



PUBLIC INFORMATION RELEASE MEMORANDUM

DATE: December 17, 2025

SUBJECT: Officer Involved Shooting (Fatal)

Officers:

Officer James Escarpe III¹
Fontana Police Department

Officer Shaun Pisani
Fontana Police Department

Involved Subject: Marcus Camacho (Deceased)
Date of Birth **/**/**

Date of Incident: February 26, 2024

Incident location: ***** Santa Ana Ave.
Fontana, CA

DA STAR #: 2025-2955

Investigating Agency: San Bernardino County Sheriff's Department

Case Agent: Detective Dylan Gosswiller

Report Number #: DR# 602400014 / H# 2024-017

PREAMBLE

This was a fatal officer involved shooting by officers from the Fontana Police Department. The shooting was investigated by the San Bernardino County Sheriff's Department. This factual summary is based on a thorough review of all the investigative reports,

¹ Officer James Escarpe III will be referred to as Officer Escarpe throughout the remainder of the memorandum.

photographs, audio recordings, and video recordings submitted by the San Bernardino County Sheriff's Department, DR# 602400014 and H# 2024-017.

FACTUAL SUMMARY

On February 26, 2024, during the evening hours, Witness #1 called to report a Hispanic male, later identified as Marcus Camacho, ran into the roadway and tried to get struck by her vehicle. Witness #1 swerved, avoided hitting Camacho with her vehicle, and left the area. Witness #1 last saw Camacho near the intersection of Sierra Avenue and Jurupa Avenue in the City of Fontana. Officer James Escarpe and Officer Shaun Pisani, from the Fontana Police Department, responded to the call for service. On their way to the location, Officer Escarpe was flagged down by an individual who reported a male subject tried to get struck by his vehicle. That reporting party directed Officer Escarpe to the Home Depot located at ***** Santa Ana Avenue.

Officer Escarpe and Officer Pisani entered the Home Depot to look for Camacho. Given the nature of the call for service, the officers wanted to check on Camacho's welfare and make sure he was okay. Officer Escarpe and Officer Pisani located Camacho inside the Home Depot. The officers noticed Camacho had a large amount of blood on his clothing. Officer Escarpe asked Camacho if he could talk to him. Officer Escarpe said Camacho had an angry look on his face, did not respond, and walked down aisle 10, the tool aisle.

Officer Escarpe and Officer Pisani followed Camacho down the tool aisle. Officer Escarpe got out his Taser when he saw Camacho trying to conceal a package in his hand. Camacho then ripped open the package, turned to face the officers, and took a fighting stance. The officers saw Camacho holding a drywall hand jab saw knife (hereinafter "knife") in his right hand. Camacho had the blade of the knife pointed towards the officers. Camacho was standing approximately six feet away from the officers.

Officer Escarpe and Officer Pisani had their guns drawn and pointed at Camacho. Officer Escarpe started giving verbal commands to Camacho. Officer Escarpe told Camacho, "Hey, I'm serious. Hey, don't. Hey, I will f**king shoot you. I will f**king shoot you. Don't you f**king do it. Don't you f**king do it. Don't you f**king do it. Put it down. Put it down. Put it down. Put it down." Officer Pisani told Camacho, "Put the knife down." Witness #5, an employee at the Home Depot, was stocking shelves in aisle 12 and heard someone yelling, "Put it down or I'm gonna shoot you!" Another Home Depot employee, Witness #2, heard one officer say, "Drop the knife or I will shoot you." Camacho failed to comply with the officers' verbal commands.

Officer Escarpe deployed his Taser but it was ineffective. Immediately after Camacho was struck with the Taser, he charged Officer Escarpe and Officer Pisani. Officer Escarpe feared for his physical safety and the safety of Officer Pisani and fired ten shots at Camacho. Likewise, Officer Pisani feared for his physical safety and the safety of Officer Escarpe and fired six shots at Camacho. After the shooting, Camacho fell to the ground.

The knife Camacho was holding landed on the ground in front of him. Officer Pisani put out over the radio that shots were fired and requested medical respond. Officer Escarpe and Officer Pisani approached Camacho and immediately started to render medical aid.

San Bernardino County Fire Department personnel arrived to the location to render medical aid. On June 26, 2024, at 6:40 in the evening, Witness #3, from Arrowhead Regional Medical Center, gave the okay for Witness #4 to pronounce Camacho deceased.

A Dewalt drywall hand jab saw knife with a black and yellow handle was recovered at the scene.

STATEMENTS BY POLICE OFFICERS

On March 12, 2024, **Officer James Escarpe**² was interviewed by Detective Dylan Gosswiller and Detective Michelle Del Rio.

On February 26, 2024, Officer James Escarpe, from the Fontana Police Department, was assigned to patrol. Officer Escarpe was in uniform and driving a marked patrol vehicle. On that date, Officer Escarpe and his beat partner, Officer Shaun Pisani, received a radio call for an area check in the area of Sierra Avenue and Jurupa Avenue, in the City of Fontana. The reporting party said a Hispanic male was running into the roadway and trying to get hit by the cars. The Hispanic male was described as tall and wearing a gray like sweater with dark gray sleeves. As he responded to the area, Officer Escarpe was flagged down by a second reporting party who advised a male subject was trying to get hit by cars in the roadway. The second reporting party saw the male run into the nearby Home Depot.

