



PUBLIC INFORMATION RELEASE MEMORANDUM

DATE: October 21, 2026

SUBJECT: Officer Involved Shooting (Fatal)

Officers: Officer Michael Mauger
San Bernardino Police Department

Involved Subject: Isaac Abril (Deceased)
Date of Birth **/**/**

Date of Incident: April 5, 2025

Incident location: **** N. Mountain View Ave.
San Bernardino, CA

DA STAR #: 2025-49917

Investigating Agency: San Bernardino Police Department

Case Agent: Detective Tiffany Montez

Report Number #: DR# 2025-39986

PREAMBLE

This was a fatal officer involved shooting by a police officer with the San Bernardino Police Department. The shooting was investigated by the San Bernardino Police Department. This factual summary is based on a thorough review of all the investigative reports, photographs, audio recordings, and video recordings submitted by the San Bernardino Police Department, DR# 25-39986.

FACTUAL SUMMARY

On April 5, 2025, at around 5:32 in the evening, San Bernardino Police Department Dispatch Center received a call from Witness #1¹ who reported her son, Isaac Abril, was possibly under the influence of alcohol and threatened her grandson, Witness #2.² Witness #3³ received a phone call from his grandson Witness #2. Witness #2 said Abril was threatening to kill him with a knife. Witness #2 lived with Abril at a home located at **** North Mountain View Avenue in the City of San Bernardino. After Witness #2 called, Witness #3 immediately left his home in Crestline and drove to pick Witness #2 up. Witness #3 also called 9-1-1 on his way to pick up Witness #2.

During this time, San Bernardino Police Department Dispatch Center received additional calls reporting a domestic disturbance at the location. One caller reported a naked older Hispanic male adult pointing a knife at a Hispanic male juvenile. A second caller reported the juvenile was trying to disarm the adult male. A third caller said the subjects were in the front yard of the **** North Mountain View Avenue. A fourth caller reported the Hispanic male adult was chasing the Hispanic male juvenile. A fifth caller reported the older male subject was in the middle of the street. A sixth caller reported the older male was throwing knives at passing vehicles. A seventh caller reported the older Hispanic male adult was attempting to stab the juvenile.

Officers from the San Bernardino Police Department arrived at the scene at around 6:09 in the evening. The officers were in uniform and drove marked patrol vehicles identifying them as law enforcement officers. Abril was in the middle of the street in front of **** North Mountain Avenue. Abril was armed with a large knife. When officers tried to contact Abril, Abril moved behind a blue sedan parked along the curb to the front of the residence. Officers gave Abril several commands to drop the knife but Abril refused to comply. Officers attempted to use tasers and less lethal bean bag shotguns to de-escalate the incident and disarm Abril. As a result of those less lethal deployments, Abril ended up on the ground. Abril, however, remained in possession of the knife which he continued to swing back and forth.

Officer Michael Mauger, from the San Bernardino Police Department, responded to the scene to assist the other officers. Officer Mauger was in uniform and drove a marked patrol vehicle which identified him as a law enforcement officer. Abril was on the ground actively being tased. Abril was holding a knife in his right hand. Abril was not saying anything to officers but Officer Mauger heard Abril "aggressively grunting." Officer Mauger gave Abril commands to drop the knife but Abril refused to comply. When Abril tried to stand, an officer tased Abril. Another officer deployed a less lethal bean bag shotgun. Abril remained

¹ Witness #1 shares the same last name as Isaac Abril and therefore will be referred to as Witness #1 throughout the rest of the memorandum.

² Witness #2 shares the same last name as Isaac Abril and therefore will be referred to as Witness #2 throughout the rest of the memorandum.

³ Witness #3 Abril shares the same last name as Isaac Abril and therefore will be referred to as Witness #3 throughout the rest of the memorandum.

uncooperative. Officer Mauger believed Abril was under the influence of PCP. Abril swung the knife at officers and stabbed the ground with the knife. Officer Mauger observed Abril remove taser prongs from where they struck his body. Officer Mauger and the other officers continued to give Abril verbal commands to drop the knife but Abril would not comply. There were additional less lethal bean bag deployments but they were ineffective.

At one point, Abril stood up, stepped through an open gate, and started walking toward the front yard of a residence. Abril continued to hold the knife in his hand. Abril pointed the knife in the direction of the officers as he walked toward the front residence on the property. Officer Mauger was concerned Abril had already behaved aggressively toward officers and was still armed with a knife. It was a Saturday and Officer Mauger knew there was a good chance families would be home as opposed to being at work or at school. Officer Mauger was afraid Abril would stab or kill anyone he located in the residence or in the rear yard of the property.

Officer Mauger fired four to six rounds from his duty weapon at Abril. After the first shot, Abril began running toward the front door of the residence. Abril then changed direction and headed toward a side gate. Officer Mauger observed Abril reach over the fence. Officer Mauger believed Abril was trying to get into the rear yard of the residence and fired an additional three to four rounds at Abril. In total, Officer Mauger fired ten rounds from his duty weapon at Abril.

After the shooting, Abril fell to the ground. Officers approached Abril and handcuffed him. The knife Abril was holding was a few inches away from Abril's hand. Officers started to render medical aid to Abril. Medical personnel arrived and took over from officers. Abril was then transported to the hospital. Witness #4 pronounced Abril deceased at 6:52 p.m.

STATEMENTS BY POLICE OFFICERS

On April 7, 2025, **Officer Raul Enriquez**⁴ was interviewed by Detective Tiffany Montez.

On April 5, 2025, **Officer Raul Enriquez**, from the San Bernardino Police Department, was assigned to patrol. Officer Enriquez was wearing a uniform and driving a marked patrol vehicle. On that date, during the evening hours, Officer Enriquez was dispatched to a call for service regarding a father threatening his son with a knife. A second call for service came in the regarding the same area. The reporting party stated there were three people in the street and two of them were armed with knives. Officer Enriquez responded to the call.

⁴ Officer Enriquez was equipped with a body worn camera that was recording during the incident under review. Officer Enriquez reviewed the recording prior to being interviewed by Detective Montez.

When Officer Enriquez arrived at the location, he observed a male subject, later identified as Isaac Abril, standing on the sidewalk. Abril was naked and there was a juvenile standing in front of him. Officer Enriquez ordered Abril to drop the knife. The juvenile, later identified as Abril's son Witness #2, told Officer Enriquez, "don't shoot my dad." Officer Enriquez told Witness #2 he had a "less lethal" shotgun and would not shoot Abril. An older male, later identified as Witness #3, approached Officer Enriquez and Witness #2. Officer Enriquez did not observe anyone else with a knife.

Abril, still armed with a knife, started walking into the street. Officer Enriquez ordered Witness #2 and Witness #3 to stay on the sidewalk. Abril was waving the knife back and forth in the air. Abril was dancing in the street and playing with his genitals. Abril yelled, "IE mother***kers." Officer Enriquez and other officers continued to order Abril to drop the knife. Abril refused to comply with the officers' verbal commands. Officer Enriquez asked Witness #3 and Witness #2 if Abril had any mental health issues. Witness #2 said yes but did not clarify what the diagnosis was. Officer Enriquez relayed that information to his partners.

While Abril was in the middle of the street, he walked backwards away from the officers. Officer Enriquez observed bystanders approximately 30 to 40 yards behind Abril. Officers gave Abril commands to drop the knife but Abril still would not comply. Officer Enriquez said Abril crouched down and took a "bladed stance." Abril started pointing the knife at the officers. Abril started to move towards the officers at an angle. It appeared that Abril was coming towards Officer Enriquez or Witness #3 and Witness #2. Afraid for their safety, Officer Enriquez fired one round from his less lethal shotgun and struck Abril on the left side of his stomach. It was ineffective. Abril turned around, started to walk away, and then began running. Officer Enriquez fired another bean bag round when he thought Abril was running towards Witness #3 and Witness #2 who were standing on the east sidewalk. Officer Enriquez fired another bean bag round which struck Abril. This time, Abril fell to the ground on a patch of grass between the street and the sidewalk.

Officers gave Abril commands to "throw the knife behind his head," but Abril did not comply. Officer Enriquez described Abril as "aggressive." Officer Enriquez then attempted to shoot the knife out of Abril's hand. Abril moved his hand and Officer Enriquez's less lethal round struck Abril in the face. The less lethal round had no effect on Abril. Officer Blanco arrived on scene and deployed his taser. Abril was unable to get up off the ground. Abril refused to drop the knife in his hand and instead pointed it at the officers.

