feared for the lives of the deputies, who were a mere 30 to 40 yards behind Thompson. Deputy Schwingel was also terrified for his life and Deputy Tejeda's because he knew Thompson could swiftly turn the gun on them and fire. The patrol units were well lit because all their lights were activated, and this made them easy targets in the dark.

Deputy Tejeda immediately stopped the unit, as did the other deputies in their patrol units. Deputy Schwingel quickly got out and took cover behind the open front passenger door. Deputy Schwingel pointed his rifle over the door and discharged three to four rounds in rapid succession at Thompson. As Deputy Schwingel fired, he hunched down behind the passenger door's ballistic panel because Thompson was shooting at deputies. Thompson was turned away from Deputy Schwingel, so Deputy Schwingel used his rifle's iron sights and aimed for the area of Thompson's right shoulder and back. Deputy Schwingel was 45 to 50 yards from Thompson. As he fired at Thompson, Deputy Schwingel was unsure whether his partners also discharged their firearms. Thompson fell to the ground, and Deputy Schwingel did not fire additional rounds because he believed the threat had ended. Deputy Schwingel yelled, “Cease fire,” to his partners when he saw Thompson fall to the ground.

Several deputies quickly approached Thompson to take him into custody. Deputy Schwingel remained behind the unit door, holding lethal cover in case Thompson began shooting at deputies again. After his partners reached Thompson to detain him, Deputy Schwingel approached. Deputy Schwingel saw a black semiautomatic handgun on the ground two to three feet to the right of Thompson. Several deputies rendered medical aid, and Deputy Schwingel walked away.

STATEMENTS BY CIVILIAN WITNESSES¹¹

On April 6, 2023, at approximately 1:46 p.m., **Stephen Antwan Thompson** was interviewed by Detectives Nick Paslak and Edward Witness #1 of the San Bernardino County Sheriff's Department.

Thompson waived his *Miranda*¹² rights and agreed to speak with the detectives about the events surrounding the March 30, 2023, officer-involved shooting.

During the daytime hours of March 30, 2023, Thompson borrowed his stepmother, Witness #3's white Mercedes-Benz and drove to Adelanto to visit his girlfriend. When he left his girlfriend's house, he put his backpack into the trunk of the Mercedes-Benz without

¹¹ All reports of civilian statements made were reviewed, though not all are summarized here.

¹² *Miranda v. Arizona* (1966) 86 S.Ct. 1602.

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looking inside. Thompson claimed he did not know about the 11 firearms and multiple rounds of ammunition that were later found inside the trunk.¹³

Thompson drove to Victorville and when he turned onto Seneca Road from La Paz Road, he saw a helicopter shining a light onto his car through the Mercedes-Benz's large sunroof. While the helicopter shined the light onto his car, Thompson noticed that two cars pulled behind him. Initially, Thompson did not know what kind of vehicles they were, but as he turned right onto Green Tree Boulevard, Thompson saw the San Bernardino County Sheriff's Department logo on the side of one of the vehicles behind him.

The Sheriff's unit activated its overhead red and blue lights. Thompson was in possession of a Glock 10mm handgun, and because he was a convicted felon, he knew he was not legally allowed to have the gun. Thompson did not want to go back to prison, so he accelerated his vehicle and fled from law enforcement.

Thompson's goal was to get away from the police. Thompson believed the Mercedes-Benz "got up to like 217 miles per hour" while he drove toward Adelanto. Thompson lost sight of the patrol units. When he reached Adelanto, he drove around the neighborhood looking for a place to park the car and get out. While looking for a place to stop, Thompson again encountered the sheriff's patrol units. Thompson accelerated again to evade the deputies but lost control of the car and crashed into the desert. Thompson got out and ran north toward an approximately 6-foot-tall fence. Thompson held the Glock 10mm handgun in his right hand. Thompson jumped over the fence into the backyard. Thompson could hear the police sirens but could not see the sheriff's units. Thompson ran north to the front yard of the residence and jumped over the front fence. When Thompson entered the front yard, he saw a sheriff's vehicle in the street with the overhead emergency lights and sirens activated. Thompson knew it was a sheriff's vehicle because of the emergency lights and sirens.

Because he feared he would go back to prison, Thompson decided he would shoot at deputies and force them to kill him. Thompson held the firearm in his right hand, with his elbow bent, and his arm in front of his body. Thompson fired several rounds over the deputy's vehicle as he ran across the street. Thompson claimed he did not try to shoot the deputy who was seated inside the patrol unit. As he ran across the street to jump over another fence, his gun seemed to jam and would not fire. Thompson tried to clear the jam by moving the slide back. Thompson removed the magazine and inserted another loaded magazine into his handgun. Thompson explained that he reloaded his gun because he believed the deputies would only shoot him if they thought his gun was loaded. Thompson jumped over additional residential fences and hid underneath a vehicle on the side of a house.

¹³ No record for any of the firearms was found in local law enforcement databases.

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While beneath the vehicle, Thompson called his mother and told her what was happening. Thompson told his mother he did not know why the police were behind him but thought it was because of the things his father was involved in. Thompson's mother told him to go out and to turn himself in, but he was afraid he would be shot because the deputies believed he was trying to kill them. Thompson told his mother to tell his son that he loved him. Thompson used the map on his phone and "dropped a pin" of his location for his mother and sister. Thompson heard the deputies giving him commands over the PA telling him, "Suspect, put the gun down or you'll be shot." Thompson did not surrender because he believed he'd be shot "regardless" because he had already "shot at the cops twice, maybe once at the ground, to make them kill me."

Thompson took off on foot again, jumping over fences into other yards, and then ran eastbound through an open field toward Highway 395. Thompson saw 15 to 16 sheriff's cars behind him with their emergency lights on. Thompson knew he was not going to get away and was ready to die. As he ran away from the deputies, Thompson extended his right hand to his side at a 45-degree angle toward the ground and fired one round. Thompson felt the gun jam again. Thompson's "instincts kicked in" and he cleared the malfunction "because he was ready to die." Thompson did not shoot to kill anybody and aimed high enough to clear the houses behind the patrol cars. Thompson heard about 30 gunshots and thought to himself, "This is it. I ain't going to jail." Thompson felt a gunshot in his back and fell to the ground face down. Thompson got shot like he wanted but it didn't go the way he expected. Thompson explained that he was not currently suicidal but that he "was that night."