Officer Escarpe and Officer Pisani decided to enter the Home Depot and look for the subject, later identified as Marcus Camacho. Officer Escarpe saw Camacho inside the store. Camacho matched the description provided by the first reporting party. Officer Escarpe noticed Camacho had an angry look on his face and a large amount of blood on the bottom of the left side of his sweater. Officer Escarpe asked Camacho if he could talk to him. Camacho did not respond and immediately turned down the tool aisle. Officer Escarpe asked Camacho to come over to the officers. Officer Escarpe told Camacho they just wanted to talk and make sure he was okay. Camacho gave the officers "a weird scowl look" on his face.

Officer Escarpe noticed Camacho had a package in his hand. Camacho jogged quicker away from Officer Escarpe. Officer Escarpe got his Taser out of his holster. Camacho turned his body away from the officers appeared to be trying to conceal what he had in his

² Officer Escarpe was equipped with a body worn camera that was recording during parts of the incident under review. Officer Escarpe reviewed the recording prior to being interviewed by Detective Gosswiller and Detective Del Rio.

hand. Officer Escarpe became more stressed when he saw Camacho trying to conceal the object in his hand. Officer Escarpe pointed his Taser at Camacho. Officer Escarpe thought Camacho was pulling something out or potentially going to attack the officers. Officer Escarpe saw Camacho rip open the package that Officer Escarpe initially saw in Camacho's hand. Initially, Officer Escarpe was unable to see what was inside the package. Next, Camacho took a fighting stance. At that time, Officer Escarpe saw an eight inch knife in Camacho's right hand. Camacho had the knife directed at the officers.

Officer Escarpe put his Taser away, got out his firearm and pointed it at Camacho. Officer Escarpe estimated Camacho was six feet away from him. Officer Escarpe gave Camacho verbal commands. Officer Escarpe told Camacho, "I will f**king shoot you. I will f**king shoot you. Don't, don't f**king do it. Don't f**king do it." Officer Escarpe was scared. Officer Escarpe ordered Camacho to put the knife down but Camacho would not comply.

Officer Escarpe and Officer Pisani moved forward. Camacho moved back. Camacho would move forward and then the officers would move back. Camacho continued to be approximately six feet away from Officer Escarpe. Officer Escarpe decided he wanted to deploy his Taser and took it out of the holster. However, Officer Escarpe said that given the close distance and the fact he could not see what Officer Pisani was doing, he did not feel safe. Officer Escarpe held the Taser forward in his left hand and put his right hand which held his gun to the back. Officer Escarpe aimed the Taser at Camacho's stomach and his leg. Officer Escarpe fired the Taser. The darts appeared to hit Camacho, who then started to charge at the officers. Camacho put his head down and swung the knife up and down as he ran at the officers.

Officer Escarpe realized the Taser deployment was ineffective. Officer Escarpe moved his Taser hand back and put his right hand forward with the gun. Officer Escarpe aimed at Camacho's chest and fired ten shots to get Camacho to stop. Officer Escarpe estimated the whole encounter with Camacho lasted one minute and that he fired his weapon approximately three to four seconds after he deployed the Taser. Officer Escarpe told Officer Pisani to put it out over the radio, request medical and a supervisor. Officer Escarpe put his gun away and put on gloves. Officer Escarpe and Officer Pisani pulled Camacho away from the knife and over to where they could start rendering medical aid.

On March 12, 2024, **Officer Shaun Pisani**³ was interviewed by Detective Michelle Del Rio and Detective Dylan Gosswiller.

On February 26, 2024, Officer Shaun Pisani, from the Fontana Police Department, was assigned to patrol. Officer Pisani was in uniform and driving a marked patrol vehicle. On that date, Officer Pisani was dispatched with his beat partner, Officer James Escarpe, to a hazard in the roadway at Sierra Avenue and Jurupa Avenue, in the City of Fontana. As

³ Officer Pisani was equipped with a body worn camera that was recording during the incident under review. Officer Pisani reviewed the recording prior to being interviewed by Detective Del Rio and Detective Gosswiller.

they made their way to the location, Officer Escarpe was flagged down by a person who stated a male subject was trying to get hit by his car and the person went inside the Home Depot located at **** Sana Ana Avenue.

Officer Pisani and Officer Escarpe made their way to the Home Depot. Officer Pisani and Officer Escarpe entered the Home Depot to look for the subject. Officer Escarpe told Officer Pisani he saw the subject, later identified as Marcus Camacho, in the back of the store. Given the nature of the call for service, Officer Pisani and Officer Escarpe decided to look for Camacho and make sure he was okay. When the officers saw Camacho in the store, they asked Camacho to come over to them. Officer Pisani noticed a large amount of blood on Camacho's clothing. It appeared to Officer Pisani to be fresh blood. The officers again asked Camacho to come over to them. Camacho looked at Officer Pisani and Officer Escarpe and kept walking away.