Officer Enriquez noticed Abril would bring the knife up over his head as if Abril was going to throw it at the officers. Sergeant Hernandez asked Officer Enriquez to reposition himself so he moved south of Abril towards the bumper of a blue sedan. Officer Enriquez continued to give Abril commands to drop the knife. Abril started to crawl on the sidewalk towards the fence. Abril was seated upright with his back against the fence, south of **** North Mountain View Avenue.

Abril put the knife up to his neck. Officer Enriquez tried to reason with Abril. Sergeant Hernandez asked Officer Enriquez to try and shoot the knife out of Abril's hand. He heard

Sergeant Hernandez yell out, "less lethal" three times. Officer Enriquez fired his less lethal shotgun but he missed striking Abril. Officer Enriquez transitioned to his firearm. Officer Enriquez continued to give Abril commands to drop the knife but Abril refused to comply. Several tasers were deployed when Abril started crawling. The taser deployments were ineffective. Abril still would not drop the knife.

Officer Enriquez felt there was enough lethal coverage. Officer Enriquez's less lethal shotgun was out of bean bag rounds so he went to a patrol unit to retrieve another less lethal shotgun. As Officer Enriquez was doing this, he observed Abril standing up and entering the front yard of **** North Mountain View Avenue. Officer Enriquez then heard approximately nine to ten gunshots being fired. Officer Enriquez ran towards Abril who had crossed the property in front of the house and stopped. Abril was faced toward the street with his back up against the side fence. Abril slumped down to the ground with the knife still in his hand.

After the shooting, several officers approached Abril to detain him and render medical aid. Officer Enriquez walked away to put the less lethal shotgun back inside the patrol vehicle. Officer Enriquez saw paramedics on scene and moved one of the patrol units out of the way so they were not blocked in.

On April 7, 2025, **Sergeant Kimberly Hernandez⁵** was interviewed by Detective Tiffany Montez.

On April 5, 2025, **Sergeant Kimberly Hernandez**, from the San Bernardino Police Department, was assigned to patrol. Sergeant Hernandez was wearing a uniform and driving a marked patrol vehicle. On that date, Sergeant Hernandez was reviewing police reports when she heard a call for service regarding a Hispanic male adult, armed with a knife, threatening a juvenile in the street. The call for service was in the area of 10th Street and Mountain View Avenue. Other reporting parties who called in indicated the Hispanic male adult was naked. A supplement was added to the call advising the Hispanic male adult was threatening his son and gave an address of **** North Mountain View Avenue. Sergeant Hernandez decided to respond to the call and assist the police officers that had been dispatched.

Officer Gonzalez and Officer Enriquez arrived first to the location and advised dispatch the Hispanic male adult, later identified as Isaac Abril, was in the street and still armed with a knife. Sergeant Hernandez indicated she could tell by the sound of their voices that it was an unusual "high risk" situation. The officers advised that less lethal had been deployed. Sergeant Hernandez was concerned about the officers as it appeared the situation was escalating.

⁵ Sergeant Hernandez was equipped with a body worn camera that was recording during the incident under review. Sergeant Hernandez reviewed the recording prior to being interviewed by Detective Montez.

When Sergeant Hernandez arrived at the location, she parked her patrol vehicle and ran towards the scene. Sergeant Hernandez observed Abril seated in the grass along the east curb of Mountain View Avenue, north of 10th Street, next to a blue sedan. Abril was not wearing any clothing. Sergeant Hernandez observed six or seven police officers giving Abril verbal commands. Abril was still armed with a knife in his right hand. Abril was waving the knife back and forth at the police officers. The officers had tasers and less lethal shotguns while some of the others had lethal cover.

Sergeant Hernandez asked Officer Enriquez and Officer Blanco whether Abril was a danger to himself or others at the time. Officer Enriquez said Abril was a danger to himself and advised Abril kept trying to get up off the ground. Officer Enriquez told Sergeant Hernandez that Abril had been waving the knife around and had threatened his son and officers with it. Since Abril had already demonstrated violent behavior, Sergeant Hernandez advised the officers that she did not want him to get up from the ground.

Sergeant Hernandez instructed Officer Enriquez to use his less lethal shotgun to try to shoot the knife out of Abril's hand when the knife was away from Abril's face. Sergeant Hernandez felt if Abril was no longer armed with the knife, it would make the situation safer and allow the officers to arrest Abril. During this time, Abril rolled back and forth on his butt and tried to stand up. Abril still held the knife in his hand and was waving it back and forth at officers.

It appeared to Sergeant Hernandez that Abril was under the influence of PCP. Abril was naked, appeared to be sweaty, had a "thousand-yard stare," and was not communicating or complying with officers. Sergeant Hernandez said officers deployed both tasers and less lethal shotguns but they seemed to have little effect on Abril. Abril appeared to have a high pain tolerance. Sergeant Hernandez witnessed this type of behavior in past experiences when dealing with individuals under the influence of PCP.

There was a crowd nearby and Sergeant Hernandez became concerned about crossfire or civilians that could be struck by less lethal bean bag rounds. Sergeant Hernandez voice advised the other officers in a loud voice that less lethal was going to be used. The officers' attempts to shoot the knife out of Abril's hand with the less lethal shotguns were ineffective. Abril was struck in the hand and face. At one point, Abril had a bean bag sticking out of his cheek but his behavior did not change. Abril continued to wave the knife aggressively back and forth at officers.

Officers continued to give Abril verbal commands to "drop the knife," and "don't get up." Abril would not comply with the officers' orders. Abril pulled out the taser darts that had struck him. Sergeant Hernandez gave her taser to Officer Blanco since he was out of taser darts. Abril continued to try and get up from the ground. At one point, Abril dropped the knife out of his hand. However, Abril quickly picked it back up before the officers were able to act. Abril continued to wave the knife at officers as if he were going to "cut somebody." Abril was on the sidewalk in front of two residences. Sergeant Hernandez was concerned about the safety of anyone possibly inside the residences. Sergeant Hernandez noticed Abril had moved closer to the fence and was pulling himself upright. Sergeant Hernandez

knew it would be dangerous to allow Abril to break the threshold into one of the front yards or to allow Abril to head north on the sidewalk. Abril was already wanted for threatening his son and officers. Abril was waving a knife around and not complying with officers' verbal commands.

Abril pulled himself all the way up and started to move his way down the fence. Abril continued to wave the knife at officers. Abril entered the front yard of **** North Mountain View Avenue. Sergeant Hernandez tapped Officer Mauger on the shoulder and told him, "go now." Sergeant Hernandez was concerned about Abril getting inside the yard or house because she did not know if anyone was inside. Sergeant Hernandez was afraid the officers would not be able to control Abril before he was able to injure someone.

Sergeant Hernandez indicated Officer Mauger initially fired four to five rounds at Abril. Officer Mauger then fired an additional four to five rounds when it appeared Abril was trying to get inside the fence. After the shooting, officers approached Abril and continued to give Abril commands to drop the knife. Officers placed Abril in handcuffs. Sergeant Hernandez broadcasted "shots fired" over the radio and requested medical aid. Officers rendered aid to Abril until medical personnel arrived and took over.

On April 7, 2025, **Officer Brianna Sinclair**⁶ was interviewed by Detective Tiffany Montez.

On April 5, 2025, **Officer Brianna Sinclair**, from the San Bernardino Police Department was assigned to patrol. Officer Sinclair was wearing a uniform and driving a marked patrol vehicle. Officer Sinclair was at the police station unloading her patrol vehicle when she heard officers broadcasting over the radio that they had one at "gun point." Officers broadcasted that less lethal shotguns and tasers were deployed, which caused Officer Sinclair to believe things were escalating. Officer Sinclair heard the officers advise the suspect was still armed with a knife. After Officer Sinclair heard the additional radio transmissions, Officer Sinclair decided to respond to assist the other officers who were already at the scene. Officer Sinclair had not heard the original call for service nor had she read any of the call updates prior to getting to the location.

When Officer Sinclair arrived at the scene, she observed an officer pointing his gun at the suspect, later identified as Isaac Abril. Abril was seated on the east curb of Mountain View Avenue near the sidewalk and grassy area. Abril was not wearing any clothing and was holding a knife in his right hand. Officer Sinclair parked her patrol vehicle approximately ten feet behind a blue sedan that was parked along the east sidewalk, just south of **** North Mountain View Avenue.

