CRIME REPORT

COPY

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341

EVENT SUMMARY

OFFENSE

Statute Code	Degree		Statute Description
245(D)(2) PC	FELONY	COMMITTED	ASSAULT:SEMIAUTO F/ARM:PO/FF

Assignment Date/Time: 08/11/2022 15:59 **Arrival Date/Time:** 08/11/2022 17:33 **Date/Time Occurrence Started:** Thu 08/11/22 15:59
Date/Time Occurrence Ended: 08/12/2022 17:00 **Date/Time Reported:** Thu 08/11/22 15:59 **Domestic Incident:** No
Incident Location: [redacted] VICTORVILLE, CA, **Beat:** [redacted] **Rpt. Area:** [redacted] **District:** [redacted]
Jail Location:
Evidence Collected: Yes
Brief Description of Incident: 04-ASSAULT (WPN USED OR MAJOR INJ) - PART I **Disposition:** NO ADDITIONAL LEADS

Total Property Loss: (None) **Seized Drug Value:** (None) **Total Gun Loss:** (None) **Total Vehicle Loss:** (None)

VICTIM(S)

Mondragon, Eugene
Lukacs, Bela
Musgrave, Jim
Haas, Chris
Stone, Josh

SUSPECT(S)

Name: HAYES , BYRON EZELL **DOB:** [redacted] **Age:** [redacted] **Transient:** NO
Related Offenses: 245(D)(2) PC **CII:** [redacted]
Interviewed: No **Arrested:** No **FBI:** [redacted]

Sex:	Race:	Ethnicity:	Height:	Weight:	Hair:	Eyes:
Male	Black	Non-Hispanic	507	153	Black	Brown

SSN: 000-00-0000 **License #:** [redacted] **Lic State:** CA
Address: [redacted] VICTORVILLE CA 92392

OTHER PERSONS INVOLVED

[redacted]	WITNESS
	WITNESS
	WITNESS
	WITNESS
	WITNESS
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	WITNESS

Reporting Officer: Del M A2689 on 08/19/2022
Approving Officer: Warrick, M D2685 on 10/11/2022

a copy of the 'TRUE' original shall be obtained and released by records division.

Printed By [redacted] on 10/12/2022 12:45:23 PM
REV. 011921

[redacted]	WITNESS
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	WITNESS
	WITNESS
	WITNESS

CRIMES AGAINST PEOPLE/PROPERTY

Offense: 245(D)(2) PC ASSAULT:SEMIAUTO F/ARM:PO/FF **Attemped/Committed:** COMMITTED
Type: FELONY

Offense Location Type: Residence / Home
Time of Day: Day

Weapon Used: Handgun
Hate Crime: None **AB109:** No **Gang Related:** No

PROPERTY / EVIDENCE

Item #	**Related Offense:** **Related To:** **Property Description:** **Class: Type:** **Quantity:** **Value:**	Bar Code Tag

DRUG

Item #	**Related Offense:** **Related To:** **Property Description:** **Type:** **Class:** **Activity:** **Est. Str. Value:** $0.00	Bar Code Tag

GUN				
Item #	Related Offense: Related To: Property Description: Type: Class: Barrel Length: Color:			Bar Code Tag

VEHICLE					
Item #	Related Offense: Related To: Make:	Model:	Year:	Style:	
	Plate:	Plate State:	Expires:		HULL:
	Color:	Type:	ENG:		VIN:

VICTIM(S)	CONFIDENTIAL					
Name: Mondragon, Eugene	**DOB:** [redacted]	**Age:** [redacted]				**Person #** 1
Victim Type: POLICE OFFICER						**Transient:** NO
Address:						
Related To Offense: 245(D)(2) PC						
Relationship to Offender: HAYES, BYRON EZELL, Stranger - Unknown						
Domectic Violence:	**Injuries:** None					
Injury Severity:						
Sex: Male	**Race:**	**Ethnicity:**	**Height:**	**Weight:**	**Hair:**	**Eyes:**
Occupation: Military / Police Service	**Employer Name:** San Bernardino County Sheriff's Departme					
Phone: (909) 387-3500	**Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408					
LEO Vehicle Assignment: DETECTIVE OR SPECIAL ASSIGNMENT						
LEO Activity: ATTEMPTING OTHER ARREST						
Name: Lukacs, Bela	**DOB:** [redacted]	**Age:** [redacted]				**Person #** 2
Victim Type: POLICE OFFICER						**Transient:** NO
Address:						
Related To Offense: 245(D)(2) PC						
Relationship to Offender: HAYES, BYRON EZELL, Stranger - Unknown						
Domectic Violence:	**Injuries:** None					
Injury Severity:						
Sex: Male	**Race:**	**Ethnicity:**	**Height:**	**Weight:**	**Hair:**	**Eyes:**
Occupation: Military / Police Service	**Employer Name:** San Bernardino County Sheriff's Departme					
Phone: (909) 387-3500	**Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408					
LEO Vehicle Assignment: DETECTIVE OR SPECIAL ASSIGNMENT						
LEO Activity: ATTEMPTING OTHER ARREST						
Name: Musgrave, Jim	**DOB:** [redacted]	**Age:** [redacted]				**Person #** 3
Victim Type: POLICE OFFICER						**Transient:** NO
Address:						
Related To Offense: 245(D)(2) PC						
Relationship to Offender: HAYES, BYRON EZELL, Stranger - Unknown						
Domectic Violence:	**Injuries:** None					
Injury Severity:						
Sex: Male	**Race:**	**Ethnicity:**	**Height:**	**Weight:**	**Hair:**	**Eyes:**
Occupation: Military / Police Service	**Employer Name:** San Bernardino County Sheriff's Departme					
Phone: (909) 387-3500	**Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408					
LEO Vehicle Assignment: DETECTIVE OR SPECIAL ASSIGNMENT						
LEO Activity: ATTEMPTING OTHER ARREST						
Name: Haas, Chris	**DOB:** [redacted]	**Age:** [redacted]				**Person #** 4

VICTIM(S) CONFIDENTIAL

Victim Type: POLICE OFFICER **Transient:** NO

Address:

Related To Offense: 245(D)(2) PC

Relationship to Offender: HAYES, BYRON EZELL, Stranger - Unknown

Domectic Violence: **Injuries:** None

Injury Severity:

Sex:	Race:	Ethnicity:	Height:	Weight:	Hair:	Eyes:
Male						

Occupation: Military / Police Service **Employer Name:** San Bernardino County Sheriff's Departme

Phone: (909) 387-3500 **Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408

LEO Vehicle Assignment: DETECTIVE OR SPECIAL ASSIGNMENT

LEO Activity: ATTEMPTING OTHER ARREST

Name: Stone, Josh **DOB:** [redacted] **Age:** [redacted] **Person #** 5

Victim Type: POLICE OFFICER **Transient:** NO

Address:

Related To Offense: 245(D)(2) PC

Relationship to Offender: HAYES, BYRON EZELL, Stranger - Unknown

Domectic Violence: **Injuries:** None

Injury Severity:

Sex:	Race:	Ethnicity:	Height:	Weight:	Hair:	Eyes:
Male						

Occupation: Military / Police Service **Employer Name:** San Bernardino County Sheriff's Departme

Phone: (909) 387-3500 **Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408

LEO Vehicle Assignment: DETECTIVE OR SPECIAL ASSIGNMENT

LEO Activity: ATTEMPTING OTHER ARREST

PERSON(S) INVOLVED - WITNESS CONFIDENTIAL

Name Olivas, Cristina **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Female **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** SAN BERNARIDNO COUNTY SHERIFF'S DEPARTMENT
Phone: (909) 387-3500 **Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408

Name Sandlin, Michael **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** SAN BERNARIDNO COUNTY SHERIFF'S DEPARTMENT
Phone: (909) 387-3500 **Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408

Name Harris, Clarence **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** SAN BERNARIDNO COUNTY SHERIFF'S DEPARTMENT
Phone: (909) 387-3500 **Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408

Name Henry, Jeffrey **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** SAN BERNARIDNO COUNTY SHERIFF'S DEPARTMENT
Phone: (909) 387-3500 **Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408

Name Corral, Michael **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** SAN BERNARIDNO COUNTY SHERIFF'S DEPARTMENT
Phone: (909) 387-3500 **Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408

Name Baley, Charles **DOB:** [redacted] **Age** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name Oh, Sam **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

PERSON(S) INVOLVED - WITNESS CONFIDENTIAL

Name Pecina, Timothy **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name Cox, Casey **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name Philpott, Robert **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name Whetsel, Brian **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name Ruvalcaba, Joseph **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name Tamparong, Romeo **DOB:** #Error **Age:** Unknown
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name Hernandez, Elvis **DOB:** #Error **Age:** Unknown
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

PERSON(S) INVOLVED - WITNESS CONFIDENTIAL

Name Phillips, Erbie **DOB:** #Error **Age:** Unknown
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name Goynes, Dennis **DOB:** #Error **Age:** Unknown
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name Wences, Cesar **DOB:** #Error **Age:** Unknown
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name Stuart, Matt **DOB:** #Error **Age:** Unknown
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name Negrete, Araceli **DOB:** #Error **Age:** Unknown
Transient: NO
Sex: Female **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name [redacted] **DOB:** [redacted] **Age:** [redacted]
Address: [redacted] VICTORVILLE CA 92392 **Transient:** NO
Sex: Unknown **Race:** **Ethnicity:**
Phone 1: Cell [redacted]

Name [redacted] **DOB:** [redacted] **Age:** [redacted]
Address: [redacted] VICTORVILLE CA 92392 **Transient:** NO
Sex: Unknown **Race:** **Ethnicity:**
Phone 1: Cell [redacted]

Name [redacted] **DOB:** [redacted] **Age:** [redacted]
Address [redacted] VICTORVILLE CA 92392 **Transient:** NO

PERSON(S) INVOLVED - WITNESS CONFIDENTIAL

Sex: Male **Race:** **Ethnicity:**
Phone 1: Cell [redacted]

Name [redacted] **DOB:** [redacted] **Age:** [redacted]
Address: [redacted] VICTORVILLE CA 92392 **Transient:** NO

Sex: Male **Race:** **Ethnicity:**
Phone 1: Cell [redacted]

Name [redacted] **DOB:** [redacted] **Age:** [redacted]
Address: [redacted], VICTORVILLE CA 92392 **Transient:** NO

Sex: Female **Race:** **Ethnicity:**
Phone 1: Cell [redacted]

Name [redacted] **DOB:** #Error **Age:** Unknown
Address: [redacted] VICTORVILLE CA 92392 **Transient:** NO

Sex: Male **Race:** **Ethnicity:**

Name [redacted] **DOB:** [redacted] **Age:** [redacted]
Address: [redacted], VICTORVILLE CA 92392 **Transient:** NO

Sex: Female **Race:** **Ethnicity:**
Phone 1: Cell [redacted]

Name [redacted] **DOB:** [redacted] **Age:** [redacted]
Address: [redacted] VICTORVILLE CA 92392 **Transient:** NO

Sex: Female **Race:** **Ethnicity:**
Phone 1: Cell [redacted]

Name [redacted] **DOB:** [redacted] **Age:** [redacted]
Address: [redacted] VICTORVILLE CA 92392 **Transient:** NO

Sex: Female **Race:** **Ethnicity:**
Phone 1: Cell [redacted]

NARRATIVE
See case book for further information.

COPY

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200101

CRIME REPORT

EVENT SUMMARY

OFFENSE

Statute Code	Degree		Statute Description
LETHAL FORCE ENCOUNTER-FA	6	COMMITTED	LETHAL FORCE ENCOUNTER (LFE)- FATAL

Assignment Date/Time: 08/11/2022 15:59 **Arrival Date/Time:** 08/11/2022 17:33 **Date/Time Occurrence Started:** Thu 08/11/22 15:59

Date/Time Occurrence Ended: 08/12/2022 18:09 **Date/Time Reported:** Thu 08/11/22 15:59 **Domestic Incident:** No

Incident Address same as Victim Address (Confidential)

Jail Location:

Evidence Collected: Yes

Brief Description of Incident: LETHAL FORCE ENCOUNTER **Disposition:** NO ADDITIONAL LEADS

Total Property Loss: (None) **Seized Drug Value:** (None) **Total Gun Loss:** (None) **Total Vehicle Loss:** (None)

VICTIM(S)

Hayes, Byron Ezell

SUSPECT(S)

Name: LAW ENFORCEMENT , OFFICER **DOB:** **Age:** **Transient:** NO

Related Offenses: LETHAL FORCE ENCOUNTER-FA **CII:**

Interviewed: Yes **Arrested:** No **FBI:**

Sex:	Race:	Ethnicity:	Height:	Weight:	Hair:	Eyes:
Male	Hispanic	Hispanic				

Name: LAW ENFORCEMENT , OFFICER **DOB:** **Age** [redacted] **Transient:** NO

Related Offenses: LETHAL FORCE ENCOUNTER-FA **CII:**

Interviewed: Yes **Arrested:** No **FBI:**

Sex:	Race:	Ethnicity:	Height:	Weight:	Hair:	Eyes:
Male	White	Non-Hispanic				

Name: LAW ENFORCEMENT , OFFICER **DOB:** **Age:** [redacted] **Transient:** NO

Related Offenses: LETHAL FORCE ENCOUNTER-FA **CII:**

Interviewed: Yes **Arrested:** No **FBI:**

Sex:	Race:	Ethnicity:	Height:	Weight:	Hair:	Eyes:
Male	White	Non-Hispanic				

Name: LAW ENFORCEMENT , OFFICER **DOB:** **Age:** [redacted] **Transient:** NO

Related Offenses: LETHAL FORCE ENCOUNTER-FA **CII:**

Interviewed: Yes **Arrested:** No **FBI:**

Sex:	Race:	Ethnicity:	Height:	Weight:	Hair:	Eyes:
Male	White	Non-Hispanic				

Name: LAW ENFORCEMENT , OFFICER **DOB:** **Age** [redacted] **Transient:** NO

Related Offenses: LETHAL FORCE ENCOUNTER-FA **CII:**

Interviewed: Yes **Arrested:** No **FBI:**

Sex:	Race:	Ethnicity:	Height:	Weight:	Hair:	Eyes:
Male	White	Non-Hispanic				

OTHER PERSONS INVOLVED

Musgrave, Jim	LEO
Stone, Josh	LEO
Lukacs, Bela	LEO

Reporting Officer: Del M A2689 on 08/19/2022

Approving Officer: Warrick, M D2685 on 10/11/2022

a copy of the 'TRUE' original shall be obtained and released by records division.

Printed By [redacted] on 10/12/2022 12:43:18 PM

REV. 011921

Mondragon, Eugene	LEO
Haas, Chris	LEO
[redacted]	WITNESS
	WITNESS
	WITNESS
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CRIMES AGAINST PEOPLE/PROPERTY

Offense: LETHAL FORCE ENCOUNTER-FA LETHAL FORCE ENCOUNTER (LFE)- FATAL **Attemped/Committed:** COMMITTED

Type: 6

Offense Location Type: Residence / Home

Time of Day: Day

Weapon Used: Rifle, Handgun

Hate Crime: None **AB109:** No **Gang Related:** No

PROPERTY / EVIDENCE

Item #		Bar Code Tag
	Related Offense: **Related To:** **Property Description:** **Class: Type:** **Quantity:** **Value:**	

DRUG

Item #	**Related Offense:** **Related To:** **Property Description:** **Type:** **Class:** **Activity:** **Est. Str. Value:** $0.00	Bar Code Tag

GUN

Item #	**Related Offense:** **Related To:** **Property Description:**		Bar Code Tag
	Type:	**Class:**	
	Barrel Length:	**Color:**	

VEHICLE

Item #	**Related Offense:** **Related To:**				
	Make:	**Model:**	**Year:**	**Style:**	
	Plate:	**Plate State:**	**Expires:**		**HULL:**
	Color:	**Type:**	**ENG:**		**VIN:**

VICTIM(S)	CONFIDENTIAL					
Name: Hayes, Byron Ezell	**DOB:** [redacted]	**Age:** [redacted]				**Person #** 1
Victim Type: PERSON / INDIVIDUAL (NOT A LAW ENFORCEMENT OFFICER)						**Transient:** NO
Address: [redacted] VICTORVILLE CA 92392						
Related To Offense: LETHAL FORCE ENCOUNTER-FA						
Relationship to Offender: LAW ENFORCEMENT, OFFICER , Stranger - Unknown						
Domectic Violence:	**Injuries:** Other Major Injury					
Injury Severity: Dead						
Sex: Male	**Race:** Black	**Ethnicity:** Non-Hispanic	**Height:** 507	**Weight:** 153	**Hair:** Black	**Eyes:** Brown
Phone 1:				**License #:** [redacted]		**Lic State:** CA
LEO Vehicle Assignment: DETECTIVE OR SPECIAL ASSIGNMENT						
LEO Activity: ATTEMPTING OTHER ARREST						

PERSON(S) INVOLVED - LEO	CONFIDENTIAL
Name Musgrave, Jim	**DOB:** [redacted] **Age:** [redacted] **Transient:** NO
Sex: Male **Race:** **Ethnicity:**	
Occupation: Military / Police Service	**Employer Name:** San Bernardino County Sheriff's Departme
Phone: (909) 387-3500	**Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408
Name Stone, Josh	**DOB:** [redacted] **Age:** [redacted] **Transient:** NO
Sex: Male **Race:** **Ethnicity:**	
Occupation: Military / Police Service	**Employer Name:** San Bernardino County Sheriff's Departme
Phone: (909) 387-3500	**Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408
Name Lukacs, Bela	**DOB:** [redacted] **Age:** [redacted] **Transient:** NO
Sex: Male **Race:** **Ethnicity:**	
Occupation: Military / Police Service	**Employer Name:** San Bernardino County Sheriff's Departme
Phone: (909) 387-3500	**Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408
Name Mondragon, Eugene	**DOB:** [redacted] **Age:** [redacted] **Transient:** NO
Sex: Male **Race:** **Ethnicity:**	
Occupation: Military / Police Service	**Employer Name:** San Bernardino County Sheriff's Departme
Phone: (909) 387-3500	**Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408
Name Haas, Chris	**DOB:** [redacted] **Age:** [redacted] **Transient:** NO
Sex: Male **Race:** **Ethnicity:**	
Occupation: Military / Police Service	**Employer Name:** San Bernardino County Sheriff's Departme
Phone: (909) 387-3500	**Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408
Name Sandlin, Michael	**DOB:** [redacted] **Age:** [redacted] **Transient:** NO
Sex: Male **Race:** **Ethnicity:**	
Occupation: Military / Police Service	**Employer Name:** SAN BERNARIDNO COUNTY SHERIFF'S DEPARTMENT
Phone: (909) 387-3500	**Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408
Name Henry, Jeffrey	**DOB:** [redacted] **Age:** [redacted] **Transient:** NO
Sex: Male **Race:** **Ethnicity:**	
Occupation: Military / Police Service	**Employer Name:** SAN BERNARIDNO COUNTY SHERIFF'S DEPARTMENT
Phone: (909) 387-3500	**Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408

PERSON(S) INVOLVED - LEO CONFIDENTIAL

Name Baley, Charles **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name Corral, Michael **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** SAN BERNARIDNO COUNTY SHERIFF'S DEPARTMENT
Phone: (909) 387-3500 **Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408

Name Olivas, Cristina **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Female **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** SAN BERNARIDNO COUNTY SHERIFF'S DEPARTMENT
Phone: (909) 387-3500 **Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408

Name Harris, Clarence **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** SAN BERNARIDNO COUNTY SHERIFF'S DEPARTMENT
Phone: (909) 387-3500 **Employer Address:** 655 E 3RD ST, SAN BERNARDINO CA 92408

Name Oh, Sam **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name Cox, Casey **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name Pecina, Timothy **DOB:** [redacted] **Age:** [redacted]
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

PERSON(S) INVOLVED - LEO	CONFIDENTIAL	
Name Philpott, Robert	**DOB:** [redacted]	**Age:** [redacted]
		Transient: NO
Sex: Male	**Race:**	**Ethnicity:**
Occupation: Military / Police Service	**Employer Name:** LOS ANGELES POLICE DEPARTMENT	
Phone: (213) 847-3615	**Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012	
Name Ruvalcaba, Joseph	**DOB:** [redacted]	**Age:** [redacted]
		Transient: NO
Sex: Male	**Race:**	**Ethnicity:**
Occupation: Military / Police Service	**Employer Name:** LOS ANGELES POLICE DEPARTMENT	
Phone: (213) 847-3615	**Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012	
Name Whetsel, Brian	**DOB:** [redacted]	**Age:** [redacted]
		Transient: NO
Sex: Male	**Race:**	**Ethnicity:**
Occupation: Military / Police Service	**Employer Name:** LOS ANGELES POLICE DEPARTMENT	
Phone: (213) 847-3615	**Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012	
Name Hernandez, Elvis	**DOB:** #Error	**Age:** Unknown
		Transient: NO
Sex: Male	**Race:**	**Ethnicity:**
Occupation: Military / Police Service	**Employer Name:** LOS ANGELES POLICE DEPARTMENT	
Phone: (213) 847-3615	**Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012	
Name Phillips, Erbie	**DOB:** #Error	**Age:** Unknown
		Transient: NO
Sex: Male	**Race:**	**Ethnicity:**
Occupation: Military / Police Service	**Employer Name:** LOS ANGELES POLICE DEPARTMENT	
Phone: (213) 847-3615	**Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012	
Name Wences, Cesar	**DOB:** #Error	**Age:** Unknown
		Transient: NO
Sex: Male	**Race:**	**Ethnicity:**
Occupation: Military / Police Service	**Employer Name:** LOS ANGELES POLICE DEPARTMENT	
Phone: (213) 847-3615	**Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012	
Name Tamparong, Romeo	**DOB:** #Error	**Age:** Unknown
		Transient: NO
Sex: Male	**Race:**	**Ethnicity:**
Occupation: Military / Police Service	**Employer Name:** LOS ANGELES POLICE DEPARTMENT	
Phone: (213) 847-3615	**Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012	

PERSON(S) INVOLVED - LEO

CONFIDENTIAL

Name Stuart, Matt **DOB:** #Error **Age:** Unknown
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name Goynes, Dennis **DOB:** #Error **Age:** Unknown
Transient: NO
Sex: Male **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name [redacted] **DOB:** [redacted] **Age:** [redacted]
Address: [redacted] VICTORVILLE CA 92392 **Transient:** NO
Sex: Unknown **Race:** **Ethnicity:**
Phone 1: Cell [redacted]

Name [redacted] **DOB:** [redacted] **Age:** [redacted]
Address: [redacted] VICTORVILLE CA 92392 **Transient:** NO
Sex: Unknown **Race:** **Ethnicity:**
Phone 1: Cell [redacted]

Name [redacted] **DOB:** [redacted] **Age:** [redacted]
Address: [redacted] VICTORVILLE CA 92392 **Transient:** NO
Sex: Male **Race:** **Ethnicity:**
Phone 1: Cell [redacted]

Name [redacted] **DOB:** [redacted] **Age:** [redacted]
Address: [redacted] VICTORVILLE CA 92392 **Transient:** NO
Sex: Female **Race:** **Ethnicity:**
Phone 1: Cell [redacted]

Name Negrete, Araceli **DOB:** #Error **Age:** Unknown
Transient: NO
Sex: Female **Race:** **Ethnicity:**
Occupation: Military / Police Service **Employer Name:** LOS ANGELES POLICE DEPARTMENT
Phone: (213) 847-3615 **Employer Address:** 200 NORTH SPRING STREET SUITE 1900, LOS ANGELES CA 90012

Name [redacted] **DOB:** [redacted] **Age:** [redacted]
Address: [redacted] VICTORVILLE CA 92392 **Transient:** NO
Sex: Male **Race:** **Ethnicity:**
Phone 1: Cell [redacted]

a copy of the 'TRUE' original shall be obtained and released by records division.