Officer Pisani observed Camacho grabbing what appeared to be a knife out of a hard plastic case. After Camacho ripped open the package, he took a fighting stance. Camacho was "bobbing and weaving" and holding the knife in his right hand. The weapon appeared to be a utility knife, approximately eight inches in length, with a jagged blade. Camacho held the knife with the blade pointed at the officers. Officer Pisani indicated Camacho was holding the knife in an aggressive manner "like you would if you were about to stab somebody." Officer Escarpe gave Camacho verbal commands to drop the weapon. Officer Pisani let Officer Escarpe give the commands since he was the primary officer. Officer Pisani updated dispatch, provided their location within the store, and asked for back up. Officer Pisani had his gun drawn at this time.

Camacho would not comply with Officer Escarpe's commands to drop the weapon. Officer Escarpe deployed his Taser but it was ineffective. Camacho charged Officer Pisani and Officer Escarpe at full speed. Officer Pisani feared for his physical safety and the safety of his partner. It appeared to Officer Pisani that Camacho planned to attack the officers and possibly stab or kill them. Officer Pisani fired his duty weapon six times in rapid succession at Camacho until Camacho was no longer a threat. Camacho fell to the ground and the knife came out of his hand. Officer Pisani was approximately five feet away from Camacho when he fired his first shot. Officer Pisani advised dispatch shots were fired. Officer Pisani then put on gloves and started to render medical aid to Camacho. Officer Pisani estimated from the time he entered Home Depot to the time he fired his weapon was six to seven minutes.

STATEMENTS BY CIVILIAN WITNESSES

On February 26, 2024, **Witness #1** was interviewed by Detective Buddy Porch, from Fontana Police Department.

Witness #1 was driving south on Sierra Avenue, approaching Jurupa Avenue, when she saw an unknown male dart in front of her vehicle. The male was running in the street.

Witness #1 started to swerve but the unknown male kept running towards her vehicle. It appeared to Witness #1 that the unknown male was running towards her because he wanted her to hit him. Witness #1 said she last saw the unknown male running in the center divider. Witness #1 described the subject as a White or Hispanic male, wearing light colored jeans, gray sweater, and black shoes. Witness #1 did not see anyone chasing the male subject.

On February 26, 2024, **Witness #5** was interviewed by Detective Owenn Domon.

On February 26, 2024, Witness #5 was working at the Home Depot located at ***** Santa Ana Avenue. Witness #5 was on aisle 12 stocking the shelves. Witness #5 heard a person from another aisle yell, "Put it down! Put it down! Put it down! Put it down or I'm going to shoot you!" Witness #5 did not know the person yelling was law enforcement. Witness #5 heard the sound of a Taser go off. One to three seconds after she heard the Taser, Witness #5 heard approximately four gunshots. Witness #5 estimated from time that the person yelled to the sound of the gunshots was five seconds. Witness #5 ducked down. After an unknown amount of time, Witness #5 walked over to aisle 10 to see what happened. Witness #5 saw two police officers in the aisle telling people to leave and there was an individual lying on the ground.

On February 26, 2024, **Witness #2** was interviewed by Detective Owen Domon.

On February 26, 2024, **Witness #2** was working at the Home Depot located at ***** Santa Ana Avenue. Witness #2 was at her desk inputting notes. Witness #2 indicated if she leaned back in her chair and looked east, she was able to see down aisle 10 to the front of the store. Witness #2 heard a commotion in aisle 10. Witness #2 saw two police officers, later identified as Officer Escarpe and Officer Pisani, standing in aisle 10 with their backs toward her. Witness #2 heard one officer say, "Drop the knife. Drop the knife. Drop the knife or I will shoot you." Witness #2 advised it sounded like the officer was pleading with a male subject, later identified as Marcus Camacho. Witness #2 estimated she was twenty feet away from the officers and the officers were twenty feet away from Camacho.

Witness #2 stated Camacho was facing Officer Escarpe and Officer Pisani. Camacho appeared to walk toward the officers. Witness #2 observed a shiny object in Camacho's right hand. Witness #2 did not know what the shiny object was. Witness #2 said Camacho made a lunging movement toward Officer Escarpe and Officer Pisani. Witness #2 described Camacho's right arm as extended out at a 90 degree angle with the shiny object in his right hand.

Witness #2 looked away for approximately five seconds and then looked back toward the officers. At that time, bystanders blocked Witness #2's view of the officers and Camacho. Witness #2 heard a Taser go off. Around ten seconds after she heard the Taser, Witness #2 heard approximately four gunshots in rapid succession. After the gunshots, Officer

Escarpe and Officer Pisani told the bystanders to back away and leave the area. Witness #2 left her desk and walked to the break room.

On February 26, 2024, **Witness #6** was briefly interviewed by Officer Louis Rios, from the Fontana Police Department. Witness #6 told Officer Rios he witnessed the incident and recorded it with his cell phone. Witness #6 said he saw two police officers, later identified as Officer Escarpe and Officer Pisani, confront a Hispanic male, later identified as Marcus Camacho. The officers were giving Camacho orders to stop. Witness #6 saw what he believed was a knife or screwdriver in Camacho's right hand. Witness #6 said Camacho went towards the officers with the object in his hand. Witness #6 indicated one of the officers tased Camacho and the second officer shot Camacho with his gun.