Officer Sinclair observed Officer Gonzalez standing to the rear of a blue sedan, taking cover and maintaining lethal cover on Abril. Officer Sinclair joined Officer Gonzalez and pointed her firearm at Abril. She heard multiple officers giving Abril commands to drop the

⁶ Officer Sinclair was equipped with a body worn camera that was recording during the incident under review. Officer Sinclair reviewed the recording prior to being interviewed by Detective Montez.

knife and to stay on the ground. Abril did not comply with the commands. Officer Blanco asked Officer Sinclair to holster her firearm and take out her taser which she did. Officer Sinclair then pointed her taser at Abril as the officers continued to order Abril to drop the knife.

Officer Sinclair indicated Abril appeared agitated and was waving the knife in the air and towards the officers. At one point, Officer Sinclair thought Abril was going to throw the knife at officers or civilians in the area. Officer Sinclair had safety concerns for the multiple civilians to the north of Abril's location. Officer Blanco delivered several taser deployments and cycles which caused Abril's muscles to lock up. Abril, however, continued to hold onto the knife. Abril rolled over towards the officers. Officer Sinclair deployed her taser to prevent Abril from standing up. The taser deployment was initially effective and Abril was unable to stand but once the taser cycle ended, Abril went back to being agitated and swinging the knife around.

Sergeant Hernandez instructed Officer Sinclair to retrieve a less lethal shotgun from a nearby patrol vehicle. Officer Sinclair pointed the less lethal shotgun at Abril while officers continued to give Abril commands to drop the knife. Abril still did not comply with the officers' commands. Sergeant Hernandez gave instructions for someone to try and shoot the knife from Abril's hands. Officer Sinclair was uncomfortable with that shot and switched positions with Officer Enriquez. After she switched positions, Officer Sinclair deployed the less lethal shotgun. Officer Sinclair was unsuccessful in her attempt to shoot the knife out of Abril's hand.

Officer Sinclair observed Abril trying to get up off the ground again. Officer Sinclair deployed another less lethal shotgun round and struck Abril. Officer Sinclair was concerned about the safety of the other officers and civilians in the area if Abril was allowed to walk around while still armed with a knife. Officer Sinclair's less lethal round was ineffective and Abril was able to get into a standing position.

Abril walked northbound on the sidewalk and then eastbound to a pedestrian gate in front of **** North Mountain View Avenue. Abril entered the gate and proceeded towards the front door of the residence. Officers did not know who lived at the location. Officer Sinclair was afraid Abril would enter the home and possibly attack someone or take someone hostage. At this point, Officer Sinclair heard approximately ten rounds being fired by Officer Mauger.

Officer Sinclair indicated after the first six rounds were fired, she observed Abril turn around to face officers. Abril then collapsed to the ground. Officers quickly formulated a plan to ensure Abril was no longer armed with a knife. Officer Blanco and Officer Grant then rendered medical aid to Abril until paramedics arrived and took over.

During the incident, Officer Sinclair described Abril as being agitated, hostile, irritable, and doing "erratic things." Officer Sinclair indicated Abril was holding the knife to his throat, waving the knife around, holding the knife above his head like he was going to throw it, and stabbing the ground with the knife. Based on her training and experience, Officer Sinclair

believed Abril was under the influence of PCP. Subjects under the influence of PCP typically get hot and overheated. Officer Sinclair felt this was consistent with Abril being undressed. In addition, Abril was not communicating with the officers and Abril appeared to have a high pain tolerance, which Officer Sinclair indicated is common with an individual being under the influence of PCP. Officer Sinclair said Abril was looking at the officers when they were giving him commands to drop the knife and the officers were speaking loudly.

On April 8, 2025, **Officer Ryan Grant**⁷ was interviewed by Detective Tiffany Montez.

On April 5, 2025, **Officer Ryan Grant**, from the San Bernardino Police Department, was assigned to patrol. He was wearing a uniform and driving a marked patrol vehicle. On that date, Officer Grant responded to a location on North Mountain View Avenue to assist officers dealing with a male subject, armed with a knife, who had been tased and bean bagged.

When Officer Grant arrived at the scene, he saw a subject, later identified as Isaac Abril, lying on the ground. Abril had a large kitchen knife in his hand. Grant estimated the blade of the knife was four to five inches long. Abril was swinging the knife in the air and stabbing the ground with it. Officers were giving Abril commands to drop the knife but Abril refused to comply. Officer Grant believed Abril may try to hurt someone with the knife. Officer Grant also believed Abril may be under the influence of PCP. Abril appeared disassociated from himself, hyper focused on the knife, and had a high pain tolerance.

Abril was eventually able to stand up. Abril had removed the taser prongs from his body and began running northbound. Officer Grant was concerned Abril was heading towards a residence. It was a Saturday evening and Officer Grant knew most people were off from work. Officer Grant did not know whether anyone was at home or would be in danger from Abril advancing toward the residence. Officer Grant heard what he thought were additional bean bag rounds but then realized Officer Mauger had shot his duty pistol. Grant was at the front of the garage and front door area of the residence the officers had been dispatched to. After shots were fired, Officer Grant observed Abril run towards the south end of the house near a wooden fence. Abril dropped to the ground and was leaning against the house and fence.

On April 8, 2025, **Officer Diego Blanco**⁸ was interviewed by Detective Tiffany Montez.

On April 5, 2025, **Officer Diego Blanco**, from the San Bernardino Police Department, was assigned to patrol. Officer Blanco was wearing a uniform and driving a marked patrol

⁷ Officer Grant was equipped with a body worn camera that was recording during the incident under review. Officer Grant reviewed the recording prior to being interviewed by Detective Montez.

⁸ Officer Blanco was equipped with a body worn camera that was recording during the incident under review. Officer Blanco reviewed the recording prior to being interviewed by Detective Montez.

vehicle. On that date, Officer Blanco responded to the area of 10th Street and North Mountain Avenue to assist police officers who were on a call for service regarding a large naked subject armed with a knife threatening to kill his son. Officer Blanco advised dispatch over the radio that he would be responding with the less lethal bean bag shotgun.

There were other police officers already present when Officer Blanco arrived at the scene. When Officer Blanco arrived at the scene, he observed the subject, later identified as Isaac Abril, lying down on his back on the grassy area on the east sidewalk. Officer Blanco started giving commands and immediately noticed a “military style K-bar knife” in Abril’s right hand. Officer Blanco deployed his taser in an effort to disarm Abril. Officer Blanco deployed his taser. Initially the taser deployment was successful, but Abril then removed the taser prongs from his chest. Officer Blanco deployed his taser multiple times. Officer Blanco ran out of taser cartridges and then took Officer Gonzalez’s taser. Officer Blanco deployed the taser as Abril tried to stand up. The taser did not strike Abril.

Officer Blanco eventually moved to the north side of a blue sedan. Abril was sitting up and continued to swing the knife around. Officer Blanco next used Officer Couret’s taser which had two taser cartridges. Officer Blanco deployed the taser. It appeared to be effective as it managed to get Abril on his back. Officers continued to give Abril verbal commands to drop the knife. Abril refused to comply. Officer Blanco feared for everyone’s safety, including Abril.

Officer Blanco described Abril’s demeanor as “irate.” Abril was stabbing the ground with the knife and swinging the knife at the officers. Officer Blanco noticed Abril was sweating profusely and his pupils were dilated. After deploying Officer Couret’s taser in an effort to keep Abril on the ground, Officer Blanco transitioned to Sergeant Hernandez’s taser. Officer Blanco deployed the taser but did not strike Abril.

Ultimately, Abril was able to stand up. Officers continued to give Abril verbal commands and deployed the less lethal bean bag shotguns. Still armed with the knife, Abril ran into the yard and headed for a wooden gate that Officer Blanco believed led to the rear residence. Officer Blanco was concerned about a possible hostage situation because Abril was heading towards the residence. Officer Blanco indicated this is when the officer involved shooting occurred. Officer Blanco said a large tree in the front yard partially blocked his view of Abril.

On April 8, 2025, **Officer Ulysses Couret⁹** was interviewed by Detective Tiffany Montez.

On April 5, 2025, **Officer Ulysses Couret**, from the San Bernardino Police Department, was on patrol. Officer Couret was wearing a uniform and driving a marked patrol vehicle. On that date, Officer Couret responded to the area of 10th Street and Mountain View

⁹ Officer Couret was equipped with a body worn camera that was recording during the incident under review. Officer Couret reviewed the recording prior to being interviewed by Detective Montez.

Avenue to assist officers who broadcasted over the radio that they had three subjects at gunpoint. The officers advised less lethal bean bag rounds and tasers had been deployed and one subject was still armed with a knife.

