PUBLIC RELEASE MEMORANDUM

Subject:	Fatal Officer-Involved Shooting
Involved Officers:	Deputy Brandon Ventre San Bernardino County Sheriff's Department
Involved Subject/DOB:	Aaron J. (a minor) DOB Redacted
Subject's Residence:	Hesperia, California
Incident Date/Time:	April 2, 2024, 1:42 p.m.
Incident Location:	17000 block of Forest Hills Drive, Victorville
Case Agent/Agency:	Detective Dylan Gosswiller San Bernardino Sheriff's Department
Agency Report Number:	DR# 172403799, H# 2024-030
DA STAR Number:	2025-26133

PREAMBLE

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

FACTUAL SUMMARY

On March 31, 2024, Aaron J. (a minor, hereafter, Aaron) was taken to [redacted] Hospital in Victorville after he intentionally broke a window with his head and then proceeded to cut himself with broken window glass. At the hospital, Aaron was placed on a psychiatric hold, awaiting transfer to a mental health facility for treatment. On April 2, 2024, as hospital staff prepared to transport Aaron to the mental health facility, Aaron, wearing only pajamas and socks, sprinted out of the hospital.

Aaron was a 17-year-old foster child who lived in Hesperia. Aaron's two younger sisters were also foster children, but they lived with another foster family on Forest Hills Drive in Victorville. After running from the hospital, Aaron went to his sisters' home. It was not the first time Aaron had visited his sisters there. His sisters' foster mother, Witness #1, opened the door when Aaron knocked. She saw that Aaron wore only pajamas and socks. Aaron asked to see his sisters. Witness #1 told him they were in school and reminded him that he too was supposed to be in school. Aaron explained that he had been in the hospital. Witness #1 allowed Aaron to come inside her home. Witness #1 spoke with Aaron in the living room and learned that Aaron had spent the night in the hospital after he had intentionally harmed himself. Aaron told Witness #1 he had left the hospital that morning and walked to her home. Witness #1 allowed Aaron to use the bathroom, but after several minutes, Aaron had not returned to the living room. Concerned, Witness #1 checked on Aaron and found the bathroom door locked. Witness #1 asked Aaron if he was okay. Aaron told her he was hiding and wanted to be left alone. When Aaron stopped responding to Witness #1, she called 911 so law enforcement could get Aaron out of the bathroom and back to the hospital.

At 12:32 p.m., Deputy Brandon Ventre and his trainee, Deputy Fernando Gonzalez, received the call for service at the Forest Hills Drive residence. While Deputy Gonzalez drove the patrol unit, Deputy Ventre read the details provided in the call. Deputy Ventre learned that Aaron had absconded from the hospital after being placed on a psychiatric hold. Aaron was currently barricaded inside the caller's bathroom. Deputy Ventre called the hospital to verify the psychiatric hold was still in place and confirmed that it was. Deputy Ventre also learned that law enforcement had responded to additional calls for service involving Aaron. Deputy Ventre read the information surrounding the previous calls and found that only a day or two prior, Aaron had barricaded himself inside the

bedroom at his home in Hesperia. During that contact, deputies were able to get Aaron to come out of the bedroom. Though Aaron had a large piece of broken glass, the deputies were able to disarm him. However, when the deputies placed Aaron into the patrol car, he began to intentionally bang his head inside the unit. Subsequently, Aaron was taken to the hospital, where he was placed on a psychiatric hold.

Deputy Ventre briefed Deputy Gonzalez, and together they discussed the best way to handle the call. Deputies Ventre and Gonzalez arrived at the Witness #1 residence at about 1:08 p.m. Witness #1 told the deputies Aaron was still locked in her bathroom. Deputy Ventre asked Witness #1 if Aaron had any weapons. Witness #1 told him Aaron did not. Witness #1 directed the deputies to the bathroom down the hallway, where Aaron was still locked inside.

Deputies Ventre and Gonzalez spoke to Aaron through the closed bathroom door. The deputies worked to gain rapport with Aaron so he would willingly come out of the bathroom. The deputies asked Aaron what was going on, told him they were there to help him, and encouraged him to come out of the bathroom. However, Aaron refused to do so.

Additional deputies, including Deputy Blaine Fleming arrived to assist. Deputy Fleming calmly spoke with Aaron for nearly 20 minutes. Aaron warned the deputies multiple times that if they “breached” the bathroom door, there would “be consequences.” Due to Aaron’s warnings and recent history with law enforcement, Deputy Ventre called for a supervisor and a ballistic shield, anticipating a potential forced entry into the bathroom. While Deputy Fleming continued to talk with Aaron through the closed bathroom door, a supervisor and Deputy Michael McMahon responded to the scene with a ballistic shield. Despite the deputies’ efforts to persuade him, Aaron still refused to leave the bathroom, stating he would remain locked inside until his sisters got home from school. Shortly after, Aaron stopped responding to the deputies.

Witness #1 asked the deputies to remove Aaron, explaining she wanted him gone before his sisters returned from school. Witness #1 signed a citizen’s arrest form and gave the deputies permission to break down the door to forcibly remove Aaron from the bathroom.

The deputies forced entry to the small bathroom. Deputy McMahon led with the shield, followed by Deputies Gonzalez, Fleming, and Ventre. A narrow entryway led into the L-shaped bathroom, which opened up to the right. Because Aaron stood in the far right corner, he was not immediately visible as the deputies filed into the bathroom. Rounding the corner, the deputies were instantly confronted by Aaron, a knife in his right hand, raised high above his head. Deputy McMahon was the first to see Aaron. Deputy McMahon yelled, “Knife!” to warn his partners who followed closely behind him. Using the shield, Deputy McMahon tried to push Aaron back against the shower wall. Aaron grabbed the shield and pushed against it, causing Deputy McMahon to fall.

Aaron tried to stab Deputy McMahon's head and shoulder multiple times with the knife. The deputies yelled at Aaron to stop and to drop the knife, but Aaron refused. Deputy Fleming deployed pepper spray, but it failed to stop Aaron. Deputy Fleming grabbed Aaron's right wrist to prevent him from stabbing Deputy McMahon. Aaron fought against Deputy Fleming and together they fell into the bathtub. Deputy Fleming lost control of Aaron's right wrist. The knife remained clenched in Aaron's hand. Deputy Fleming again tried to grab Aaron's wrist to prevent a stabbing but suffered multiple lacerations to his hand in the process. While Deputy Fleming grappled for control of Aaron's right hand, Deputy Gonzalez tried to help, but Aaron struggled against them both. Aaron tried to stab Deputy Fleming in the face. As the tip of the knife came within inches of Deputy Fleming's face, Deputy Ventre fired a single round from his handgun at Aaron's lower torso. Aaron immediately stopped fighting and dropped the knife.

The deputies pulled Aaron from the bathtub and onto the front porch where they rendered medical care. Emergency medical services arrived and transported Aaron to the hospital, but Aaron succumbed to his injuries and was pronounced deceased at 2:33 p.m. on April 2, 2024.

STATEMENTS BY POLICE OFFICERS[1]

The involved deputies were employed by the San Bernardino County Sheriff's Department. The deputies drove distinctively marked patrol units and wore uniforms identifying them as sheriff's deputies. The deputies responded to a residence located at 17161 Forest Hills Drive, Victorville. The deputies were equipped with body-worn cameras which were activated during the incident under review. Each deputy was given the opportunity to review body-worn camera video of the incident prior to their interviews.

On July 3, 2024, **Deputy Blaine Fleming** was interviewed by Detectives Owenn Domon and Dylan Gosswiller of the San Bernardino County Sheriff's Department.

Deputy Fleming was employed by the San Bernardino County Sheriff's Department and was assigned to patrol in the city of Victorville. At about midday,[2] Deputy Fleming was at the Victorville Police station when he heard Deputy Brandon Ventre's radio broadcast that he had a barricaded subject inside a residence. Deputy Fleming drove to the residence to assist. The mobile data computer was not working in Deputy Fleming's patrol unit, so he was unable to read the call history. However, Deputy Fleming heard Deputy Ventre's radio broadcasts. Deputy Ventre radioed for a ballistic shield and a supervisor to respond to the scene. It took about ten minutes for Deputy Fleming to arrive at the Victorville residence.

[1] Herein is a summary only. All reports submitted were reviewed, but not all are referenced here.
[2] Deputy Fleming did not recall the exact time, but the computer aided dispatch (CAD) history showed that Deputy Ventre broadcasted this information at 1:13 p.m. The reporting party, Witness #1, called the Sheriff's Department for assistance at 12:32 p.m.

When Deputy Fleming arrived, Deputy Ventre and his trainee, Deputy Fernando Gonzalez, gave him a brief rundown of the situation. Deputy Fleming learned that a suicidal juvenile (later identified as Aaron J., hereafter, Aaron) was inside the bathroom, refusing to come out. A deputy was on the way to the scene with a ballistic shield. Deputy Ventre advised that they did not know if Aaron had any weapons, they did not hear any duress from inside the bathroom, and so they would wait for the deputy with a shield to arrive. Before Deputy Fleming's arrival, the deputies tried talking to Aaron. Deputy Ventre asked Deputy Fleming if he would like to try talking to Aaron and Deputy Fleming agreed. Deputy Fleming walked down a narrow hallway to the bathroom door. The door was closed and locked. Because they did not know whether Aaron had any weapons, Deputy Fleming held onto the bathroom door handle, in case Aaron tried to open it. Deputy Fleming introduced himself and told Aaron he was there to help him. Deputy Fleming spoke to Aaron for about fifteen minutes. Deputy Fleming tried to convince Aaron to come out of the bathroom. Aaron wanted to see his sisters. Deputy Fleming did not know if Aaron was allowed to see his sisters but told Aaron he would try to get them on the phone for him. Deputy Fleming told Aaron he would try to do whatever he could to help him. Deputy Fleming continued his efforts to convince Aaron to open the bathroom door and come out so that he could help him. Aaron told Deputy Fleming he wanted to kill himself and said he "couldn't take it anymore." Consequently, based on his training and experience, Deputy Fleming believed Aaron had no will to live. Aaron seemed like "a lost kid," and Deputy Fleming wanted to help him.