Later that evening, Detective Michelle Del Rio and Detective Owen Domon, from the San Bernardino County Sheriff's Department, attempted to interview Witness #6. Witness #6 was upset and did not want to speak with the detectives. Witness #6 showed the investigators the video he recorded of the incident on his cell phone. Witness #6 would not provide any additional information and the interview was concluded.

On February 26, 2024, **Witness #7**⁴ was interviewed by Detective Bradley Ubovich and Sergeant Casey Kirkland, from the Fontana Police Department.

Witness #7 is the mother of Marcus Camacho. Witness #7 stated she called the police regarding Camacho on three separate occasions on February 25, 2024. Witness #7 believed Camacho was going to kill someone or hurt himself because he was on drugs and believed people on the television were talking to him. Witness #7 told Camacho he needed to go get help. Witness #7 described Camacho having threatened to kill his ex-wife. She also described an incident, a few months prior, during which Camacho grabbed her and threw her on the ground. Witness #7 stated, "He is sick, my son is sick." Witness #7 indicated Camacho's behavior had become worse and more violent in the last few weeks.

Witness #7 said on February 25, 2024, Camacho stayed at her son's apartment. Her son advised Witness #7 that Camacho was watching television, talking to himself, and hitting himself. Also, while Camacho was at the apartment Camacho was making statements that "He is going to kill them." Witness #7 advised Camacho was schizophrenic. She stated Camacho has been suffering from schizophrenia for approximately two years and she believed it was related to Camacho's methamphetamine use. Witness #7 also said Camacho had been taken for a "5150 hold"⁵ approximately seven to eight months prior to

⁴ Witness #7 shares the same last name as Marcus Camacho. Therefore, she will be referred to by her first name throughout the memorandum.

⁵ Welfare and Institutions Code §5150(a) states, in part, "When a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer...may, upon probable cause, take, or cause to be taken, the person into custody for a period of 72 hours for assessment, evaluation, and crisis intervention."

the incident under review. When Camacho was released, Witness #7 said Camacho threw his medication away because he did not believe there was anything wrong with him.

INCIDENT VIDEO

BODY CAMERA RECORDINGS. All body camera video recordings were reviewed in their entirety. The summaries will only cover from the start of the recordings through the occurrence of the lethal force encounter.

Officer Escarpe

Officer Escarpe told Camacho, "Come here. Come here. Hey, I'm serious." At that point, Camacho took the knife out of the packaging and then turned toward Officer Escarpe and Officer Pisani and took a fighting stance. Camacho held the knife in his right hand. The blade of the knife was pointed out towards the officers. Officer Escarpe told Camacho, 'Hey, I'm serious. Hey, don't. Hey, I will f**king shoot you. I will f**king shoot you. Don't you f**king do it. Don't you f**king do it. Don't you f**king do it. Put it down. Put it down. Put it down. Put it down.' Officer Escarpe had his gun drawn, in his right hand, pointed at Camacho. Officer Escarpe also had his Taser out and was holding it in his left hand. Camacho faced the officers but stepped backward as Officer Escarpe gave him verbal commands. Camacho appeared to take a few deep breaths. Officer Escarpe deployed the Taser. Immediately after the Taser was deployed, Camacho started running at the officers. Camacho held the knife in his right hand. Multiple gunshots were heard and Camacho fell to the ground. The knife fell out of Camacho's hand and landed on the ground in front of Camacho. Officer Pisani then put out over the radio that shots were fired.