The deputies approached Thompson and tried to put him in handcuffs. One of the deputies punched Thompson in his back four or five times and someone put a knee on his back while trying to handcuff him. Thompson told the deputies he had been shot. Thompson did not want to die in handcuffs, but they still handcuffed him. The deputies cut Thompson's clothing off after they noticed he had been shot. Thompson was transported to the hospital in a helicopter. Thompson apologized for putting the deputies' lives in danger and said he should have just pulled over for the deputies.

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SCENE PHOTOGRAPHS



Deputy Bahena's patrol unit, marked with Placard 2, far right. Deputy Bahena's unit was struck with a bullet when Thompson fired at the deputies who pursued him in the field. Deputy De Dios' and Deputy Tejeda's patrol vehicles are to the left of the photograph.

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Placard A, identifying the bullet strike to Deputy Bahena's patrol unit.



Placard 5, in the foreground, marked the location of Thompson's Glock, Model 40, 10mm semiautomatic handgun. The handgun was loaded with one cartridge in the chamber and 10 rounds in the 15-round capacity magazine. The cartridges were headstamped, "BLAZER 10mm Auto." One fired cartridge casing, headstamped with "BLAZER 10mm Auto," was found in the desert within the scene. Miscellaneous medical supplies, including "Combat Quick Clot" and chest seal packaging, were also located near the handgun where deputies rendered medical aid to Thompson.

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INCIDENT AUDIO AND VIDEO¹⁴

Deputy Tejeda's Belt-Recording¹⁵

The first several minutes of the recording captured audio of the pursuit. Deputy Tejeda's unit's sirens wailed, and the engine loudly revved. After several minutes, Deputy Tejeda's unit came to a stop. Deputy Tejeda spoke to unknown deputies and then advised he would use the PA to communicate with Thompson.

07:40- Deputy Tejeda, over the PA, **"This is the San Bernardino County Sheriff's Department."** Deputy Tejeda asked an unknown deputy, "You got a name? Do we have a description?" An unknown deputy said, "Tell him the house is surrounded." Deputy Tejeda, over the PA, announced, **"Suspect armed with a firearm, you are surrounded on all sides by the San Bernardino County Sheriff's Department. We need you to step out. Step out of your residence, walk out towards the street, put your hands up, hands visible. This is the San Bernardino County Sheriff's Department."**

8:14- Deputy Tejeda repeated over the PA, **"This is the San Bernardino County Sheriff's Department. Suspect, I need you to drop the handgun, walk out towards the street, put your hands in the air. If you do not show us your hands, you will be shot. Suspect, this is the San Bernardino County Sheriff's Department. We need you to drop the gun, walk towards the street with your hands up in the air."** An unknown deputy radioed, "(inaudible)...H-80,¹⁶ do you have eyes on the suspect?"

9:03- Deputy Tejeda, over the PA, announced, **"This is the San Bernardino County Sheriff's Department. Suspect, we need you to drop the handgun, and walk towards the street, with your hands in the air. If you do not walk with your hands in the air, you will be shot. Suspect, this is the San Bernardino County Sheriff's Department, we need you to end in a peaceful resolution, we need you to drop the handgun, walk towards the street, with your hands in the air."**

9:35- Multiple deputies conversed, trying to determine if anyone knew where Thompson was located or had a better description of Thompson. No one was sure of Thompson's location.

¹⁴ Multiple audio and video recordings were submitted for review. All audio and video recordings were reviewed in their entirety, though not all are summarized here. The summaries are limited to the portions of the audio and video recordings that captured the events before, during, and immediately after the officer involved shooting.

¹⁵ This summary's focus is related to the commands given by Deputy Tejeda to Thompson over the PA system, the coordination between multiple deputies related to locating Thompson, and the events immediately before and during the officer-involved shooting. The CHP helicopter's rotor blades, radio traffic, and sirens were periodically audible in the background throughout the recording. Times noted are those from the media player and are not the actual time of events.

¹⁶ The deputies addressed the CHP Air Operations Unit as H-80, though the unit's call sign was H-82.

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10:05- Conversations related to Thompson's location and his description continued. Deputy Tejeda said, "Suspect was last seen in this area, he (referring to the officer in H-82) hasn't seen him leave, there's a hot spot in some air conditioning vents near this house, or on the side of this house, I don't know if it's west or east side. As far as we know, he's in the gated area behind the house or on the side."

10:32- Deputy Tejeda said, "Tall? Just tall." An unknown deputy responded, "Just tall." Deputy Tejeda asked, "Light shirt? White shirt?" An unknown deputy replied, "A light shirt, tall BMA."¹⁷ Deputy Tejeda stated, "White, white shirt."

10:55- Deputy Tejeda said, "He's gonna be in here, bro." An unknown deputy said, "He's gonna be between this house and..." A third deputy said, "Air units don't have anything, huh?" Deputy Tejeda responded, "No, they don't have eyes, they just have a hot spot right in between two AC Units." Deputy Tejeda over the PA, said **"Suspect, this is the San Bernardino County Sheriff's Department, we need you to walk towards the street, drop the handgun, put your hands in the air. If you do not drop the handgun, you will be shot."**

11:20- Deputy Tejeda, over the PA, advised, **"Suspect, this is the San Bernardino County Sheriff's Department, we need to end this in a peaceful resolution. We need you to walk towards the street with your hands up in the air and drop the handgun."** After a brief pause, Deputy Tejeda announced over the PA, **"Suspect, this is the San Bernardino County Sheriff's Department, we need you to drop the handgun, walk towards the street, so we can take you into custody. We need to end this in a peaceful resolution. If you do not drop the handgun, you will be shot."** Deputy Tejeda warned another deputy, "Hey, back up. You, sir, go in the car, back-- you, go in one of the cars back there, you're too close."

12:02- Deputy Tejeda, over the PA, said, **"Suspect, this is the San Bernardino County Sheriff's Department, we need you to drop the handgun and walk towards the street. We need to end this in a peaceful resolution."** Sirens, with increasing volume, were audible as additional police units approached the scene. Deputy Tejeda and several unidentified others discussed whether they should enter the yard with a shield to approach Thompson.