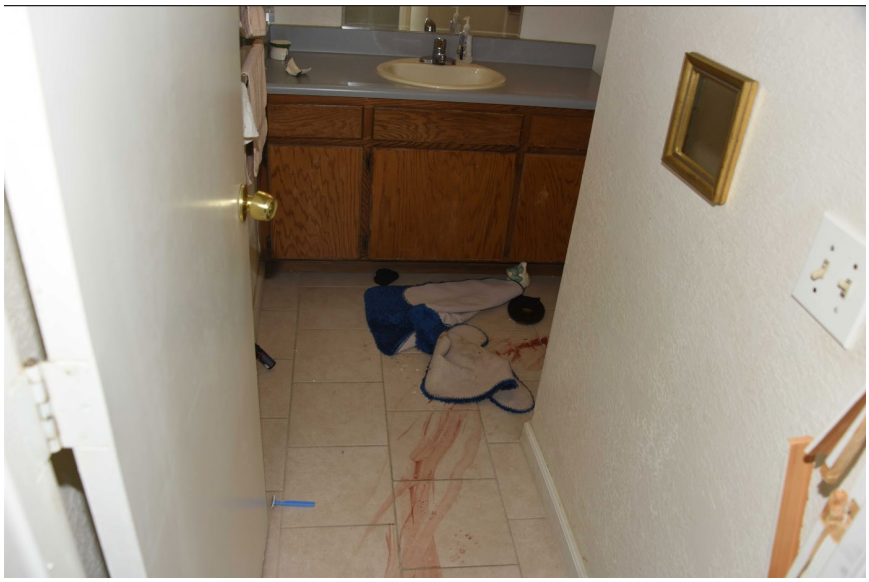
When Deputy Fleming first began speaking to Aaron, he heard banging from inside the bathroom. As Deputy Fleming tried to calm Aaron by speaking with him, the banging stopped. Deputy Fleming tried to gauge where Aaron was in the bathroom. Deputy Fleming asked Aaron if he was sitting on the toilet and Aaron said, "Yes." It seemed like Aaron was "calming down" and was no longer "amped up." Aaron seemed to be emotional and sad, but not angry. However, Aaron was "pretty adamant" that Deputy Fleming could not help him. Deputy Fleming believed he was making progress with Aaron. Deputy Fleming told Aaron he would come inside and help him, but Aaron replied, "Be prepared," and started "rambling about kill or be killed." Deputy Fleming told Aaron, "I don't want to do that. It doesn't have to be that way." Deputy Fleming pleaded with Aaron to come out and talk; however, Aaron stopped talking to Deputy Fleming.

While he tried to communicate with Aaron, Deputy Fleming heard the homeowners tell deputies that Aaron did not live there and was not welcome in their home. The homeowners signed a citizen arrest form for trespassing. The homeowners asked the deputies to get Aaron out of the bathroom and remove him from the residence before his sisters got home from school. Deputy Fleming understood the sisters lived at the residence but were at school.

Deputy Fleming and his partners, Deputies Gonzalez, Ventre, and McMahon began discussing a plan to force entry into the bathroom. Deputy Gonzalez would breach the door by kicking it in. Deputy McMahon, who had the ballistic shield for coverage, would

enter the bathroom first, followed by Deputy Gonzalez. Deputy Fleming would have pepper spray ready for use if needed, and Deputy Ventre would have lethal coverage. Deputy Gonzalez kicked in the door. Deputy McMahon entered the bathroom first, followed by Deputy Gonzalez. Deputy Fleming entered third, followed by Deputy Ventre. The goal was to detain Aaron for the crime of trespassing (Penal Code section 602) and get him to the hospital because he was a danger to himself or others pursuant to Welfare and Institutions Code section 5150.[3]

The deputies did not know the layout of the bathroom before they entered. Upon entering the bathroom, there was a short "hallway" with walls on either side. The sink was to the front, opposite the door, and the toilet and bathtub were to the right of the small hallway.



[3] Welfare and Institutions Code section 5150(a), in pertinent part: When a person, as a result of a mental health disorder, is a danger to others, or to themselves, a peace officer may, upon probable cause, take a person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention. Welfare and Institutions Code section 5585.50 mirrors the language of Welfare and Institutions Code 5150(a) but applies specifically to minors.



Scene photographs depicting bathroom layout.

When Deputy McMahon rounded the corner of the short hallway in the bathroom, he yelled, “Knife.” As soon as Deputy Fleming passed the short hallway, he saw Aaron to his right in the right-hand corner, either on or directly in front of the bathtub. Aaron was in “combative mode with a knife raised,” clenched in his right fist, at ear level with the blade pointed downward, ready to fight. The knife had a jagged silver blade. Deputy McMahon had fallen back onto the toilet, dropped the shield, and was “not in a good position.” Deputy Fleming did not know how Deputy McMahon had stumbled and fallen but saw he was in a bad position down on the toilet without the shield. Deputy Fleming and his partners yelled, “Drop the knife,” several times. Aaron held the knife in the air above Deputy McMahon’s head. Deputy Fleming feared Aaron would stab Deputy McMahon in the face with the knife.

Deputy Gonzalez was in front of Deputy Fleming. Deputy Fleming reached over Deputy Gonzalez’s right shoulder and sprayed about a one-second burst of pepper spray at Aaron. The pepper spray did not deter Aaron. Instead, Aaron began to fight even more. Aaron made a stabbing motion toward Deputy McMahon’s head. Deputy Fleming believed Deputy McMahon was going to get stabbed in the top of his head. Deputy Fleming slid past Deputy Gonzalez and tried to grab the knife from Aaron. The knife was inches away from Deputy McMahon’s head when Deputy Fleming tried to grab the knife.

Deputy Fleming and Aaron fell into the bathtub and Deputy Fleming lost control of Aaron’s right hand. Deputy Fleming was behind Aaron in the bathtub. Aaron still had the knife in his right hand, gripped in his fist, and was “swinging it around,” toward Deputy Fleming. Deputy Fleming brought his left arm around Aaron’s neck. Deputy Fleming tried to block Aaron’s right hand with his right hand, but Aaron swung the knife toward Deputy Fleming’s face. Deputy Fleming saw the knife coming toward his face and believed he was going to

be stabbed. Deputy Fleming was scared because he did not want to be stabbed. Deputy Fleming heard a pop and felt Aaron's body go limp. Deputy Fleming did not know what happened, but he looked to see if Aaron still had the knife. The knife had fallen from Aaron's hand. It all happened very quickly, "in a blink." Deputy Fleming did not know Aaron had been shot until he heard one of the deputies broadcast, "Shots fired."

Deputy Fleming's partners pulled Aaron out of the bathtub and took him outside for medical aid, which had been staged nearby. Deputy Fleming stayed in the house momentarily. Deputy Chris Cherms checked to make sure Deputy Fleming had not been shot because he was in close proximity to Aaron when the gunshot was fired. Deputy Fleming had blood on his hands, and upon closer inspection, Deputy Fleming realized he had knife wounds to his hands, and the blood was his own. Unsure how deep the wounds were, a deputy wrapped his wounds and got him to the hospital. Deputy Fleming had two 1/4 to 1/2 inch lacerations to his left hand, one on the tip of his middle finger and one at the base of his index finger, near his palm.

On July 26, 2024, **Deputy Michael McMahon** was interviewed by Detectives Dylan Gosswiller and Jacob Rollins of the San Bernardino County Sheriff's Department.

Deputy McMahon was employed by the San Bernardino County Sheriff's Department and was assigned to patrol in the city of Victorville. On April 2, 2024, at approximately 1:25 p.m., Deputy McMahon responded to a request made by deputies for a ballistic shield at a residence on Forest Hills Drive in Victorville.

Deputy McMahon and Sergeant Justin Snyder, who was the watch commander that day, drove "in tandem" to the location. While en route, Deputy McMahon briefly read the information in the call history as well as the related call history from the day prior regarding the subject, a juvenile named Aaron J. Deputy McMahon learned that the juvenile had been put on a Welfare and Institutions Code 5585.50 hold at [redacted] Hospital the day prior but had absconded when medical personnel attempted to transport him to the psychiatric facility. Deputy McMahon understood that a 5585.50 hold indicated Aaron was a danger to himself, a danger to others, or was gravely disabled. Deputy McMahon was not aware of all the details that led to the hold, but according to Deputy Ventre, during the last law enforcement contact, Aaron had broken a mirror and was found with a large shard of glass in his hand. According to the current call for service, Aaron was now at the Forrest Hills Drive residence where his sisters resided with their foster family. Aaron did not live there.

As he drove to the residence, Deputy McMahon saw an ambulance with American Medical Response (AMR) staged nearby at the top of the street. Deputy McMahon and Sergeant Snyder arrived at about 1:32 p.m. Deputy McMahon grabbed the shield from Sergeant Snyder's patrol vehicle and ran to the front door of the house. The shield was made of ballistic polymer, measured approximately 30" x 18" with a 3" x 10" window at the top, and weighed in excess of 20 pounds. Deputy McMahon entered the residence

and spoke with Deputies Ventre, Gonzalez, Fleming, and DeCoud in the living room. Sergeant Snyder was also present.