Printed By [redacted] on 10/12/2022 12:43:18 PM
REV. 011921

PERSON(S) INVOLVED - LEO	CONFIDENTIAL	
Name [redacted]	**DOB:** #Error	**Age:** Unknown
Address: [redacted], VICTORVILLE CA 92392		**Transient:** NO
Sex: Male	**Race:**	**Ethnicity:**
Name [redacted]	**DOB:** [redacted]	**Age:** [redacted]
Address: [redacted] VICTORVILLE CA 92392		**Transient:** NO
Sex: Female	**Race:**	**Ethnicity:**
Phone 1: Cell [redacted]		
Name [redacted]	**DOB:** [redacted]	**Age:** [redacted]
Address: [redacted], VICTORVILLE CA 92392		**Transient:** NO
Sex: Female	**Race:**	**Ethnicity:**
Phone 1: Cell (760) 947-2314		
Name [redacted]	**DOB:** [redacted]	**Age:** [redacted]
Address: [redacted], VICTORVILLE CA 92392		**Transient:** NO
Sex: Female	**Race:**	**Ethnicity:**
Phone 1: Cell [redacted]		

NARRATIVE
SEE CASE BOOK FOR FURTHER INFORMATION.

SHERIFF'S DEPARTMENT

County of San Bernardino
California

CA 03600

CASE NUMBER: 172209341

REPORTING AREA: VCS

CONFIDENTIAL

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on PEACE OFFICER	LFE

VICTIM OR INVOLVED PARTY'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS

ADDRESS | PHONE NUMBER ( )

CONFIDENTIAL INFORMATION CONCERNING INVOLVED PARTIES: W

Location of Occurrence: [redacted], Victorville, CA 92392 | City

Codes Are: V-Victim | W-Witness | S-Suspect | RP-Reporting Party | DC-Discovered Crime | IP-Involved Party | O-Other

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
[redacted]	W		[redacted]

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
Firefighter/ Paramedic	W/M	[redacted]	[redacted]	[redacted]	( )

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
[redacted]	W		[redacted]

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
EMT/ AMR	W/M	[redacted]	[redacted]	[redacted]	[redacted]

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
[redacted]	W		[redacted]

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
Engineer	H/M	[redacted]	[redacted]	[redacted]	( )

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
			( )

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
					( )

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
			( )

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
					( )

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
C. BENNINGTON	F89145	8/12/22				

FURTHER ACTION:	COPIES TO:	☐ SD/PD	☐ Other	REMARKS:
☐ YES ☐ NO	☐ Detectives	☐ CII		
15-15184-401 Revised 1/10 (CR2)	☐ District Attorney	☐ Patrol		

SHERIFF'S DEPARTMENT

County of San Bernardino
California

CA 03600

CASE NUMBER: 172209341

REPORTING AREA: H# 2022-100

SUSPECT

CODE SECTION	CRIME	CLASSIFICATION
PC 245 (D)(2)	Assault with a Deadly Weapon on a Peace Officer	LFE

VICTIM OR INVOLVED PARTY'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Mondragon, Eugene (San Bernardino County Sheriff's Department)

ADDRESS | PHONE NUMBER

CONFIDENTIAL INFORMATION CONCERNING INVOLVED PARTIES:
Hayes, Byron

Location of Occurrence: [redacted] City: **Victorville**

Codes Are: V-Victim | W-Witness | S-Suspect | RP-Reporting Party | DC-Discovered Crime | IP-Involved Party | O-Other

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
Hayes, Byron	**S**	[redacted] **Victorville, Ca. 92392**	

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
	B/M		[redacted]		( )

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
Detective Michelle Del Rio	**A2689**	**10/07/2022**				

FURTHER ACTION:	COPIES TO:	☐ SD/PD	☐ Other	REMARKS:
☐ YES ☐ NO	☐ Detectives	☐ CII		
15-15184-401 Revised 1/10 (CR2)	☐ District Attorney	☐ Patrol		

CRIME REPORT

NOTIFICATION

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

NOTIFICATION:

On Thursday, August 11, 2022, at approximately 1853 hours, San Bernardino County Sheriff's Department (SBCSD) Specialized Investigations Sergeant Michael Warrick notified me of a lethal force encounter (LFE) in the city of Victorville. Preliminary information was the Los Angeles Police Department (LAPD) investigators contacted SBCSD Specialized Enforcement Division (SED) and requested their assistance in the arrest of Byron Hayes for P.C. 187(a), Murder at [redacted] Victorville. During the attempted arrest, an LFE occurred, and Hayes was injured. Warrick requested I respond to the scene and assist with the investigation. Warrick assigned me as case agent.

At approximately 2040 hours, I arrived at the scene and prepared for briefing.

MW

Reviewed By: **Sergeant Michael Warrick** Date: 8/26/2022 Author: **Detective Michelle Del Rio** Author Date: **8/24/2022**

CRIME REPORT

NOTIFICATION

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

NOTIFICATION:

On Thursday, August 11, 2022, I was a detective with the San Bernardino County Sheriff's Department (SBCSD) assigned to the Specialized Investigations Division. At approximately 1853 hours, Sergeant Michael Warrick notified me of a lethal force encounter (LFE) that we would investigate. The LFE involved SBCSD Specialized Enforcement Division (SED) personnel at [redacted] Victorville.

Initial information was Los Angeles Police Department (LAPD) investigators contacted SBCSD SED to arrest Byron Hayes for P.C. 187(a), Murder. During the attempted arrest, an LFE occurred, and Hayes was injured.

Warrick requested I respond to [redacted] at [redacted], Colton, to investigate the hospital scene. It was later learned that Hayes was transported to [redacted] at [redacted] Victorville, for medical treatment but ultimately died at an unknown time. Warrick requested I respond to [redacted] to investigate the hospital scene.

At 1903 hours, I called Supervising Crime Scene Specialist [redacted] and notified her of the investigation. [redacted] assigned Crime Scene Specialists [redacted] and [redacted] to respond to the scene to assist with the investigation.

At approximately 2053 hours, I arrived at [redacted]

Reviewed By: **Sergeant Michael Warrick** MW Date: 8/18/2022 Author: **Detective Bryan Sprague** Author Date: **8/17/2022**

CRIME REPORT

NOTIFICATION

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

NOTIFICATION:

On Thursday, August 11, 2022, at approximately 1853 hours, San Bernardino County Sheriff's Department (SBCSD) Specialized Investigations Sergeant Michael Warrick notified me of a lethal force encounter (LFE) in the city of Victorville. Preliminary information was the Los Angeles Police Department (LAPD) investigators contacted SBCSD Specialized Enforcement Division (SED) and requested their assistance in the arrest of Byron Hayes for P.C. 187(a), Murder at [redacted] Victorville. During the attempted arrest, an LFE occurred, and Hayes was injured. Warrick requested I respond to the scene and assist with the investigation.

MW
Reviewed By: **Sergeant Michael Warrick** Date: 1/14/2023 Author: **Detective Owenn Domon** Author Date: **08/12/22**

CRIME REPORT

NOTIFICATION

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

NOTIFICATION:

On Thursday, August 11, 2022, at approximately 1853 hours, San Bernardino County Sheriff's Department (SBCSD) Specialized Investigations Sergeant Michael Warrick notified me of a lethal force encounter (LFE) in the city of Victorville. Warrick requested I respond to the scene and assist with the investigation.

At approximately 2045 hours, I arrived at the scene and prepared for briefing. After the briefing, Warrick assigned me to conduct neighborhood contacts.

Reviewed By: **Sergeant Michael Warrick** MW Date: 1/31/2023 Author: **Detective Ian Gosswiller** Author Date: **01/09/2023**

CRIME REPORT

NOTIFICATION

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

NOTIFICATION:

On Thursday, August 11, 2022, I was an on-call deputy for the San Bernardino County Sheriff's Department, Specialized Investigations Division, Homicide Detail. At approximately 1855 hours, Detective Ian Gosswiller notified me of a Lethal Force Encounter (LFE) at [redacted] Victorville.

At approximately 2040 hours, I arrived on scene to assist with the investigation. Sergeant Michael Warrick assigned me to do a neighborhood check and witness interviews.

MW
Reviewed By: **Sergeant Michael Warrick** Date: 2/14/2024 Author: **Deputy Dylan Gosswiller** Author Date: **10/06/2022**

BRIEFING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

BRIEFING:

On Thursday, August 11, 2022, at approximately 2053 hours, a briefing was conducted outside the secured crime scene tape on [redacted] about 50 feet [redacted] of the incident location. The briefing was conducted by San Bernardino County Sheriff's Department (SBCSD) Specialized Enforcement Division (SED) Sergeant Michael Sandlin. The following Sheriff's personnel were present during the briefing:

- Deputy Chief Rick Bessinger, San Bernardino County Sheriff's Department, Office of the Sheriff
- Deputy Chief John Ades, San Bernardino County Sheriff's Department, Office of the Sheriff
- Captain Robert Trostle, San Bernardino County Sheriff's Department, Homicide Detail
- Captain Kevin Ferber, San Bernardino County Sheriff's Department, Specialized Enforcement Division
- Lieutenant Joseph Janowicz, San Bernardino County Sheriff's Department, Homicide Detail
- Lieutenant Joshua Smith, San Bernardino County Sheriff's Department, Specialized Enforcement Division
- Sergeant Michael Warrick, San Bernardino County Sheriff's Department, Homicide Detail
- Sergeant Michael Sandlin, San Bernardino County Sheriff's Department, Specialized Enforcement Division
- Detective Michelle Del Rio, San Bernardino County Sheriff's Department, Homicide Detail
- Detective Ian Gosswiller, San Bernardino County Sheriff's Department, Homicide Detail
- Detective Owenn Domon, San Bernardino County Sheriff's Department, Homicide Detail
- Deputy Dylan Gosswiller, San Bernardino County Sheriff's Department, Homicide Detail
- Crime Scene Specialist [redacted] San Bernardino County Sheriff's Department, Crime Lab
- Crime Scene Specialist [redacted] San Bernardino County Sheriff's Department, Crime Lab

On Thursday, August 11, 2022, at approximately 1345 hours, SBCSD SED Corporal Eugene Mondragon notified Sandlin of a phone call he received from Los Angeles Police Department (LAPD) Gangs and Narcotics Division (GND) Detective Brian Whetsel. Whetsel advised Mondragon he had a team of LAPD GND investigators who conducted covert surveillance on a murder suspect in Victorville. Whetsel requested the assistance of the SBCSD SED for a surround and callout.

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

BRIEFING: (Continued)

Whetsel informed Mondragon a Black male adult, identified as Byron Ezel Hayes, date of birth (DOB) [redacted] was wanted for a murder he committed in Los Angeles County and had a Ramey Warrant for the crime. Sandlin notified SBCSD SED Lieutenant Joshua Smith and advised him of the circumstances involving Byron.

At 0500 hours, LAPD GND investigators established covert surveillance at Byron's [redacted] residence, located at [redacted] Victorville. LAPD investigators believed Byron hid at [redacted] residence. During the covert surveillance, LAPD investigators followed [redacted] as she drove away from the residence. LAPD investigators conducted a traffic stop on [redacted] unknown make and model vehicle several blocks away. LAPD investigators spoke to [redacted] and she confirmed Byron was inside the residence by himself. [redacted] advised LAPD investigators she had weapons inside her residence. According to Sandlin, LAPD investigators considered Byron armed and dangerous, and the murder weapon was still outstanding.

Sandlin and members of the SBCSD SED prepared an operations plan, gathered at the SED High Desert Office in Victorville, and conducted a tactical briefing. LAPD investigators provided Sandlin with an arrest warrant for Byron, signed by an unknown judge. According to Sandlin, SED planned to utilize LAPD investigators as the perimeter team around Byron's residence. The SED armored vehicle (Bearcat) would be used for cover during the surround and callout for Byron.

Approximately 30 minutes later, SED personnel drove [redacted] on [redacted] toward Byron's residence. Whetsel contacted Sandlin and told him Byron exited his residence and approached a parked unmarked LAPD vehicle occupied by LAPD investigators as they conducted surveillance. The LAPD investigators identified themselves, and Byron ran toward his residence. Byron entered his residence and ultimately barricaded himself before LAPD investigators apprehended him.

SED personnel activated the bearcat's overhead emergency lights and siren and approached Byron's residence. The bearcat was partially parked in Byron's driveway and faced [redacted] SED personnel immediately began public address (PA) announcements for Byron to surrender.

During PA announcements, Byron appeared at a bedroom window located at the front of the residence above the front door. According to Sandlin, Byron was somewhat cooperative but complained about the LAPD investigators located on the perimeter in the rear of his residence. Byron told SED investigators he was "Loaded and ready to go" if anyone entered his residence.

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

BRIEFING: (Continued)

Byron walked back and forth from the front bedroom window to the rear bedroom outdoor balcony of the residence and communicated with LAPD and SED personnel. Sandlin and LAPD personnel communicated through a SED handheld transmitter (HT).

At one point during the PA announcements and negotiations with Byron, he agreed to surrender and exit the residence peacefully; however, Byron began to consume an alcoholic beverage from a dark-colored glass bottle. Byron became intoxicated and stood at the front bedroom window while he made a "FaceTime" call to an unknown person. Byron pushed out the window screen from the front bedroom window and placed his upper body out of the window as he spoke with an unknown person on the cellular phone. Byron made suicidal statements on the phone and told whomever he spoke with "goodbye" that he would die.

Mondragon continued to negotiate with Byron and asked him several times to surrender. Byron continued to consume an alcoholic beverage and refused to surrender peacefully. During negotiations, Byron exited the residence through the front bedroom window and stood on the roofing tiles as he made lunging motions toward SED personnel. Mondragon asked Byron repeatedly to go back into the residence and exit through the front door because he did not want Byron to injure himself on the roof.

SBCSD Negotiator Deputy Clarence Harris arrived at the incident location and continued negotiations with Byron. Harris attempted to communicate with Byron, but Byron did not like Harris. During Harris' negotiations, Byron brandished a black semi-automatic handgun as he stood inside the front bedroom at the window. Byron racked back the slide to the handgun and pulled the trigger as he smiled at SED personnel. Byron racked back the slide to the handgun a second time and pointed the handgun toward SED personnel as he lunged his upper body out the bedroom window, and simultaneously pulled the trigger. SED personnel became threatened, and a lethal force encounter (LFE) occurred.

After the LFE, Byron disappeared inside the residence and no longer communicated with SED personnel. SED personnel became concerned for Byron in the event he was struck by gunfire and required immediate medical assistance. SBCSD SED Deputy Cristina Olivas utilized a department-issued unmanned aerial system (UAS) equipped with a live feed camera to locate Byron; however, Byron was not in the camera view. SED personnel attempted to breach the residence's front door with the breaching robot, but they were unsuccessful. SED personnel entered the rear yard of the residence through a [redacted] gate and breached the rear kitchen sliding glass door. SED personnel entered the residence and cleared the downstairs area.

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

BRIEFING: (Continued)

Olivas broadcasted she had a visual of Byron through the UAS, and he was located in the front upstairs bedroom. Olivas was unsure if Byron was injured or armed with the handgun.

SED continued upstairs and located Byron unconscious on the floor in the front bedroom. Byron lay supine with the handgun in his left hand and sustained apparent gunshot wounds to his body. SED personnel immediately rendered medical aid to Byron, and the Victorville City Fire Department (VCFD) and American Medical Response (AMR) paramedics were requested to the residence. Moments later, VCFD personnel and AMR paramedics arrived at Byron's residence and immediately transported him to [redacted] for further treatment. Byron succumbed to his injuries and was pronounced deceased at 1917 hours by [redacted] personnel.

The SED personnel who fired their weapon during the LFE were Corporals Eugene Mondragon and Bela Lukacs and Deputies Jim Musgrave, Joshua Stone, and Chris Hass. There were no SED personnel injured during the LFE. SED personnel canvased the neighborhood surrounding Byron's residence to ensure no one was injured during the LFE; no injuries were noted. Sandlin obtained a public safety statement from each shooting SED personnel. The briefing was concluded at approximately 2113 hours.

OBSERVATIONS

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

OBSERVATIONS:

At approximately 2040 hours, I arrived at the scene. I entered [redacted] from [redacted] and traveled [redacted]. I parked my San Bernardino County Sheriff's Department (SBCSD) unmarked vehicle along the [redacted] curb of [redacted] approximately five houses [redacted] of the incident location. Several SBCSD unmarked vehicles were parked in the roadway of [redacted] and faced [redacted]. Several SBCSD personnel stood in the roadway in front of [redacted]

There was yellow crime scene tape tied to a wooden gate on the [redacted] side of [redacted] The crime scene tape was strung [redacted] to [redacted] across the roadway and tied to a wooden gate at [redacted]

A white marked SBCSD Scientific Investigations vehicle, bearing California exempt license plate [redacted], was parked approximately 30 feet [redacted] of the crime scene tape. Approximately 50 feet [redacted] of the Scientific Investigations vehicle was a dark gray Chrysler Voyager minivan with no license plates (Vehicle identification number [redacted]. The Voyager had its emergency red, yellow, and blue lights activated in the upper interior portion of the rear window and upper interior of the front windshield. The Voyager was parked in the roadway in front of [redacted] and faced in a [redacted] direction. A black Ford Explorer, bearing exempt California license plate [redacted] was parked along the [redacted] curb [redacted] of the Voyager and in front of [redacted]

Crime scene tape was tied to a wooden gate on the [redacted] corner of [redacted] The crime scene tape was strung [redacted] across the roadway and wrapped around the [redacted] corner street sign of [redacted] and [redacted] The crime scene tape continued [redacted] across the roadway of [redacted] and it was tied to the front passenger rear view mirror of a black Dodge Grand Caravan, bearing California license plate [redacted]. The Grand Caravan was parked in the roadway in front of [redacted] and faced [redacted] of the Grand Caravan was a black Dodge Voyager with no license plates parked [redacted] halfway into the driveway of [redacted]. A green marked SBCSD Specialized Enforcement Division armored vehicle (Bearcat) was parked in the driveway of [redacted] and [redacted]

Reviewed By: **Sergeant Michael Warrick** MW Date: 2/16/2024 Author: **Detective Michelle Del Rio** Author Date: **8/24/2022**

CRIME REPORT

SCENE WALKTHROUGH

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

SCENE WALKTHROUGH:

On Thursday, August 11, 2022, at approximately 2114 hours, we conducted a scene walkthrough immediately following the briefing. San Bernardino County Sheriff's Department (SBCSD) Specialized Enforcement Division (SED) Sergeant Michael Sandlin conducted the walkthrough with the SBCSD Homicide Detail and pointed out potential items of evidence. The following personnel were present during the walkthrough.