When Officer Couret arrived at the location, he saw several officers with the subject, later identified as Isaac Abril, near the east curblin. Abril was on a patch of grass on the east sidewalk. Abril was naked, armed with a knife, and not complying with officers' verbal commands. Officer Couret gave Abril multiple commands to drop the knife but Abril would not comply. Abril appeared upset and was waving the knife around at officers. Officer Couret was concerned Abril would throw the knife or possibly lunge at officers or nearby civilians.

Officer Couret fired his less lethal shotgun in an attempt to separate the knife from Abril's hand. Officer Couret aimed for Abril's upper torso area but Officer Couret did not know where he struck Abril. Abril remained uncooperative and did not drop the knife. Officer Couret fired his less lethal shotgun two additional times but Abril showed no reaction and continued to hold onto the knife.

Officer Couret observed Abril scooting backwards as he continued to swing the knife around. Abril was able to get up off the ground and stand up. Officer Couret deployed a fourth bean bag round and struck Abril in the left leg. Abril had no reaction and walked towards the gate which led to a residence. Abril was still holding the knife in his right hand. Abril began running in a southeast direction towards a wooden gate on the inside of the property.

Officer Couret believed Abril was heading to the rear residence of the property. Officer Couret was concerned about the safety of any subjects inside of the house Abril was heading towards. Officer Couret yelled to his partners that he was out of less lethal rounds. As Officer Couret was checking the chamber of his less lethal shotgun, he heard "popping" and realized that an officer had fired his duty weapon. Officer Couret observed Abril in the corner, by a gate inside of the yard.

On April 10, 2025, **Officer Jakob Gonzalez**¹⁰ was interviewed by Detective Tiffany Montez.

On April 5, 2025, **Officer Jakob Gonzalez**, from the San Bernardino Police Department, was assigned to patrol. Officer Gonzalez was wearing a uniform and driving a marked patrol vehicle. Officer Gonzalez was dispatched to a call for service at the **** block of Mountain View Avenue. The call was in regards to a father waving a knife at his son. Additional callers advised dispatch both parties were armed with knives.

¹⁰ Officer Gonzalez was equipped with a body worn camera that was recording during the incident under review. Officer Gonzalez reviewed the recording prior to being interviewed by Detective Montez.

When Officer Gonzalez arrived at the scene he observed a subject, later identified as Isaac Abril. Abril was naked, standing in the street, and holding a knife in his hand. Officer Gonzalez indicated the blade of the knife was approximately five inches in length. Abril's son was next to Abril, trying to get Abril to drop the knife. Officer Gonzalez turned on his siren to get Abril's attention and then exited the patrol vehicle.

Officer Gonzalez heard officers giving Abril commands to drop the knife, but Abril refused to comply. Officer Gonzalez described Abril as being non-verbal and having a blank stare. Officer Enriquez deployed his bean bag shotgun. Abril fell to the ground, behind a vehicle, after the second shot. Abril continued to hold onto the knife with his right hand. Officer Blanco tased Abril which Officer Gonzalez said was effective. Abril was looking at the officers and it appeared Abril was aware of their presence. Officer Gonzalez believed Abril was under the influence of methamphetamine or PCP.

Officer Blanco used Officer Gonzalez's taser for another cartridge. When Abril started to sit up, Officer Blanco deployed the taser to prevent him from getting up. Abril started to cut the wires off the taser prongs with his knife. Abril remained uncooperative. Officers tried to shoot the knife out of Abril's hand with their bean bag shotguns. Abril barely flinched, which caused Officer Gonzalez to conclude all less lethal force was ineffective. Officer Gonzalez transitioned to the left side of the vehicle so there would be less lethal and lethal cover. Officers continued to give Abril commands to drop the knife, but Abril refused to comply.

Abril was able to get up from the ground and start walking towards a residence with an open gate. Officer Mauger walked towards Officer Gonzalez and was positioned on Officer Gonzalez's left side. Abril walked through the open gate and into the front yard. Officer Gonzalez expressed concerns for the safety of anyone inside of the residence. Abril, still armed with the knife, walked towards the residence. Officer Mauger then fired his duty weapon at Abril. Officer Gonzalez approached Abril after he had fallen to the ground and Officer Mauger kicked the knife out of Abril's reach.

On April 10, 2025, **Officer Anthony Serrano**¹¹ was interviewed by Detective Tiffany Montez.

On April 5, 2025, **Officer Anthony Serrano**, from the San Bernardino Police Department, was assigned to patrol. Officer Serrano was wearing a uniform and driving a marked patrol vehicle. On that date, Officer Serrano heard an officer advise over the radio he had a subject armed with a knife at gunpoint. Officer Serrano responded to the incident location in the area of 10th Street and Mountain View Avenue.

When Officer Serrano arrived at the scene he observed officers with a subject, later identified as Isaac Abril. Some of the officers had Abril at gun point while the other officers

¹¹ Officer Serrano was equipped with a body worn camera that was recording during the incident under review. Officer Serrano reviewed the recording prior to being interviewed by Detective Montez.

had tasers and less lethal bean bag shotguns. Officer Serrano positioned himself on the south side of a sedan parked along the east curbline. Officer Serrano maintained lethal cover. Abril was naked and lying down on the grassy area on the east sidewalk. Officer Serrano heard officers give several commands for Abril to “drop the knife.” Officer Serrano described the knife as silver with an approximate six inch blade.

Officer Serrano observed Abril stabbing the ground with the knife while staring at officers in an “angry manner.” Abril tried to get up from the ground and was tased, which prevented Abril from standing. The taser was deployed several times. Abril removed the taser prongs from his body on the last deployment. At this point, Officer Serrano recalled a less lethal bean bag shotgun being deployed. This was ineffective and Abril appeared unfazed by the less lethal rounds. Officer Serrano suspected Abril may be under the influence of PCP. Officer Serrano knew subjects under the influence of PCP have a high pain tolerance and behave erratically.

Abril scooted backwards towards the gate which led to a residence. Abril was able to get up from the ground and walked through the unlocked gate towards the residence. Abril was still armed with the knife. Officer Serrano was concerned that Abril may charge towards officers or other subjects in the area. Abril continued walking towards the fence on the south side of the residence. Officer Serrano estimated Abril was approximately five feet away from the front door to the front residence. Officer Serrano was afraid this could end up in an hostage or barricaded subject situation if anyone was inside of the residence.

Officer Serrano heard officers continue to give Abril commands to drop the knife. Abril would not comply with the officers’ orders. Officer Serrano continued to hold Abril at gunpoint when he heard gunshots coming from his left side. Officer Serrano briefly turned toward the sound of the gunfire. When Officer Serrano turned back, he saw Abril had fallen to the ground and was bleeding. Officers moved towards Abril to secure the knife and provide medical aid.

On April 10, 2025, **Officer Michael Mauger**¹² was interviewed by Detective Tiffany Montez.

On April 5, 2025, **Officer Michael Mauger**, from the San Bernardino Police Department, was assigned to patrol. Officer Mauger was in uniform and driving a marked patrol vehicle. On that date, Officer Mauger heard officers on scene at a domestic disturbance call in the **** block of Mountain View Avenue advise that less lethal bean bags and tasers had been deployed at a subject armed with a knife. Officer Mauger responded to the scene to assist the officers. As he drove to the scene, Officer Mauger read the call for service. The subject’s son advised dispatch that his father was under the influence, armed with a knife, and threatening to kill him.

¹² Officer Mauger was equipped with a body worn camera that was recording during the incident under review. Officer Mauger reviewed the recording prior to being interviewed by Detective Montez.

When Officer Mauger arrived at the scene, he parked and got out of his patrol vehicle. There were multiple officers already present at the location. Officer Mauger saw numerous civilians in close proximity to the incident location. Officer Mauger was concerned that the subject, later identified as Isaac Abril, could get past the officers and harm or kill one of the civilians. Officer Mauger walked to the right side of a blue sedan and observed Abril, naked, on the ground actively being tased. Officer Mauger said Abril was not saying anything to the officers. Officer Mauger described Abril as “aggressively grunting.” Officer Mauger believed Abril was possibly under the influence of PCP.

Officer Mauger observed a “slice” on Abril’s left hip area. He also saw Abril was holding a knife in his right hand. Officer Mauger described the knife as a possible hunting knife with a brown handle and a fixed silver blade. Officer Mauger approached and started giving Abril commands to “drop the knife.” There were multiple deployments of both the less lethal bean bag shotguns and tasers. Abril did not appear to be affected by the deployments and refused to drop the knife. In Officer Mauger’s experience, suspects who are struck once with a less lethal bean bag round typically comply with officers to avoid being struck again.