There was a solid 10 to 12 foot wall to the left of the entry door. Beyond this wall and to the left was a small hallway. The living room was off to the right, and the kitchen was to the front of the entryway. In the hallway, Deputy Fleming spoke to Aaron through the closed bathroom door. Deputy Fleming spoke in a manner that was "soothing and de-escalating." Deputy Fleming was "very compassionate, very caring," and was "right next to the door the whole time, just pleading for" Aaron to come out of the bathroom. Aaron made a comment to Deputy Fleming to the effect of, "Come in here and you're going to find out." Deputy McMahon was concerned that Aaron was determined to hurt the deputies if they entered the bathroom.

While Deputy Fleming communicated with Aaron, the other deputies discussed whether a crime had been committed that required their involvement. The homeowners advised that Aaron did not live with them and had just shown up that day. The homeowners, who were both elderly, did not want him there, but he had "secreted himself" in the bathroom. Further, they did not want Aaron near his sisters. The homeowners signed a private person's arrest form for trespassing, under Penal Code section 602.

After the deputies' efforts to coax Aaron out of the bathroom failed, they formulated a plan to force entry into the bathroom to remove him. The goal was to extract Aaron as safely as possible, with as minimal amount of force necessary. The deputies did not know the layout of the bathroom because the homeowners were not "exactly forthcoming with a lot of information." Deputy Gonzalez gave several kicks to the bathroom door.[4] Deputy McMahon entered the bathroom first because he had the shield. Because of Aaron's previous comment to Deputy Fleming, the fact that a psychiatric hold had been placed on Aaron, and because they did not know whether Aaron was armed with a weapon, Deputy McMahon was "hyper vigilant" when he entered the bathroom. Deputy McMahon made a quick entry and an immediate 45-degree turn against the wall of the very small, well-lit bathroom.[5]

When Deputy McMahon made the turn, he immediately saw Aaron, wide-eyed, in a semi-crouch position, his knees bent slightly, and right arm raised above his head. Aaron had a knife in his right hand. Deputy McMahon did not see the handle or hilt of the knife but saw the approximately five-inch knife blade exposed in Aaron's hand. Deputy McMahon noted the size of Aaron's eyes, and combined with all the other information, believed Aaron was suffering from a psychiatric episode. Aaron appeared to be 5'10 to 5'11",[6] and was significantly taller than Deputy McMahon, who was 5'7" tall. Fearing Aaron would

[4] Deputy McMahon estimated he had been at the residence for 10 to 12 minutes before they forced entry to the bathroom. Deputy McMahon believed his partners had been at the residence, speaking with Aaron for about 20 minutes before he arrived.
[5] Each deputies' description of the bathroom was largely consistent with that of Deputy Fleming's and matched the photographs of the scene.
[6] At autopsy, Aaron was determined to be 5'10" tall.

injure him or his partners, Deputy McMahon rushed toward Aaron. Deputy McMahon used the shield to try to push Aaron against the shower wall. Deputy McMahon pressed the shield against Aaron's center of mass. As soon as Deputy McMahon made contact, Aaron swung his right arm down over the shield, in a stabbing motion, toward Deputy McMahon's left shoulder. Aaron stabbed toward Deputy McMahon twice. Deputy McMahon believed he had been stabbed in the left shoulder and the head.

With his free hand, Aaron wrenched the shield upward to the right, throwing Deputy McMahon off balance and breaking his glasses. Deputy McMahon fell back onto the toilet. Deputy McMahon dropped the shield, attempted to regain his footing, and yelled, "He's got a knife!" three to four times. Deputy McMahon heard his partners yell, "Drop the knife!" multiple times. At this point, the other deputies had entered the bathroom, and one of the deputies had already deployed pepper spray. Deputy McMahon believed the pepper spray was deployed as he fell back onto the toilet. About the third or fourth time that Deputy McMahon yelled, "He's got a knife," he heard a single gunshot. Deputy McMahon was still trying to regain his footing when the gunshot was fired. As he heard the gunshot, Deputy McMahon yelled, "No!" Deputy McMahon was not sure why he yelled, "No." Deputy Ventre stood to the right of Deputy McMahon and "over" Aaron. Deputy McMahon believed that Deputy Ventre "did exactly what he was supposed to do," and did not believe any other outcome could have come from this because Aaron had "made up his mind to hurt" the deputies.

Deputy McMahon saw that Deputy Fleming had sustained slash injuries to his hand from the knife. Deputy McMahon grabbed Aaron's right hand, where he had last seen the knife, and placed a handcuff on his wrist. Deputy McMahon realized Aaron was "substantially wounded" by the gunshot, so he did not finish handcuffing him. Deputy McMahon told Deputy Gonzalez, "Let's get him outside," where there was more room to render medical aid. Deputy Gonzalez and Deputy McMahon moved Aaron to the front porch, where they immediately began to administer medical aid.

Deputy McMahon requested AMR, who had been staged nearby, to respond to the scene immediately. Deputy McMahon expected AMR to arrive quickly since he had seen them staged nearby, but they did not arrive for another 10 to 12 minutes. While waiting for AMR to arrive, Deputy McMahon assisted by holding a bandage over the gunshot wound on Aaron's trunk and by performing CPR. Deputy McMahon checked Aaron's body for other injuries but found none. After AMR and the fire department arrived, Deputy McMahon asked one of the sergeants at the scene if he saw any stab wounds on Deputy McMahon's shirt. The sergeant saw none. Deputy McMahon did not sustain injuries from the knife.

On June 19, 2024, **Deputy Brandon Ventre** was interviewed by Detectives Dylan Gosswiller and Ian Gosswiller of the San Bernardino County Sheriff's Department.

Deputy Ventre was employed by the San Bernardino County Sheriff's Department and was assigned to patrol in the city of Victorville. On April 2, 2024, Deputy Ventre was on

patrol with his trainee, Deputy Fernando Gonzalez, who was in the final stages of his field training. Deputy Ventre's call sign was 17 Paul 22. Deputy Ventre's department-issued firearm was a Glock 17, 9mm handgun, loaded with one round in the chamber and 17 rounds in the magazine.

At about noon, Deputies Ventre and Gonzalez were in the same patrol unit, with Deputy Gonzalez driving. Deputy Ventre saw a call for service on his patrol unit's mobile dispatch computer. The call was in reference to an unwanted subject at a residence on Forest Hills Drive in Victorville. The unwanted subject, Aaron J., had entered the reporting party's residence and refused to leave. The Sheriff's Department was asked to assist in removing Aaron from the residence. The mobile dispatch call included links to the Sheriff's Department's prior call history involving Aaron. Deputy Ventre read the previous call history and learned that Aaron had been contacted by law enforcement six to eight times previously in Hesperia. The previous calls were largely related to an unwanted subject or a domestic disturbance where Aaron had "broken things around the house," and had been "aggressive." Deputy Ventre learned that during the most recent call, which had occurred a night or two prior in Hesperia, Aaron had broken things around the house, grabbed a broken piece of glass, cut himself, and locked himself in the bedroom. During that law enforcement contact, deputies successfully detained Aaron, though Aaron had been uncooperative and intentionally banged his head on the partition inside the patrol unit. Aaron was taken to the hospital by ambulance and was subsequently placed on a psychiatric "5150 hold," which to Deputy Ventre, meant that Aaron was found to be a danger to himself.

Deputy Ventre went over the details of the current and prior calls with Deputy Gonzalez to ensure they both understood the circumstances. Deputy Ventre called the hospital to confirm whether the 5150 hold was still active and learned that it was. Deputy Ventre learned that, despite the hold, Aaron had left the hospital[7] and had shown up at the Forest Hills Drive residence.

Deputy Ventre and Deputy Gonzalez arrived at the Forest Hills Drive residence approximately 15 minutes later. Upon exiting the patrol unit, Deputy Ventre activated his body-worn camera. The garage door was open, so Deputy Ventre stayed by the garage to make sure no one came out while Deputy Gonzalez knocked on the front door. The reporting party, an elderly woman (later determined to be Witness #1), opened the door and let the deputies inside. Deputy Gonzalez asked Witness #1 if Aaron was still there, and she nodded her head. Deputy Ventre asked Witness #1 if Aaron had any weapons, and she answered, "No." Witness #1 advised that Aaron was still in the bathroom and directed deputies to the bathroom door down the hallway. According to Witness #1, Aaron's younger sisters lived with her, but Aaron did not. Aaron's sisters were not home because they were at school.

[7] Surveillance videos from the hospital showed Aaron, wearing pajama pants, a red sweatshirt, and white socks, with no shoes, sprint out of the hospital via the ER ambulance bay, across the parking lot, and out of camera view at 11:31 a.m. on April 2, 2024.

Deputy Gonzalez walked to the bathroom door and checked the doorknob to see if it was locked. Deputy Ventre watched as Deputy Gonzalez began to speak with Aaron through the closed door. Deputy Gonzalez tried to build rapport with Aaron and asked him what was going on. Aaron said he wanted to see his sisters. Aaron refused to come out of the bathroom. Aaron said, "I know how this goes. You're going to place me in handcuffs, put me into the car, and take me back" to the hospital. Deputy Ventre broadcasted that they were talking with Aaron, but he was refusing to exit the bathroom. Deputy Gonzalez continued speaking with Aaron, but Aaron still refused to come out.