Officer Pisani

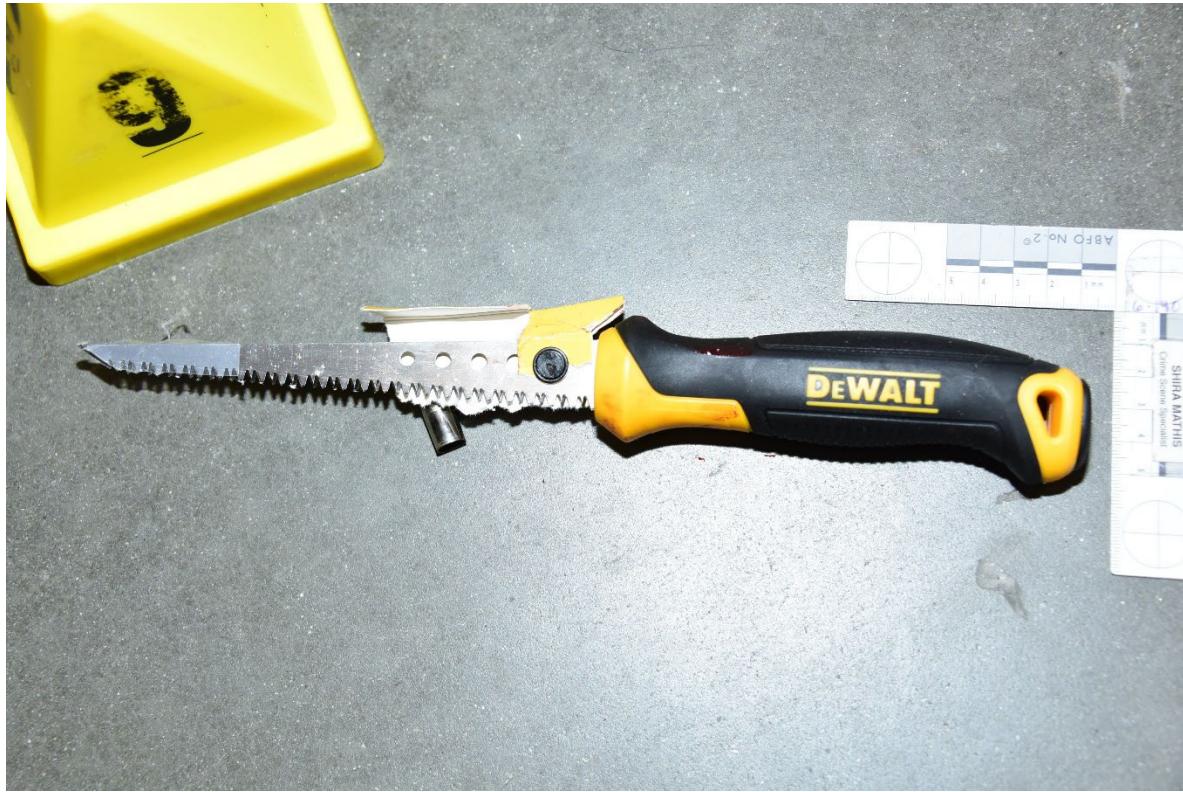
Officer Pisani appeared to be in aisle 10. Officer Pisani had his gun drawn and pointed at Camacho. Officer Escarpe could be heard yelling at Camacho, "I will f**king shoot you. I will f**king shoot you. Don't you f**king do it. Don't you f**king do it. Don't you f**king do it. Put it down. Put it down. Put it down." Officer Pisani advised dispatch of their location inside Home Depot. Officer Pisani yelled at Camacho, "Put the knife down." The sound of a Taser being deployed was heard in the background. Camacho started running at the officers. Camacho held the knife in his right hand. The blade of the knife was pointed out towards the officers. Multiple gunshots were heard and Camacho fell to the ground. The knife fell out of Camacho's hand and landed on the ground in front of Camacho. Officer Pisani then put out over the radio that shots were fired.

CELL PHONE VIDEO RECORDING. There was a cell phone video of the incident taken by Witness #6. The video was reviewed in its entirety. The summary will only cover from the start of the recording through the occurrence of the lethal force encounter.

The video recording appeared to be taken from behind the officers when they were in aisle 10 with Camacho. Officer Escarpe and Officer Pisani can be heard giving verbal commands to Camacho to put the knife down. The officers were moving toward Camacho. Both Officer Escarpe and Officer Pisani had their guns drawn. Officer Escarpe also held his Taser in his left hand. Camacho faced the officers. Officer Escarpe and Officer Pisani moved forward toward Camacho. Officer Escarpe deployed the Taser. Immediately after the Taser was deployed, Camacho started running toward the officers. Officer Escarpe and Officer Pisani moved backward away from Camacho. Officer Escarpe and Officer Pisani fired their duty weapons multiple times at Camacho. Camacho fell to the ground.

WEAPON

A Dewalt drywall hand jab saw knife with a black and yellow handle.



DECEDENT

AUTOPSY. Witness #8, Forensic Pathologist for the Coroner Division of the San Bernardino County Sheriff's Department, conducted the autopsy of Marcus Camacho on February 29, 2024. Witness #8 determined the cause of death was multiple gunshot wounds.

Number One - Gunshot Wound of the Head⁶:

A gunshot entrance wound was on the posterior aspect of the parietal scalp, entered at the top of the head and 1 1/2 inches left of anterior midline. A gunshot exit wound was noted above the right side of the upper lip, centered 5 1/2 inches from the top of the head and 1 1/2 inches right of the anterior midline. The direction the projectile traveled was back to front, left to right, and downward.

Number Two – Gunshot Wound of the Head:

A gunshot entrance wound was noted on the right side of the forehead, centered 2 1/2 inches from the top of the head and 2 1/4 inches right of anterior midline. A gunshot exit wound was noted on the anterior neck below the left jawline, centered 8 1/4 inches from the top of the head and 1 1/4 inches left of anterior midline. The direction the projectile traveled was back to front, right to left, and downward.

Number Three – Tangential Gunshot Wound of the Head:

A tangential gunshot wound was noted on the left jawline, centered 6 3/4 inches from the top of the head and 3 inches left of the anterior midline.

Number Four – Gunshot Wound of the Right Chest:

A gunshot entrance wound was noted on the right upper chest, near the shoulder, centered 10 inches from the top of the head and 4 1/2 inches right of the anterior midline. A gunshot exit wound was noted on the right lower back, centered 26 1/2 inches from the top of the head and 2 3/4 inches right of the posterior midline. The direction the projectile traveled was front to back, right to left, and downward.

Number Five – Gunshot Wound of the Left Chest:

⁶ The numbering of the gunshot wounds is for reference only and not meant to indicate the order in which the gunshots occurred.