Officer Mauger heard Sergeant Hernandez advise officers to attempt to shoot the knife out of Abril’s hand with the less lethal shotgun when they had an opportunity. One officer tried and missed Abril’s hand, accidentally striking Abril on the right side of his face. This had no effect on Abril, which confirmed Officer Mauger’s suspicion that Abril may be under the influence of PCP. Officer Mauger continued to give Abril commands to drop the knife. Abril continued to aggressively swing the knife at the officers and stab the ground. Officer Mauger watched Abril remove the taser prongs from his body. At one point, Abril dropped the knife, but he quickly picked it back up before officers could grab it.

Abril remained uncooperative and refused to comply with the officers’ verbal commands. Officer Blanco deployed a taser. Officer Mauger advised the other officers the taser deployment was ineffective. Officer Mauger indicated Abril remained aggressive. Abril began to scoot his body across the sidewalk. Officer Mauger repositioned himself on the left side of the blue sedan. The officers on the right side of the sedan were crowding him and Officer Mauger felt it was an officer safety issue.

Abril was able to scoot himself to the fence and get into a standing position. Officer Mauger observed two additional bean bag deployments and one additional taser deployment. Officer Mauger indicated these deployments were ineffective. Abril walked towards the front yard of a residence and opened the gate. Abril walked towards the front residence on the property. Officer Mauger was concerned that Abril was still armed with a knife and had already behaved aggressively towards the officers. Officer Mauger was also concerned because it was a Saturday and he expected families to be home and not at work or school.

Officer Mauger stated the officers were unable to gain Abril’s compliance when Abril was on the sidewalk, away from the public. The officers’ less lethal attempts to detain Abril were unsuccessful and Abril remained armed with a knife. Officer Mauger stated he was

concerned that Abril would stab and/or kill anyone he located in the residence or rear yard of the property. Officer Mauger believed deadly force was necessary and fired his duty weapon at Abril. Officer Mauger estimated he fired 4 to 6 rounds at Abril. After the first shot, Officer Mauger saw Abril start running towards the front door of the residence. When Abril was two to three steps away from the residence, Abril then changed direction and headed towards the side gate. Officer Mauger observed Abril reach over the fence. Officer Mauger believed Abril was trying to get into the rear yard of the residence. Officer Mauger then fired three to four additional rounds in Abril's direction.¹³

Officer Mauger stopped firing and reassessed the situation. Officer Mauger noticed Abril was initially standing and still refusing to drop the knife. Abril then fell to the ground at which time, officers started to approach him. Officers continued to give Abril commands to drop the knife. As he got closer, Officer Mauger noticed Abril was no longer holding the knife. The knife was a few inches away from Abril's hand. Officers handcuffed Abril and immediately began rendering medical aid until medical personnel arrived on scene and took over.

STATEMENTS BY CIVILIAN WITNESSES

On April 5, 2025, **Witness #3** was interviewed by Detective Tiffany Montez.

Witness #3 is the father of Isaac Abril. Witness #3 received a phone call from his grandson, Witness #2, earlier that day. Witness #2 told Witness #3 that Abril was threatening to kill him with a knife. Witness #2 lived with Abril in the City of San Bernardino. Witness #3 was concerned and immediately left his home to go help Witness #2. While he drove to San Bernardino, Witness #3 called 9-1-1. When Witness #3 arrived at the house, he observed Abril dancing in the street. Abril was not wearing any clothes. Witness #3 stated Abril had been drinking heavily and Witness #3 did not believe his son was in his right mind at that point.

Witness #3 indicated he had spent most of the day with Abril because of Abril's behavior. Witness #3 described Abril as being a "nervous wreck" and not making much sense. Witness #3 looked through the trash and found empty bottles of whiskey. Witness #3 said he left the residence around dinner time and received the phone call from Witness #2 approximately one hour later. Witness #3 stated Abril has never had any issues with law enforcement. Witness #3 did not understand why Abril did not drop the knife when the officers asked him to.

Witness #3 was at the house for approximately ten minutes prior to the police arrival. After the police arrived, Witness #3 heard the officers tell Abril multiple times to drop the knife. Abril did not comply with the officers' commands. Witness #3 indicated the police officers were giving Abril verbal commands "quite often" but Abril was not paying attention and

¹³ Officer Mauger fired a total of ten rounds during the incident under review.

“was not there.” Witness #3 did not believe Abril was in his right mind and said Abril may have been on drugs.

Witness #3 stated the police officers were wearing uniforms and driving police vehicles. Witness #3 said Abril was going through a rough time after losing his family and business. When asked if Abril had mental health issues, Witness #3 referred to Abril’s behavior on that date and said, “yes, apparently he had.” When Witness #3 first saw Abril, Abril was dancing in the street with no clothes on. Witness #3 added that Abril was swinging a knife at Witness #2. It appeared to Witness #3 that Abril was trying to keep Witness #2 away.

Witness #3 was unsuccessful in his attempts to convince Abril to drop the knife. Witness #3 said Witness #2 had a tree trimming knife and was trying to get Abril to drop the knife. Witness #3 was asked whether Abril had a reaction to the police when they arrived. Witness #3 said, “Young lady, I think he wanted this to happen.” Witness #3 stated Abril usually complies with police officers’ commands and Witness #3 believed Abril may have been “fed up” with the struggles of his life. Witness #3 believed the police officers gave Abril enough time and commands for Abril to drop the knife.

On April 6, 2025, **Witness #1** was interviewed by Detective Tiffany Montez.

Witness #1 is the mother of Isaac Abril and grandmother of Witness #2. Witness #1 said on April 5, 2025, Witness #2 called and spoke to her husband, Witness #3. Witness #2 told Witness #3 that Abril was acting crazy and Witness #2 did not know what to do. Witness #3 immediately left their home in Crestline to get to Witness #2. After Witness #3 left, Witness #1 called Witness #2 to check on him.

When Witness #1 was asked whether she knew what was wrong with Abril, she indicated she thought Abril had been drinking. Witness #1 said Abril was acting “nutty” the previous day and attempted to have Witness #2 leave with them. Witness #2 refused to leave with Witness #1 and Witness #3 and stayed at home with Abril. Witness #1 said Abril drinks heavily and “huffs.” Witness #1 did not know of any other drug use by Abril.

Witness #1 was unaware whether Abril was suffering from any mental health issues. Witness #1 mentioned Abril called her earlier on April 5, 2025, and told her he had solved the universe’s problem. Abril said the secret was everyone had a twin. Witness #1 described the behavior as, “crazy” and “out of it.” Witness #1 had not known Abril to behave like he did today.

On April 5, 2025, **Witness #2¹⁴** was interviewed by Detective Tiffany Montez.

Witness #2 is the son of Isaac Abril. Witness #2 lived with Abril at the back residence located at **** North Mountain View Avenue in the City of San Bernardino. On that date, Witness #2 was asleep on the living room floor. He woke up and approximately ten

¹⁴ Witness #2 was 15 years old at the time of the interview.

seconds later, Abril removed Witness #2's knife from the sheath Witness #2 had attached to his waistband. Witness #2 indicated Abril was not wearing any clothing at the time. When asked why Abril wanted the knife, Witness #2 said Abril was on drugs and had mental health issues. Witness #2 told Abril to put some clothes on and Abril responded, "my bad." Abril walked outside with knife in his hand. Witness #2 followed Abril and tried to get his knife back.

Witness #2 stated Abril used PCP but denied seeing Abril use PCP on that date. Witness #2 said Abril had been arrested on another occasion at a church while Abril was under the influence of PCP. Witness #2 said Abril usually keeps his PCP in a skull container on the table near where they sleep but it was empty when Witness #2 looked today. Witness #2 said Abril does PCP "pretty often." Witness #2 described Abril as both drinking and smoking PCP. Witness #2 believed Abril would have given up the knife if he was not on PCP and was in the "right state of mind." Although Abril had never been diagnosed by a mental health professional, Witness #2 believed Abril suffered from schizophrenia.

Witness #2 indicated his dog just had puppies. After Abril took Witness #2's knife, Witness #2 moved the puppies inside of the car so Abril could not harm them. After he moved the puppies, Witness #2 called his grandfather, Witness #3, and told him how Abril was acting. Witness #2 advised Witness #3 that Abril took his knife and he was "acting up." Witness #2 told Witness #3 he needed to "handle it" and get his knife back from Abril. Witness #2 tried again to get his knife from Abril. Witness #2 said Abril was pointing the knife at his own neck and not saying anything. Witness #2 denied that Abril threatened him with the knife while they were inside the house.