Because there seemed to be a "stalemate," with Aaron refusing to cooperate, Deputy Ventre stepped in to assist. Deputy Ventre hoped to establish rapport with Aaron. Deputy Ventre's goal was to convince Aaron to exit the bathroom willingly, to help him talk to his sisters, possibly by phone, or to help Aaron see his sisters after he had been taken back to the hospital and received the help he needed. Deputy Ventre told Aaron that he understood what he wanted, that he would try to work with him, and explained that it required them to "come to an agreement that worked." Aaron did not seem willing to reason with Deputy Ventre or agree to a solution. Aaron's tone of voice had been fairly normal as the deputies talked with him; however, when they offered solutions to Aaron, Deputy Ventre noted there was "a little bit of agitation" in Aaron's tone of voice. Aaron told Deputy Ventre he would not come out of the bathroom until he saw his sisters. At one point, Aaron told Deputy Ventre he was injuring himself. Deputy Ventre asked Aaron how he was harming himself. Aaron did not specify how he was self-harming, but Deputy Ventre briefly heard banging in the bathroom. Deputy Ventre believed Aaron was possibly banging his head on something in the bathroom because Aaron had reportedly banged his head on the patrol unit's partition a day or two prior. Aaron continued speaking with deputies, so Deputy Ventre knew he was alive and believed Aaron was not seriously hurt. Deputies Gonzalez and Ventre tried to convince Aaron to come out of the bathroom, but he refused. Deputy Ventre considered forcing entry into the bathroom, but Aaron told Deputy Ventre that if they came into the bathroom, they would "find out." Deputy Ventre did not know what exactly Aaron meant by the ambiguous statement but did consider that Aaron may have meant it as a threat. Even though Witness #1 had told Deputy Ventre Aaron did not have a weapon, based on his training and experience, he knew that just because Witness #1 did not see Aaron with a weapon, it did not mean he was unarmed. Aaron could have a concealed weapon that Witness #1 did not see or could have armed himself with something in the bathroom that could be used as a weapon.

At that moment, Witness #1, who was still present, asked the deputies to kick the door down. Deputy Ventre told Witness #1 they did not want to do that because they were just there to help. Deputy Ventre told Witness #1 they did not want Aaron to be in any kind of trouble, they were there to get him the help he needed, and to help him with whatever the situation was with his sisters.

Because of Aaron's comment and continued refusal to exit the bathroom, Deputy Ventre decided to wait for additional deputies to arrive. Not knowing whether Aaron had any weapons, Deputy Ventre asked for a supervisor to respond to the scene with a ballistic shield. While Deputies Ventre and Gonzalez waited for the supervisor to arrive, Deputy Fleming arrived on scene. Deputy Ventre gave him a rundown of the facts. Deputy Ventre asked Deputy Fleming if he would try to talk to Aaron because Deputies Gonzalez and Ventre had been unsuccessful with convincing Aaron to exit the bathroom. Deputy Ventre estimated he and Deputy Gonzalez had been talking with Aaron for 10 minutes, and though they had made some progress, it had not been enough. Deputy Fleming walked to the closed bathroom door, introduced himself, and spoke to Aaron. While Deputy Fleming spoke to Aaron, additional deputies arrived. As the deputies arrived, Deputy Ventre briefed them on the situation. The deputies asked Witness #1 and the two other residents, an elderly male and another male who appeared to be 50 to 60 years of age, to exit the residence. They went into the garage.

Deputy McMahon arrived with the ballistic shield; Sergeant Justin Snyder arrived around the same time. Sergeant Snyder asked Deputy Ventre to clarify with Witness #1 what she wanted the deputies to do. Deputy Ventre went into the garage and asked Witness #1 if she wanted to press charges for trespassing. Witness #1 answered yes and nodded her head. Deputy Gonzalez had Witness #1 sign a citizen's arrest form. Because Aaron was trespassing and the residents wanted him removed from their home, Deputy Ventre believed they could not just walk away from the scene. Deputies Gonzalez and Ventre returned to the living room, where they spoke with Sergeant Snyder and Deputy McMahon. Deputy Fleming approached the deputies in the living room and advised that Aaron was still refusing to come out of the bathroom. Over the radio, Deputy Ventre heard a deputy say there was a window in the back, but it was frosted and the deputies could not see inside. They did not know what Aaron was doing while inside the bathroom, or whether he was armed, and heard occasional loud bangs from inside.

Based on everything they knew, the deputies formulated a plan to force entry into the bathroom to remove Aaron. The goal was to safely detain Aaron and return him to the hospital so he could get the help he needed.

Deputy Gonzalez kicked hard on the bathroom door handle. Once the door opened, Deputy McMahon entered first with the shield. Deputy Gonzalez followed Deputy McMahon. Deputy Fleming, armed with OC spray, followed Deputy Gonzalez, and Deputy Ventre, who was assigned lethal coverage, followed Deputy Fleming. Before Deputy Ventre entered the bathroom, he heard Deputy McMahon yell, "Knife!" As Deputy Ventre rounded the corner in the bathroom, he saw Aaron to the right standing near the bathtub with a black fixed blade knife, high in the air and clenched in his hand, right above Deputy Fleming's face. Deputy Ventre estimated Aaron to be about 5'11" to 6' tall. The knife blade, which was about six to seven inches long, was pointed downward, right above Deputy Fleming's face, and was in a downward motion. Deputy Fleming yelled, "Stop!" and "Drop the knife!" Deputy Ventre tasted OC spray in the air and felt it on his skin when

he entered the bathroom, so he knew it had been deployed. Despite this, Aaron "was still actively trying to stab Deputy Fleming." At this point, everything slowed down. Though body-worn camera video showed the incident transpired over the course of only five to six seconds, to Deputy Ventre, it felt like 30 seconds.

Deputy McMahon had fallen onto the toilet and lost his shield. Deputy Gonzalez was in front of Deputy Ventre, trying to grab Aaron, but was unable to because of Aaron's resistance. Deputy Fleming was struggling to control Aaron's hand with the knife and was trying to push it away, but "the knife was continuing to go slowly" toward Deputy Fleming's face. Deputy Fleming was losing the struggle against Aaron; the pointed tip of the knife was only a couple of inches from Deputy Fleming's face. Deputy Ventre thought Deputy "Fleming was going to die." Deputy Ventre was also afraid for Deputy McMahon's life because he had fallen and lost his shield. The deputies and Aaron were in very tight quarters. Deputy Ventre knew that Deputy McMahon would be unable to fire his handgun because Deputy Fleming was in his backdrop. Both Deputy Fleming and Deputy McMahon were vulnerable. Deputy Gonzalez was also at risk of being stabbed because of his proximity to Aaron in the tight quarters.

Deputy Ventre unholstered his handgun with his right hand and pointed it at Aaron. Aaron looked at Deputy Fleming and then at Deputy Ventre and continued to try to push the knife toward Deputy Fleming's face. Deputy Ventre did not shoot initially because Deputy Gonzalez was too close. Deputy Ventre pushed Deputy Gonzalez out of the way and held him to the side with his left hand. While Deputy Fleming continued struggling to control Aaron's hand that held the knife, Deputy Ventre placed his firearm up against the left side of Aaron's torso, near the rib area, angled it downward so the backdrop was the bathtub, and fired one round. Deputy Fleming continued to order Aaron to drop the knife. Aaron stopped fighting. Deputy Ventre saw Aaron's right hand "droop down." Deputy Fleming grabbed Aaron's right hand, and Deputy Ventre saw the knife was gone. Deputy Ventre did not hear the knife drop into the bathtub but could no longer see it. Deputy Ventre believed the threat had ended, so he did not fire additional rounds.

The deputies pulled Aaron from the bathtub and brought him outside to the front of the house. Deputies McMahon and Gonzalez began to administer life-saving procedures to Aaron. Deputy Ventre realized that Deputy Fleming was not there, so he turned around to make sure Deputy Fleming was okay. Deputy Fleming did not appear to be injured but looked like he was in shock. Deputy Fleming was "wide-eyed," and "kind of still standing there, staring off into space." After making sure Deputy Fleming was okay, Deputy Ventre stopped for a moment to regain his composure and calm himself so he could assist his partners. Deputy Ventre stepped outside and asked Deputy McMahon what he needed. At that time, a detective came and took Deputy Ventre back to the station.

At no point did Aaron give any indication he would comply with their orders to drop the knife. Deputy Ventre believed that if he had not fired his gun at Aaron, then Deputy

Fleming would have been killed, and the other deputies would have been injured by Aaron's knife.

STATEMENTS BY CIVILIAN WITNESSES[8]

On April 2, 2024, at approximately 11:33 p.m., **Witness #2** and **Witness #3** were interviewed separately by Detectives Jacob Rollins and Owenn Domon of the San Bernardino County Sheriff's Department.

Witness #2 and Witness #3 lived in Hesperia. Witness #2 and Witness #3 had legal guardianship of Aaron and had fostered him in their home for approximately six and a half years.

Witness #2 noticed Aaron's mental health started to deteriorate about a year and a half earlier. Aaron had a runaway history. The first time Aaron ran away from home was sometime in April 2023. Witness #2 believed Aaron was diagnosed with several mental health conditions, including schizophrenia and bipolar disorder. Aaron was prescribed psychiatric medications. Aaron was not allowed to take the medications on his own and instead Witness #2 and Witness #3 had to dispense the medication to him. Aaron was "calm" while he was taking his medications as prescribed. However, Aaron would stop taking the medications occasionally because he did not want to take them. When Aaron stopped taking his medications, he would have "blowouts," and be "real angry and mad with everybody."

Within the past year, Aaron had been hospitalized five times for psychiatric evaluations. The first time Aaron was placed in the hospital on a psychiatric hold was after he threatened to hang himself. Months later, Aaron was again placed on a psychiatric hold after staff at [redacted] Unified School District found Aaron had threatened self-harm via a school computer. In February 2024, Aaron was placed on another psychiatric hold by his therapist for threatening to harm himself as well as his family. Witness #2 was shocked by this because, though Aaron occasionally "cussed out" Witness #2, she always tried to help him. Witness #2 did not believe Aaron consumed any drugs, but she previously found what she believed was marijuana inside one of Aaron's dresser drawers.