13:28- Deputy Tejeda said, "Hey, he still has a weapon in his right hand, you guys hear that? Were you guys on our channel?" An unidentified male responded, "No." Deputy Tejeda stated, "So, he still has a handgun in his right hand." A deputy said, "They have eyes on him." Deputy Tejeda, over the PA, said, **"This is the San Bernardino County Sheriff's Department. Suspect, we know you're still in the air vents. We need you to drop the handgun, so we can end in a peaceful resolution."** A deputy advised,

¹⁷ Black male adult.

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"Can you watch that side of the house, because he can go around." Deputy Tejeda said, "Hey, he might be able to look over the...so where's he at? So, where's he at then?"

14:11- Deputy Tejeda said, "Use the silver, the vehicle as a reference point to the west...This one right here. East side is that side. Not yet, we're holding for now. I'll continue the PA's." An unknown deputy said, "Let's, you want to roll it, keep eyes so we can see a little better of point of view?"

14:35- The sound of a vehicle door opening and a door chime was audible. An unknown deputy said, "Keep, keep that, if he goes that way, so we keep, the whole vehicle covered."

15:22- Deputy Tejeda asked, "Hey, SED got notified, right?"

15:30- Deputy Tejeda asked, "Did somebody want to take over PAs?" Over the PA, an unidentified deputy announced, **"Suspect at [redacted] Justine Way, we know your location, you are surrounded on all sides. Come out with your hands up, free of any weapons, you will not be shot."**

16:05- An unknown deputy, on the PA, advised **"Suspect, this is the San Bernardino County Sheriff's Department, you are surrounded, come out with your hands up."**

16:10- Deputy Tejeda said, "He's moving, he's moving. He's moving toward the back of the house.

16:25- Deputy Tejeda said, "He's in the backyard, northeast corner, northeast corner."

16:46- Deputy Tejeda said, "He's going that way." A deputy in background echoed, "Going that way." Deputy Tejeda said, "Right here? He's right here, let's push, he's going to the backyard."

17:11- An unknown deputy said, "Let's keep a couple units here."

17:20- Deputy Tejeda advised, "Black hair, curly, white shoes."

17:31- Deputy Tejeda said, "He's on Torrey way. Go, go, go, go, go, go, (inaudible)." The sound of a car door opening was audible, the door alarm chimed repeatedly, followed by the sound of a vehicle engine loudly revving.

18:11- Deputy Tejeda said, "(Inaudible) right here, right here. Desert, desert, he's in the desert...in the field... Hey, somebody want to hop in here, or no? On the passenger side."

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18:40- Deputy Tejeda's patrol unit engine revved loudly as Deputy Schwingel and Deputy Tejeda briefly conversed, their words unintelligible.

19:03- The vehicle door chime sounded repeatedly along with the interior noises associated with a vehicle traversing bumpy terrain. Deputy Schwingel, "(Inaudible), the desert?" Deputy Tejeda's reply was unintelligible.

19:16- Deputy Tejeda asked, "Where's he at? Where's he at?" Deputy Schwingel answered, "Straight ahead, straight ahead."

19:28- Deputy Schwingel advised, "To the left."

19:34- Deputy Schwingel said, "Right there, right there." Deputy Tejeda asked, "Where, where, where?" Deputy Schwingel replied, "Straight ahead." Deputy Tejeda, "I see him."

19:38- Deputy Tejeda yelled, "I see him! Let's get out. He's shooting, he's shooting, he's shooting!"

19:41- Deputy Tejeda yelled, "Drop the gun!"

19:43- 19:47- Several gunshots rang out.

19:48- Deputy Tejeda yelled, "Suspect down! Shield, shield, shield! Hands on your head!" Deputy Tejeda said, "I'm on you, I'm on you." Deputy Tejeda along with several others yelled repeatedly, "Hands, hands, show me your hands!"

20:12- Deputy Tejeda yelled, "Where's the gun, where's the gun, where's the gun? Get the gun, get the gun, get the gun!" Several deputies yelled, voices overlapping, their words unintelligible.

20:35- Deputy Tejeda asked, "We good, everybody's good?" Thompson said, "I'm shot. I'm shot." Multiple overlapping voices were audible as several deputies verified others had not been shot.

H-82 VIDEO RECORDING¹⁸

CHP Air Operations Unit H-82 was overhead during the incident involving Thompson and SBCSD deputies. H-82 assisted the deputies during the vehicle pursuit and remained overhead until the conclusion of the incident under review. CHP Flight Officer Zachary Edwards communicated with sheriff's dispatch and the deputies on the ground via H-82's

¹⁸ A video recording from CHP aviation unit, H-82, was submitted for review. The video resolution was clear and contained audio. Times noted herein are taken from the actual time as recorded and displayed on H-82's video, which matched the times listed in the SBCSD's computer aided dispatch (CAD) report.

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radio. Radio broadcasts from the ground units and sheriff's dispatch were audible on the video recording.

H-82's camera recorded video of the events, including, but not limited to: The vehicle and foot pursuit, Thompson as he fired multiple rounds from a handgun at Deputy Burrud and Explorer Witness #1, Thompson's heat signature, as he hid beneath a vehicle, while the deputies established a perimeter around him, Thompson as he jumped over several residential fences and ran through backyards to flee from deputies, and Thompson as he again used a handgun to fire again at deputies who pursued him in their patrol units in a field.

During the vehicle pursuit, Thompson drove a white Mercedes-Benz westbound from Victorville to Adelanto via Palmdale Road and Highway 18. The patrol units were quickly lost from the camera view as Thompson quickly accelerated away from them. On more than one occasion, H-82 broadcasted the Mercedes-Benz travelled at speeds over 140 miles per hour and failed to stop for the red light at several intersections. Over the radio, SBSD Sergeant John Rodriguez directed the pursuing deputies to "cut code"¹⁹ and to let H-82 trail the Mercedes-Benz overhead. H-82 trailed Thompson's vehicle and kept the deputies apprised of Thompson's location, direction of travel, and speeds.

At 10:27 p.m., Thompson drove into a residential neighborhood in Adelanto, reduced his speed, and slowly drove around the neighborhood. H-82 guided the deputies to Thompson's location. At 10:30 p.m., Thompson drove eastbound on Seneca Road, where two sheriff's patrol units, driving westbound, turned around and drove behind Thompson's car. Thompson rapidly increased his speed to over 100 miles per hour and the patrol units were quickly lost from the camera view. Thompson continued eastbound on Seneca Road at speeds more than 100 miles per hour. At 10:31 p.m., Thompson attempted to turn left at Jonathan Street, where he lost control of his vehicle and drove into a field. H-82 broadcast that Thompson fled the vehicle on foot and may have discarded something. As Thompson ran north from the car, he could be seen by the camera's FLIR technology.²⁰ Thompson ran north through the field toward the backyard fence of residence at [redacted] Tara Lane.