When Witness #2 and Abril were outside, Abril walked towards the street. Witness #2 continued to try and get the knife away from Abril but Witness #2 was unsuccessful. Witness #2 said he did not want Abril to do "something crazy" if he tried to snatch the knife from Abril's hand. Witness #2 grabbed a machete and tried to use the machete handle to knock the knife out of Abril's hand. Witness #2 was unable to get the knife out of Abril's hand. Witness #2 said he called his grandfather because he wanted him to pick him up. Witness #2 was planning on staying the night at his grandparents' house.

Witness #2 stated his father was talking gibberish and not making any sense. Earlier in the day, Witness #2 said Abril was throwing around tools inside of their house. Witness #2 denied being afraid of Abril and said he was mad at Abril for taking his knife. Witness #2 denied telling Witness #3 that Abril was trying to kill him. Witness #2 said he told Witness #3 that Abril was threatening to harm himself. Witness #2 denied that Abril threatened him, chased him, or harmed him in any way during the incident under review.

When the police arrived on scene, Witness #2 threw the machete on the ground and told the officers not to shoot his father. Witness #2 indicated he was recording what was happening with his phone. Witness #2 heard the police officers give Abril commands to drop the knife and to stop walking towards people. Witness #2 saw the police officers pointing "non-lethal bullets" and tasers at Abril. During the incident, the officers shot Abril with a non-lethal weapon and Abril fell. The police officers then started to tase Abril.

Witness #2 indicated Abril was not listening to the officers' commands to drop the knife. When Abril started walking inside of the gate, Witness #2 said the Abril was shot by the police.

On April 9, 2025, **Witness #5** was interviewed by Detective Roberto Retamoza.

On April 5, 2025, **Witness #5** was living in an apartment located at **** North Mountain View Avenue in the City of San Bernardino. Witness #5 was having a party at her residence when her daughter returned home and said there was a naked man outside. Witness #5 gathered the children in the house to keep them safe and then began to record the incident on her cell phone.

Witness #5 said the naked man, later identified as Isaac Abril, was armed with a knife. There was also a younger male, later identified as Witness #2, who was armed with a machete. Witness #5 believed Witness #2 was Abril's son. Witness #5 indicated Witness #2 did not do anything with the machete and was just trying to get Abril into the house. Witness #5 said the police arrived and gave Abril plenty of time to drop the knife but Abril refused to do it. Witness #5 stated the police officers had to do what they had to do.

On April 16, 2025, **Witness #6** was interviewed by Detective Nicole Alvarez.

On April 5, 2025, **Witness #6** was driving north on North Mountain View Avenue when she saw a subject, later identified as Isaac Abril, trying to attack a boy, later identified as Witness #2, with a big knife. Witness #6 stopped her vehicle in the street on the east side. Witness #6 saw Abril had Witness #2 pinned against the gate in the front yard. Witness #6 got out of her vehicle and called out to Witness #2. Witness #6 was unsure whether Witness #2 spoke English and understood her.

Witness #6 saw someone in a wheelchair in the area. Witness #6 heard Abril mumbling things, but they were incoherent. Witness #6 observed Abril walking around and swinging the knife. Witness #6 thought Abril was trying to stab Witness #2. Witness #6 stated it seemed like Abril wanted to die. Witness #6 called dispatch and stayed on the phone but left before police arrived.

On April 9, 2025, **Witness #7** was interviewed by Detective Brandon Nelson.

On April 5, 2025, **Witness #7** was with her fiancée at her residence on North Mountain View Avenue. They were in their backyard cooking. They had five children over at the house playing in the front yard. A neighbor approached them and told Witness #7 to go get the children. When Witness #7 went to the front yard, neighbors told Witness #7 they had to close their gate because a male subject was trying to get in the driveway. Witness #7 gathered all the children and made them go inside.

Witness #7 observed a naked male, later identified as Isaac Abril, out in the street holding a knife. Witness #7 said Abril was walking around swinging the knife at passing vehicles. Abril was also walking in front of vehicles slowing them down. Witness #7 said she was afraid that Abril was either going to try to stab someone or he was going to be struck by a vehicle. Witness #7 called 9-1-1.

When police officers arrived at the scene, Witness #7 saw them pull up in front of her house. The officers pulled out what Witness #7 recognized as non-lethal shotguns because they were orange in color. Witness #7 heard the police tell Abril to drop the knife but Abril did not comply. After the police told Abril multiple times to drop the knife, they shot Abril with the less lethal shot guns. Witness #7 said that was unsuccessful and Abril did not drop the knife. A police officer then used a taser on Abril. Witness #7 said Abril fell down to the ground but still had the knife in his hand waving it around.

Police officers told Witness #7 to go back inside her house. Witness #7 backed away but did not go inside. Witness #7 observed Abril getting up, still armed with the knife. Abril went into what Witness #7 believed was Abril's property. Witness #7 was no longer able to see Abril and did not know what happened. Witness #7 then heard an unknown number of gunshots. Witness #7 did not know whether there was anyone else inside of the property or house where Abril went. Witness #7 said at no point did Abril listen to the police officers.

INCIDENT VIDEO AND AUDIO

AXON VIDEO RECORDINGS.¹⁵ Officers were equipped with body worn cameras on the date of the incident under review. All body worn camera recordings submitted were reviewed in their entirety.¹⁶ Axon body worn cameras have a standard thirty second delay before audio on the recordings can be heard.

Officer Michael Mauger

Officer Mauger was driving his patrol vehicle. Officer Mauger exited his patrol vehicle and walked up to the scene. There were several San Bernardino Police Department officers and patrol vehicles already present. Abril was lying face down in a grassy area near a blue sedan. Abril was not wearing any clothing. Abril rolled over onto his back and sat upright. Abril held a knife in his right hand and was swinging it around. Officers yelled at Abril to "stay down."

A taser deployment caused Abril to lay on his back again. Officer Mauger pointed his duty weapon at Abril. Officers yelled at some civilians to move out of the way. Abril sat back

¹⁵ The summary of the body camera video recording will only cover from the start of the recording through the lethal force encounter.

¹⁶ The lethal force encounter was not captured on all the body worn camera video recordings submitted. Therefore, they will not be included in this summary.

up and was still holding the knife in his right hand. Officers yelled at Abril to “stay on the ground.” There was another taser deployment. Abril started moving and stabbed the knife several times into the ground. Abril sat upright again and swung the knife around. Officers yelled at Abril to “stay on the ground.”

Abril tried to get up off the ground. There appeared to be another taser deployment which caused Abril to turn onto the right side of his body. Officer Mauger continued to have his duty weapon pointed at Abril. Abril sat up and started swinging the knife with his right hand. Officer Mauger yelled at Abril to “drop the knife” and to “stay on the ground.”

Sergeant Hernandez yelled, “less lethal, less lethal, less lethal.” An officer fired a less lethal bean bag round at Abril and struck him. Abril maintained his hold of the knife. Abril leaned back on his left elbow while he swung the knife in his right hand. Officers continued to yell for Abril to “drop the knife.” An officer fired another less lethal bean bag round. Officers told Abril they did not want to hurt him. An officer indicated the taser was not working anymore.

Abril was sitting up and facing the officers. Abril was holding the knife out towards the officers. An officer fired another less lethal bean bag round. Abril scoots along the sidewalk on his butt. The officers continued to order defendant to drop the knife. Officer Mauger told Abril they did not want to hurt him. Officer Mauger continued to yell at Abril to drop the knife. Officer Mauger yelled at civilians to get out of the way and to get back in the yard. Abril was seated with his back up against a fence, swinging the knife back and forth.

At one point, Abril dropped the knife. Officers ordered Abril not to reach for the knife. Abril quickly leaned over and grabbed the knife. A less lethal bean bag round was fired. Abril continued to swing the knife back and forth at officers. Officer Mauger changed positions and moved across from Abril. Officer Mauger had his duty weapon pointed at Abril. Officer Mauger yelled for Abril to drop the knife.

Abril started to stand. Abril was holding the knife in his left hand. A less lethal bean bag round was fired. Abril stood up and moved the knife to his right hand. Abril started walking toward an open gate. Abril walked into the front yard. Abril pointed the knife toward the direction of the officers as he moved closer to the front of the residence. Officer Mauger fired his duty weapon. Multiple gunshots were heard. Abril walked closer to the residence. Officer Mauger yelled at Abril to “get on the ground.”