- Sergeant Michael Warrick, San Bernardino County Sheriff's Department, Homicide Detail
- Sergeant Michael Sandlin, San Bernardino County Sheriff's Department, Specialized Enforcement Division
- Detective Michelle Del Rio, San Bernardino County Sheriff's Department, Homicide Detail
- Detective Ian Gosswiller, San Bernardino County Sheriff's Department, Homicide Detail
- Detective Owenn Domon, San Bernardino County Sheriff's Department, Homicide Detail
- Deputy Dylan Gosswiller, San Bernardino County Sheriff's Department, Homicide Detail
- Crime Scene Specialist [redacted] San Bernardino County Sheriff's Department, Crime Lab
- Crime Scene Specialist [redacted] San Bernardino County Sheriff's Department, Crime Lab

The incident location was [redacted] Victorville. The incident location was further described as a two-story single-family residence with an attached garage. The front door to the residence faced [redacted] The driveway onto the property was constructed of concrete. The numbers were in black numbering with a white background on the stucco above the garage on the [redacted] side of the residence. The crime scene was within the residence and the roadway in front of the residence. [redacted] was located in a residential neighborhood and comprised of single-family dwellings. The [redacted] roadway was comprised primarily of asphalt. At the time of the walkthrough, there were some streetlights, which illuminated the area.

As we entered the scene, we were careful not to disturb any items of evidentiary value throughout the walkthrough. Sandlin led us [redacted] on the roadway of [redacted] approximately two houses [redacted] of the incident location. There was yellow crime scene tape tied to a wooden gate on the [redacted] side of [redacted] The crime scene tape was strung [redacted] to [redacted] across the roadway and tied to a wooden gate at [redacted]

Reviewed By: **Sergeant Michael Warrick** MW Date: 2/16/2024 Author: **Detective Michelle Del Rio** Author Date: **8/24/2022**

CRIME REPORT

SCENE WALKTHROUGH

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

SCENE WALKTHROUGH: (Continued)

A white marked SBCSD Scientific Investigations vehicle, bearing California exempt license plate [redacted] was parked approximately 30 feet [redacted] of the crime scene tape. Approximately 50 feet [redacted] of the Scientific Investigations vehicle was a dark gray Chrysler Voyager minivan with no license plates (Vehicle identification number [redacted] The Voyager had its emergency red, yellow, and blue lights activated in the upper interior portion of the rear window and upper interior of the front windshield. The Voyager was parked in the roadway in front of [redacted] and faced in a northwest direction. A black Ford Explorer, bearing exempt California license plate [redacted] was parked along the [redacted] curb [redacted] of the Voyager and in front of [redacted]

Crime scene tape was tied to a wooden gate on the [redacted] corner of [redacted] The crime scene tape was strung [redacted] across the roadway and wrapped around the [redacted] corner street sign of [redacted] and [redacted]

Sandlin pointed out several fired cartridge casings in the roadway in front of [redacted] near the black Ford Explorer and a green marked SBCSD SED armored vehicle (Bearcat) parked in the driveway of [redacted] and faced [redacted]

The crime scene tape continued [redacted] across the roadway of [redacted] and it was tied to the front passenger rear view mirror of a black Dodge Grand Caravan, bearing California license plate [redacted] The Grand Caravan was parked in the roadway in front of [redacted] and faced [redacted] of the Grand Caravan was a black Dodge Voyager with no license plates parked northwest halfway into the driveway of [redacted]

Sandlin led us through a pedestrian wooden gate, which accessed the backyard to [redacted] The gate was located on the [redacted] side of the residence. The rear sliding glass door into the residence faced [redacted] The sliding door was broken by SBCSD SED personnel with a tactical ram while making entry into the residence. Sandlin led us into the residence through the broken sliding door.

Sandlin pointed out suspected bloodstains at the bottom of the stairs and said the bloodstains were from the suspect, Byron Hayes, as he was carried down the stairs by the paramedics. The front entrance/exit pedestrian double doors to the residence were damaged near the doorknob during an attempted breach by SBCSD SED personnel. Sandlin led us up the stairs to the second floor. Ripped clothing with suspected blood was in the hallway at the top of the stairs.

CRIME REPORT

SCENE WALKTHROUGH

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

SCENE WALKTHROUGH: (Continued)

Sandlin pointed out the master bedroom on the [redacted] side of the residence where Hayes walked out to the balcony and spoke to LAPD personnel. On the [redacted] side of the second floor was the bedroom where Hayes was located by SED personnel after the lethal force encounter. We entered the [redacted] bedroom and noticed a large puddle of suspected blood on the carpet near the window that faced [redacted] A black semi-automatic handgun was located about eight inches [redacted] of the bedroom window. There was suspected blood spatter on the walls inside the bedroom. Multiple bullet strikes were located inside the bedroom, hallway, and ceiling.

As we exited the residence through the front pedestrian door, a window screen lay on the gravel near the walkway that led to the driveway. A glass bottle of champagne lay on top of the window screen.

SCENE

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

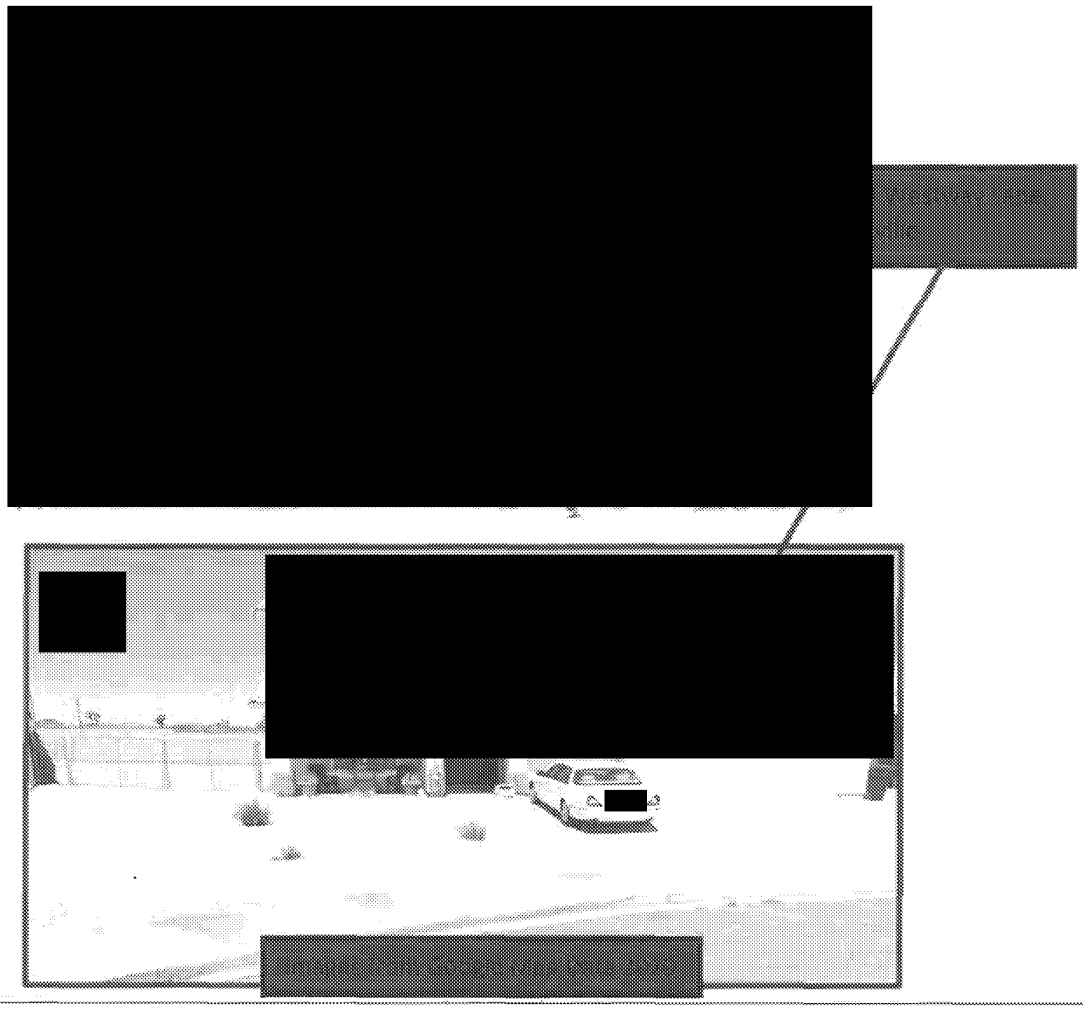
DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

SCENE:

On Thursday, August 11, 2022, after completing the scene walkthrough, Crime Scene Specialist [redacted] and I determined from the physical evidence, and the briefing provided, the crime scene was within the roadway of [redacted] and the exterior and interior of the residence located at [redacted] Victorville. [redacted] took overall, midrange, and close-up photographs of the scene and evidence found within the crime scene. Items of evidentiary value within the scene were labeled using photographic identification placards and photographed in place, before being measured and taken as evidence.



Reviewed By: **Sergeant Michael Warrick** MW Date: 6/27/2023 Author: **Detective Michelle Del Rio** Author Date: **03/06/2023**

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

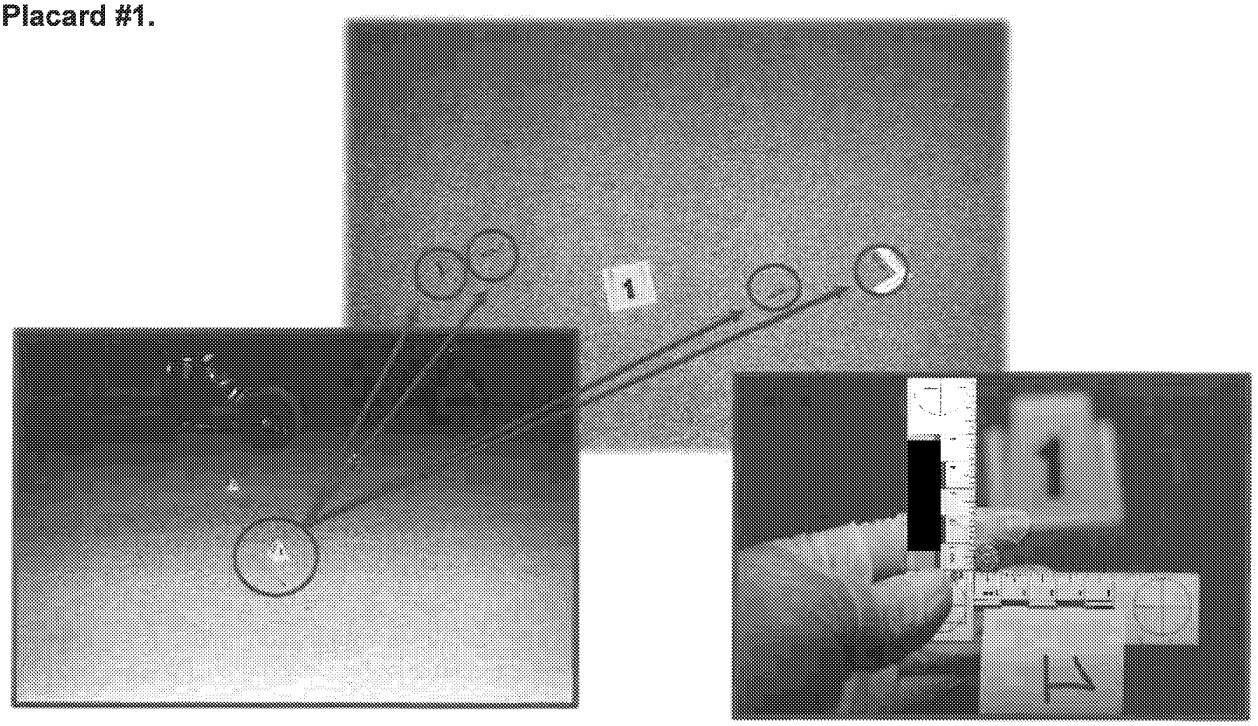
SCENE(CONTINUED):

The incident location was [redacted] Victorville. The incident location was further described as a two-story single-family residence with an attached two-car garage. The front door to the residence faced [redacted] The driveway onto the property was constructed of concrete. The numbers were in black numbering with a white background on the stucco above the garage on the [redacted] side of the residence. The crime scene was within the residence and the roadway in front of the residence. [redacted] was within a residential neighborhood and compromised of single-family dwellings. The [redacted] roadway was comprised primarily of asphalt.

The following vehicle was within the crime scene, but was not related to the investigation.

There was a white 2005 Jaguar, bearing California license plate [redacted] parked and faced [redacted] in the driveway of [redacted]

On the roadway, approximately 23 feet [redacted] of the [redacted] curb line in front of [redacted] were 4 fired cartridge casings with head stamp "LC 20" and a NATO symbol, identified by **Placard #1.**

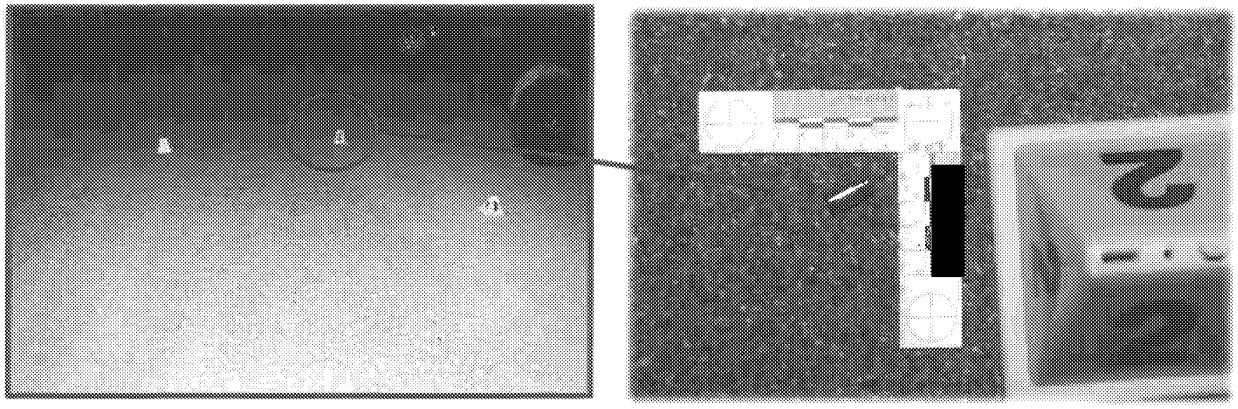


CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

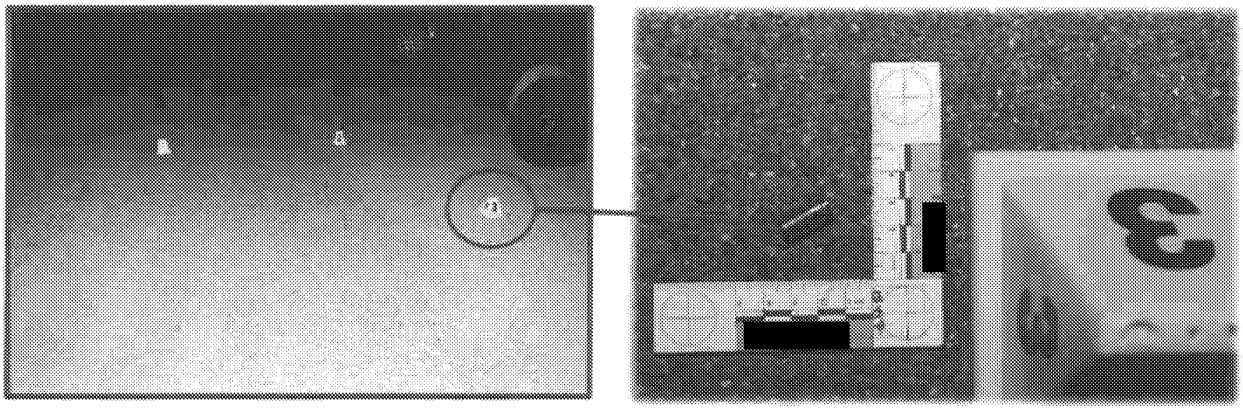
VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

SCENE(CONTINUED):

Approximately four feet nine inches [redacted] of **Placard #1,** was an FCC with head stamp "9MM LUGER REM" identified by **Placard #2,** on the roadway of [redacted]



Approximately five feet two inches [redacted] of **Placard #2,** was an FCC with head stamp "9MM LUGER REM" identified by **Placard #3,** on the roadway of [redacted]

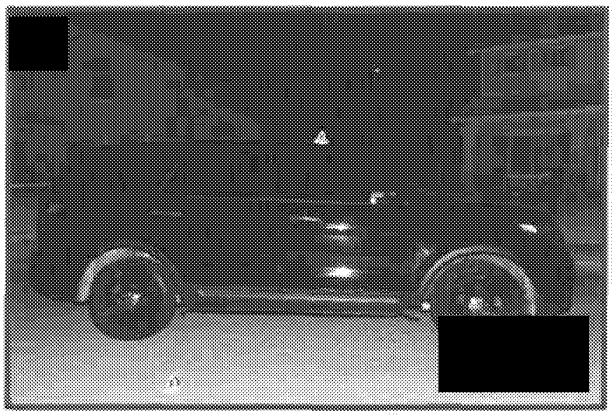


CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

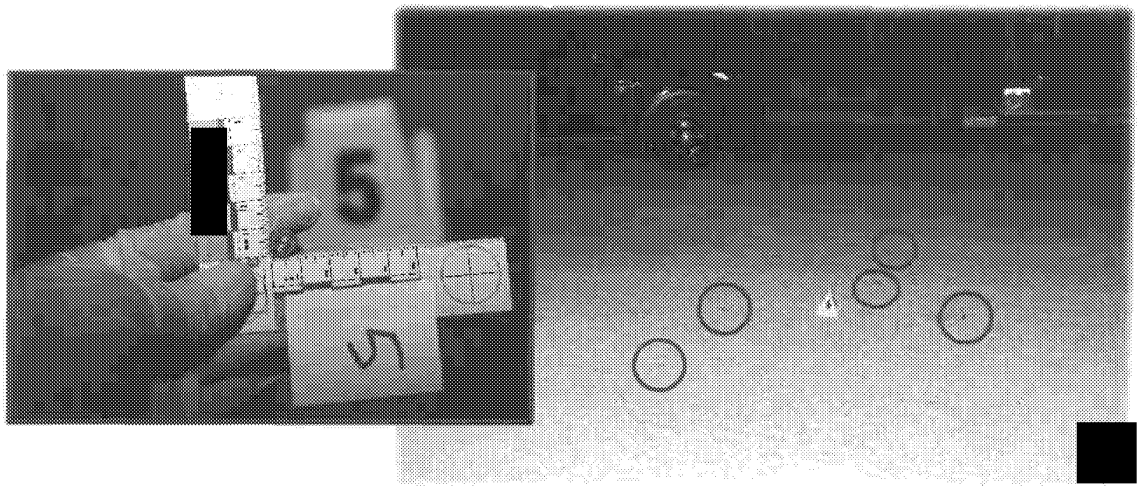
VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

SCENE(CONTINUED):

A black unmarked Los Angeles Police Department (LAPD) Ford Explorer, bearing California exempt license plate [redacted] was identified by **Placard #4**. The Explorer was parked and faced [redacted] along the [redacted] curb line in front of [redacted] and was approximately 4 feet 10 inches [redacted] of **Placard #3**.