Witness #2 provided detectives with a copy of the After Visit Summary from Aaron's February 2024 hospitalization.[9] The paperwork revealed that Aaron was hospitalized at [redacted] Behavioral Medicine Center from Thursday, February 1, 2024, to Thursday, February 8, 2024, for "suicidal ideation w/plan to cut neck or run into traffic and endorsing desire to kill family." The paperwork listed a diagnosis of Major Depressive Disorder, Intermittent Explosive Disorder, and Autism Spectrum Disorder. The following medications were listed on the paperwork: Divalproex, Risperidone, and Sertraline.

[8] All reports of civilian statements made were reviewed, though not all are summarized here.
[9] The After Visit Summary was booked into evidence.

On Sunday, March 31, 2024, at approximately 7:30 p.m., Witness #2 called 911 after she heard Aaron breaking glass in his bedroom. Aaron had barricaded himself inside by pulling his bunk bed in front of the door. Deputies responded to the residence and successfully removed Aaron from the bedroom. Aaron was taken to [redacted] Hospital that night. Witness #2 and Witness #3 took turns staying with Aaron at the hospital since that evening.

On April 1, 2024, while at Aaron's bedside, Witness #2 and one of the hospital staff discussed the plan to transfer Aaron to a psychiatric facility for care. Aaron told Witness #2, "I ain't going no fucking where. I might as well kill myself now." Witness #2 stayed with Aaron that night. The next morning, April 2, 2024, Witness #3 arrived at 8:00 a.m. to take her place. About three hours later, while Witness #3 was there, Aaron ran out of the hospital.

Witness #2 and Witness #3 believed Aaron last wore a red shirt and white and green Christmas pajama pants. Witness #2 knew Aaron liked to visit his sisters who lived in Victorville near Hesperia Road and Cherry Hill Drive.

On April 2, 2024, at approximately 6:53 p.m., **Witness #1** was interviewed by Detectives Jacob Rollins and Ian Gosswiller of the San Bernardino County Sheriff's Department.

Witness #1 lived at a residence on the 17000 block of Forest Hills Drive, Victorville with her husband, their adult son, and two foster children aged 12 and 15 years. The foster children were Aaron's younger sisters. Witness #1 and her husband fostered Aaron's younger sisters for about seven years and assumed guardianship over them sometime in 2022. Aaron was also a foster child but lived with another foster family in Hesperia. Aaron frequently showed up unannounced at their residence to visit his sisters. Witness #1 estimated that Aaron had visited four to five times in the past year. Witness #1 believed that each time, Aaron had walked to their residence from his house in Hesperia, which was about 10 miles away. When Aaron visited, he usually got his sisters "riled up," by telling them that when he "grew up," he would buy a house so they could all live together. Aaron never showed anger or aggression when he visited their home. Aaron was taller than her but was very thin. When Aaron visited, Witness #1 or her husband always drove Aaron back to his house in Hesperia. Aaron never complained of any issues at his foster home. Witness #1 believed Aaron took medication at night to help him "calm down."

On or about March 30 or 31st, Aaron walked to their home in the rain. Witness #1 allowed Aaron inside and let him stay for dinner. Aaron's clothes were soaking wet from the rain, so Witness #1 put them in the dryer to dry while they ate dinner. Aaron told Witness #1 he had tried alcohol and drugs on one occasion but believed that consuming alcohol and drugs was "stupid." Aaron did not specify what type of alcohol or drugs he had tried. After dinner, they drove Aaron back to his home in Hesperia.

Sometime before noon on April 2, 2024, Aaron showed up unannounced. Aaron knocked on the front door. Witness #1 opened the door and saw Aaron standing there wearing pajamas and no shoes, only socks on his feet. Aaron wanted to see his sisters. Witness #1 asked Aaron what he was doing and asked why he wasn't in school. Witness #1 told Aaron his sisters were in school, which was where he should be too. Witness #1 believed Aaron's school was in Hesperia. Witness #1 allowed Aaron to come inside her home. Witness #1 and Aaron spoke in the living room. Witness #1's husband was present. Witness #1's adult son was home but not present in the living room.

Aaron told Witness #1 he had walked to her house from the hospital, where he had spent the night. Aaron told Witness #1 he was in the hospital for hitting his head on the wall and windows at his house. Witness #1 asked Aaron, "What? Are you stupid?" This was the first time Aaron talked about self-harm. Aaron asked if he could use the bathroom, and Witness #1 told him he could. After several minutes, Aaron was still in the bathroom. Witness #1 checked on Aaron and found the bathroom door was locked. Witness #1 asked Aaron if he was okay, and he said that he was hiding and wanted to be left alone. Witness #1 knew there was nothing in the bathroom that he could hurt himself with, so she left him alone. After several more minutes, Aaron was still inside the bathroom but had stopped talking to her. Witness #1 heard what she believed was the sound of a hairbrush falling on the bathroom floor. Because Aaron stopped responding to her, and she wanted Aaron taken back to the hospital, Witness #1 called 911. Witness #1 estimated she had talked with Aaron for about 15 minutes in total before she called 911.

About 10 to 15 minutes later, deputies arrived at her home. The deputies were unable to get Aaron to come out of the bathroom. The deputies asked Witness #1 and her husband to wait outside; they exited the residence and waited in the garage. Witness #1 signed a citizen's arrest form for trespassing so the deputies could go inside and arrest Aaron. Witness #1 gave the deputies permission to break down the bathroom door to get Aaron out of the bathroom.

Shortly thereafter, the deputies asked Witness #1 and her husband to wait across the street. When she went outside, Witness #1 saw deputies putting up yellow tape and knew something was wrong. Witness #1 saw four or five deputies on the front porch and several police cars parked in the street. While she stood across the street, Witness #1 saw deputies administering CPR to Aaron on their front porch. Witness #1 believed the deputies had used a "stun gun" on Aaron and that it was "too strong." Witness #1 saw "wires" on Aaron's chest leading to "a man's hand," as they performed CPR on Aaron.

Body-Worn Camera Video Recordings[10]

Deputy Ventre's Body-Worn Camera Video

The body-worn camera footage was 56 minutes, 34 seconds in length. The video began with Deputy Ventre and Deputy Gonzalez walking on the driveway toward the Forest Hills Drive residence. Deputy Gonzalez knocked on the front door while Deputy Ventre waited near the open garage door.

An elderly female (later identified as Witness #1) opened the door and said, "He's in the bathroom." Deputy Ventre asked Witness #1, "Does he have any weapons?" Witness #1 said, "No." Witness #1 directed the deputies to a bathroom in the hallway. The bathroom door was closed.

00:54 Deputy Gonzalez knocked on the bathroom door and called Aaron's name but got no answer. Deputy Gonzalez grasped the door handle and turned it, but the door did not open. Deputy Gonzalez asked, "Hello, Aaron? Aaron?" Aaron grumpily replied, "What do you want?" Deputy Gonzalez said, "I want to talk to you. Can you step out for me?" Aaron refused and said he would not come out until he saw his sisters. Deputy Gonzalez said, "Okay, well, come on and step out and talk to me. I'd rather not talk to you through the door." Aaron did not reply.

01:27 Deputy Gonzalez waited outside the bathroom door and in an encouraging tone said, "Come on, Aaron. Step on out." Aaron said, "I'm not coming out. I'm not going with you guys." Deputy Gonzalez replied, "Why not?" Aaron answered, "I'm not going." Deputy Gonzalez told Aaron, "Alright, Aaron, look. Just step on out. Let's talk over here. Let's clarify some things. Let's talk about your sisters." Witness #1 (off camera) said, "He's not coming out." Deputy Gonzalez continued his efforts, encouraging Aaron to come out of the bathroom.

02:11 Deputy Ventre turned away and walked down the hall toward the entryway/living room. Witness #1 came into camera view. Witness #1 stood at the hallway entrance with her hands on her hips. Deputy Ventre walked past her and toward the living room. An elderly man sitting on the couch came into camera view. Deputy Ventre broadcasted over the radio that he was inside the residence, and Aaron was refusing to exit the bathroom.

02:34 Deputy Gonzalez continued to speak to Aaron through the closed bathroom door. Aaron told Deputy Gonzalez, "If you try to breach, there will be consequences." Deputy

[10] The deputies herein were equipped with Axon body-worn cameras. The camera system turns on when the operator activates the camera. When the camera is activated, the previous 30 seconds of video are included but without any audio. In addition to the deputies' body-worn camera video recordings, surveillance footage from the hospital was submitted for review. All recordings were reviewed in their entirety, though not all are summarized here. The summaries are limited to the relevant portions that captured the events before, during, and immediately after the officer involved shooting.

Gonzalez asked, “And what consequences are that?” Aaron answered, “You’ll see.” Deputy Gonzalez said, “Aaron, look, just talk to me. Tell me what’s going on.”

03:03 Deputy Ventre approached the closed bathroom door and spoke with Aaron. Deputy Ventre asked Aaron what was going on with his sisters, asked him where they were, and what they could do to help. Aaron told Deputy Ventre he wanted to see his sisters and they were in school. Deputy Ventre told Aaron he would try to get his sisters but explained they could not pull them out of school for this. Aaron refused to leave until his sisters arrived to see him. Deputy Ventre told Aaron he would try to work with him and try to get his sisters there, but that Aaron needed to exit the bathroom. Aaron did not respond.