A gunshot entrance wound was noted on the left upper chest, centered 12 inches from the top of the head and 2 3/4 inches left of the anterior midline. There was no gunshot exit wound noted. The direction the projectile traveled was front to back, left to right, and downward.

Number Six – Gunshot Wound of the Right Axilla:

A gunshot wound was noted in the right axilla, centered 14 1/2 inches from the top of the head and 6 1/2 inches right of the anterior midline. There was no gunshot exit wound noted. The direction the projectile traveled was slightly back to front, slightly right to left, and downward.

Number Seven – Graze Wound of the Right Chest:

A graze type gunshot wound was noted on the lateral right chest, centered 17 inches from the top of the head and 5 1/2 inches right of the anterior midline.

Number Eight – Graze Wound of the Right Chest:

A graze type gunshot wound was noted on the right lower chest, centered 25 inches from the top of the head and 5 1/2 inches right of the anterior midline.

Number Nine – Graze Wound of the Left Abdomen:

A graze type gunshot wound was noted on the left upper quadrant abdomen, centered 24 1/4 inches from the top of the head and 2 1/2 inches left of the anterior midline.

Number Ten and Number Eleven – Gunshot Wounds of the Abdomen:

There was a gunshot entrance wound noted on the epigastric region of the abdomen, centered 23 inches from the top of the head and at anterior midline. There was another gunshot entrance wound noted on the epigastric region of the abdomen, centered 23 1/2 inches from the top of the head and 1/8 inch left of the anterior midline. There were no exit gunshot wounds noted. The direction both projectiles traveled was front to back and downward. One projectile traveled left to right and the other projectile traveled from right to left. Due to the proximity of the paths, it could not be ascertained which of the entrance wounds traveled left or right.

Number Twelve – Gunshot Wound of the Abdomen:

There was a gunshot entrance wound noted on the right upper quadrant of the abdomen, 16 3/4 inches from the top of the head and 5 1/4 inches right of anterior midline. There was no exit gunshot wound noted. The direction the projectile traveled was front to back, left to right, and downward.

Number Thirteen – Gunshot Wound of the Right Shoulder:

There was a gunshot entrance wound noted on the anterior right shoulder, centered 11 inches from the top of the head and 8 inches right of anterior midline. There was a gunshot exit wound noted on the proximal medial right upper arm, adjacent to the axilla. The direction the projectile traveled was front to back, slightly right to left, and downward.

Number Fourteen – Gunshot Wound of the Right Shoulder:

There was a gunshot entrance wound noted on the posterior right shoulder, centered 10 inches from the top of the head and 9 inches right of posterior midline. There was a gunshot exit wound noted on the proximal medial right upper arm, adjacent to the axilla. The direction the projectile traveled was back to front, right to left, and downward.

Number Fifteen – Gunshot Wound of the Right Forearm:

There was a gunshot entrance wound noted on the lateral mid right forearm, centered 18 1/4 inches from the top of the shoulder and 1 inch right of anterior midline. There was a gunshot exit wound noted on the medial mid right forearm, centered 18 1/4 inches from the top of the shoulder and 1 1/4 inches left of anterior midline. The direction the projectile traveled was back to front and right to left. There was no upward or downward direction noted.

Number Sixteen – Gunshot Wound of the Left Shoulder:

There was a gunshot entrance wound noted on the anterior left shoulder, centered 12 3/4 inches from the top of the head and 1/2 inch right of anterior midline. There was no gunshot exit wound noted. The direction the projectile traveled was front to back, right to left, and downward.

Number Seventeen – Graze Wound of the Left Upper Arm:

A graze type gunshot wound was noted on the medial left upper arm, centered 10 inches from the top of the shoulder and 2 inches right of posterior midline.

Number Eighteen – Tangential Gunshot Wound of the Left Forearm:

A tangential style gunshot wound was noted on the medial left forearm, centered 21 3/4 inches from the top of the shoulder and 1 1/2 inches right of posterior midline.

Number Nineteen – Gunshot Wound of the Left Thigh:

There was a gunshot entrance wound noted on the proximal anterolateral left thigh, centered 38 inches from the top of the head and 2 1/2 inches left of anterior midline. There was no gunshot exit wound noted. The direction the projectile traveled was front to back, left to right, and downward.

Number Twenty – Gunshot Wound of the Left Thigh:

There was a gunshot entrance wound noted on the anterior left thigh, centered 40 inches from the top of the head and 1 inch left of anterior midline. There was no gunshot exit wound noted. The direction the projectile traveled was front to back, left to right, and upward.

Number Twenty One – Graze Gunshot Wound of the Left Leg:

A graze type gunshot wound was noted medial to the left knee, centered 50 inches from the top of the head and 2 inches right of anterior midline.

TOXICOLOGY. Blood samples were collected from February 24, 2024.

Toxicology results for the chest blood sample were listed as follows:

- Amphetamine – 56 ng/mL
- Methamphetamine – 170 ng/mL

CRIMINAL HISTORY.

2014, 148(a)(1) of the Penal Code, Resists, Delays, or Obstructs a Peace Officer. Ventura County Court case 2010045712, a misdemeanor.