Approximately 14 feet 8 inches [redacted] of **Placard #4,** were 2 FCCs with head stamp "LC 21" and a NATO symbol, 2 FCCs with head stamp "WCC 13" and a NATO symbol, and 1 FCC with head stamp "WCC 1 3" identified by **Placard #5,** on the roadway of [redacted]

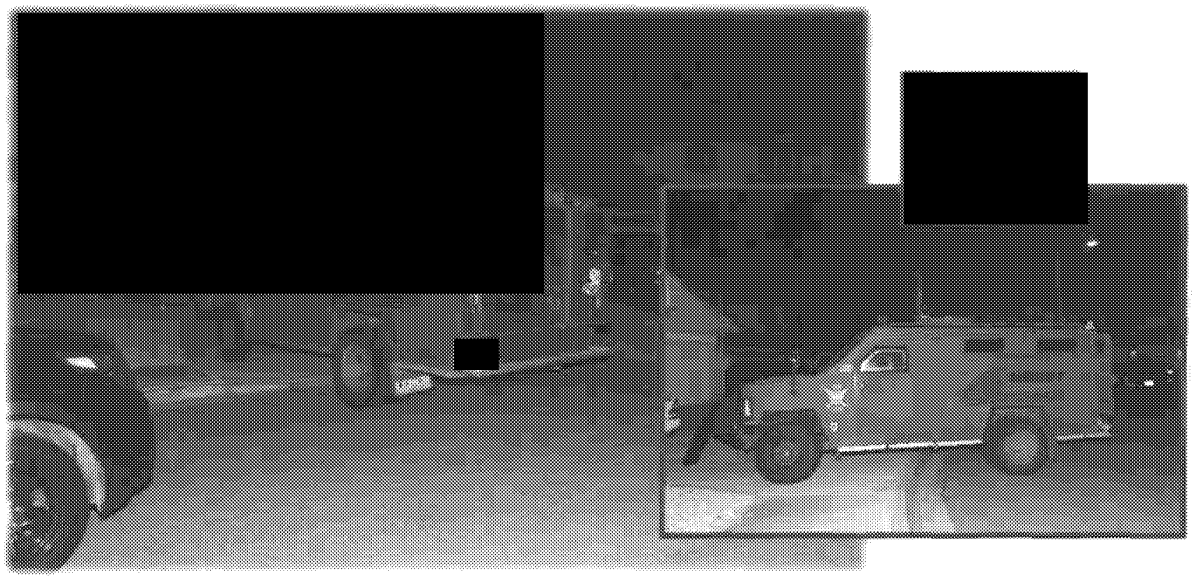


CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

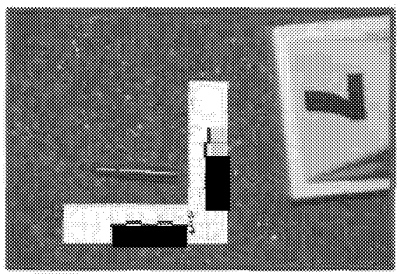
VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

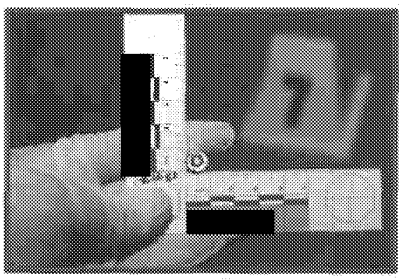
SCENE(CONTINUED):

A green-marked San Bernardino County Sheriff's Department (SBCSD) Specialized Enforcement Division (SED) armored rescue vehicle (Bearcat) Unit #21363, bearing California exempt license plate [redacted] was identified by **Placard #6**. **Placard #6** was approximately 17 feet 1 inch [redacted] of **Placard #5.** The Bearcat was partially parked in the driveway of [redacted] and faced [redacted]



Approximately 11 feet [redacted] of **Placard #6,** was a cartridge with head stamp "WCC 13" and a NATO symbol identified by **Placard #7. Placard #7** was on the roadway of [redacted]



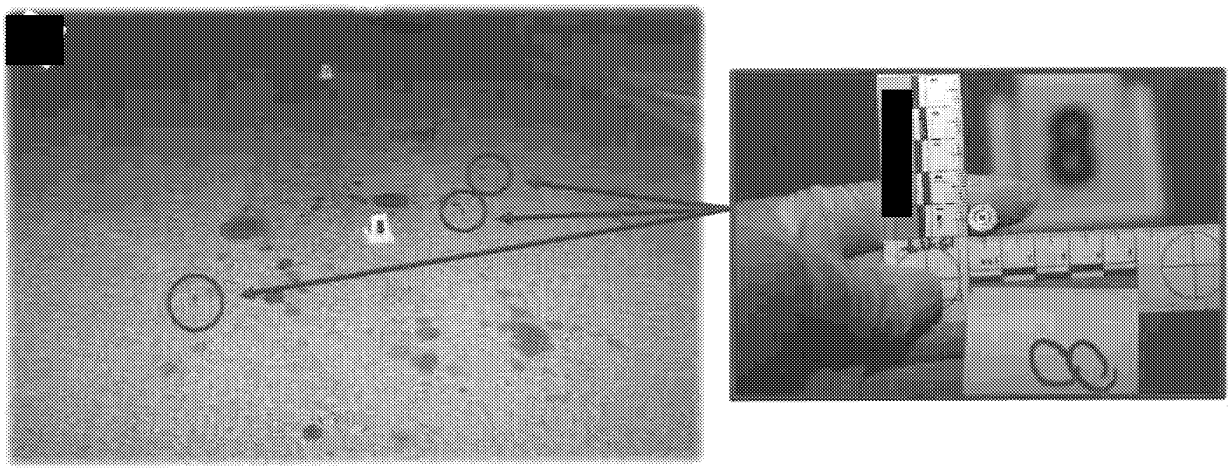


CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

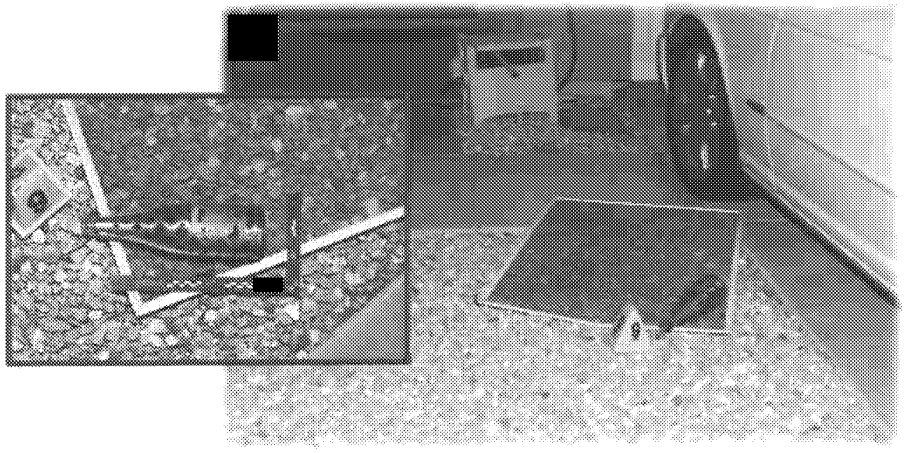
VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

SCENE(CONTINUED):

Approximately 10 feet 1 inch [redacted] of **Placard #7,** were 2 FCCs with head stamp "WCC 13" and a NATO symbol and 1 FCC with head stamp "LC 21" and a NATO symbol identified by **Placard #8. Placard #8** was on the roadway of [redacted]



Placard #9 was identified as a 750-milliliter champagne glass bottle of Beau Joie. The bottle lay on top of a 2 foot by 4 foot window screen in the front yard of [redacted] **Placard #9** was approximately 40 feet 1-inch [redacted] of **Placard #8**.



CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

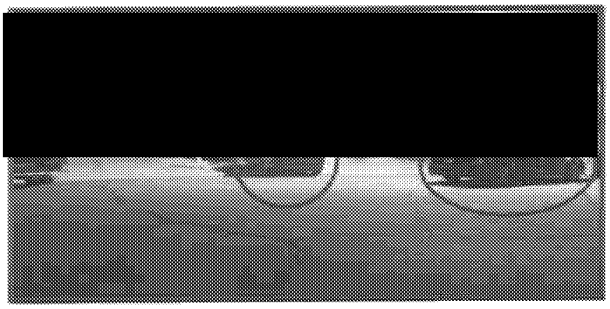
VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

SCENE(CONTINUED):

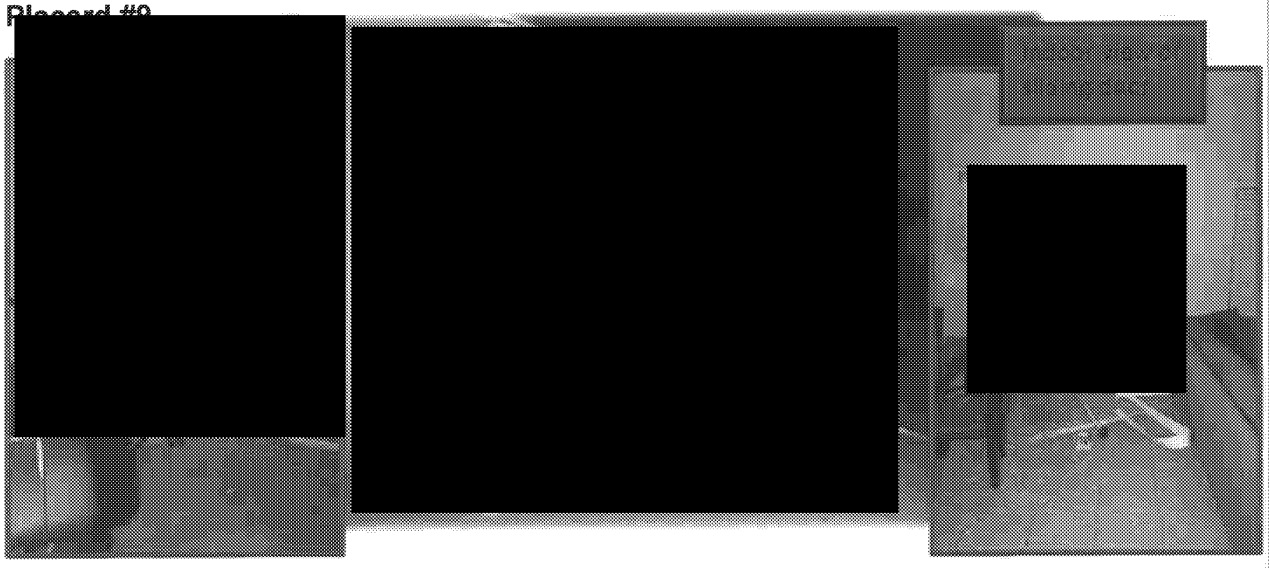
The following vehicles were within the crime scene, but had no involvement in the lethal force encounter.

A black unmarked LAPD Dodge Voyager with no license plates was partially parked in the driveway of [redacted] and faced [redacted] of the incident location).

A black unmarked LAPD Dodge Grand Caravan, bearing California license plate [redacted] was parked and faced [redacted] in the roadway in front of [redacted]



The broken sliding glass door was located downstairs in the kitchen at the rear of the residence and was identified as **Placard #10**. **Placard #10** was approximately 51 feet 7 inches west of **Placard #9**.

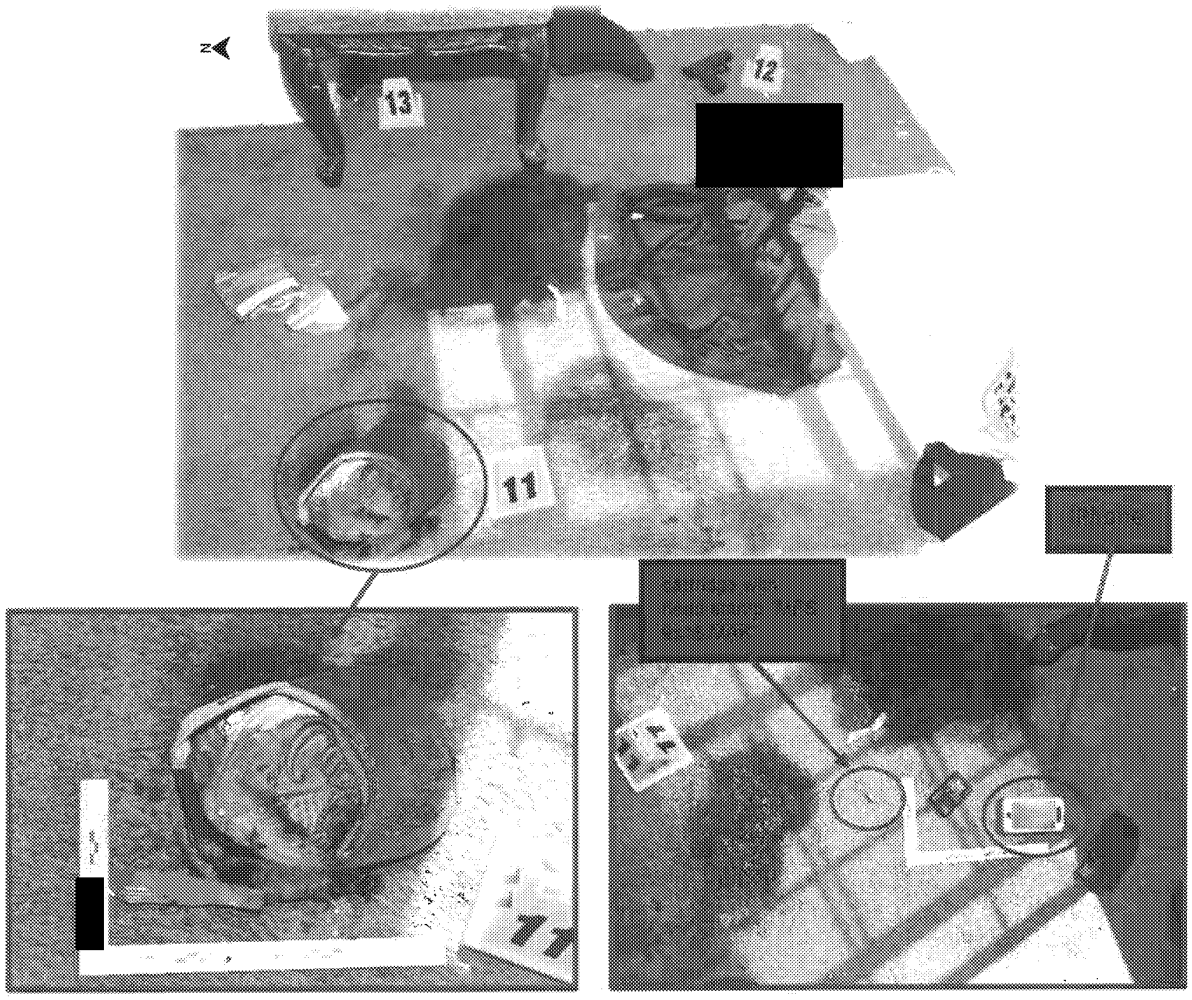


CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

SCENE(CONTINUED):

Placard #11 was approximately 33 feet ten inches [redacted] of and 11 feet above **Placard #10** and located in the upstairs [redacted] bedroom. **Placard #11** was identified as a pair of cut-up maroon pants, a grey and maroon "Cal" snap-back baseball-style cap (both with suspected bloodstains), a black iPhone with a grey and white phone case from the front left pocket of the pants, a cartridge with head stamp "MFS 9x18 MAK" from the right front pocket of the pants, and a cartridge with head stamp "MFS 9x18 MAK" located on the carpet under the pants.

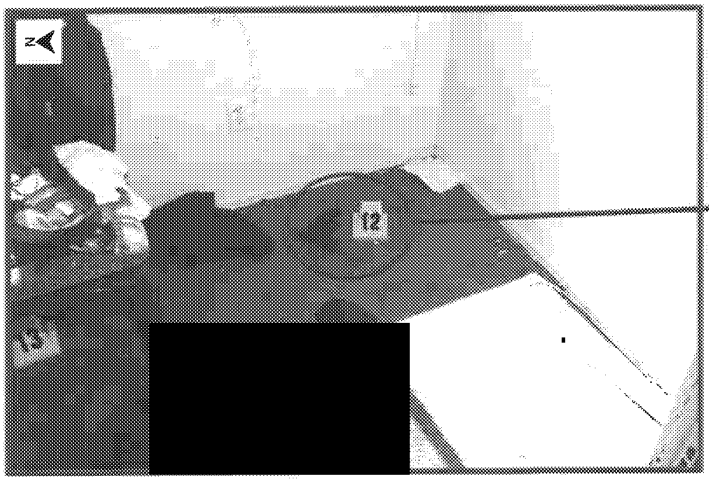


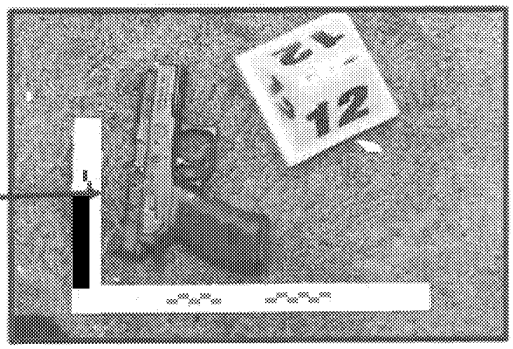
CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

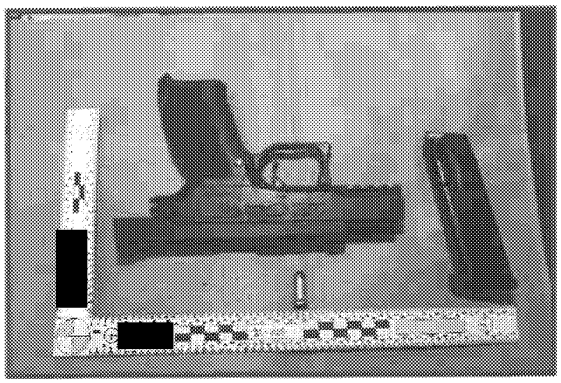
SCENE(CONTINUED):

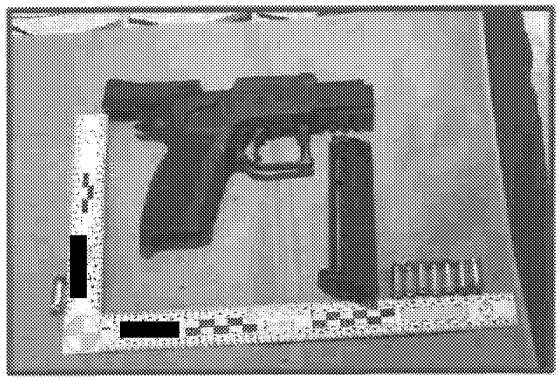
On the carpet of the upstairs east bedroom, approximately nine inches [redacted] of the [redacted] interior wall was a black "SPHINX" 9mm pistol, model SDP compact, serial number [redacted] with an inserted ammunition magazine, identified by **Placard #12**. The barrel of the pistol faced [redacted] and contained suspected bloodstains. **Placard #12** was approximately 5 feet 5 inches [redacted] of **Placard #11**.





One cartridge with head stamp "MFS 9x18 MAK" was jammed in the handgun's chamber. The 15-capacity "SDP-Compact 9mm" magazine was ejected from Hayes' pistol, and it contained 7 cartridges with head stamp "MFS 9x18 MAK".



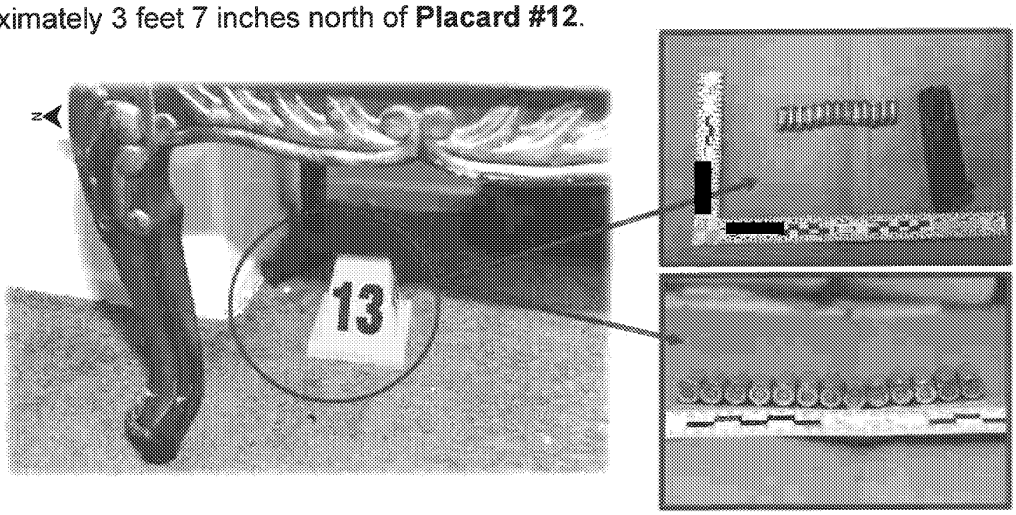


CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

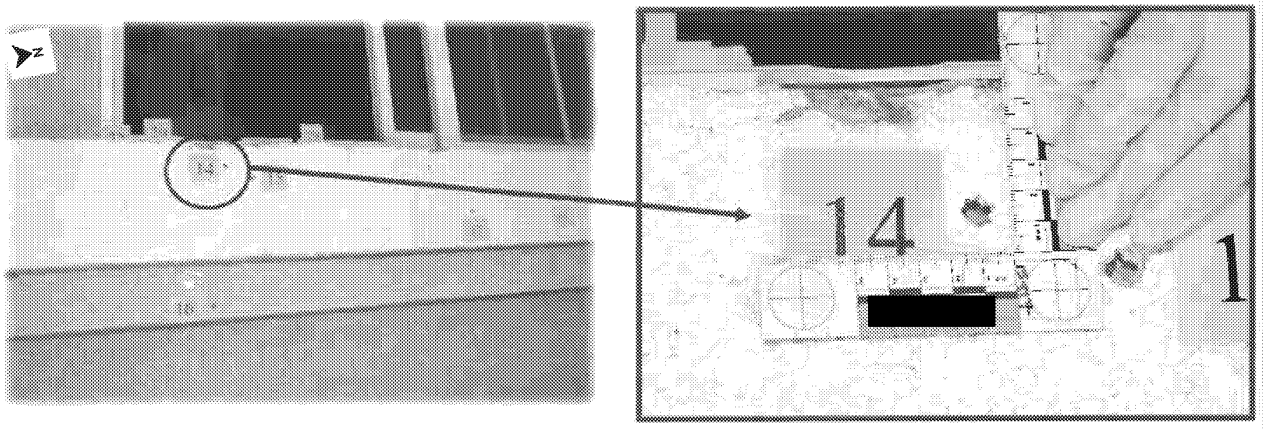
VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

SCENE(CONTINUED):

Placard #13 was identified as a black "SPHINX" 9mm ammunition magazine. The ammunition magazine was located underneath a chair in the upstairs [redacted] bedroom. The ammunition magazine contained 13 cartridges with head stamp "MFS 9x18 MAK". **Placard #13** was approximately 3 feet 7 inches north of **Placard #12**.