Sergeant Kimberly Hernandez

Sergeant Hernandez was coming up to the scene on foot. There were multiple San Bernardino Police Department patrol vehicles parked in the street. There were multiple San Bernardino Police Department officers standing near a blue sedan that was parked in the street. Abril was seated in a grassy area near the blue sedan. Abril was not wearing any clothing. Sergeant Hernandez asked an officer whether Abril had been a danger to anyone other than himself. The officer initially responded that Abril had only been a danger

to himself but then explained that Abril had been swinging a knife around at the officers and also took a couple steps towards Abril's son. Sergeant Hernandez told the officer he was responsible for Abril's hand and she wanted to try to keep Abril from getting up. The officer told Sergeant Hernandez that Abril's son indicated Abril had mental health issues.

Sergeant Hernandez moved to the rear of the blue sedan and spoke with the officers positioned there. Sergeant Hernandez discussed less lethal options with those officers. One officer told Abril to drop the knife. Sergeant Hernandez told one of the officers to get a less lethal shotgun from a patrol vehicle. Officers told Abril, "don't get up" and "drop it." Officers told Abril to "get down" and then a taser was deployed. Officers yelled at civilians to move out of the way. Officers then yelled at Abril to "let go" and "stay on the ground." Another taser was deployed. Sergeant Hernandez gave the officers directions of where she wanted them positioned. Officers yelled at Abril, "don't get up" and "drop the knife."

Sergeant Hernandez yelled out, "less lethal" three times. Another officer yelled out, "less lethal." A less lethal bean bag round was fired. Abril could be seen, on the sidewalk, holding the knife up towards officers. Abril swung the knife back and forth. Officers continued to yell at Abril to "drop the knife." An officer fired two less lethal bean bag rounds at Abril. Sergeant Hernandez advised over the radio that Abril was not complying and they had used less lethal and Abril was keeping the knife in his right hand. Sergeant Hernandez further advised Abril was refusing to follow commands.

Abril scooted along the sidewalk on his butt and swung the knife back and forth with his left hand. Officers yelled at civilians to get back into the yard. Abril dropped the knife but quickly picked it back up. Officers yelled at Abril "don't reach for the knife." The sound of a taser being deployed could be heard on the recording. Officers continued to yell for Abril to "drop the knife."

Abril started to stand up. Additional less lethal bean bag rounds were fired. Officers told Abril not to get up. Officers then yelled at Abril to get on the ground. There appeared to be blood on Abril's left hip area. Abril walked through an open gate into the front yard of a residence. Abril still had the knife in his right hand. Abril pointed the knife in the direction of some of the officers. Abril walked toward the front of the residence and then toward a gate. Officer Mauger fired ten rounds from his duty weapon at Abril.

RESIDENCE VIDEO CAMERA RECORDING. There was video camera recordings of parts of the incident taken from the residence of **** North Mountain View Avenue. All video clips were reviewed in their entirety.

174390066093

Witness #2 and Abril came into the camera view. They are in the front yard at **** North Mountain View Avenue. Abril was nude and holding a knife in his right hand. Witness #2 attempted to take the knife away from Abril.

1743900747227

Abril stood at the gate with the knife in his left hand. Witness #2 held a phone up to his ear and appeared to be talking to someone. Abril exited the gate and stood on the sidewalk to the front of the residence.

1743900839913

Witness #2 tried to get the knife from Abril. Witness #2 spoke to someone on the phone. Witness #2 was unable to take the knife away from Abril.

1743900879225

Witness #2 spoke to Abril and tried again to take the knife away. Witness #2 was unsuccessful. Abril walked back inside the fenced yard. Witness #2 followed behind Abril.

1743900956475

Witness #2 held his right arm out towards Abril. Witness #2 appeared to be holding a knife in his right hand. Abril was still armed with a knife in his right hand.

174390113803

Abril walked around the yard for a short time and then exited the gate to North Mountain View Avenue. Abril still held the knife in his hand. Witness #2 followed Abril from the yard. Abril went out of the camera view.

174390198846

Police officers are observed on scene. Witness #2 appeared to be recording something with his phone. Witness #3 was also observed on the sidewalk.

1743902084716

An officer spoke with Witness #3 and Witness #2. Witness #3 and Witness #2 walked northbound on North Mountain Avenue away from the residence.

1743902406236

Abril entered the view of the camera. There were several taser wires attached to Abril's back. Abril re-entered the front yard of **** North Mountain View Avenue. Abril was holding the knife in his right hand. Abril ran toward the southern portion of the yard. Multiple officers were visible several feet west of Abril. A tree partially blocked view of the officers. Multiple gunshots were heard being fired. Abril ran southbound through the yard. Abril remained on his feet until he was out of camera view. Officers yelled for Abril to get on the ground. Officers could be seen walking through the gate toward Abril. Officers gave multiple commands to drop the knife. Officers formulated a plan to handcuff Abril and discussed medical aid for Abril.

WEAPON

There was a knife located at the scene. The handle of the knife broke off during the incident under review.



DECEDENT

AUTOPSY. Witness #8, Forensic Pathologist for the Coroner Division of the San Bernardino County Sheriff's Department, conducted the autopsy of Isaac Abril on April 8, 2025. Witness #8 determined the cause of death was multiple gunshot wounds.

Number One - Gunshot Wound of the Right Shoulder¹⁷:

A gunshot entrance wound was located on the anterior right shoulder, centered 10 inches from the top of the head and 7-3/4 inches right of anterior midline. There was no exit wound noted. The wound path was directed back to front, right to left, and downward.

Number Two – Gunshot Wound of the Right Shoulder:

A gunshot entrance wound was located on the posterior aspect of the right shoulder, centered 8 inches from the top of the head and 11-1/2 inches right of the anterior midline. There was no exit wound noted. The wound path was directed back to front, right to left, and downward.

Number Three – Gunshot Wound of the Right Arm:

A gunshot entrance wound was located on the mid lateral right upper arm, centered 12-1/4 inches from the top of the head and 2 inches right of the anterior midline. There was no exit wound noted. The wound path was directed from back to front, right to left, and downward.

Number Four – Gunshot Wound of the Right Arm:

A gunshot entrance wound was located on the mid posterolateral right upper arm, centered 6-1/2 inches from the top of the shoulder and 3/4 inch right of the posterior midline. A gunshot exit wound was located on the proximal medial right upper arm, centered 13 inches from the top of the head and 9 inches right of anterior midline. The wound path was directed from back to front, right to left, and downward.

Number Five – Gunshot Wound of the Back:

A gunshot entrance wound was located on the posterolateral right upper back, centered 15-3/4 inches from the top of the head and 8 inches right of the posterior midline. A gunshot

¹⁷ The numbering of the gunshot wounds is for reference only and not meant to indicate the order in which the gunshots occurred.

exit wound was located on the lateral right chest, centered 18-1/2 inches from the top of the head and 7-3/4 inches right of the anterior midline. The wound path was directed from back to front, slightly right to left, and downward.

Number Six – Gunshot Wound of the Back:

A gunshot entrance wound was located on the central upper back, centered 11-1/2 inches from the top of the head and 3 inches right of posterior midline. There was no exit wound noted. The wound path was directed from back to front, right to left, and downward.

Number Seven – Gunshot Wound of the Back:

A gunshot entrance wound was located on the central mid back, centered 19-1/4 inches from the top of the head and 1/2 inch left of posterior midline. A gunshot exit wound was located on the posterolateral left torso, centered 21-1/4 inches from the top of the head and 6-1/2 inches left of anterior midline. The wound path was directed from back to front, right to left, and downward.

Number Eight – Gunshot Wounds of the Right Hip:

A gunshot entrance wound was located on the posterolateral right hip, centered 27-1/4 inches from the top of the head and 8-1/2 inches right of the anterior midline. A second gunshot wound was also located on the posterolateral right hip, centered 28-1/4 inches from the top of the head and 8-1/2 inches right of the anterior midline. There were no exit wounds noted. The wound paths were directed from back to front and right to left. Due to the proximity of the paths, an upward or downward direction could not be determined.

TOXICOLOGY. Vitreous fluid, femoral blood, and urine samples were obtained from Isaac Abril.

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

- Acetaminophen – 19 mcg/mL
- Phencyclidine – 290 ng/mL
- Delta-9 THC – 3.6 ng/mL
- Amphetamine – 16 ng/mL
- Methamphetamine – 120 ng/mL

CRIMINAL HISTORY.

2002, 11360(a) of the Health and Safety Code, Sell / Furnish / ETC Marijuana / Hash. San Bernardino County Court case FSB032161, a felony.

2002, 853.7 of the Penal Code, Failure to Appear After Written Promise. San Bernardino County Court case MSB058238, a misdemeanor.