2021, 243(e)(1) of the Penal Code, Battery on Spouse, Ex-spouse, Date, Etc. San Bernardino County Court case MWV20024393, a misdemeanor.

2021, 422 of the Penal Code, Criminal Threats. San Bernardino County Court case MWV21000982, a misdemeanor.

2024, 23103(a) of the Vehicle Code, Reckless Driving. San Bernardino County Court case MWV23013314, a misdemeanor.

DE-ESCALATION

The time between the arrival of Officer Escarpe and Officer Pisani on scene to when Officer Pisani reported shots fired was around eight minutes. The original call for service was in regards to a Hispanic male running into the roadway and trying to get by the vehicles driving by. Officer Escarpe and Officer Pisani entered Home Depot to locate Camacho and check on his welfare. The officers wanted to make sure Camacho was okay and whether he needed help. When they located Camacho inside Home Depot, the officers saw fresh blood on his clothing. Concerned Camacho could be injured, Officer Escarpe asked Camacho if he could talk to him. When Camacho walked away without responding, the officers continued to follow him inside the store.

Officer Escarpe removed his Taser from its holster when he saw Camacho attempt to conceal a package he was holding in his hand. Camacho ripped open the package and took a fighting stance. Officer Escarpe and Officer Pisani had their weapons drawn. Officer Escarpe saw Camacho was holding a knife in his right hand. The blade of the knife was pointed at the officers. Officer Escarpe and Officer Pisani attempted to de-escalate the situation by maintaining their distance from Camacho and giving him verbal commands to put the knife down. Officer Escarpe warned Camacho twice that he would shoot him. Officer Escarpe also attempted to de-escalate the situation by utilizing a less lethal option and deployed his Taser.

The Taser was ineffective and Camacho immediately started running toward Officer Escarpe and Officer Pisani. Camacho was still holding the knife in his right hand with the blade pointed at the officers. At this point, there was no indication from Camacho that he intended to comply with the verbal commands to put the knife down. Given Camacho's actions, Officer Escarpe and Officer Pisani had no additional time to make any other attempts to de-escalate the situation and take Gomez into custody peacefully.

APPLICABLE LEGAL PRINCIPLES

A peace officer may use objectively reasonable force to effect an arrest if he believes that the person to be arrested has committed a public offense. (Calif. Penal C. §835a(b).)⁷ Should an arresting officer encounter resistance, actual or threatened, he need not retreat

⁷ All references to code sections here pertain to the California Penal Code.

from his effort and maintains his right to self-defense. (Penal C. §835a(d).) An officer may use objectively reasonable force to effect an arrest, prevent escape or overcome resistance. (Penal C. §835a(d).)

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

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

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

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

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

While the appearance of these principals was new to section 835a in 2020,⁸ the courts have been defining the constitutional parameters of use of deadly force for many years. In 1985, the United States Supreme Court held that when a police officer has probable cause to believe that the suspect he is attempting to apprehend “has committed a crime involving the infliction or threatened infliction of serious physical harm” to the officer or others, using deadly force to prevent escape is not constitutionally unreasonable. (*Tennessee v. Garner* (1985) 471 U.S. 1, 11-12.) California courts have held that when a police officer’s actions are reasonable under the Fourth Amendment of our national Constitution, that the requirements of Penal Code § 196 are also satisfied. (*Martinez v. County of Los Angeles* (1996) 47 Cal.App.4th 334, 349; *Brown v. Grinder* (E.D. Cal., Jan. 22, 2019) 2019 WL 280296, at *25.) There is also a vast body of caselaw that has demonstrated *how* to undertake the analysis of what is a reasonable use of force under the totality of the circumstances. (See *Reasonableness* discussion, *infra*.) As such, our pre-2020 state caselaw, developed upon the former iteration of section 196, is still instructive.

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

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

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

⁸ Assem. Bill No. 392 (2019-2020 Reg. Sess.) approved by the Governor, August 19, 2019. [Hereinafter “AB-392”]

consistency with agency policies;⁹

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

(Penal C. §835a(a).)

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

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

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

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

⁹ Penal C. §835a (a)(3) conflates a demand for thorough evaluation of a use of force incident with a dictate that it be done “in order to ensure that officers use force consistent with law and agency policies.” On its face, the section is clumsily worded. Nothing included in AB-392 plainly requires that a use of force also be in compliance with agency policies. A provision in the companion bill to AB-392—Senate Bill No. 230 [(2019-2020 Reg. Sess.) approved by the Governor, September 12, 2019] (Hereinafter “SB-230”), does explicitly state that “[a law enforcement agency’s use of force policies and training] may be considered as a factor in the totality of circumstances in determining whether the officer acted reasonably, but shall not be considered as imposing a legal duty on the officer to act in accordance with such policies and training.” (Sen. Bill No. 230 (2019-2020 Reg. Sess.) §1.) It is noteworthy, however, that this portion of SB-230 is uncodified, unlike the aforementioned portion of Penal C. §835a (a)(3).

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

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

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

(Penal C. §835a(e)(2).)