At 10:32:07, Thompson climbed the fence and ran into the backyard. H-82 broadcast the address just as Thompson climbed over the back fence. At 10:32:21 p.m., Deputy Burrud's patrol unit turned east onto Tara Lane from Jonathan Street. [redacted] Tara Lane was the [redacted] residence east from the intersection of Jonathan Street and Tara Lane. Thompson climbed over the front yard fence, ran into the front yard and continued north toward the street.

¹⁹ Deactivate lights and sirens and reduce speed.

²⁰ H-82's Forward-Looking Infrared (FLIR) camera was used to track Thompson because the incident occurred during darkness. FLIR technology enables a user to see heat signatures in darkness.

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As Deputy Burrud turned onto Tara Lane, H-82 broadcast, "It's the second house on your right, he's right there, right to your right." Deputy Burrud's patrol unit abruptly stopped as Thompson ran northbound from the front yard and into the street. At 10:32:23, Thompson began shooting at Deputy Burrud's patrol unit with a handgun. As Thompson's bullets made impact with the front of Deputy Burrud's vehicle, hot debris flew from the front of Deputy Burrud's patrol unit and shone in the FLIR imagery.



Image enlarged to show detail.

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H-82 broadcast, "Right there, looks like he's got his hand, oh, shots fired, shots fired. Still running northbound. Still running northbound from the unit."

While Thompson ran across Tara Lane and into the front yard of a residence on the north side of the street, Thompson continued to shoot multiple rounds at Deputy Burrud's unit. While Thompson fired, hot FCCs ejected from the handgun, visible due to their heat signature.

Thompson climbed over the fence into the backyard of a residence on the north side of Tara Lane and was momentarily blocked from H-82's camera view by the two-story residence. Thompson reappeared as he ran northbound through the backyard to the fence line. Dispatch copied shots fired. A deputy (later determined to be Deputy Burrud) broadcast, "Shots fired." H-82 broadcast, "Shots fired *from* the suspect, from the suspect, at the approaching deputy." H-82 then advised that the suspect was in the backyard of [redacted] Tara Lane. Thompson ran east and climbed over another fence into another backyard.

Thompson continued running eastbound, climbing over fences, through multiple backyards of homes located on the north side of Tara Lane. H-82 advised, "He's still running eastbound, hopping fences, it looked like a handgun." Thompson climbed over a fence on the north side of a residential property and ran northbound to another residential property on Justine Way. An unidentified male broadcast, "They're advising he still has a handgun." H-82 broadcast the address of Thompson's location on Justine Way at 10:33 p.m. Over the radio, Sergeant Rodriguez asked, "Are all my deputies okay?" An unidentified deputy replied, "Yes, we are okay."

Thompson continued northbound and crossed Justine Way at 10:33 p.m. H-82 updated deputies as to Thompson's direction of travel and provided the address of the residential property Thompson entered next. Thompson continued to flee deputies by climbing over multiple fences and running through numerous properties. As Thompson reached the northern perimeter of a residential property on Justine Way, H-82 broadcast to the deputies that there was an open field north of the property.

A patrol unit came into the camera view as it drove eastbound through the open field toward Thompson's location. Thompson started to climb over the fence on the northern perimeter, but once he reached the top, climbed back down into the yard, evidently hiding from the oncoming patrol unit. H-82 broadcast Thompson's location and advised, "Unit, he's looking over at you."

Thompson ran eastward through the backyard, hopped over the side perimeter fence, and continued eastward through several residential backyards. H-82 continued updating deputies of Thompson's location and direction of travel. At 10:34 p.m., H-82 broadcast, "He still has the weapon in his hand, still running eastbound." The handgun was visible in Thompson's right hand as he climbed over fences.

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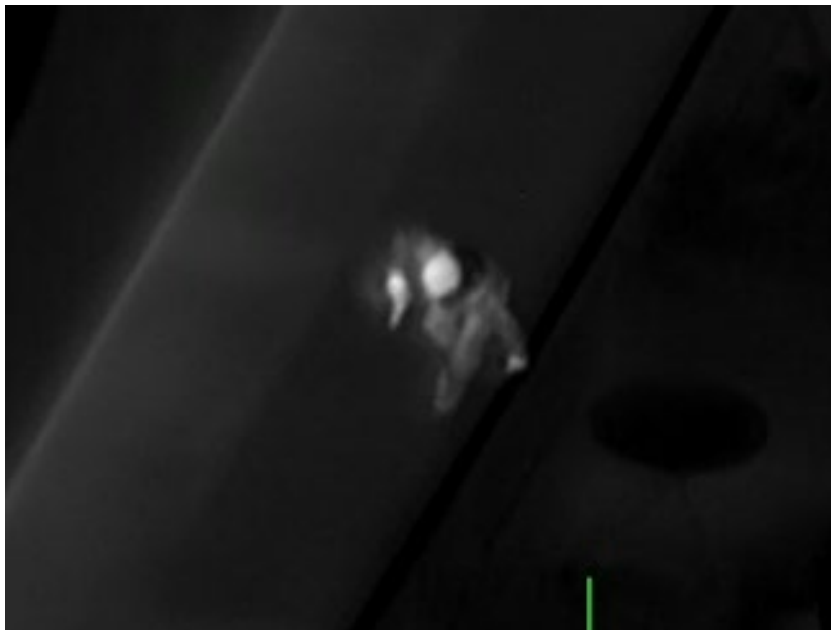


Image enlarged to show detail.

Thompson continued to run eastbound through the backyards of residential properties and then hid between two residences on the north side of Justine Way at 10:36 p.m. H-82 broadcast the addresses of the two homes and advised that Thompson was “hunkered down” between the two houses. H-82 circled above and guided the deputies to Thompson’s hidden location. Multiple patrol units, with emergency lights activated, began to arrive and surround the perimeter. Occupants inside one of the homes opened the curtains and looked outside from a second-story bedroom.