Approximately 3 feet 11 inches [redacted] and 2 feet 8 inches above **Placard #13** was a fired bullet strike on the window casing below the upstairs [redacted] bedroom window, identified by **Placard #14**.

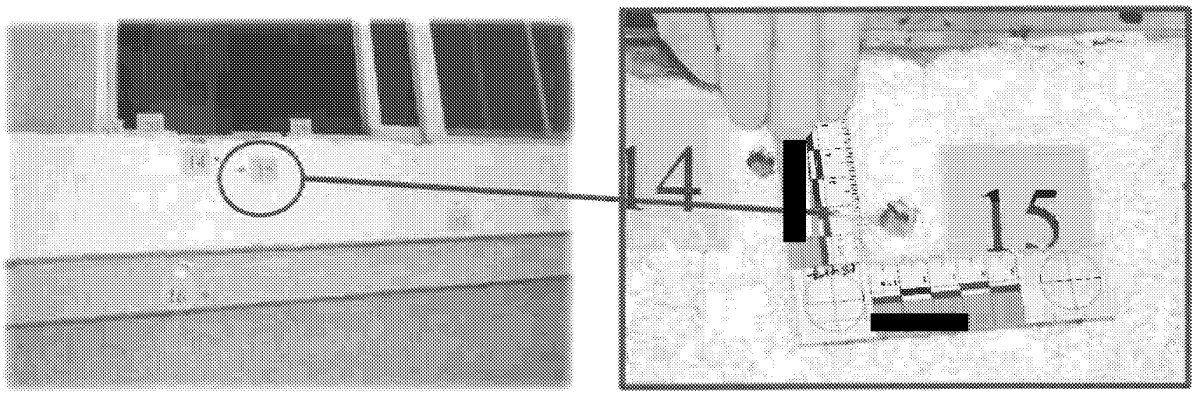


CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

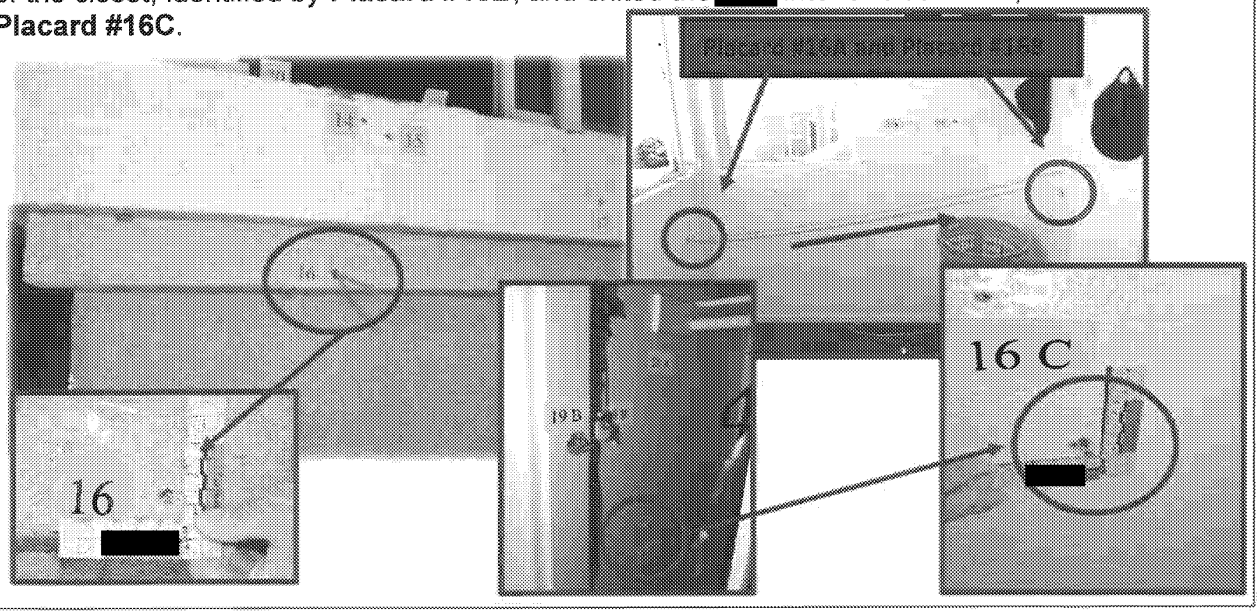
VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

SCENE(CONTINUED):

Approximately 7 inches [redacted] of **Placard #14** was a fired bullet strike on the window casing below the upstairs [redacted] bedroom window, identified by **Placard #15**.



Approximately 2 feet below **Placard #15** was a fired bullet strike on the window casing below the upstairs [redacted] bedroom window, identified by **Placard #16**. The trajectory was [redacted] to [redacted] in an upward direction. The bullet traveled from the window casing into the [redacted] exterior wall of the bedroom, identified by **Placard #16A**. The fired bullet continued [redacted] into the [redacted] exterior wall of the closet, identified by **Placard #16B**, and exited the [redacted] interior closet wall, identified as **Placard #16C**.

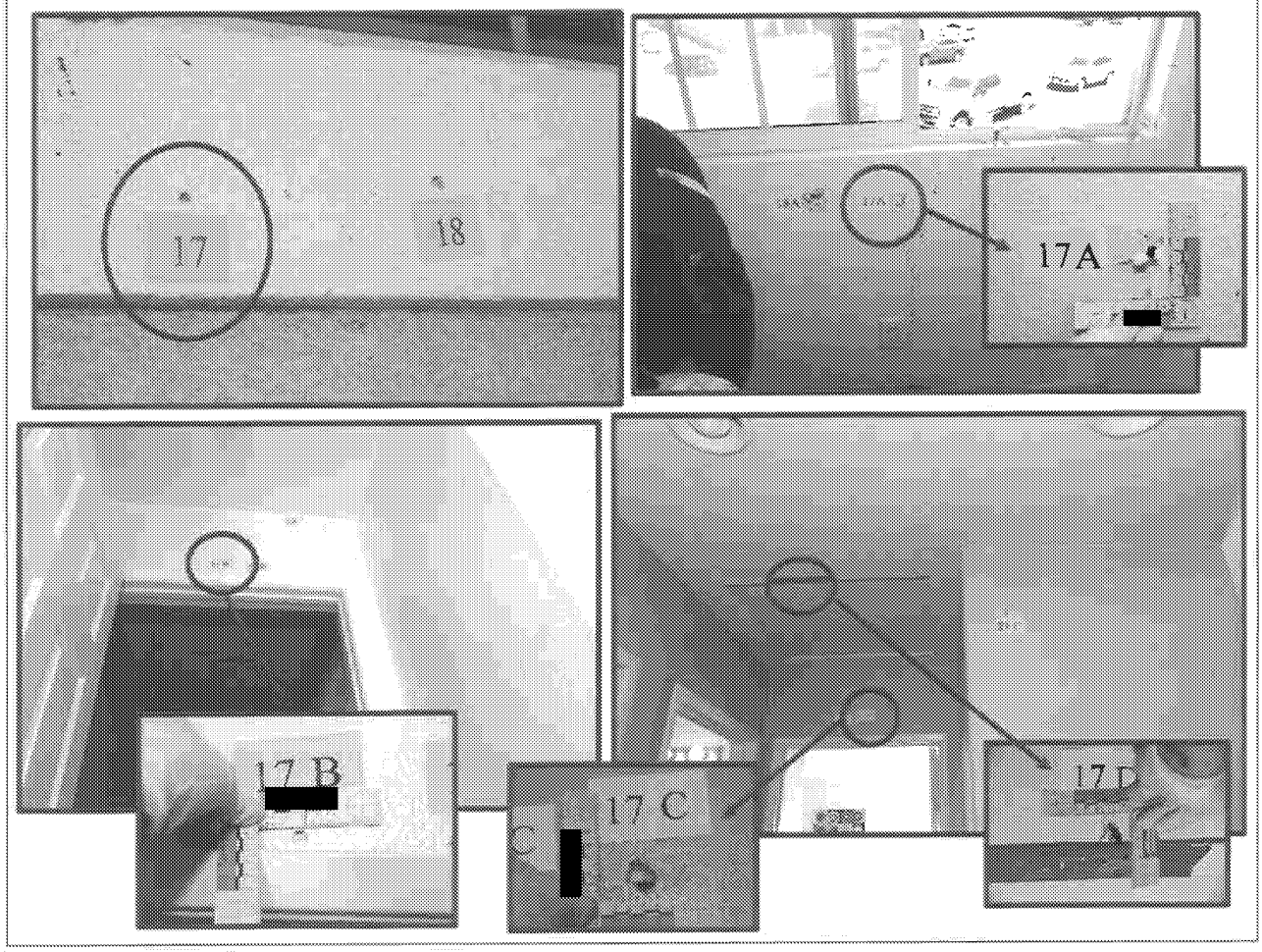


CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

SCENE(CONTINUED):

Approximately 1 foot 9 inches north of **Placard #16** was a fired bullet strike on the window casing below the upstairs [redacted] bedroom window, identified by **Placard #17**. The trajectory was [redacted] to [redacted] in an upward direction. The bullet traveled from the window casing into the [redacted] interior bedroom wall, identified by **Placard #17A**. The fired bullet continued [redacted] and upward into the [redacted] interior wall above the bedroom door frame, identified by **Placard #17B**. The fired bullet exited the bedroom wall and traveled through the [redacted] hallway wall above the bedroom door frame, identified by **Placard #17C**, and into the attic access door in the hallway ceiling, identified by **Placard #17D**.

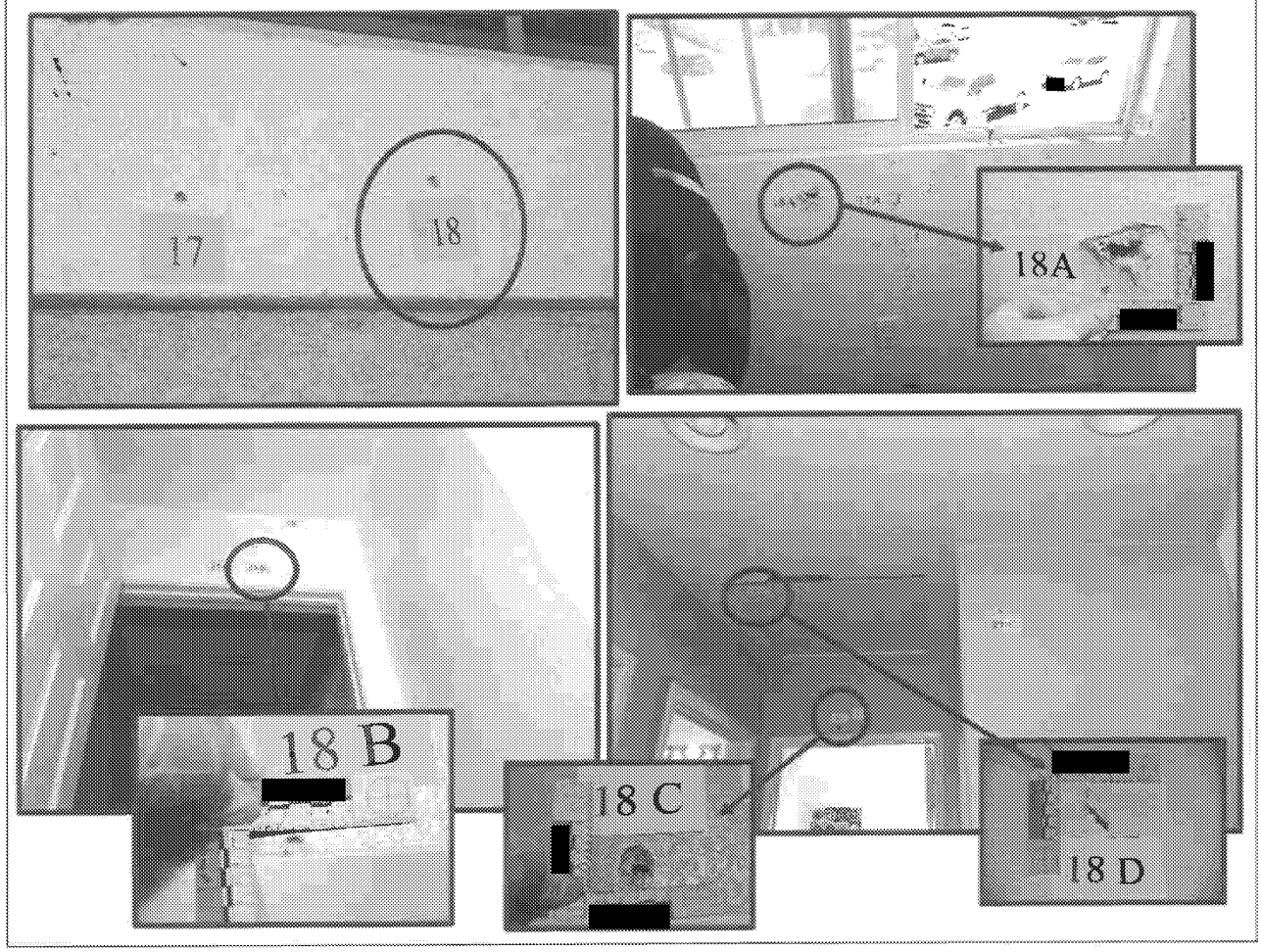


CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

SCENE(CONTINUED):

Approximately 9 inches [redacted] of **Placard #17** was a fired bullet strike on the window casing below the upstairs [redacted] bedroom window, identified by **Placard #18**. The trajectory was [redacted] to [redacted] in an upward direction. The bullet traveled from the window casing into the [redacted] interior bedroom wall, identified by **Placard #18A**. The fired bullet continued [redacted] and upward into the [redacted] interior wall above the bedroom door frame, identified by **Placard #18B**. The fired bullet exited the bedroom wall and traveled through the [redacted] hallway wall above the bedroom door frame, identified by **Placard #18C**, and into the attic access door in the hallway ceiling, identified as **Placard #18D**.

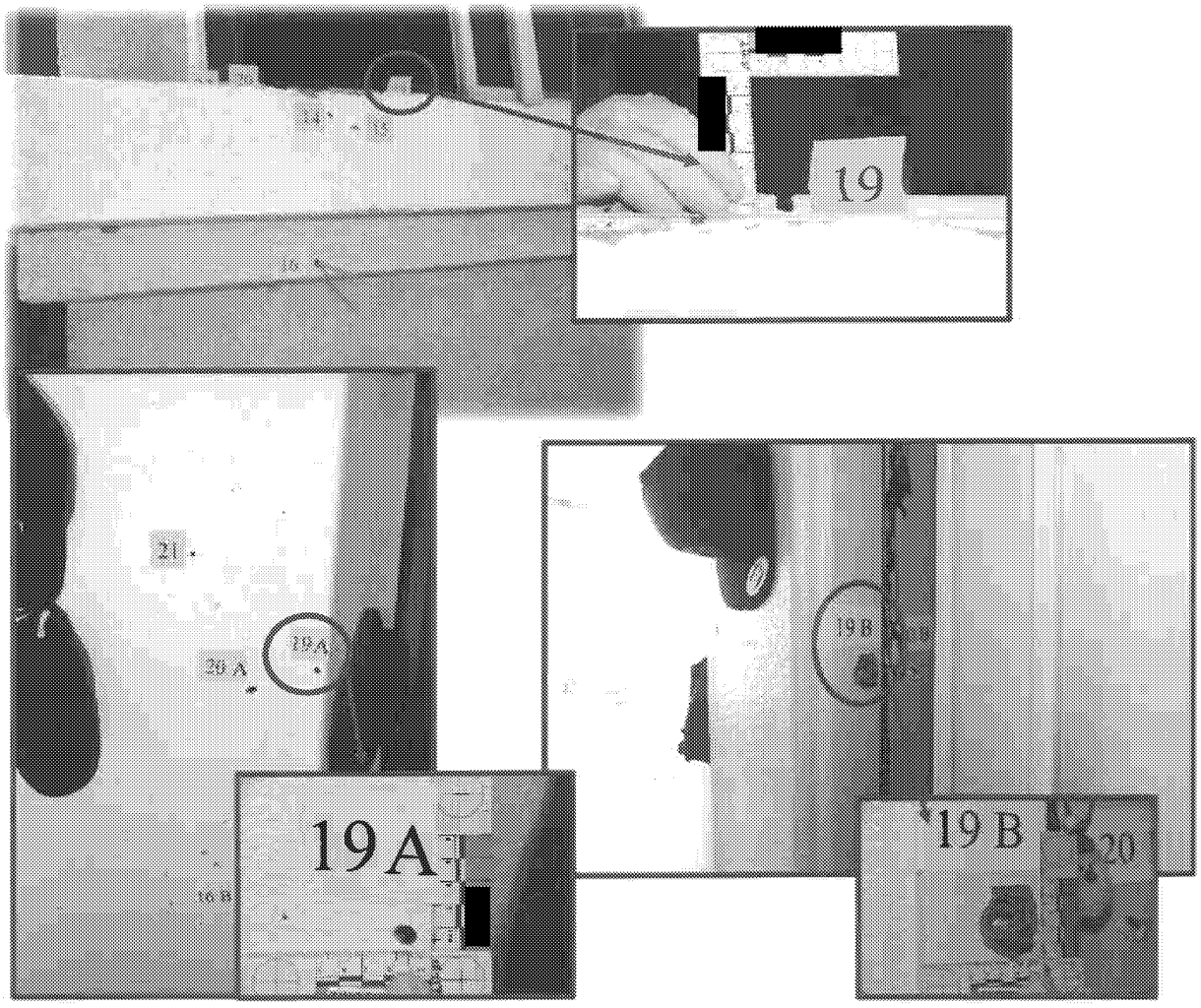


CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

SCENE(CONTINUED):

Approximately 1 foot 6 inches [redacted] of **Placard #18** was a fired bullet strike on the windowsill, identified by **Placard #19**. The trajectory was [redacted] to [redacted] in an upward direction. The bullet traveled from the window frame into the exterior closet wall, identified by **Placard #19A**. The fired bullet continued [redacted] and broke through the [redacted] closet door frame and exited, identified by **Placard #19B**.