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

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

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

The “reasonableness” test requires an analysis of “whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” (*Id.* at 397, citations omitted.) What constitutes “reasonable” self-defense or defense of others is controlled by the circumstances. A person’s right of self-defense is the same whether the danger is real or merely apparent. (*People v. Jackson* (1965) 233 Cal.App.2d 639.) If the person’s beliefs

were reasonable, the danger does not need to have actually existed. (CALCRIM 505.) Yet, a person may use no more force than is reasonably necessary to defend against the danger they face. (*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 considers 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.)¹⁰ To be clear, the officer's conduct should be evaluated as "the conduct of a reasonable person functioning as a police officer in a stressful situation." (*Id.*)

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

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

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

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

¹⁰ The legislative findings included in Penal C. section 835a(a)(4) suggest to the contrary that "the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation." As such, if the officer using force was acting in an effort to *effect arrest*, as is governed by section 835a, then it appears the more generous standard included there would apply.

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. (*Baldridge v. City of Santa Rosa* (9th Cir. 1999) 1999 U.S. Dist. LEXIS 1414 *1, 27-28.)

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

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

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

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

Use of a Taser or a shotgun-fired bean bag has been categorized as intermediate non-lethal force. (*Bryan v. MacPherson, supra*, 630 F.3d at 825 [Taser]; *Deorle v. Rutherford, supra*, 272 F.3d at 1279-80 [bean bag].) This designation exists despite the fact that such force is *capable* of being used in a manner causing death. (*Id.*) To be deemed "lethal force" the instrumentality must be force that "creates a substantial risk of death or serious bodily injury." (*Smith v. City of Hemet* (9th Cir. 2005) 394 F.3d 689, 693.); use of a Taser or shotgun-fired bean bag both fall short of this definition. (*Bryan v. MacPherson, supra*, 630 F.3d at 825; *Deorle v. Rutherford, supra*, 272 F.3d at 1279-80.) Similarly, the use of a trained police dog does not qualify as "deadly force" as it too has fallen short of the lethal

force definition set forth in *Smith*. (*Thompson v. County of Los Angeles* (2006) 142 Cal.App.4th 154, 165-169.)

Beyond the traditional *Graham* factors, and particularly in the use of non-lethal force, the failure of officers to give a warning and the subject's mental infirmity can also be considered when assessing the totality of the circumstances. (*Bryan v. MacPherson, supra*, 630 F.3d at 831; *Deorle v. Rutherford, supra*, 270 F.3d at 1283-84.) Failure to pass-muster under *Graham* can deem the use of non-lethal force as "excessive" and therefore violate the Fourth Amendment. (*Id.*) On the other hand, active resistance could justify multiple applications of non-lethal force to gain compliance and would not be deemed "excessive" nor violate the Fourth Amendment. (*Sanders v. City of Fresno* (9th Cir. 2008) 551 F.Supp.2d 1149, 1182 [not excessive to use physical force and tase an unarmed but actively resisting subject with 14 Taser cycles where such was needed to gain physical control of him].)

ANALYSIS

In this case, Officer Escarpe and Officer Pisani each had an honest and objectively reasonable belief that Camacho posed an imminent risk of serious bodily injury or death to themselves and each other. The initial call for service was in regards to a Hispanic male running into the roadway and intentionally jumping in front of vehicles. A second individual flagged down Officer Escarpe and reported an individual engaged in similar behavior. Officer Escarpe was advised the individual went into the Home Depot.

On the date of the incident under review, Officer Escarpe and Officer Pisani were wearing uniforms that identified themselves as law enforcement officers with Fontana Police Department. Once inside the Home Depot, Officer Escarpe and Officer Pisani were able to locate Camacho. Both officers noticed a significant amount of fresh blood on Camacho's clothing. Officer Escarpe and Officer Pisani were concerned about Camacho's welfare and wanted to make sure he was okay. However, when Officer Escarpe asked Camacho to come speak with them, Camacho did not respond and walked away.

In aisle 10 of the Home Depot, Officer Escarpe saw Camacho turn his body away and try to conceal an object in his hand. Camacho then ripped open the package, turned to face Officer Escarpe and Officer Pisani, and took a fighting stance. Officer Escarpe and Officer Pisani saw Camacho holding a knife in his right hand. The knife was approximately eight inches in length. Camacho had the blade of the knife pointed toward the officers. Both Officer Escarpe and Officer Pisani reasonably feared for their physical safety when they saw Camacho was armed with a weapon.

Officer Escarpe and Officer Pisani both ordered Camacho to put down the knife. Officer Escarpe repeatedly warned Camacho he would shoot him.

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Camacho was uncooperative and aggressive during his interaction with Officer Escarpe and Officer Pisani. Camacho refused to comply with verbal commands to put the knife down. After being struck with a Taser, Camacho charged Officer Escarpe and Officer Pisani with a knife in his hand. At the time, Officer Escarpe and Officer Pisani were standing approximately six feet away from Camacho. Camacho's unwillingness to drop the knife and the combative manner in which he ran at Officer Escarpe and Officer Pisani led them to reasonably conclude Camacho intended to seriously injure or kill them. Officer Escarpe and Officer Pisani were given no choice but to fire their weapons at Camacho. Given those circumstances, the decision by Officer Escarpe and Officer Pisani to use deadly force was justified.

CONCLUSION

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

Submitted By:

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