04:31 Deputy Ventre spoke with Witness #1 in the living room. Deputy Ventre asked Witness #1 if Aaron lived there. Witness #1 told Deputy Ventre he did not. Deputy Ventre asked her how he got there. Witness #1 told Deputy Ventre that she originally allowed Aaron into the residence. Witness #1 advised that Aaron walked from a hospital to the residence. Deputy Ventre asked what she wanted done and if she wanted Aaron out of the bathroom. Witness #1 told Deputy Ventre, “Yeah, I want him out of my house. I want him gone before the girls get home.”

05:00 Deputy Ventre returned to the closed bathroom door and attempted to speak with Aaron. Witness #1 asked Deputy Ventre about getting the bathroom door open to remove Aaron, and Deputy Ventre, still standing beside the closed bathroom door, replied, “No, we’re just talking to him, ma’am. He’s not in trouble. We just want to help him out. We don’t want to do any of that stuff.” Deputy Ventre said, “Aaron, you hear me, man? Hello?” Aaron did not reply.

05:45 Deputy Ventre said, “Aaron, talk to me, man.” Aaron replied, “I want to see my sisters.” Deputy Ventre told Aaron that if he came out of the bathroom, he would help him see his sisters. Aaron told Deputy Ventre he was trying to trick him, and he was “not falling for it.” Deputy Ventre asked Aaron what he meant. Aaron said, “You’re trying to get me out, put me in handcuffs, and put me in the car, and send me away, without seeing my sisters.” Deputy Ventre asked, “Where would we send you away?” Aaron replied, “You know where. Somewhere in the hospital.” Deputy Ventre replied, “Well, how about we have a conversation about seeing your sisters. What can we do with that?” Aaron said he wanted his sisters to come there. Deputy Ventre explained that they couldn’t get them there right now because they were in school. Aaron suggested, “At least wait for a few hours.” Deputy Ventre told Aaron they would not wait for a few hours. Deputy Ventre told Aaron he was willing to work with him, but they could not pull his sisters out of school or wait for a few hours.

07:26 Aaron told Deputy Ventre that he was hurting himself in the bathroom. Ventre asked how he was hurting himself, but Aaron did not answer.

07:58 Deputy Ventre returned to the living room and broadcast over the radio that Aaron advised he was harming himself and Deputy Ventre was probably going to force entry. Deputy Ventre then said he wanted to talk to Aaron a little bit more before forcing entry. Deputy Ventre returned to the bathroom door.

08:25 Deputy Ventre called for Aaron through the closed bathroom door, but Aaron did not answer. Still beside the bathroom door, Deputy Ventre asked Witness #1, “Ma’am, is it okay if I break down this door?” Witness #1 replied in the affirmative. Deputy Ventre put his left hand on the door and said, “Come on, Aaron. I don’t want to do that, but if you’re self-harming, I have to help you. And we have other people inside this house. It’s unsafe.”

08:55 Aaron said, “I’m warning you. I’m warning you if you breach this—.” Aaron did not finish the sentence. Deputy Ventre quietly spoke to Deputy Gonzalez, “You know what, let’s see if we can figure something else out.” Deputy Ventre walked away from the bathroom door.

09:12 Deputy Ventre broadcast over the radio a request for a ballistic shield to be brought to the location, and advised that because Aaron might be armed, they would wait for a shield. Deputy Ventre resumed his efforts at communicating with Aaron. Aaron told Deputy Ventre, “I’m not coming out,” and said he would not leave the bathroom until his sisters got there.

11:15 Deputy Fleming arrived inside the residence and Deputy Ventre explained the situation to him. Deputy Ventre asked Deputy Fleming if he wanted to try to talk to Aaron.

11:56 Deputy Fleming approached the closed bathroom door and began a conversation with Aaron. Deputy Fleming placed his hand on the door handle and appeared to try to open the door. The door remained closed. Deputy Fleming identified himself and began to speak with Aaron. Aaron told Deputy Fleming he would not come out. Deputy Fleming told Aaron they were trying to help him and offered to come inside the bathroom to talk to him. Aaron refused.

12:59 Aaron told Deputy Fleming that he would not go back to a mental health hospital and he was not going to take medication. Deputy Fleming continued to speak with Aaron.

14:19 Deputy Ventre asked Witness #1 if she was able to call Aaron’s sisters. Witness #1 told Deputy Ventre that they were in school. Deputy Ventre asked Aaron if he would come out if he was able to speak to his sisters on the phone. Aaron did not answer. Deputy Fleming continued speaking with Aaron. Deputy Fleming remained calm and made efforts to express his empathy and concern for what Aaron was experiencing. Aaron continued to refuse any of the offers made by the deputies to help him talk to his sisters.

17:24 Deputy Shawn Owens entered the residence. Deputy Ventre briefed Deputy Owens on the situation. Deputy Fleming continued speaking with Aaron through the closed bathroom door.

17:49 An unknown deputy requested the residents step out of the living room. Deputy Ventre's camera faced the living room, and two additional residents came into camera view. An elderly male sat on the couch. A middle-aged male helped the elderly male stand and walk toward the exit to the garage.

18:30 Witness #1 told deputies, "Just break down the damn door and get him out of here before the girls get home." Witness #1, the elderly male, and middle aged male, walked out to the garage.

19:50 Deputy Fleming continued to speak to Aaron through the closed bathroom door. Deputy Fleming spoke in a comforting tone and told Aaron he understood "the darkness" but that he could "not let it win today." Deputy Fleming told Aaron he wanted to help him but that he could not help him through a closed door. Deputy Fleming told Aaron they would discuss all the options they had if he opened the door. Aaron refused.

22:10 Deputy McMahon entered the front door carrying a ballistic shield. Deputy Ventre briefed Deputy McMahon on the situation. Deputy McMahon asked if there was a bathroom window. Deputy Gonzalez told Deputy McMahon the window was frosted, and they could not see inside.

22:30 Sergeant Snyder arrived inside the residence and Deputy Ventre briefed him on the situation. Sergeant Snyder verified with Deputy Ventre that Aaron was on an active psychiatric hold. Deputy Ventre advised that he was on an active hold but had left the hospital through the ambulance bay doors. Deputy Ventre turned toward the hallway, and Deputy Fleming came into camera view beside the closed bathroom door where he continued speaking with Aaron.

25:20 Sergeant Snyder asked Deputy Ventre, "Do we have a crime?" Deputy Ventre answered, "Just trespassing and 5150." Sergeant Snyder asked if the residents were willing to sign a citizen's arrest form. Deputy Ventre said the residents advised they wanted Aaron removed from their home, but he would confirm it was still their desire. Sergeant Snyder advised Deputy Ventre that if they did not have a crime, then they would not get involved. Deputies Gonzalez and Ventre walked into the garage and spoke with Witness #1. Deputy Ventre asked if she was willing to press charges for trespassing. Witness #1 said she was willing to press charges because, although she initially allowed Aaron to come inside, he subsequently locked himself in the bathroom and refused to leave.

26:54 Deputy Fleming continued his efforts to coax Aaron out of the bathroom, without success. (The audio from Deputy Fleming's body-worn camera video revealed greater

details of the conversation with Aaron. Aaron expressed his concern that they would take him back to the hospital. Deputy Fleming calmly told Aaron that if he came out of the bathroom, they could discuss all the options available. Aaron told Deputy Fleming, “I have a personality disorder.” Deputy Fleming told Aaron, “I get the darkness. Trust me. You can’t let it win today.” Aaron said, “Because all I know all this world is, is to kill, to kill or be killed.” Deputy Fleming told Aaron he understood that mindset and attempted to reassure Aaron that it was not true. Deputy Fleming told Aaron that if he let him inside the bathroom, so the two of them could talk, Aaron would feel better. Deputy Fleming explained they could discuss all the options, and he would be able to help him. Aaron did not respond. Deputy Fleming asked Aaron if he believed in God, and Aaron said, “I used to.” Deputy Fleming asked Aaron if he would let him pray with him. Aaron did not answer. Deputy Fleming said, “Come on, Aaron, let me help you.” Deputy Fleming continued to talk to Aaron, tried to reassure him, and asked him if he would let him help. Deputy Fleming offered to get Aaron’s sisters on the phone, but Aaron did not respond. Deputy Fleming asked Aaron, “Can you hear me, man?” Aaron did not respond. Deputy Fleming tried to comfort Aaron by saying, “Don’t be scared,” and “I’m here to help you.” Deputy Fleming reassured Aaron, “If you open this door, there’s nothing to be scared of. You’re gonna walk out of this house with me. It’s no big deal.” Aaron did not respond. Deputy Fleming said, “Okay, I’m gonna come in. Okay? Are you okay with that?” Aaron replied, “Be prepared.” Deputy Fleming said, “Hey, look. We don’t need to go that route. You can just walk out with me. Okay? I can help you out.” Aaron did not reply and refused to open the bathroom door. Aaron stopped talking to Deputy Flemming.)

29:11 The deputies, including Sergeant Snyder, Ventre, McMahon, Gonzalez, and Fleming, quietly discussed the situation in the living room. Deputy Fleming advised that when he told Aaron he would come into the bathroom, Aaron replied, “Be prepared.” Deputy Fleming told the deputies he doubted Aaron would do anything, but that they really had no idea. Deputy Ventre said he understood and agreed they did not want to “take that risk.” In hushed tones, the deputies discussed their plans to breach the bathroom door and prepared to make entry to the bathroom.

31:20 Deputies McMahon and Gonzalez walked down the hallway toward the bathroom door. Deputies Fleming and Ventre followed behind Deputy Gonzalez.

31:29 Deputy Gonzalez kicked the door twice, causing the door to open. Deputy McMahon immediately entered the bathroom, followed by Deputies Gonzalez and Fleming.