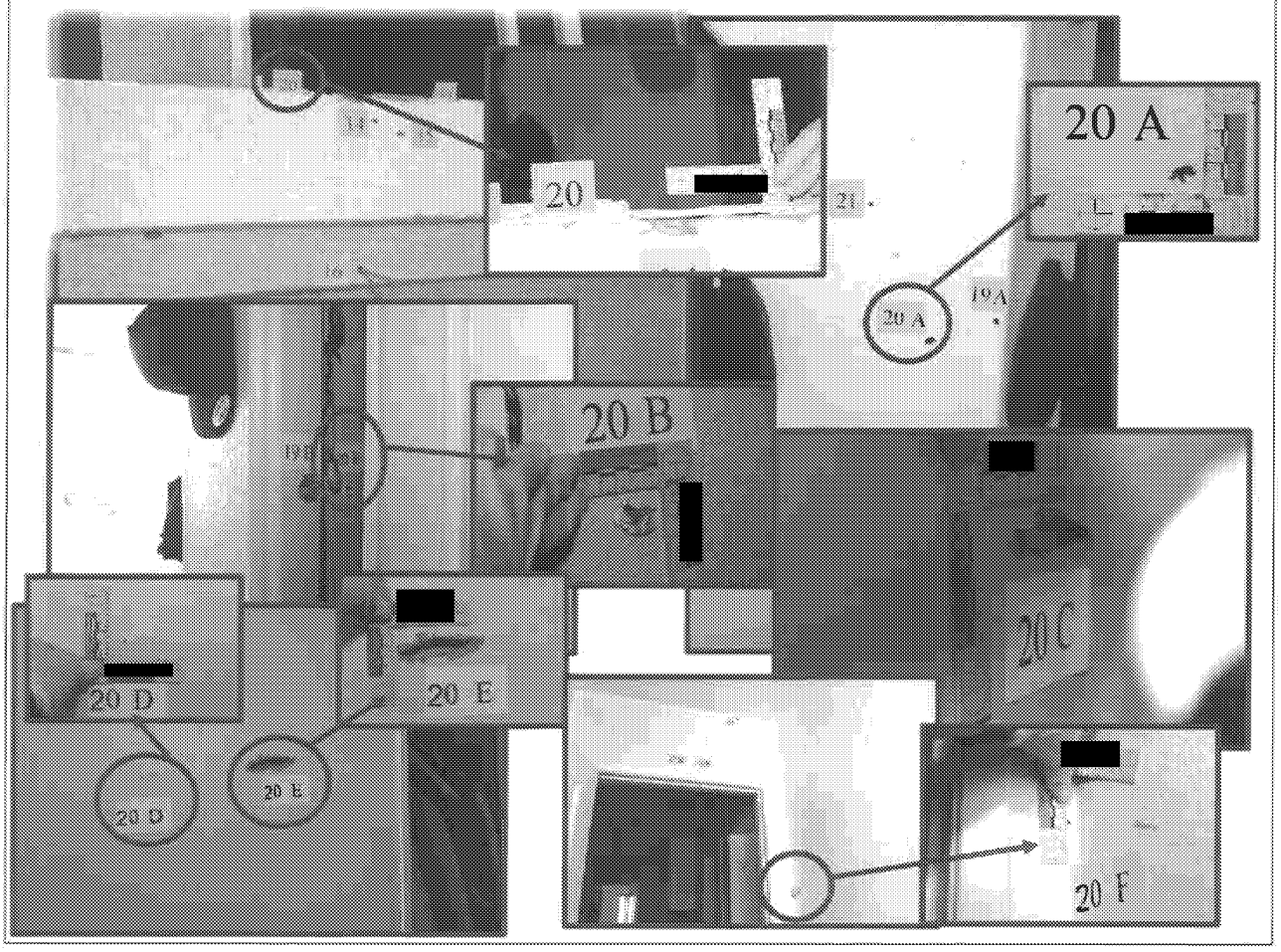


CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

SCENE(CONTINUED):

Approximately 9 inches south of **Placard #19** was a fired bullet strike on the windowsill, identified by **Placard #20**. The trajectory was [redacted] to [redacted] in an upward direction. The bullet traveled from the window frame into the exterior closet wall, identified by **Placard #20A**. The fired bullet continued [redacted] broke through the [redacted] closet door frame, and exited, identified by **Placard #20B**. The fired bullet continued [redacted] and struck the interior door panel, identified by **Placard #20C**. The fired bullet continued [redacted] and broke through the exterior closet door panel, identified in **Placard #20D** and **Placard #20E**. The fired bullet continued [redacted] across the bedroom door and struck the [redacted] and [redacted] walls at the bedroom entrance, identified by **Placard #20F**.



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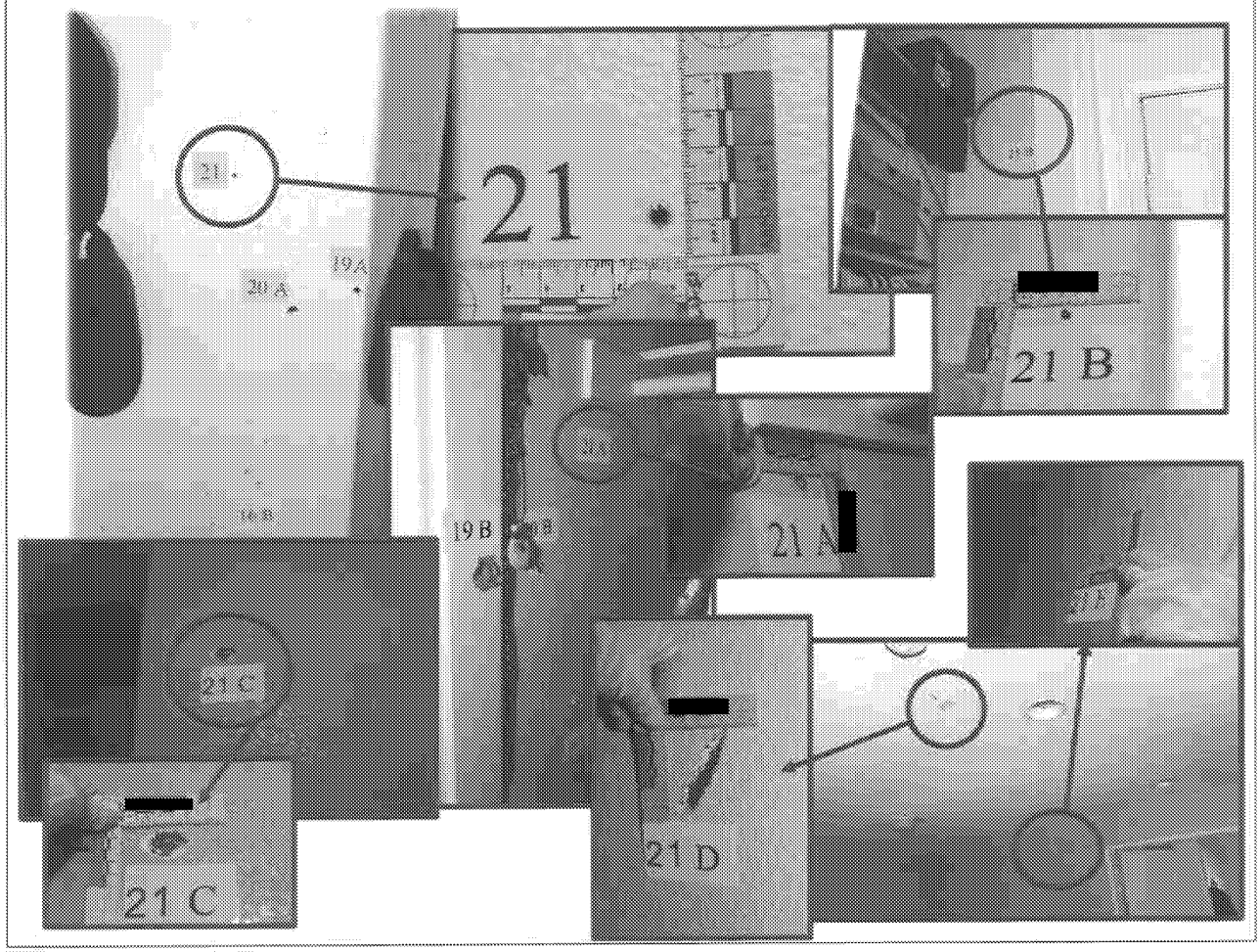
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

SCENE(CONTINUED):

Approximately 6 feet [redacted] of **Placard #20** was a fired bullet strike on the [redacted] exterior wall of the [redacted] bedroom closet, identified by **Placard #21**. The trajectory was [redacted] to [redacted] in an upward direction. The bullet traveled from the window frame into the exterior closet wall, identified by **Placard #21A**. The fired bullet continued [redacted] through the [redacted] interior wall of the closet, identified by **Placard #21B**. The fired bullet continued [redacted] through the closet and exited the [redacted] hallway wall, identified by **Placard #21C**. The fired bullet continued [redacted] and upward through the hallway ceiling, identified in **Placard #21D.** The fired bullet continued [redacted] and struck the [redacted] wall of the hallway [redacted] of the master bedroom, identified by **Placard #21E**.



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P.C. 245(D)(2)	ADW on Peace Officer	LFE

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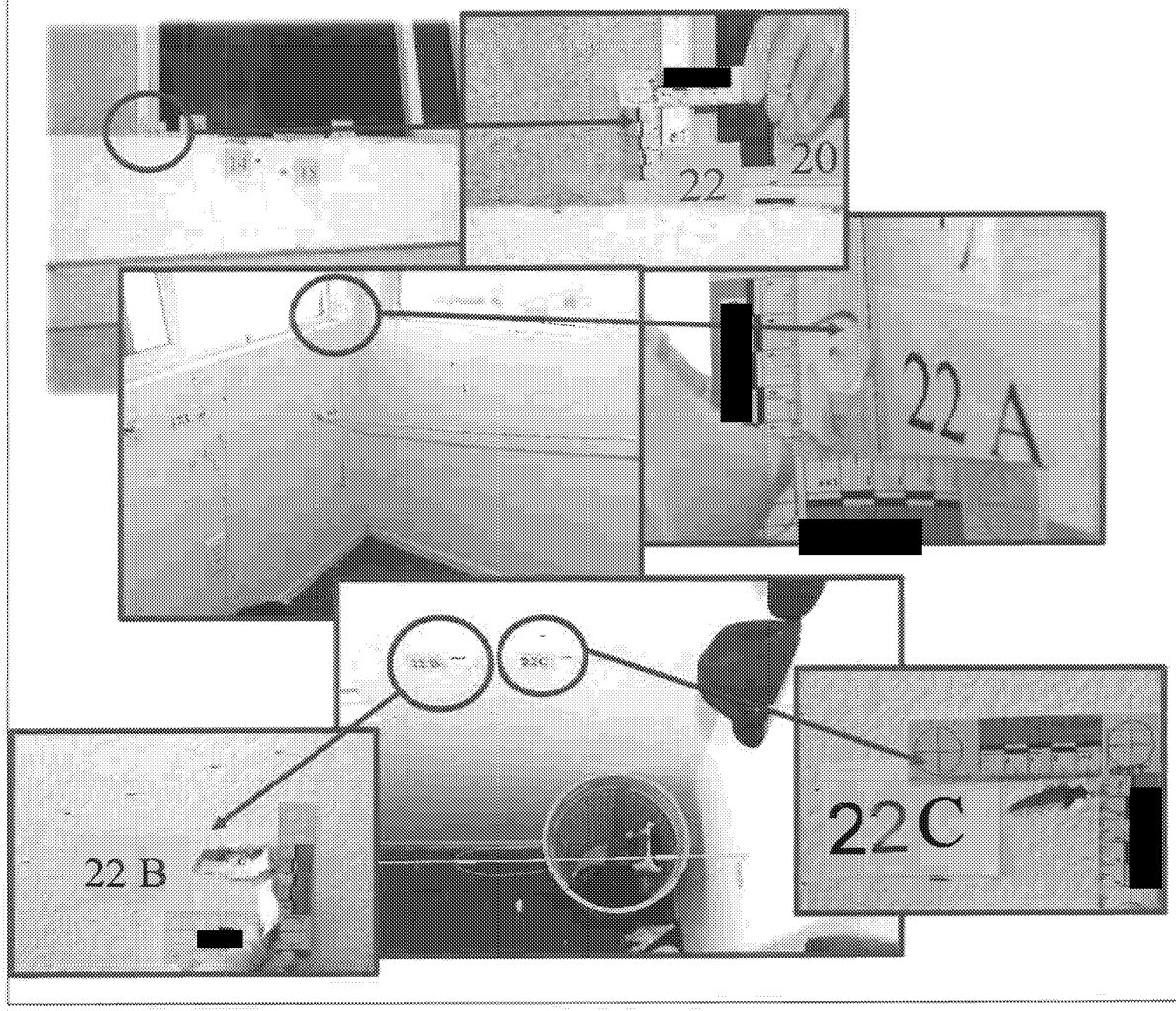
SCENE(CONTINUED):

Approximately 5 feet 11 inches [redacted] of **Placard #21** was a fired bullet strike on the lower [redacted] corner of the window frame of the [redacted] upstairs bedroom, identified by **Placard #22**. The trajectory was [redacted] to [redacted] in an upward direction. The bullet traveled from the window frame into the bedroom and grazed the bottom windowsill, identified by **Placard #22A**. The fired bullet continued [redacted] in an upward direction and grazed the [redacted] interior wall of the bedroom, identified by **Placards #22B and #22C**. The fired bullet for **Placard #22** was imbedded in the wall and not located.



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P.C. 245(D)(2)	ADW on Peace Officer	LFE

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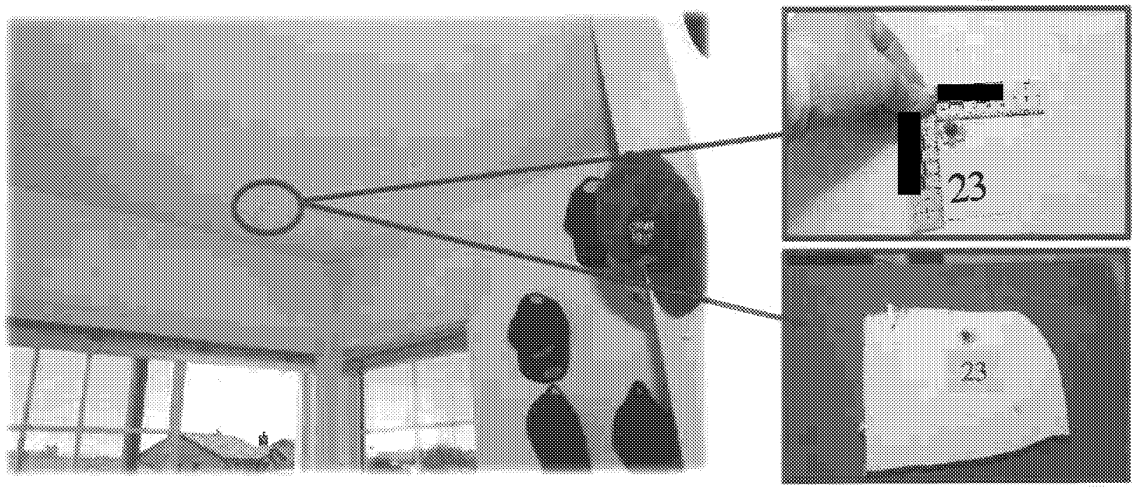
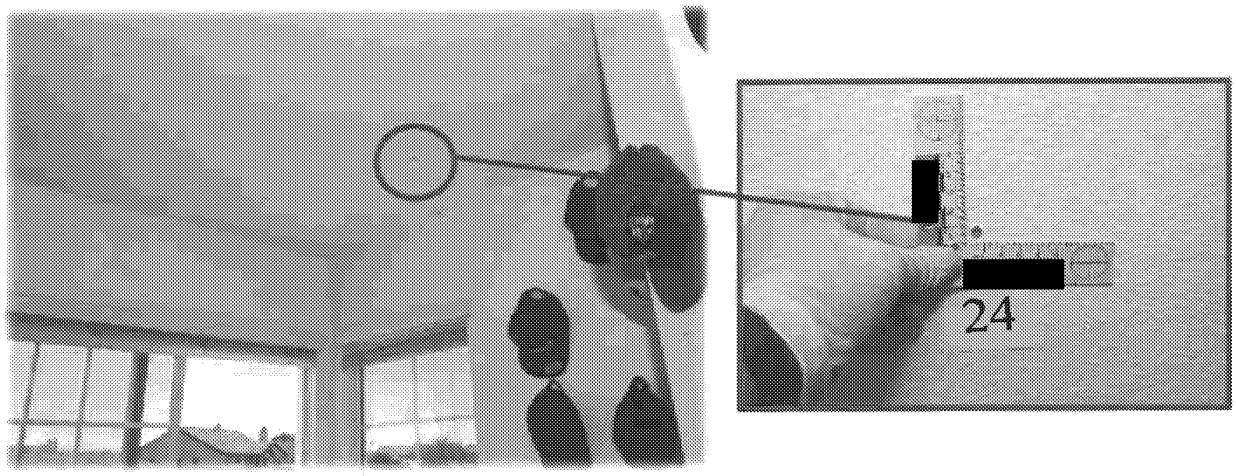
Mondragon	Eugene		SBCSD

SCENE(CONTINUED):

Approximately 5 feet 4 inches above **Placard #22** was a fired bullet hole into the ceiling of the [redacted] upstairs bedroom, identified by **Placard #23**. The trajectory was in an upward direction. A portion of the ceiling was cut to locate the fired bullet. The fired bullet was not located.



Approximately 1 foot 11 inches [redacted] of **Placard #23** was a fired bullet hole into the ceiling of the [redacted] upstairs bedroom, identified by **Placard #24**. The trajectory was in an upward direction. A portion of the ceiling was cut to locate the fired bullet. The fired bullet was not located.



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P.C. 245(D)(2)	ADW on Peace Officer	LFE

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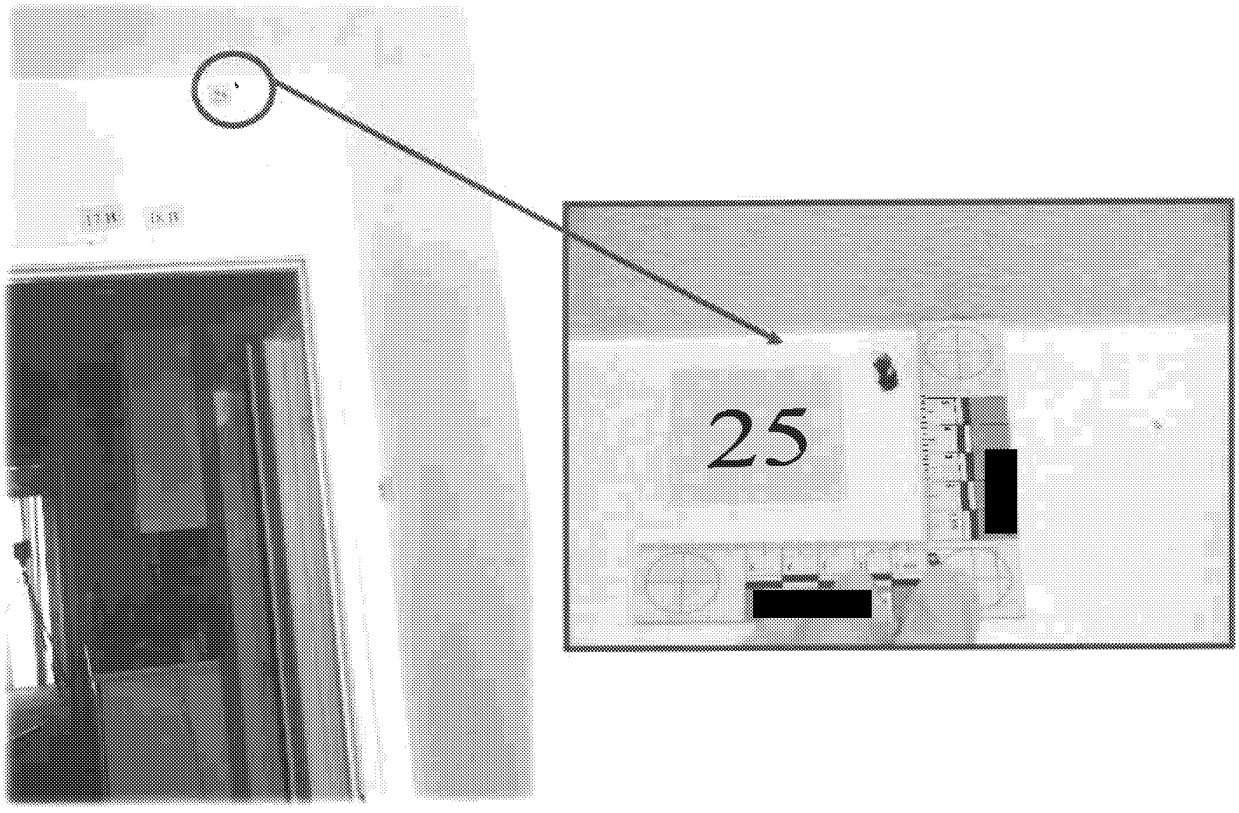
SCENE(CONTINUED):

Approximately 10 feet 11 inches [redacted] of **Placard #24** was a fired bullet hole into the [redacted] interior wall, above the entry door to the [redacted] upstairs bedroom, identified by **Placard #25**. The trajectory was in an upward direction.