At 10:38 p.m., Deputy De Dios²¹ walked from his patrol unit with a rifle in hand and approached the fence from the open field north of the residence. Sergeant Rodriguez radioed, “Hey, stop your approach, get behind your car.” Deputy De Dios quickly backed away from the fence and returned to the patrol unit. H-82’s spotlights briefly lit up the scene.

²¹ The identification of Deputy De Dios is based on statements given by Deputy De Dios and Sergeant Rodriguez.

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Deputy De Dios' patrol unit marked with red circle.



Red circle added to show the location where H-82 last saw Thompson.

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At 10:40 p.m., another patrol unit approached the scene, slowly heading eastbound on Justine Way. Three unidentified deputies walked beside the unit. The deputies carried rifles and used the unit as cover. H-82 advised, "He's surrounded on all four sides."

An unidentified deputy asked H-82 to confirm he had "eyes on" Thompson. H-82 advised that he was tracking the "only hot spot" in the side yard of the residence, that he had not seen him leave the area, and believed he was "hunkered down" between two air conditioning ducts.



Red circle added to show the location where H-82 believed Thompson was secreted.

At 10:42 p.m., another patrol unit arrived on Justine Way. Three patrol units, with their emergency lights activated, were visible in the camera view on Justine Way. H-82 briefly activated the spotlight.

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As H-82's camera focus zoomed outward, the view of the scene expanded. Multiple patrol units, with their emergency lights activated, surrounded the perimeter. H-82 continued communicating with the ground units. H-82 advised that the best description he had for the suspect was that he was "tall and skinny" and possibly a light-colored shirt because he was "on the infrared" camera the entire time. For several minutes, the scene remained largely unchanged.

At 10:45 p.m., Thompson was briefly observed as he moved beneath a vehicle parked on the east side of the residence where officers believed he had been hiding. H-82 broadcast this information to the deputies, alerting them to Thompson's exact location. An unidentified deputy asked for a shield over the radio. Another deputy replied, "That's affirm, we have a shield." Thompson appeared to be squatting behind the vehicle with a gun in his right hand. H-82 broadcast, "It looks like he still has his weapon in his right hand."

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Thompson's location marked with the red circle.

Thompson stood up and walked beside the residence toward the front of the house. Multiple deputies were in front of the residence. H-82 cautioned, "Units just in front of that residence, just be careful, he might be able to go to the front side of that house and look over the fence and just peek around toward your location. Just be careful."

At 10:48 p.m., Thompson walked northward to the back northeast corner of the residence. H-82 updated deputies and advised that Thompson was "in the northeast corner of the residence." Thompson stopped beside the corner of the house. Thompson looked northwest toward the patrol vehicles and the deputies who were positioned in the field behind the property. Thompson walked east, across the backyard, and jumped the east perimeter fence into the backyard of the next-door property. Thompson continued heading eastward, climbing over additional fences and crossing through multiple backyards. H-82 updated deputies throughout. H-82 cautioned that Thompson still had the gun in his right hand. H-82 broadcast that Thompson wore all dark colored clothing with white shoes.

Thompson made his way to the backyard of a residence located on Torrey Way. Thompson ran across the street at Torrey Way and into the yard of a residence on the east side of Torrey Way. H-82 broadcast the address to the residence and guided the deputies to Thompson's location. Just east of the residential property was a large vacant field. Highway 395 was several yards east of the residential property.

Three patrol units drove eastbound on Justine Way toward Torrey Way. H-82 broadcast, "He's going to run into another dirt field." The patrol units turned north on Torrey Way. Six deputies who were on foot ran northbound on Torrey Way. Thompson walked through the

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backyard of the residence on the east side of Torrey Way. Additional patrol units and additional deputies on foot came into camera view, all headed north on Torrey Way. H-82 advised that Thompson was working his way in the backyard toward the open desert field east of the location. Three patrol units drove east on Villa Street toward Torrey Way.

At 10:51 p.m., Thomson climbed over the property's back fence and ran east into the open desert field. H-82 broadcast, "Alright, now he's in the dirt field, running eastbound in the dirt field." H-82 broadcast, "Units can continue there on Villa Street." At 10:51:32, Thompson continued to run east. H-82 broadcast that Thompson was still running eastbound in the desert. A patrol unit drove from Villa Street into the field. Several patrol units headed north on Torrey Way toward Villa Street. H-82 briefly activated the spotlight several times, momentarily illuminating Thompson as he ran through the field. The camera's focus zoomed in, briefly providing a close-up view of Thompson. When the camera's focus expanded, a patrol unit came into camera view as it drove behind Thompson. At 10:52:05, H-82 broadcast that the unit was about 50 yards behind Thompson.

Thompson continued to run. The patrol unit followed, advancing closer to Thompson. A second and then a third patrol unit came into camera view, driving through the desert, toward Thompson. Thompson still ran eastbound through the desert. At 10:52:21, a fourth patrol unit came into camera view, pursuing Thompson.



Thompson's location marked with red circle.

H-82 broadcast, "Still running eastbound through the desert. I have multiple units behind." As H-82's camera focus zoomed in, three patrol units were lost from camera view. One unit could be seen, driving closely behind Thompson. Thompson continued to run.

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An enlarged view, showing Thompson's position relative to the nearest patrol unit at 10:52:26 p.m.

At 10:52:27, H-82's camera focus zoomed in more closely on Thompson and all patrol units were lost from the camera view. At 10:52:29, Thompson, while still running, turned his upper body to the right, extended his right arm outward, and pointed his handgun at the patrol units who were last seen directly behind Thompson. The heat signature from a hot FCC, observed in the FLIR imagery, flew upward from Thompson's gun. No gunfire was audible. H-82 broadcast, "And more shots fired."

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An enlarged view showing Thompson as he pointed the handgun behind him toward patrol units at 10:52:29. A hot FCC was visible as it flew directly above Thompson's gun.

At 10:52:31, Thompson turned his upper body back to the front and continued to run. Thompson abruptly fell to the ground at 10:52:35. No gunfire was audible. Thompson rolled from his stomach onto his back and outstretched his arms to his sides. H-82 broadcast, "The suspect is down, still moving." The handgun was visible on the ground to the right of Thompson, near his right arm. Several deputies, with rifles in hand, jogged toward Thompson. H-82 broadcast, "Gun's near his right hand." Additional deputies came into camera view, also approaching Thompson.