31:33 Deputies McMahon, Gonzalez, and Fleming made a right turn in the bathroom and one of the deputies yelled, “He’s got a knife! He’s got a knife!”



Still image showing Deputy Ventre's perspective upon entry to the bathroom.

31:33 Deputy Ventre rounded the corner, and the camera view showed Deputies McMahon, Gonzalez, and Fleming involved in a struggle with Aaron. Aaron, wearing a red sweatshirt, was located in the far corner of the bathtub. Aaron held a knife with a black handle over his head and pointed the knife downward toward Deputy McMahon. The camera view was partially blocked by another deputy, likely Deputy Gonzalez.



Still image from Deputy Ventre's body-worn camera video.

Note, Deputy McMahon's body-worn camera video also showed Aaron brandishing the knife. See below.



Still image from Deputy McMahon's body-worn camera video.

Note: Video from Deputy Fleming's body-worn camera showed Aaron push Deputy McMahon's shield downward with his left hand. Deputy McMahon fell onto the toilet or in between the small space between the toilet and the bathtub. Deputy McMahon was briefly beneath the shield. At this moment, Deputy Fleming reached over his partners with a can of pepper spray and pointed it toward Aaron.[11] See two still images below.

[11] During the ensuing struggle, Deputy Fleming's body-worn camera fell from his chest and landed on the bathroom floor, camera lens side up. The camera continued to record but did not capture images of the incident because the lens faced the ceiling.



Still images from Deputy Fleming's body-worn camera.

31:35 Deputy Ventre unholstered his handgun and pointed it at Aaron while Deputy McMahon fell backward into the small space between the toilet and the bathtub. Aaron grabbed the shield with his left hand and pushed it downward. Deputy McMahon's left arm was strapped into the back of the shield as Aaron pushed the shield downward. Aaron let go of the shield and fought against Deputies Fleming and Gonzalez, who tried to restrain him. Deputy Fleming and Aaron fell into the bathtub.



Still image from Deputy Ventre's body-worn camera depicting scene.

31:37 Deputies McMahon, Gonzalez, and Fleming struggled to hold onto Aaron as Aaron resisted them. Multiple deputies ordered Aaron to, "Stop," and put his hands behind his back, but Aaron continued to fight.

31:38 Deputy McMahon yelled, "Stop, stop, stop!" A single gunshot rang out.

31:42 Aaron stopped resisting the deputies. The deputies yelled for Aaron to "let go of the knife" and put his hands behind his back. An unknown deputy broadcast, "Shots fired." Deputy Ventre asked, "Fleming, you alright, dude?" The deputies asked where the knife was and confirmed it was no longer in Aaron's hand. The deputies repeatedly coughed. (During their interviews, the deputies reported they felt the effect of the pepper spray, and it made them cough.)

32:17 Deputies Gonzalez and McMahon lifted Aaron out of the bathtub and pulled him to the hallway. Deputy Fleming stood inside the bathtub, beside the shield, and looked at his hands, which were bleeding. Deputy Ventre coughed multiple times as he turned and followed Deputies Gonzalez and McMahon out of the bathroom. Deputies Gonzalez and McMahon took Aaron to the front porch. Deputy Ventre quickly turned around and headed down the hallway toward the bathroom. Deputy Ventre asked, "Hey, Fleming, are you alright?" Deputy Ventre entered the bathroom and again asked Deputy Fleming if he was alright. Inside the bathroom, another unidentified deputy asked Deputy Fleming if he was hit, told him to turn around, and inspected Deputy Fleming's body for injuries. Deputy Ventre said, "I saw him try to stab you, bro. Are you good, bro?" Deputy Fleming said he was okay and turned to face Deputy Ventre. Deputy Fleming had lacerations, with active bleeding, on his hands. Deputy Ventre said he thought Deputy Fleming was going to die. Deputy Ventre's voice quavered as he spoke. Deputy Ventre asked Deputy Fleming if he

was sure he was okay and told him that he thought he (Deputy Fleming) was going to die. Deputy Ventre's heavy and rapid breaths were audible.

33:15 Deputy Ventre approached the open front door. Multiple deputies administered medical aid to Aaron, who lay on his back on the front the porch.

WEAPON

A silver metal kitchen knife blade and black kitchen knife handle were located in the bathtub basin. The kitchen knife blade was separated from the handle. Detectives located similar knives inside a kitchen drawer of the residence. The knife blade and handle were submitted to the crime lab for examination.[12] Testing confirmed the presence of blood on the knife blade.



Crime scene photograph of tub basin.

The photograph was taken after the ballistic shield, the shower curtain, and the shower curtain rod, which had fallen into the tub during the struggle, were removed from the tub basin. The image shows the broken knife, a shaving razor, and other toiletries in the

[12] Exact measurements for the knife and blade were not provided.

bathtub. The L-shaped scale depicted in the photograph was placed inside the bathtub by the forensics team.

DECEDENT

Aaron J. was pronounced deceased by Dr. Witness #4 at [redacted] Medical Center on April 2, 2024, at 2:33 p.m.

AUTOPSY

Witness #5, Chief Forensic Pathologist for the Riverside County Sheriff's Office, Coroner-Public Administrator Division, conducted the autopsy of Aaron J. on April 10, 2024. Witness #5 noted a single, penetrating, close-range gunshot wound of the left side of the abdomen. A projectile was recovered from the right lower back; the trajectory of the bullet was front to back, left to right, and slightly downward. Witness #5 found the cause of death was a gunshot wound of the trunk.

Witness #5 noted other injuries, including a 1.5 centimeter contused abrasion in the midline of the scalp; faint pink presumptive contusions, measuring up to 1.5 centimeters, over the bridge of the nose and left upper cheek; a 2.5 centimeter red, dry abrasion over the left upper back; few short linear abrasions over the posterior right forearm and hand; a 3 X 2.5 centimeter purple contusion on the posterior right hand; multiple thin, linear superficial, possible incised wounds, measuring up to 4 centimeters in length over the posterior surface of the left arm and hand; purple contusions contained within a 5 x 4 centimeter area of the left wrist and forearm; and a small round, dry, red contusion over the left elbow.

TOXICOLOGY

Blood (abdomen), bile, urine, brain, liver, and vitreous were obtained for toxicology studies.

Toxicology results for Aaron's blood sample were listed as follows:

- Alcohol 0.000%
- Acetaminophen 3.2 mg/L
- Diphenhydramine 0.032 mg/L
- Sertraline 0.024 mg/L
- Haloperidol 0.007 mg/L

CRIMES UPON PEACE OFFICERS

Attempted Murder of a Peace Officer

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

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

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

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

Notwithstanding subdivision (a), if the elements of subdivision (e) are proven in an attempted murder and it is also charged and admitted or found to be true by the trier of fact that the attempted murder was willful, deliberate, and premeditated, the person guilty of the attempt shall be punished by imprisonment in the state prison for 15 years to life. Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 shall not apply to reduce this minimum term of 15 years in state prison, and the person shall not be released prior to serving 15 years' confinement. (Penal Code section 664/187, summarized in pertinent part.)

Assault With a Deadly Weapon

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

Any person who commits an assault with a deadly weapon or instrument, other than a firearm, upon the person of a peace officer, and who knows or reasonably should know that the victim is a peace officer or engaged in the performance of his or her duties, when the peace officer is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for three, four, or five years.

APPLICABLE LEGAL PRINCIPLES

A peace officer may use objectively reasonable force to effect an arrest if he believes the person arrested has committed a public offense. (Calif. Penal Code §835a(b).) [13] Should an arresting officer encounter resistance, actual or threatened, he need not retreat from his effort and maintains his right to self-defense. (Penal Code §835a(d).) An officer may use objectively reasonable force to effect an arrest, prevent escape or overcome resistance. (Penal Code §835a(d).)

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

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

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

(1) To defend against an imminent threat of death or serious bodily injury to the officer or another, or

(2) To apprehend a fleeing felon who threatened or caused death or serious bodily injury, if the officer also reasonably believes that the fleeing felon would cause further death or serious bodily injury unless immediately apprehended.

(Penal Code §835a(c)(1).)

[13] All references to code sections here pertain to the California Penal Code.

Discharge of a firearm is "deadly force." (Penal Code §835a(e)(1).) The "'[t]otality of the circumstances' means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force." (Penal Code §835a(e)(3).)

While the appearance of these principles is new to section 835a in 2020,[14] the courts have been defining the constitutional parameters of use of deadly force for many years. In 1985, the United States Supreme Court held that when a police officer has probable cause to believe that the suspect he is attempting to apprehend "has committed a crime involving the infliction or threatened infliction of serious physical harm" to the officer or others, using deadly force to prevent escape is not constitutionally unreasonable. (*Tennessee* v*. Garner* (1985) 471 U.S. 1, 11-12.) California courts have held that when a police officer's actions are reasonable under the Fourth Amendment of our national Constitution, the requirements of Penal Code § 196 are also satisfied. (*Martinez* v*. County of Los Angeles* (1996) 47 Cal.App.4th 334, 349; *Brown* v*. Grinder* (E.D. Cal., Jan. 22, 2019) 2019 WL 280296, at *25.) There is also a vast body of case law that has demonstrated *how* to undertake the analysis of what is a reasonable use of force under the totality of the circumstances. (See *Reasonableness* discussion, *infra*.) As such, our pre-2020 state case law, developed upon the former iteration of section 196, is still instructive.