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PLACARD MEASUREMENT LOG:

I obtained the measurements using a Leica laser measurement device. All measurements were approximate. I permanently recorded the scene using a Faro Focus 3D laser scanner. For exact measurements, see the Faro scan. The measurements for **Placards #1 through #8** were obtained from the [redacted] curb line of [redacted] and the [redacted] curb line of [redacted] The measurements for **Placard #9** were obtained from the [redacted] exterior wall of [redacted] and the [redacted] exterior wall of [redacted] The measurements for **Placard #10** were obtained from the [redacted] interior living room wall and the [redacted] interior living room wall of [redacted] The measurements for **Placards #11 through #25** were obtained from the [redacted] interior wall of the upstairs [redacted] bedroom of [redacted]

The measurements for **Placards #16A through C and #17A and B** were obtained from the [redacted] interior wall of the upstairs [redacted] bedroom and from the floor up. **Placards #17C and D** were obtained from the [redacted] interior wall of the upstairs hallway and from the floor up. **Placards #18A and B** were obtained from the [redacted] interior wall of the upstairs [redacted] bedroom and from the floor up. **Placards #18C and D** were obtained from the [redacted] interior wall of the upstairs hallway and from the floor up. The measurements for **Placards #19A and B, #20A through F, and #21A and B** were obtained from the [redacted] interior wall of the upstairs [redacted] bedroom and from the floor up. **Placards #21C through E** were obtained from the [redacted] interior wall of the upstairs hallway and from the floor up. The measurements for **Placards #22A through C** were obtained from the [redacted] interior wall of the upstairs [redacted] bedroom and from the floor up.

Placard #1: 65 feet [redacted] of the [redacted] curb line of [redacted] and 23 feet [redacted] of the [redacted] curb line of [redacted].

Placard #2: 66 feet 6 inches [redacted] of the [redacted] curb line of [redacted] and 18 feet 3 inches [redacted] of the [redacted] curb line of [redacted]

Placard #3: 63 feet 4 inches [redacted] of the [redacted] curb line of [redacted] and 16 feet 8 inches [redacted] of the [redacted] curb line of [redacted]

Placard #4: 60 feet 1 inch [redacted] of the [redacted] curb line of [redacted] and 13 feet 3 inches [redacted] of the [redacted] curb line of [redacted]

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PLACARD MEASUREMENT LOG: Continued

Placard #5: 51 feet 3 inches [redacted] of the [redacted] curb line of [redacted] and 25 feet 9 inches [redacted] of the [redacted] curb line of [redacted].

Placard #6: 48 feet 8 inches [redacted] of the [redacted] curb line of [redacted] and 10 feet 5 inches [redacted] of the [redacted] curb line of [redacted].

Placard #7: 34 feet 1 inch [redacted] of the [redacted] curb line of [redacted] and 9 feet 6 inches [redacted] of the [redacted] curb line of [redacted].

Placard #8: 24 feet 2 inches [redacted] of the [redacted] curb line of [redacted] and 10 feet [redacted] of the [redacted] curb line of [redacted].

Placard #9: 70 feet 8 inches [redacted] of the [redacted] exterior wall of [redacted] and 9 feet 11 inches [redacted] of the [redacted] exterior wall of [redacted].

Placard #10: 16 feet 8 inches [redacted] of the [redacted] interior living room wall and 3 feet 9 inches [redacted] of the [redacted] interior living room wall.

Placard #11: Four feet one inch [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and four feet eight inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom.

Placard #12: One foot four inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and nine inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom.

Placard #13: Four feet eight inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and one foot six inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom.

Placard #14: 9 inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and 2 feet 10 inches above the bedroom floor.

Placard #15: 1 foot 2 inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and 2 feet 10 inches above the bedroom floor.

Placard #16: 11 inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and 2 feet above the bedroom floor.

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PLACARD MEASUREMENT LOG: Continued

Placard #16A: 10 inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and 2 feet above the bedroom floor.

Placard #16B: One foot four inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and three feet above the bedroom floor.

Placard #16C: One foot four inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and two feet seven inches above the bedroom floor.

Placard #17: Two feet eight inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and two feet six inches above the bedroom floor.

Placard #17A: Two feet five inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and two feet seven inches above the bedroom floor.

Placard #17B: 3 feet 11 inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and 6 feet 9 inches above the bedroom floor.

Placard #17C: 1 foot 17 inches [redacted] of the upstairs [redacted] hallway wall and 6 feet 9 inches above the bedroom floor.

Placard #17D: One foot three inches [redacted] of the upstairs [redacted] hallway wall and eight feet above the bedroom floor.

Placard #18: Three feet one inch [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and two feet nine inches above the bedroom floor.

Placard #18A: 2 feet 11 inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and 2 feet 9 inches above the bedroom floor.

Placard #18B: Four feet two inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and six feet nine inches above the bedroom floor.

Placard #18C: 1 foot 3 inches [redacted] of the upstairs [redacted] hallway wall and 6 feet 10 inches above the bedroom floor.

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PLACARD MEASUREMENT LOG: Continued

Placard #18D: Nine inches [redacted] of the upstairs [redacted] hallway wall and eight feet above the bedroom floor.

Placard #19: 1 foot 6 inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and 2 feet 11 inches above the bedroom floor.

Placard #19A: 1 foot 10 inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and 14 feet 2 inches above the bedroom floor.

Placard #19B: Two feet two inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and four feet four inches above the bedroom floor.

Placard #20: 7 inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and 2 feet 11 inches above the bedroom floor.

Placard #20A: One foot six inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and four feet one inch above the bedroom floor.

Placard #20B: One foot nine inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and four feet four inches above the bedroom floor.

Placard #20C: Two feet two inches [redacted] of the [redacted] interior bedroom closet wall and four feet seven inches above the bedroom floor.

Placard #20D: Two feet two inches [redacted] of the [redacted] interior bedroom closet wall and four feet eight inches above the bedroom floor.

Placard #20E: Two feet two inches [redacted] of the [redacted] interior bedroom closet wall and four feet seven inches above the bedroom floor.

Placard #20F: Five feet seven inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and five feet three inches above the bedroom floor.

Placard #21: One foot three inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and four feet nine inches above the bedroom floor.

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PLACARD MEASUREMENT LOG: Continued

Placard #21A: One foot four inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and five feet above the bedroom floor.

Placard #21B: One foot eight inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and six feet five inches above the bedroom floor.

Placard #21C: Three feet seven inches [redacted] of the upstairs [redacted] hallway wall and seven feet two inches above the bedroom floor.

Placard #21D: 5 feet 2 inches [redacted] of the upstairs [redacted] hallway wall and 7 feet 11 inches above the bedroom floor.

Placard #21E: Eight feet eight inches [redacted] of the upstairs [redacted] hallway wall and seven feet one inch above the bedroom floor.

Placard #22: 3 inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and 2 feet 11 inches above the bedroom floor.

Placard #22A: Three feet [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and three feet one inch above the bedroom floor.

Placard #22B: Three feet six inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and three feet eight inches above the bedroom floor.

Placard #22C: Four feet three inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and three feet eight inches above the bedroom floor.

Placard #23: 2 feet [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and 7 feet 11 inches above the bedroom floor.

Placard #24: 1 foot 3 inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and 7 feet 11 inches above the bedroom floor.

Placard #25: 4 feet 10 inches [redacted] of the [redacted] interior wall of the upstairs [redacted] bedroom and 7 feet 10 inches above the bedroom floor.

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
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EVIDENCE COLLECTED:

Guerrero collected the following evidence from the following placards.

Placard #1:
- Four FCCs with headstamp "LC 20"

Placard #2:
- One FCC with headstamp "9MM LUGER WIN 20"

Placard #3:
- One FCC with headstamp "9MM LUGER WIN 20"

Placard #5:
- Two FCCs with headstamp "LC 21"
- Two FCCs with headstamp "WCC 13"
- One FCC with headstamp "WCC 1 3"

Placard #7:
- One cartridge with headstamp "WCC 13"

Placard #8:
- Two FCCs with headstamp "WCC 13"
- One FCC with headstamp "LC 21"

Placard #9:
- Champagne glass bottle of "Beau Joie" (Open and empty)

Placard #11:
- One cartridge with headstamp "MFS 9x18 MAK" found on floor under Hayes' pants.
- One cartridge with headstamp "MFS 9x18 MAK" from right pocket of Hayes' pants
- "Forever 21" maroon pants, size "L" cut up with suspected blood stains.
- Grey and maroon "Cal" fitted baseball style cap with suspected blood stains.
- Black iPhone with grey and white phone case from left pocket of maroon pants

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EVIDENCE COLLECTED: Continued

Placard #12:

- Black "SPHINX" (mm pistol, model: SDP Compact, serial number: [redacted] and ammunition magazine.
- One misfed cartridge with headstamp "MFS 9x18 MAK" from chamber of pistol.
- Seven cartridges with headstamp "MFS 9x18 MAK" from ammunition magazine.

Placard #13:

- Black "SPHINX" 9mm ammunition magazine
- 13 cartridges with headstamp "MFS 9x18 MAK" from ammunition magazine.

Placard #17/18:

- Fired bullet from attic opening when cover was removed.

UNPLACARDED EVIDENCE COLLECTED:

- Fired bullet fragments from the [redacted] bedroom floor.
- Black "SPHINX" 9mm ammunition magazine from floor in laundry room, [redacted] of washing machine.
- 13 cartridges with headstamp "MFS 9x18 MAK" from ammunition magazine located in laundry room.
- Black "COBRA" .380 pistol, model: FS380, serial number [redacted] and black and silver ammunition magazine from master bedroom.
- Three cartridges with headstamp "WIN 380 AUTO" from ammunition magazine in master bedroom.
- One cartridge with headstamp "WIN 380 AUTO" from chamber of pistol located in master bedroom.
- DMV Registration renewal paperwork for Byron Hayes from upstairs hallway counter.
- White "H&M" Muscle Fit shirt, size XL, cut up with suspected blood stains from upstairs hallway.
- Black "ALSTYLE" shirt, size M, cut up with blood suspected blood stains from upstairs hallway.

CRIME REPORT

HOSPITAL SCENE

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

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HOSPITAL SCENE:

ARRIVAL:

On Thursday, August 11, 2022, at approximately 2053 hours, I arrived at [redacted] at [redacted], Victorville. I entered the [redacted] and saw San Bernardino County Sheriff's Department (SBCSD) Deputy Benjamin Tizzard standing near [redacted]

DEPUTY CONTACT: DEPUTY BENJAMIN TIZZARD

I spoke to Tizzard outside the closed curtain to [redacted] Tizzard was assigned to the Victorville Sheriff's Station and responded to [redacted] after the lethal force encounter (LFE). At approximately 1947 hours, Tizzard arrived at the [redacted]. An unknown [redacted] directed Tizzard to [redacted] where the decedent, later identified as Byron Hayes, lay. On Thursday, August 11, 2022, at 1917 hours, before Tizzard's arrival, Hayes was pronounced deceased at [redacted] Tizzard saw the curtain around [redacted] was drawn, and he maintained scene security until investigators arrived.

CORONER'S ARRIVAL:

At approximately 2107 hours, Deputy Coroner Investigators Stephenie Seavey and William Spiller arrived at [redacted] to investigate Hayes' death. Seavey provided me with the associated Coroner report number 702206516. At approximately 2109 hours, Seavey, Spiller, and I examined Hayes' body.

EXAMINATION:

A white, bloodstained hospital blanket lay on top of Hayes' body. After removing the blanket, I saw Hayes lying nude and supine on a yellow backboard on the bed. Hayes' head faced upward and slightly to the right. Hayes' eyes were partially open, and his arms were down to his sides. Multiple pieces of medical debris lay on the bed and floor around Hayes' body. There were numerous bloodstains on the floor around the bed and the bed. The odor of vomit was present, and suspected vomit was on Hayes' chin and face.

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HOSPITAL SCENE: (CONTINUED)

MEDICAL DEVICES:

Hayes had the following medical devices attached to his person:

- A clear endotracheal (ET) tube was inserted in his mouth. An associated intubation tube strap wrapped around his head
- A nasal trumpet was inserted in his left nostril
- A black tourniquet was applied to his upper right arm
- A black tourniquet was applied to his upper left arm
- An intraosseous infusion line (IO) was inserted into the front of his left leg, below his left knee
- Multiple electrocardiograms (ECG) leads were attached to his chest, shoulders, and abdomen
- A white defibrillator pad was attached to his left flank
- A white defibrillator pad was attached to his right chest
- A white blood pressure cuff was applied to his right ankle
- An Intravenous line (IV) was inserted into his right ankle

TATTOOS:

Hayes had the following tattoos (not all tattoos identified):

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HOSPITAL SCENE: (CONTINUED)

INJURIES:

Hayes had multiple injuries, which were consistent with gunshot wounds. I could not determine what type of firearm caused the gunshot wounds or the range of fire. The suspected gunshot wounds were numbered to differentiate them from one another; however, it does not indicate the sequence of injuries. The following injuries were observed on Hayes' person during the examination:

1. Gunshot wound to his left forearm
2. Gunshot wound to his left bicep
3. Gunshot wound to his right forearm
4. Gunshot wound to the posterior of his right hand
5. Gunshot wound to the right side of his jaw
6. Gunshot wound to the right side of his head, above his right ear

GUNSHOT RESIDUE:

At 2116 hours, I observed Seavey use a department-issued gunshot residue (GSR) kit to collect any gunshot residue from Hayes' left and right hands. Hayes provided me with the sealed GSR kit. I later provided the GSR kit to Crime Scene Specialist [redacted] to be booked into evidence.

BODY ROLL:

At approximately 2138 hours, Seavey and Spiller rolled Hayes' body to his right side. I did not see any injuries to Hayes' rear body during the body roll.

MEDICAL PAPERWORK:

I received [redacted] Medical Records for Hayes and the American Medical Response (AMR) report during the investigation. I later provided the paperwork to Detective Michelle Del Rio.

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HOSPITAL SCENE: (CONTINUED)

DECEDENT IDENTIFICATION:

Seavey used a mobile Integrated Biometrics Identification System (IBIS) to scan Hayes' thumbprints and fingerprints. At around 2153 hours, the IBIS confirmed Hayes' identity through fingerprints kept by the Department of Justice. A photograph accompanied the identification and resembled the decedent.

The fingerprint identification said:

Received: 8/11/2022 9:53:05 PM

Results: Hit (DOJ)

Name: HAYES, BYRON EZELL

DOB: [redacted]

SID: [redacted]

CORONER'S TRANSPORT:

[redacted] from [redacted] was present and awaited the conclusion of the examination.

At approximately 2158 hours, [redacted] placed toe tag # 00230 onto Hayes' right great toe. Hayes' body was put into a yellow vinyl body bag. At approximately 2203 hours, the body bag was secured with body bag lock 7611760. The body bag was placed on a gurney and wheeled to [redacted] vehicle. [redacted] transported Hayes' to the San Bernardino County Morgue for an autopsy.

PHOTOGRAPHS:

I took approximately 40 overall, mid-range, and close-up photographs of Hayes' body and the area around [redacted] I also photographed the IBIS identification.

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P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

HOSPITAL SCENE: (CONTINUED)

MEDICAL INTERVIEW: REGISTERED NURSE [redacted]

On Thursday, August 11, 2022, at approximately 2209 hours, Deputy Coroner Investigator Stephenie Seavey and I interviewed Charge Nurse [redacted], in the [redacted] of [redacted], at [redacted] Victorville. The interview was recorded with my department-issued audio recorder. The following is a summary of the interview.

On Thursday, August 11, 2022, at approximately 1904 hours, [redacted] was notified via phone call that a trauma "full arrest" patient, identified by investigators as Byron Hayes, would be brought to the [redacted] was unsure what type of trauma Hayes suffered but believed it was gunshot wound injuries.

At approximately 1913 hours, Hayes arrived via an American Medical Response (AMR) ambulance. Unknown medical personnel from Reach Air (medical helicopter) attended to Hayes. An unspecified person told [redacted] that Hayes had a pulse at the scene. According to a Reach Air employee, they intended to fly Hayes to an unknown hospital, but Hayes' pulse was lost in the process. Hayes was ultimately transported to [redacted] via an AMR ambulance for life-saving measures.

[redacted] saw an unknown person performed cardiopulmonary resuscitation (CPR) on Hayes when he arrived. Hayes was taken by gurney to [redacted] saw Hayes was intubated. An unknown person said Hayes had broken teeth, had vomited, and received three doses of epinephrine before he arrived at DVH. Hayes had an intraosseous infusion line inserted in his left leg. [redacted] saw two tourniquets had been placed on both Hayes' upper right and upper left arm before arrival.

Approximately nine DVH medical staff personnel assumed life-saving measures on Hayes, including [redacted] and [redacted] medical staff performed CPR on Hayes and prepared an intravenous line (IV) for medications.

[redacted] saw multiple penetrating trauma wounds on Hayes' body. Hayes' had two penetrating trauma wounds to his left arm, a wound on his right jaw, and the right side of his head. Hayes' right arm had a penetrating trauma wound that exposed bone, tendons, and muscles. Hathaway saw brain matter on the yellow gurney board under Hayes' body.

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

HOSPITAL SCENE: (CONTINUED)

MEDICAL INTERVIEW: REGISTERED NURSE [redacted] (CONTINUED)

[redacted] medical personnel inserted a 20-gauge IV into Hayes' right foot. Hayes was given one milligram of epinephrine as CPR continued. Hayes' blood glucose was 68, which Hathaway said was within normal range. [redacted] medical staff did not obtain a blood sample from Hayes. Hayes' did not respond to the life-saving measures.

At 1917 hours, [redacted] pronounced Hayes deceased. According to their protocol, [redacted] had to examine Hayes' back. [redacted] and [redacted] rolled Hayes' body to the right. [redacted] looked at Hayes' back, but [redacted] could not see Hayes' back from where she stood.

[redacted] staff had not notified Hayes' next of kin regarding his death. [redacted] instructed [redacted] staff to preserve the area around [redacted] and not to move items. The curtain around [redacted] was drawn. [redacted] had to remove her "crash cart monitor" from [redacted] to be prepared for additional trauma patients.

Hayes' medical records number was [redacted]

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

HOSPITAL SCENE: (CONTINUED)

MEDICAL INTERVIEW: PHYSICIAN [redacted]

On Thursday, August 11, 2022, at approximately 2226 hours, I interviewed [redacted] in the emergency room (ER) of [redacted] at [redacted] Victorville. The interview was recorded with my department-issued audio recorder. The following is a summary of the interview.

At an unspecified time, Hayes arrived at [redacted] via an unknown ambulance. Unknown medical personnel (paramedics) attended to Hayes. When Hayes arrived, [redacted] saw an unknown person perform cardiopulmonary resuscitation (CPR) on Hayes. Hayes was taken by gurney to [redacted] saw Hayes was intubated.

Hayes had no palpable pulse. Hayes did not wear any clothing. [redacted] heard an unknown paramedic said they administered two rounds of epinephrine before their arrival.

[redacted] and [redacted] medical staff personnel assumed life-saving measures on Hayes. [redacted] saw Hayes' pupils were fixed and dilated. One milligram of epinephrine was administered to help Hayes' heart start while CPR continued.

[redacted] saw multiple wounds on Hayes' body comparable to large caliber gunshot wounds. Hayes had no injuries to his back. [redacted] saw wounds to Hayes' body in the following locations:

- Right forearm, which had bone, tendon, and muscle exposed
- Left bicep
- Left upper forearm
- Right jaw
- Right side of his head

Based on Hayes' pupils being fixed and dilated, the wound to Hayes' head, and no sign of life, [redacted] determined Hayes was deceased. At approximately 1917 hours, [redacted] pronounced Hayes deceased.

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600

EVIDENCE/PROPERTY REPORT

CASE NO.
602200101

REPORTING AREA
LIMS 22-07538-I-01

CODE SECTION	RECOVERING DIV/STATION	SUSPECT NAME	☐ REPORTED STOLEN ☐ RECOVERED PROPERTY
LFE	SBSD – 60		
☒ EVIDENCE	☐ FOUND PROPERTY	☐ SAFEKEEPING	☐ RECOVERED BY SEARCH WARRANT

CASE AGENT AND EMPLOYEE NO.
M. Del Rio / A2689 / 60H16

PROPERTY RECOVERED BY AND EMPLOYEE NO.
[redacted]

ITEM NO.	SERIAL NO.	DESCRIPTION	PLACARD	BAR CODE LABEL
		NIBIN test-fired ammunition from Item M		SAN BERNARDINO COUNTY SHERIFF
Item P:		Cobra pistol, model FS380, 380 Auto caliber		2242002092
		SN: [redacted] BC 2242001845		
		NIBIN test-fired ammunition from Item N		
Item P:		Sphinx pistol, model SDP Compact, 9mm Luger caliber		2242002092
		SN: [redacted] BC 2242001842		

REPORTING DEPUTY AND EMPLOYEE NO.	DATE	REVIEWED BY:	PROP[redacted]	DATE:
[redacted]	10/28/22			10-31-22

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SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600

EVIDENCE/PROPERTY REPORT

CASE NO.: 602200101

REPORTING AREA: LIMS: 22-07538-C-02

H#100-2022

CODE SECTION	RECOVERING DIV/STATION	INVOLVED PARTY CIVILIAN NAME	☐ REPORTED STOLEN
LFE	SBSD-Homicide	Hayes, Byron	☐ RECOVERED PROPERTY
☒ EVIDENCE	☐ FOUND PROPERTY	☐ SAFEKEEPING	☐ RECOVERED BY SEARCH WARRANT

OWNER OF PROPERTY: Evidence collected at the SBSD-SED Desert Station on August 11, and August 12, 2022.