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At 10:53:06, a deputy reached Thompson's location and used his right foot to slide the gun several feet away from Thompson. The deputy stood near the handgun and held lethal cover with his rifle pointed toward Thompson while additional deputies approached. When the deputies reached Thompson, they turned him onto his right side and took him into custody. H-82 broadcast, "Deputies taking one into custody now." As H-82's camera focus zoomed outward, several patrol units came into camera view west of Thompson's location. Highway 395 came into camera view east of Thompson. Several vehicles were observed driving past the scene on Highway 395 (upper portion of image below.)

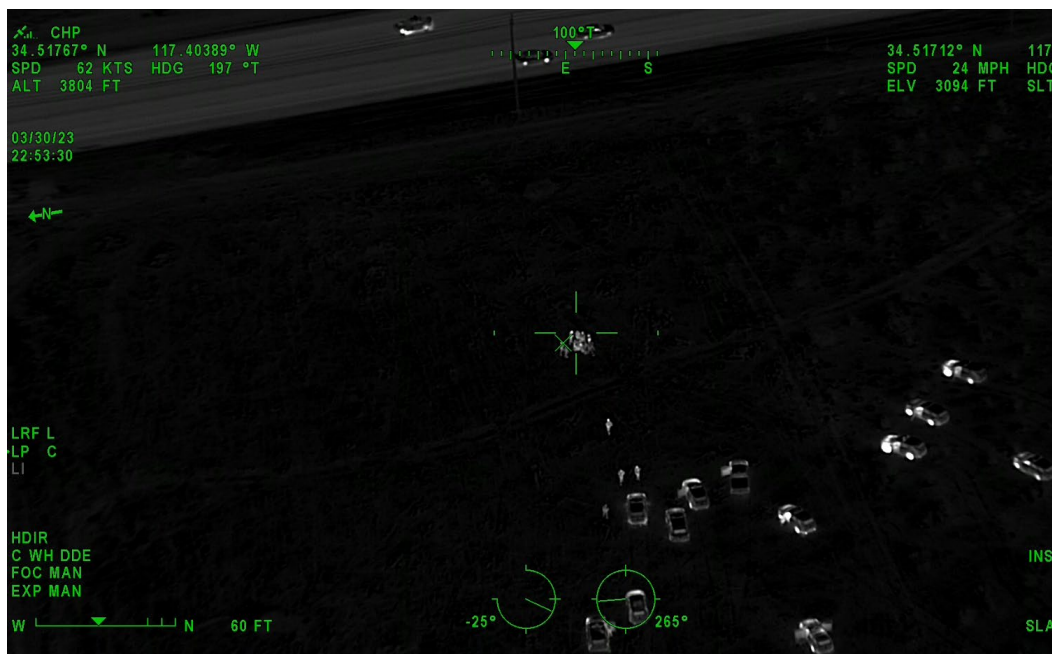
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WEAPON

The Glock, Model 40, 10mm semiautomatic handgun used by Thompson was found on the ground at the scene. The handgun was loaded with one cartridge in the chamber and 10 cartridges in the 15-round capacity magazine. The cartridges were marked with "BLAZER 10mm Auto." No record for the gun was found in local law enforcement databases. An additional magazine for the handgun, loaded with 10mm ammunition, was found in Thompson's left front pants pocket by Deputy John Portillo.



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INJURIES

Dr. [redacted] at Arrowhead Regional Medical Center treated Thompson for his injuries. Thompson sustained a gunshot entry wound to his right upper back; a gunshot exit wound to his anterior upper chest, pulmonary contusions, and pulmonary lacerations.

TOXICOLOGY

No toxicology results were submitted.

CRIMINAL HISTORY

Stephen Thompson has a criminal history that includes the following convictions:

2017, 29.02 of the Penal Code, Second Degree Robbery, 372nd District Court, Fort Worth, Texas, Court Case number 1493822001, a felony.

2017, 2902 of the Penal Code, Second Degree Robbery, 372nd District Court, Fort Worth Texas, Court Case number 1494520001, a felony.

On April 4, 2023, Stephen Thompson was charged in Victorville Superior Court, County of San Bernardino, case number FVI23001055, with multiple felonies related to his actions during the incident under review.

On June 14, 2024, Thompson pleaded guilty or no contest to the following charges:

1. Two counts of Attempted Murder of Peace Officer, pursuant to 664/187(a) of the Penal Code, felonies, with an admission of a strike as to one count, pursuant to 1170.12 of the Penal Code, and with an admission of personal and intentional discharge of a firearm as to both counts, pursuant to 12022.53(c) of the Penal Code, a felony;
2. One count of Attempted Murder, pursuant to 664/187(a) of the Penal Code, a felony, with an admission of a strike, pursuant to 1170.12 of the Penal Code, a felony.
3. Evading a Peace Officer With Wanton Disregard for Safety, 2800.2(a) of the Vehicle Code, a felony;
4. Six counts of Felon/Addict in Possession of a Firearm, felonies.

On July 26, 2024, Thompson was sentenced to a total determinate sentence of 45 years, 8 months, followed by an indeterminate sentence of 74 years to life with the possibility of parole.²²

²² Thompson also admitted to additional special allegations and enhancements, not specifically listed herein, in relation to the underlying charges.

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CRIMES UPON PEACE OFFICERS

Attempted Murder of a Peace Officer

California Penal Code section 664/187(a) (Summarized in pertinent part).

Every person who attempts to commit any crime, but fails, or is prevented or intercepted in its perpetration, shall be punished where no provision is made by law for the punishment of those attempts, as follows:

(e) [...] if attempted murder is committed upon a peace officer or firefighter, [...], and the person who commits the offense knows or reasonably should know that the victim is a peace officer [...] engaged in the performance of his or her duties, the person guilty of the attempt shall be punished by imprisonment in the state prison for life with the possibility of parole.

This subdivision shall apply if it is proven that a direct but ineffectual act was committed by one person toward killing another human being and the person committing the act harbored express malice aforethought, namely, a specific intent to unlawfully kill another human being. The Legislature finds and declares that this paragraph is declaratory of existing law.

Notwithstanding subdivision (a), if the elements of subdivision (e) are proven in an attempted murder and it is also charged and admitted or found to be true by the trier of fact that the attempted murder was willful, deliberate, and premeditated, the person guilty of the attempt shall be punished by imprisonment in the state prison for 15 years to life. Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 shall not apply to reduce this minimum term of 15 years in state prison, and the person shall not be released prior to serving 15 years' confinement.