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

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

(1) That the use of force should be exercised judiciously and with respect for human rights and dignity; that every person has a right to be free from excessive uses of force;

(2) That use of force should be used only when necessary to defend human life and peace officers shall use de-escalation techniques if it

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

is reasonable, safe, and feasible to do so;

(3) That use of force incidents should be evaluated thoroughly with consideration of gravity and consequence;[15]

(4) That the evaluation of use of force is based upon a totality of the circumstances, from the perspective of a reasonable officer in the same situation; and

(5) That those with disabilities may be affected in their ability to understand and comply with peace officer commands and suffer a greater instance of fatal encounters with law enforcement, therefore.

(Penal Code §835a(a).)

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

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

(1) The person reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury;

(2) The person reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and

(3) The person 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*.

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

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

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

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

(Penal Code §835a(e)(2).)

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

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

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

The "reasonableness" test requires an analysis of "whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation." (*Id*. at 397, citations omitted.) What

constitutes "reasonable" self-defense or defense of others is controlled by the circumstances. A person's right of self-defense is the same whether the danger is real or merely apparent. (*People* v. *Jackson* (1965) 233 Cal.App.2d 639.) If the person's beliefs were reasonable, the danger does not need to have actually existed. (CALCRIM 505.) Yet, a person may use no more force than is reasonably necessary to defend against the danger they face. (*Id*.)

When deciding whether a person's beliefs were reasonable, a jury is instructed to consider the circumstances as they were known to and appeared to the person and consider what a reasonable person in a similar situation with similar knowledge would have believed. (*Id*.) It was previously held that in the context of an officer-involved incident, this standard does not morph into a "reasonable police officer" standard. (*People* v. *Mehserle* (2012) 206 Cal.App.4th 1125, 1147.)[16] To be clear, the officer's conduct should be evaluated as "the conduct of a reasonable person functioning as a police officer in a stressful situation." (*Id.*)

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

Whether the suspect posed an immediate threat to the safety of the officer or others has been touted as the "most important" *Graham* factor. (*Mattos* v. *Agarano* (9th Cir. 2011) 661 F.3d 433, 441-442.) The threatened use of a gun or knife, for example, is the sort of immediate threat contemplated by the United States Supreme Court, that justifies an officer's use of deadly force. (*Reynolds* v. *County of San Diego* (9th Cir. 1994) 858 F.Supp. 1064, 1071-72. "An officer may reasonably use deadly force when he or she confronts an armed suspect in close proximity whose actions indicate an intent to attack." (*Id*. at 1072.) Again, the specified factors of *Graham* were not meant to be exclusive; other factors are taken into consideration when "necessary to account for the totality of the circumstances in a given case." (*Mattos* v. *Agarano*, *supra*, 661 F.3d at 441-442.) The use of force policies and training of an involved officer's agency *may* also be considered as a factor to determine whether the officer acted reasonably. (Sen. Bill No. 230 (2019-2020 Reg. Sess.) §1. See fn. 3, *infra.*)

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

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

> 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.)

ANALYSIS

When assessing the justification for a deputy's use of lethal force, it is crucial to carefully examine the facts and circumstances surrounding that decision. Upon receiving the call for service, Deputy Ventre carefully read the details of the call for service and learned that Aaron, a 17-year-old minor, had absconded from the hospital and was barricaded inside the bathroom at the reporting parties' home. The call included links to prior law enforcement contacts with Aaron, which Deputy Ventre reviewed. Deputy Ventre noted that at the most recent contact, which had occurred a day or two prior, Aaron had barricaded himself inside his bedroom and had possessed a piece of broken glass when deputies had contacted him. Deputy Ventre called the hospital to confirm that the psychiatric hold remained in effect. Deputy Ventre and Deputy Gonzalez discussed the situation and developed a plan based upon the available information.

From the moment Deputies Ventre and Gonzalez arrived at the residence, they worked to de-escalate the situation by speaking calmly to Aaron through the closed bathroom door. The deputies exercised patience and tried to reassure Aaron that they were there to help him. The deputies encouraged Aaron to open the door and come out, but he refused. The deputies remained patient throughout. As additional deputies arrived, Deputy Ventre briefed them on the situation.

Deputies Gonzalez and Ventre spoke with Aaron through the closed bathroom door for close to 10 minutes before Deputy Fleming's arrival. Deputies Gonzalez and Ventre spoke to Aaron in a calm manner and asked him to come out of the bathroom. When Aaron refused, the deputies asked him why he would not come out. The deputies tried to build rapport with Aaron and assured him they were there to help. The deputies encouraged Aaron to open the door and come out to talk to them, but still he refused. Aaron told Deputy Gonzalez, "If you try to breach, there will be consequences." Deputy Gonzalez asked Aaron what the consequences would be, and Aaron replied, "You'll see." Aaron's statements could reasonably be seen as a threat. Deputies Gonzalez and Ventre did not breach the door and continued talking to Aaron calmly.

When Aaron told Deputy Ventre he was hurting himself inside the bathroom, Deputy Ventre asked Aaron how he was hurting himself, but Aaron did not reply. Deputy Ventre waited patiently at the door, listening for any sounds of distress. Hearing none and reassured that Aaron was alright, Deputy Ventre continued to wait outside and did not breach the door. Deputy Ventre stepped away from the door and walked to the living room, out of Aaron's earshot. Deputy Ventre broadcast over the radio that he was probably going to force entry because Aaron had advised that he was self-harming. Deputy Ventre paused, then said he wanted to talk to Aaron a bit more before forcing entry.

Deputy Ventre returned to the bathroom door and continued his efforts to communicate with Aaron. Deputy Ventre told Aaron he did not want to force entry. Deputy Ventre tried to convince Aaron to open the door, but Aaron still refused. When Deputy Ventre told Aaron he would have to force entry if he was hurting himself, Aaron told Deputy Ventre, "I'm warning you. I'm warning you, if you breach this…" Aaron did not finish the sentence, but his warning was clear. Deputy Ventre took a step back and walked into the living room again. There, Deputy Ventre told Deputy Gonzalez, "You know what, let's see if we can figure something else out." Deputy Ventre exercised patience and reassessed the situation. As long as he heard no signs of distress, Deputy Ventre recognized there was no rush to force entry. Because of Aaron's warnings, Deputy Ventre called for a supervisor to come to the scene with a ballistic shield. Deputy Ventre believed that this was necessary for their safety if they ultimately forced entry.

When Deputy Fleming arrived, Deputy Ventre briefed him on the circumstances and asked if he would like to try speaking with Aaron. Deputy Fleming then spent over 17

minutes engaging with Aaron in a calm, caring, and gentle manner, consistent with the approach of Deputies Gonzalez and Ventre.

To better understand Aaron's perspective and needs, each deputy asked him questions. Deputy Fleming expressed compassion by assuring Aaron he understood his situation and tried to reassure Aaron that things would be alright. While Deputy Fleming continued to support Aaron, Deputy Ventre briefed arriving deputies on the situation and repeatedly returned to the bathroom door to speak with Aaron. All the deputies demonstrated patience and compassion as they encouraged Aaron to feel safe coming out of the bathroom.

Aaron told the deputies he would not come out until his sisters returned from school, which was several hours away. Deputy Ventre explained they could not wait that long but offered to call his sisters so Aaron could speak with them. Aaron did not respond, remaining silent.

For nearly half an hour, the deputies spoke with Aaron. The deputies exercised patience and encouraged Aaron to open the door and to come out of the bathroom, but Aaron refused. Aaron told the deputies he believed they were trying to trick him so they could put him in handcuffs and take him back to the hospital. Deputy Fleming tried to reassure Aaron and told him that this was not their goal and explained that he wanted to help him. Deputy Fleming offered to come into the bathroom so the two of them could talk face-to-face. Deputy Fleming told Aaron that if he let him inside, Aaron would feel better. In response, Aaron told Deputy Fleming to "be prepared," another vague threat.

Despite attempts to compromise, Aaron refused to cooperate and remained barricaded in the bathroom, insisting he would stay until his sisters returned from school. Due to his psychiatric hold, recent absconding from the hospital, and refusal to engage, deputies determined Aaron posed a risk to himself, his sisters, and the elderly residents. Witness #1 also did not want Aaron to be present when his sisters arrived, recognizing it would be inappropriate for them to see him in his current condition. The deputies could not leave without resolving the situation, as it would have been unsafe. When Aaron stopped responding, the deputies had no reasonable alternative but to breach the door and remove him from the residence.

When the deputies entered the bathroom, they encountered Aaron holding a knife raised above his head. Though faced with a deadly threat, the deputies did not immediately respond with deadly force. Deputy McMahon attempted to push Aaron back with his shield, but Aaron overpowered him, seized the shield with his left hand, and attempted to stab Deputy McMahon in the head and shoulder with the knife in his right hand. The deputies ordered Aaron to stop, but he did not comply. Deputy Fleming deployed pepper spray, a non-lethal use of force, in an effort to gain compliance, but it was ineffective. Aaron repeatedly tried to stab Deputy McMahon. Deputy Fleming then grabbed Aaron's right wrist to try to prevent him from stabbing Deputy McMahon. Aaron, still holding the

knife, fought against Deputy Fleming, and both fell into the bathtub. Deputy Fleming lost control of Aaron's right hand, and Aaron swung the knife toward Deputy Fleming's face.

Deputy Fleming attempted to control Aaron's right hand but was unsuccessful. Aaron wildly swung the knife, causing several lacerations to Deputy Fleming's hand. Despite efforts by Deputies Gonzalez and Fleming to restrain him, Aaron continued to resist and attack with the knife. Deputy Ventre observed Aaron attempting to stab Deputy Fleming in the face, with the knife coming within inches of contact. Fearing for Deputy Fleming's life and the safety of all deputies in the confined space, Deputy Ventre determined that using lethal force was the only option to protect his partners. Deputy Ventre's fear was both honest and objectively reasonable.

CONCLUSION

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

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