2003, 23152(a) of the Vehicle Code, DUI Alcohol / Drugs, 23152(b) of the Vehicle Code and DUI Alcohol / 0.08 Percent. San Bernardino County Court case TSB112256, a misdemeanor.

2004, 14601.2(a) of the Vehicle Code, Driving with Suspended License for DUI Conviction and 1320(a) of the Penal Code, Failure to Appear: Misdemeanor Charge. San Bernardino County court case 703072IA, a misdemeanor.

2007, 1320(a) of the Penal Code, Failure to Appear: Misdemeanor Charge and 853.7 of the Penal Code, Failure to Appear After Written Promise. San Bernardino County court case MSB096620, a misdemeanor.

2011, 11351 of the Health and Safety Code, Possession / Purchase for Sale Narcotic / Controlled Substance – Armed with Firearm. San Bernardino County court case FSB1003763, a felony.

2020, 29800(a) of the Penal Code, Felon in Possession of Firearm. San Bernardino County court case FSB19000789, a felony.

2021, 14601.1(a) of the Vehicle Code, Driving with Suspended License and 40508(a) of the Vehicle Code, Failure to Appear After Written Promise. Orange County court case 08CM11110, a misdemeanor.

DE-ESCALATION

Officers responded to a call for service regarding a father threatening his son with a knife. When the officers arrived at the scene, they observed Abril standing on the sidewalk. Abril's son, Witness #2, was standing in front of Abril. Abril was nude, armed with a knife, and swinging the knife back and forth. Officers attempted to de-escalate the situation by giving Abril several verbal commands to drop the knife. The officers also attempted to utilize less lethal weapons in an attempt to de-escalate the situation. Officers at the scene used tasers and less lethal shotguns. The use of less lethal weapons was ultimately ineffective at assisting officers with disarming Abril and getting Abril into custody.

The officers' attempts at de-escalation were not limited to the use of less lethal weapons. During the incident, the officers also maintained some distance from Abril while they gave

Abril verbal commands to drop the knife and to stay on the ground. The officers told Abril they did not want to hurt him and used Abril's first name "Isaac" to try to develop a rapport with him.

Equally important to note was the fact the officers took time during the incident to try to communicate with Abril in an effort to obtain a peaceful resolution. The initial call for service took place around 5:32 in the evening. Additional reporting parties called in between 5:57 and 6:07 in the evening to report Abril in the street pointing a knife at Witness #2. The first officers arrived at the scene around 6:09 in the evening. Officer Mauger arrived at the location around 6:16 in the evening and shots were fired around 6:20 in the evening. Abril remained uncooperative throughout the incident under review. Despite all of the officers' efforts to de-escalate the situation, Abril showed no indication he would comply with the officers' verbal commands to drop the knife.

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).)¹⁸ Should an arresting officer encounter resistance, actual or threatened, he need not retreat from his effort and maintains his right to self-defense. (Penal C. §835a(d).) An officer may use objectively reasonable force to effect an arrest, prevent escape or overcome resistance. (Penal C. §835a(d).)

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

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

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

¹⁸ All references to code sections here pertain to the California Penal Code.

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 2020,¹⁹ 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

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

force cannot be used against a person who only poses a danger to themselves. (Penal C. §835a(c)(2).)

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

- (1) that the use of force should be exercised judiciously and with respect for human rights and dignity; that every person has a right to be free from excessive uses of force;
- (2) that use of force should be used only when necessary to defend human life and peace officers shall use de-escalation techniques if it is reasonable, safe and feasible to do so;
- (3) that use of force incidents should be evaluated thoroughly with consideration of gravity and consequence, lawfulness and consistency with agency policies;²⁰
- (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).)

²⁰ Penal C. §835a(a)(3) conflates a demand for thorough evaluation of a use of force incident with a dictate that it be done “in order to ensure that officers use force consistent with law and agency policies.” On its face, the section is clumsily worded. Nothing included in AB-392 plainly requires that a use of force also be in compliance with agency policies. A provision in the companion bill to AB-392—Senate Bill No. 230 [(2019-2020 Reg. Sess.) approved by the Governor, September 12, 2019] (Hereinafter “SB-230”), does explicitly state that “[a law enforcement agency’s use of force policies and training] may be considered as a factor in the totality of circumstances in determining whether the officer acted reasonably, but shall not be considered as imposing a legal duty on the officer to act in accordance with such policies and training.” (Sen. Bill No. 230 (2019-2020 Reg. Sess.) §1.) It is noteworthy, however, that this portion of SB-230 is uncoded, unlike the aforementioned portion of Penal C. §835a(a)(3).

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

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

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

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

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

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

A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how 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.)²¹ 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

²¹ 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.

posed is immediate, whether the person seized is actively resisting arrest or attempting to flee to evade arrest. (*Id.*)

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

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

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

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

(*Martinez v. County of Los Angeles, supra*, 47 Cal.App.4th at 343, citing *Smith v. Freland* (6th Cir. 1992) 954 F.2d 343, 347.) Specifically, when a police officer reasonably believes a suspect may be armed or arming himself, it does not change the analysis even if subsequent investigation reveals the suspect was unarmed. (*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 Mauger had an honest and objectively reasonable belief that Abril posed an imminent risk of serious bodily injury or death. Witness #3 received a call from Witness #2 stating Abril was threatening to kill him with a knife.²² Witness #3 immediately

²² Witness #2 denied Abril ever threatened him with a knife and denied reporting that to Witness #3.

left his house to go pick up Witness #2 at his house located at **** North Mountain View Avenue. Witness #3 called 9-1-1 on the way to the house. The initial call for service was for a father threatening his son with a knife. Additional calls were received from parties reporting Abril was pointing a knife at Witness #2. After officers who were already present at the scene advised less lethal bean bags and tasers had been deployed, Officer Mauger responded to assist.

When Officer Mauger arrived at the scene, he saw a number of civilians in close proximity to where officers were talking to Abril. Officer Mauger saw Abril on the ground actively being tased by officers. Abril was naked and holding a knife in his right hand. The blade of the knife was approximately 5 inches in length. Officer Mauger described the knife as a possible hunting knife with a brown handle and a silver fixed blade. Officer Mauger approached and started giving Abril commands to drop the knife. Abril refused to comply. Abril was tased again when he tried to stand up. Officer Mauger continued to give Abril commands to drop the knife. A less lethal shotgun was deployed but it was ineffective and Abril remained uncooperative.

Officer Mauger observed Abril aggressively swing the knife at officers and stab the knife into the ground. Officer Mauger also saw Abril remove taser prongs from his body. At one point, Abril dropped the knife but he quickly picked it back up as the officers ordered him to drop it. Officer Mauger noticed both the taser deployments and the less lethal bean bag rounds were ineffective and Abril refused to drop his weapon. Officer Mauger, based upon his training and experience, reasonably believed Abril was under the influence of PCP. Abril had a far off stare, Abril was not communicating, and Abril's pain tolerance was demonstrably high. The toxicology report showed Abril had 290 ng/mL of PCP in his system.

Officer Mauger became concerned when he saw Abril stand up and start walking towards the front yard of a residence. Abril had already behaved aggressively toward Witness #2 and the officers. Officer Mauger saw Abril was still armed with a knife in his hand and walking toward the front residence of the property. Given that it was a Saturday, Officer Mauger expected families to be home as opposed to at work or at school. There were a number of civilians in the neighborhood who had already gathered nearby to watch what was happening. In an effort to keep people safe, officers ordered some civilians to go back into their homes or to move out of the way.

Officer Mauger had an honest and objectively reasonable belief that Abril would stab or kill anyone he located inside the residence or in the rear yard of the property. There was also a potential risk for a hostage situation. Abril was completely uncooperative and refused to comply with officers' commands to drop the knife. Multiple efforts to disarm Abril through the use of less lethal weapons were all ineffective. Officer Mauger reasonably feared for the safety of the occupants that may be in the home and thus, fired an initial volley of gunshots at Abril. Officer Mauger stopped shooting and reassessed the situation. Abril was two to three steps away from the residence when he changed direction and moved toward the side gate. Officer Mauger saw Abril reach over the fence. At that time, Officer Mauger fired a second volley of gunshots from his duty weapon at Abril. Officer Mauger

fired a total of ten rounds at Abril. Had Officer Mauger hesitated, there was an imminent risk someone inside the house would suffer serious bodily injury or death if Abril were allowed to enter the home armed with the knife. Given those circumstances, the decision by Officer Mauger to use deadly force was justified.

CONCLUSION

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

Submitted By:
San Bernardino County District Attorney's Office
303 West Third Street
San Bernardino, CA 92415