Assault With a Deadly Weapon

California Penal Code section 245(d) (Summarized in pertinent part).

- (1) Any person who commits an assault with a firearm upon the person of a peace officer, and who knows or reasonably should know that the victim is a peace officer or engaged in the performance of his or her duties, when the peace officer is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for four, six, or eight years.

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- (2) Any person who commits an assault upon the person of a peace officer with a semiautomatic firearm and who knows or reasonably should know that the victim is a peace officer engaged in the performance of his or her duties, when the peace officer is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for five, seven, or nine years.

APPLICABLE LEGAL PRINCIPLES

A peace officer may use objectively reasonable force to effect an arrest if he believes the person arrested has committed a public offense. (Calif. Penal Code §835a(b).)²³ Should an arresting officer encounter resistance, actual or threatened, he need not retreat from his effort and maintains his right to self-defense. (Penal Code §835a(d).) An officer may use objectively reasonable force to effect an arrest, prevent escape or overcome resistance. (Penal Code §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 Code §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 sections 196 and 197. Both 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 Section 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 that a ***police officer is justified in using deadly force*** when he reasonably believes, based upon the totality of the circumstances, that it is necessary:

²³ All references to code sections here pertain to the California Penal Code.

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- (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 Code §835a(c)(1).)

Discharge of a firearm is “deadly force.” (Penal Code §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 Code §835a(e)(3).)

While the appearance of these principles is new to section 835a in 2020,²⁴ 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, 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 case law 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 case law, 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 case law pertaining to the 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 Code §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 Code §835a(c)(1).) Second, deadly force cannot be used against a person who only poses a danger to themselves. (Penal Code §835a(c)(2).)

While the codified standards for the use of deadly force in the course of arrest are set forth in subsections (b) through (d) of Section 835a, the legislature also included findings

²⁴ Assem. Bill No. 392 (2019-2020 Reg. Sess.) approved by the Governor, August 19, 2019. [Hereinafter “AB-392”]

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and declarations in 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;²⁵
- (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 Code §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 section 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 case law, states that a person acts in lawful self-defense or defense of another if:

²⁵ Penal Code §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 Code §835a (a)(3).

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- (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 is 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, newly defined in the context of the 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 Code §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.)

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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. (*id.*)

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 consider what a reasonable person in a similar situation with similar knowledge would have believed. (*Id.*) 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.)²⁶ 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, and 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)

²⁶ The legislative findings included in Penal Code 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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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." (*Id.* At 1072.) 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 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 affect it.'

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

ANALYSIS

When determining the justification for a deputy's use of lethal force, it is crucial to carefully examine the facts and circumstances surrounding that decision. The deputies involved in this incident were aware that the Mercedes-Benz driven by Thompson was actively sought in connection with an attempted murder that had transpired just a day prior. While this did not automatically mean that Thompson was a suspect in the attempted murder, the association of the vehicle with a violent crime undeniably necessitated a heightened sense of caution among the deputies as they attempted to stop the car in Victorville. Given the nature of the crime for which the Mercedes-Benz was sought, the deputies had every reason to believe that Thompson might be armed. Thompson's refusal to pull over for the traffic stop and the subsequent high-speed pursuit only served to heighten the deputies' concerns.

After Thompson crashed, he fled the vehicle on foot, scaled a fence surrounding a residential property, and darted into the backyard. The reckless high-speed pursuit, coupled with Thompson's trespass into a private backyard, underscored the significant threat he posed to public safety. The deputies were understandably concerned that Thompson might invade a home and take a family hostage. To ensure the safety of the community, swiftly apprehending Thompson became absolutely imperative.

As Deputy Burrud and Sheriff's Explorer Witness #1 headed eastbound on Tara Lane to intercept Thompson, Thompson sprinted from the backyard and headed straight into Deputy Burrud's path. Deputy Burrud slammed on his brakes as Thompson's gunfire erupted. Deputy Burrud shielded Witness #1 with his body as a barrage of bullets tore into the front of the patrol car. Despite the danger, Deputy Burrud looked up, knowing their lives depended on his swift action. Deputy Burrud saw Thompson directly in front of the unit, still shooting at them, as he ran across the street to another house. Deputy Burrud fired one round at Thompson.²⁷ As Deputy Burrud's bullet whizzed past Thompson, Thompson scaled another fence and ran into the backyard of another house.

H-82 broadcast "shots fired" as Thompson ran through the backyard. Hearing the broadcast, Deputies De Dios, Tejeda, and Schwingel feared their partner had been shot. As the deputies raced to the scene, Thompson barricaded himself beneath a vehicle that was parked between two homes. A multitude of law enforcement officers, including Deputies De Dios, Tejeda, and Schwingel, set up a perimeter to contain Thompson.

²⁷ Deputy Burrud's single gunshot did not strike Thompson. Therefore, a review of his decision to use lethal force is not required. However, based on the facts and circumstances, Deputy Burrud's use of deadly force was legally justified because it was in lawful defense of his life and the life of Witness #1.

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Knowing that Thompson was armed with a handgun and had already shot at law enforcement that evening, they held the perimeter and waited for SED to arrive.

DE-ESCALATION

Deputy Tejeda gave multiple loud and clear commands over the PA to Thompson. In an effort to de-escalate the situation, Deputy Tejeda explained exactly what Thompson needed to do to surrender safely. As required by Penal Code section 835a, Deputy Tejeda told Thompson they were with the Sheriff's Department and warned that they would shoot him if he did not drop the gun and walk out with his hands in the air. (Penal Code §835a(c)(1).) Thompson admitted during his interview that he heard the commands. Deputy Tejeda gave eight separate commands over the PA to Thompson. After nearly 10 minutes of repeated commands and clear instructions on what he needed to do to comply with law enforcement, Thompson still refused to surrender. Thompson emerged from his hiding place with the gun and fled from deputies again. H-82 broadcast that Thompson still had the gun in his hand, warning the deputies of the danger.

USE OF DEADLY FORCE

Thompson ran toward Highway 395, a heavily traveled state highway, with a loaded gun. Because Thompson had already shot multiple rounds at law enforcement, the deputies knew he presented a danger to the public. Stopping Thompson was a matter of extreme urgency. While pursuing Thompson through the field, Deputy De Dios had his driver's window down and held his unit door propped open with his foot so he could exit as quickly as possible. Deputy De Dios yelled at Thompson to "drop down" and to "get on the ground," six or seven times. Thompson continued to run.

When Deputy De Dios was 15 to 20 yards away from Thompson, Thompson looked back and "made eye contact" with Deputy De Dios. Deputy De Dios felt "vulnerable" and immediately had the gut feeling that "this is not going to go well." Deputy De Dios knew Thompson was wanted as a suspect in an attempted murder and that Thompson had already shot at deputies. It was clear to Deputy De Dios that Thompson "was determined to flee and not get captured." Deputy De Dios slowed down to between three to five miles per hour and tried to give Thompson more space. Deputy De Dios saw Thompson transfer the handgun from his right hand to his left hand and look back at Deputy De Dios again. Deputy De Dios then saw Thompson turn his upper torso "as far back as possible" as he looked back at him a third time. Deputy De Dios saw muzzle flashes when Thompson began shooting at him. Deputy De Dios "stomped" on his brakes and closed his eyes. Deputy De Dios feared he had been shot, and the pain had not yet set in. Deputy De Dios believed that he, his partners, and the people residing in the homes behind the patrol units were in grave danger as Thompson fired. Given the circumstances, Deputy De Dios's fear was both honest and objectively reasonable. Deputy De Dios immediately exited his patrol unit and fired two rounds at Thompson to stop the threat. Deputy De Dios estimated he was only 15 yards away from Thompson when he fired.

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Together in one patrol unit, Deputies Tejeda and Schwingel were 15 to 30 yards away from Thompson when Thompson turned and fired at the pursuing patrol vehicles. Deputy Tejeda did not see Thompson's gun until Thompson pointed it at the patrol units and fired. Deputy Tejeda's belt-recorder captured the frantic conversation as Deputy Tejeda asked Deputy Schwingel, "Where's he at? Where's he at?" and Deputy Schwingel replied, "To the left. Right there, right there." Still unable to see Thompson, Deputy Tejeda asked, "Where, where, where?" Deputy Schwingel replied, "Straight ahead." Seconds later, Deputy Tejeda exclaimed, "I see him! Let's get out. He's shooting, he's shooting, he's shooting! Drop the gun!"

Deputy Tejeda saw muzzle flashes from Thompson's gun when Thompson fired two rounds southward at the deputies who were only 10 to 15 yards away. At that distance, Deputy Tejeda knew Thompson's bullets were lethal. Indeed, one of Thompson's bullets struck a patrol unit. Deputy Bahena's vehicle was struck on the driver's side front bumper. As such, Deputy Tejeda's fear for his partners' lives was reasonable. Deputy Tejeda's fear for his and Deputy Schwingel's lives was also reasonable because he knew Thompson could easily point the gun at them and kill them. Deputy Tejeda honestly believed Thompson was trying to kill them. Deputy Tejeda immediately stopped his patrol unit, exited, and fired his rifle at Thompson. Deputy Tejeda stood behind his open driver's door, using it for cover because Thompson was shooting at deputies. Thompson was only 15 to 30 yards away from Deputy Tejeda when he fired.

Deputy Schwingel saw Thompson before Deputy De Dios did. Thompson was still about 75 yards away when Deputy Schwingel first saw him. Deputy Schwingel saw there were several patrol units behind Thompson. Deputy Schwingel told Deputy Tejeda where Thompson was and told him to drive to the left to flank Thompson to "fan out targets" in case Thompson began shooting at deputies again. Several patrol units drove in a northeast direction behind Thompson. Deputy Schwingel and Deputy Tejeda headed northward to flank Thompson.

When Deputy Schwingel and Deputy Tejeda were about 50 yards west of Thompson when Deputy Schwingel saw the gun in Thompson's right hand. Deputy Schwingel saw there were several patrol vehicles directly behind Thompson, only 30 to 40 yards away. Thompson ran at a "slow jog," as if he were "tired or exhausted," and his back was to the units. Thompson turned and pointed the gun with his right hand south at the patrol units directly behind him. Deputy Schwingel saw "several" muzzle flashes from Thompson's gun and heard gunshots when Thompson fired.

Deputy Schwingel reasonably and honestly feared for the lives of the deputies because they were a mere 30 to 40 yards behind Thompson when Thompson shot at them. Deputy Schwingel knew they were easy targets in the dark with all the lights on their patrol units activated. In addition to the fear for his partners in the other patrol units, Deputy Schwingel was also afraid for his life and Deputy Tejeda's because he knew Thompson could quickly

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turn the gun and shoot them. Deputy Schwingel's fear was honest and objectively reasonable.

As soon as Deputy Tejeda stopped the vehicle, Deputy Schwingel quickly exited and took cover behind the open front passenger door. Deputy Schwingel pointed his rifle over the door and discharged three to four rounds in rapid succession at Thompson. As Deputy Schwingel fired, he hunched down behind the passenger door's ballistic panel because Thompson was shooting at deputies. Thompson was turned away from Deputy Schwingel, so Deputy Schwingel used his rifle's iron sights and aimed for the area of Thompson's right shoulder and back. Deputy Schwingel was 45 to 50 yards from Thompson.

It is clear from the evidence that the deputies herein faced an active shooter. After shooting multiple rounds at Deputy Burrud and Witness #1, Thompson again fired at the deputies in the field, striking Deputy Bahena's patrol unit. Deputy Bahena instinctively ducked when his unit was hit with a bullet. The only reason Deputy Bahena did not return Thompson's gunfire when he sat back up was because the other deputies had already shot Thompson. The belt-recordings, H-82's video, eye-witness accounts from other deputies, and physical evidence at the scene collectively demonstrated that Thompson was an active shooter. Deputies De Dios, Tejeda, and Schwingel believed their lives and the lives of their partners were in imminent peril. This belief was both honest and objectively reasonable.

CONCLUSION

Based on the facts presented in the reports and the applicable law, Deputy Cesar Tejeda's use of deadly force was a proper exercise of his 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, Deputy Eric De Dios's use of deadly force was a proper exercise of his 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, Deputy Austin Schwingel's use of deadly force was a proper exercise of his right of self-defense and defense of others, and therefore, his actions were legally justified.

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