ADDRESS:

CASE AGENT AND EMPLOYEE NO.: Del Rio A2689 60H16

PROPERTY RECOVERED BY AND EMPLOYEE NO.: [redacted]

ITEM NO.	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL
		Evidence collected from Det. C. Haas F3796 at the SBSD-SED Desert Station on August 11, 2022.		
Item B-1:		Geissele Automatics 5.56 caliber rifle, model: MK4, serial number: [redacted] with an EOTECH EXPS3 scope, Atpialc laser, serial number: [redacted] Surefire Scout Light tactical light, serial number: [redacted] a green FERROCONCEPTS sling, and a Defense Solutions Group 5.56 caliber ammunition magazine		SAN BERNARDINO COUNTY SHERIFF 2242001751
Item B-2: Item B-3:		One "⊕ LC 20" cartridge from chamber of rifle, Item B-1 24 "⊕ LC 20" cartridges from ammunition magazine, Item B-1		SAN BERNARDINO COUNTY SHERIFF 2242001752
		Evidence collected from Det. B. Lukacs C7825 at the SBSD-SED Desert Station on August 11, 2022.		
Item C-1:		Staccato 9mm pistol, model: 20 11, serial number: [redacted] with a TLR-1 HL Streamlight, serial number: [redacted], Trijicon optic, serial number: [redacted] and STI 20 11 ammunition magazine		SAN BERNARDINO COUNTY SHERIFF 2242001753
Item C-2: Item C-3:		One "9MM LUGER WIN 20" cartridge from chamber of pistol, Item C-1 18 "9MM LUGER WIN 20" cartridges from ammunition magazine, Item C-1		SAN BERNARDINO COUNTY SHERIFF 2242001754
		Evidence collected from Det. E. Mondragon D3391 at the SBSD-SED Desert Station on August 12, 2022.		
Item D-1:		Geissele Automatics 5.56 caliber rifle, model: MK4, serial number: [redacted], with an Trijicon MRO optic, serial number: [redacted], Surefire Scout Light tactical light, serial number: [redacted] a green FERROCONCEPTS sling, and a Colt's Mfg. 5.56 caliber ammunition magazine		SAN BERNARDINO COUNTY SHERIFF 2242001755
Item D-2: Item D-3:		One "W C C 1 3" cartridge from chamber of rifle, Item D-1 Four "WIN USA 5.56 MM" cartridges, five "⊕ LC 21" cartridges, two "⊕ LC 20" cartridges, six "⊕ WMA 15" cartridges, and six "⊕ WCC 13" cartridges from ammunition magazine, Item D-1		SAN BERNARDINO COUNTY SHERIFF 2242001756
Item D-4: Item D-5: Item D-6:		Swabs of water used Control swabs from right pant knee area Bloodstain swabs from right pant knee area		SAN BERNARDINO COUNTY SHERIFF 2242001757

REPORTING DEPUTY AND EMPLOYEE NO.	DATE	REVIEWED BY:	PROPERTY OFFICER AND EMPLOYEE NO.	DATE:
[redacted]			[redacted]	8/15/22

15-15141-401 Rev. 5/93 CR3

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SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600

H# 100-2022

CASE NO.
602200101 LIMS: 22-07538-C-02

EVIDENCE/PROPERTY CONTINUATION REPORT

ITEM NO.	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL
Evidence collected from Det. M. Corral E7439 at the SBSD-SED Desert Station on August 12, 2022.				
Item E-1: Item E-2: Item E-3:		Control swabs from right pant knee area Bloodstain swabs from right pant knee area Control swabs from right shoe		2242001757
Item E-4: Item E-5: Item E-6:		Bloodstain swabs from right shoe Control swabs from left shoe Bloodstain swabs from left shoe		2242001757
Evidence collected from Det. J. Stone E5340 at the SBSD-SED Desert Station on August 12, 2022.				
Item F-1:		Geissele Automatics 5.56 caliber rifle, model: MK4, serial number: [redacted] with an Trijicon MRO optic, serial number: [redacted] Surefire Scout Light tactical light, serial number: [redacted], a green SOB sling, and a PMAG 30 5.56 caliber ammunition magazine		SAN BERNARDINO COUNTY SHERIFF 2242001758
Item F-2: Item F-3:		One "⊕ LC 21" cartridge from chamber of rifle, Item F-1 Nine "WIN USA 5.56 MM" cartridges, 16 "⊕ LC 21" cartridges, and one "⊕ LC 20" cartridge from ammunition magazine, Item F-1		SAN BERNARDINO COUNTY SHERIFF 2242001759
Evidence collected from Det. J. Musgrave H6871 at the SBSD-SED Desert Station on August 12, 2022.				
Item G-1:		Geissele Automatics 5.56 caliber rifle, model: MK4, serial number: [redacted], with an Trijicon MRO optic, serial number: [redacted] Surefire Scout Light tactical light, serial number: [redacted], a green Magpul sling, and a PMAG 30 5.56 caliber ammunition magazine		SAN BERNARDINO COUNTY SHERIFF 2242001760
Item G-2: Item G-3:		One "⊕ WCC 13" cartridge from chamber of rifle, Item G-1 One "WCC 13 5.56 MM" cartridge, one "⊕ LC 21" cartridge, one "W C C 1 3 cartridge, and 21 "⊕ WCC 13" cartridges from ammunition magazine, Item G-1		SAN BERNARDINO COUNTY SHERIFF 2242001761
Evidence received from Det. B. Sprague F3085 60H13 at the SBSD-SED Desert Station on August 12, 2022.				
Item H:		SEM GSR kit from "Byron Hayes"		SAN BERNARDINO COUNTY SHERIFF 2242001762

REPORTING DEPUTY AND EMPLOYEE NO.	DATE	REVIEWED BY:	PROPERTY OFFICER AND EMPLOYEE NO.	DATE:
[redacted]			[redacted]	8/15/22

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SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600

EVIDENCE/PROPERTY REPORT

CASE NO.	Page 1 of 1
602200101	
LIMS: 22-07538-C-01 H#100-22	

CODE SECTION	RECOVERING DIV/STATION	INVOVLED PARTY CIVILIAN NAME	☐ REPORTED STOLEN ☐ RECOVERED PROPERTY
LETHAL FORCE ENCOUNTER	SBSD – HOMICIDE	BYRON HAYES	
☒ EVIDENCE	☐ FOUND PROPERTY	☐ SAFEKEEPING	☐ RECOVERED BY SEARCH WARRANT

Evidence collected during technical processing at SID on August 31, 2022 and September 1, 2022.

CASE AGENT AND EMPLOYEE NO.	PROPERTY RECOVERED BY AND EMPLOYEE NO.
M. DEL RIO / A2689 / 60H16	[redacted]

ITEM NO.	SERIAL NO.	DESCRIPTION	BAR CODE LABEL
A-17a A-17b A-17c A-17d A-20a		Swabs of water Swabs of water and clean powder Swabs from the mouth area of glass bottle (Item A-17) Swabs from glass bottle (Item A-17) Bloodstain swabs from groove on left side of slide on pistol (Item A-20)	SAN BERNARDINO COUNTY SHERIFF 2242001848
A-20b A-20c A-21a A-22a A-23a		Swabs of Ardrox and rinse water Swabs from pistol and ammunition magazine (Item A-20) Swabs from ammunition magazine (Item A-21) Swabs from ammunition magazine (Item A-22) Swabs from pistol and ammunition magazine (Item A-23)	2242001848
Item B		3 latent cards, 2 latent photographs and 1 DVD	SAN BERNARDINO COUNTY SHERIFF 2242001849

REPORTING DEPUTY AND [redacted]	E NO.	DATE	REVIEWED BY:	PROPER[redacted]	NO.	DATE:
[redacted]		09/01/22				9-1-22

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SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600

EVIDENCE/PROPERTY REPORT

CASE NO.
602200101

LIMS: 22-07538-C-01
H#100-22

CODE SECTION	RECOVERING DIV/STATION	INVOVLED PARTY CIVILIAN NAME	☐ REPORTED STOLEN
LETHAL FORCE ENCOUNTER	SBSD – HOMICIDE	BYRON HAYES	☐ RECOVERED PROPERTY
☒ EVIDENCE	☐ FOUND PROPERTY	☐ SAFEKEEPING	☐ RECOVERED BY SEARCH WARRANT

Evidence collected from the scene at [redacted] Victorville on August 12, 2022.

CASE AGENT AND EMPLOYEE NO.	PROPERTY RECOVERED BY AND EMPLOYEE NO.
M. DEL RIO / A2689 / 60H16	[redacted]

ITEM NO.	SERIAL NO.	DESCRIPTION	BAR CODE LABEL
A-1 A-2 A-3 A-4 A-5		(4) "⊕ LC · 20" FCC, Placard 1 (1) "9MM LUGER WIN 20" FCC, Placard 2 (1) "9MM LUGER WIN 20" FCC, Placard 3 (2) "⊕ LC 21" FCCs, (2) "⊕ WCC 13" FCCs, (1) "WCC 1 3" FCC, Placard 5 (2) "⊕ WCC 13" FCCs, (1) "⊕ LC 21" FCC, Placard 8	SAN BERNARDINO COUNTY SHERIFF 2242001836
A-6 A-7 A-8 A-9 A-10		(1) "⊕ WCC 13" cartridge, Placard 7 (1) "MFS 9x18 MAK" cartridge found on floor under pants, Placard 11 (1) "MFS 9x18 MAK" cartridge from right pocket of pants, Placard 11 (1) "MFS 9x18 MAK" cartridge from chamber jam of pistol, Placard 12 (7) "MFS 9x18 MAK" cartridges from ammunition magazine, Placard 12	SAN BERNARDINO COUNTY SHERIFF 2242001837
A-11 A-12 A-13 A-14		(13) "MFS 9x18 MAK" cartridges from ammunition magazine, Placard 13 (13) "MFS 9x18 MAK" cartridges from ammunition magazine from laundry room (Item A-22) (3) "WIN 380 AUTO" cartridges from ammunition magazine from master suite (Item A-23) (1) "WIN 380 AUTO" cartridge from chamber of pistol from master suite (Item A-23)	2242001837
A-15 A-16		Fired bullet from attic opening when cover removed, Placard 17D or 18D Fired bullet fragments from the floor in northeast bedroom	SAN BERNARDINO COUNTY SHERIFF 2242001838
A-17		"BEAU JOIE" Champagne glass bottle, open and empty, Placard 9	SAN BERNARDINO COUNTY SHERIFF 2242001839
A-18		"Forever 21" maroon pants, size "L", cut up with bloodstains Gray/maroon "Cal" fitted hat with bloodstains Placard 11	SAN BERNARDINO COUNTY SHERIFF 2242001840
A-19		Black iPhone with gray and white phone case from the left pocket of maroon pants, Placard 11	SAN BERNARDINO COUNTY SHERIFF 2242001841

[redacted]	DATE	REVIEWED BY:	PROP [redacted]	DATE:
	08/30/22			9-1-22

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SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600

CASE NO. Page 2 of 2
602200101
LIMS: 22-07538
H# 100-22

EVIDENCE/PROPERTY CONTINUATION REPORT

ITEM NO.	SERIAL NO.	DESCRIPTION	BAR CODE LABEL
A-20		Black "SPHINX" 9mm pistol, model: SDP Compact, serial number [redacted] and ammunition magazine, Placard 12	SAN BERNARDINO COUNTY SHERIFF 2242001842
A-21		Black "SPHINX" 9mm ammunition magazine, Placard 13	SAN BERNARDINO COUNTY SHERIFF 2242001843
A-22		Black "SPHINX" 9mm ammunition magazine from floor in laundry room, west of washing machine	SAN BERNARDINO COUNTY SHERIFF 2242001844
A-23		Black "COBRA" .380 pistol, model: FS380, serial number [redacted] and black/silver ammunition magazine from bed in master suite	SAN BERNARDINO COUNTY SHERIFF 2242001845
A-24		DMV Registration renewal paperwork for Byron Hayes from upstairs hallway counter	SAN BERNARDINO COUNTY SHERIFF 2242001846
A-25		White "H&M" Muscle Fit shirt, size XL, cut up with bloodstains Black "ALSTYLE" shirt, size M, cut up with bloodstains From upstairs hallway floor	SAN BERNARDINO COUNTY SHERIFF 2242001847

REPORTING DEPUTY AND EMP[redacted]	DATE	REVIEWED BY:	PROPERT[redacted]	DATE:
[redacted]	08/30/22			9-1-22

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600

Preliminary Copy

EVIDENCE/PROPERTY REPORT

CASE NO.
602200101
REPORTING AREA
LIMS 22-07538-F-01

CODE SECTION	RECOVERING DIV/STATION	SUSPECT NAME	☐ REPORTED STOLEN ☐ RECOVERED PROPERTY
LFE	SBSD / Homicide		
☒ EVIDENCE	☐ FOUND PROPERTY	☐ SAFEKEEPING	☐ RECOVERED BY SEARCH WARRANT

CASE AGENT AND EMPLOYEE NO.	PROPERTY RECOVERED BY AND EMPLOYEE NO.
Del Rio / A2689 / 60H16	[redacted]

ITEM NO.	SERIAL NO.	DESCRIPTION	PLACARD	BAR CODE LABEL
Item L:		Test-fired ammunition from Item A Geissele rifle, model GA-M4, 5.56x45 mm caliber SN: [redacted] BC 2242001751		SAN BERNARDINO COUNTY SHERIFF 2242000726
Item L:		Test-fired ammunition from Item C Staccato pistol, model P, 9mm Luger caliber SN: [redacted] BC 2242001753		2242000726
Item L:		Test-fired ammunition from Item E Geissele rifle, model GA-M4, 5.56x45 mm caliber SN: [redacted] BC 2242001755		2242000726
Item L:		Test-fired ammunition from Item G Geissele rifle, model GA-M4, 5.56x45 mm caliber SN: [redacted] BC 2242001758		2242000726
Item L:		Test-fired ammunition from Item I Geissele rifle, model GA-M4, 5.56x45 mm caliber SN: [redacted] BC 2242001760		2242000726

REPORTING DEPUTY AND EM[redacted]	DATE	REVIEWED BY:	DATE:
[redacted]	08/22/22	[redacted]	8/23/22

15-16141-401 Rev. 5/93 CR3

H # 100-22

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600

CASE NO.: 602200101

REPORTING AREA: 702206516

EVIDENCE/PROPERTY REPORT

CODE SECTION	RECOVERING DIV/STATION	SUSPECT NAME	
OIS	SBSD-Homi.	Byron Hayes	☐ REPORTED STOLEN ☐ RECOVERED PROPERTY
☑ EVIDENCE	☐ FOUND PROPERTY	☐ SAFEKEEPING	☐ RECOVERED BY SEARCH WARRANT

OWNER OF PROPERTY: **Physical evidence collected during the post mortem**

ADDRESS: Byron **examination of** Hayes **at the S.B. Co. Morgue on** 8/16/22 Am

CASE AGENT AND EMPLOYEE NO.: Del Rio A2689 60HIL

PROPERTY RECOVERED BY AND EMPLOYEE NO.: [redacted]

ITEM NO.	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL
O-1		Head hair samples from the front area		SAN BERNARDINO COUNTY SHERIFF 2270001148
O-2		Head hair samples from the left side		
O-3		Head hair samples from the right side		
O-4		Head hair samples from the crown area		
O-5		Head hair samples from the back area		
O-6		Pubic hair samples		
O-7		Fingernail clippings from the left hand		

REPORTING DEPUTY AND EMPLOYEE NO.: [redacted]

DATE: 9-20-22

REVIEWED: [redacted]

DATE: 9-20-22

Am

15-16141-401 Rev. 5/93 CR3

1 of 2

H#100-22

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600

CASE NO. 602200101

EVIDENCE/PROPERTY CONTINUATION REPORT

ITEM NO.	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL
O-8		Fingernail clippings from the right hand and the scissors used to clip the fingernails		2270001148
O-9		(1) "Unknown Brand" off-white partial piece of T-shirt, size XL		SAN BERNARDINO COUNTY SHERIFF 2270001149
O-10		(1) "Unknown Brand" Black partial piece of T-shirt, size unk.		
O-11		(1) fired bullet fragment from the brain area		SAN BERNARDINO COUNTY SHERIFF 2270001150
O-12		purple top vial c Byron Hayes' blood		SAN BERNARDINO COUNTY SHERIFF 2270001151

REPORTING DEPUTY AND EMPLOYEE NO.	DATE	REVIEWED BY:	DATE:
[redacted]	9-20-22	[redacted]	9-20-22

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341

PROPERTY RELEASE

PROPERTY / EVIDENCE		
RELEASED Item # 01	**Property Description:** Pistol **Class:** Firearms / Ammunition **Type:** Firearms **Make:** Staccato **Model:** P **Color:** Blue, Gray **Serial:** [redacted] **Quantity:** 1 **Comments:** Released to Detective Michael Corral Emp# E7439 **Released To:** E7439 **Date:** 08/19/2022 08:30	2242001753
RELEASED Item # 02	**Property Description:** Geissele Automatic MK4 with ammo magazine **Class:** Firearms / Ammunition **Type:** Firearms **Make:** Geissele **Model:** MK4 **Serial:** [redacted] **Quantity:** 1 **Comments:** Released to Detective Michael Corral Emp# E7439 **Released To:** E7439 **Date:** 08/19/2022 08:30	2242001755
RELEASED Item # 03	**Property Description:** Geissele Automatic MK4 with ammo magazine **Class:** Firearms / Ammunition **Type:** Firearms **Make:** Geissele **Model:** MK4 **Serial:** [redacted] **Quantity:** 1 **Comments:** Released to Detective Michael Corral Emp# E7439 **Released To:** E7439 **Date:** 08/19/2022 08:30	2242001751
RELEASED Item # 04	**Property Description:** Geissele Automatic MK4 with ammo magazine **Class:** Firearms / Ammunition **Type:** Firearms **Make:** Geissele **Model:** MK4 **Serial:** [redacted] **Quantity:** 1 **Comments:** Released to Detective Michael Corral Emp# E7439 **Released To:** E7439 **Date:** 08/19/2022 08:30	2242001760
RELEASED Item # 05	**Property Description:** Geissele Automatic MK4 with ammo magazine **Class:** Firearms / Ammunition **Type:** Firearms **Make:** Geissele **Model:** MK4 **Serial:** [redacted] **Quantity:** 1 **Comments:** Released to Detective Michael Corral Emp# E7439 **Released To:** E7439	2242001758

Releasing Officer: on 08/19/2022 [redacted] 11-02-22

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# **172209341**

PROPERTY RELEASE

PROPERTY / EVIDENCE		
RELEASED Item # 05	Date: 08/19/2022 08:30	

Releasing Officer: on 08/19/2022

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
SCIENTIFIC INVESTIGATIONS DIVISION
711 E. Rialto Avenue, San Bernardino, CA 92415

LABORATORY REPORT
LIMS 22-07538-C-02

AGENCY CASE NO. 60-2200101

AGENCY SBCSD - SPECIALIZED INVESTIGATIONS DIVISION - HOMICIDE DETAIL

CASE AGENT DEL RIO (A2689/60H16)

The information above is provided by the agency and is not verified by the laboratory.

REPORT TYPE(S) Crime Scene (231)
Evidence Processing (233)

ANALYSIS START DATE August 11, 2022

REPORT DATE August 24, 2022

ANALYST [redacted]

TITLE Sheriff's Crime Scene Specialist I

REPORT SIGNED ON August 24, 2022

OVERVIEW

On August 11, 2022, at 1908 hours, I was assigned to assist San Bernardino Sheriff's Homicide detectives with a lethal force encounter investigation. I responded to the scene, which was located at [redacted] Victorville. I arrived at the scene at 2031 hours.

I then responded to the San Bernardino County Sheriff Specialized Enforcement Division Desert Station. I arrived there at 2201 hours and made contact with Detective Domon. While there, I took photographs and collected evidence. See the Photography and Evidence sections of this report for further information.

I returned to the scene to assist Sheriff's Crime Scene Specialist[redacted]

PHOTOGRAPHY

The following numbered overall, midrange, and close-up digital photographs were taken of the crime scene and related items of evidence.

M8F60001	-	**M8F60081**	Chris Haas, his hands, firearms, and ammunition
M8F60082	-	**M8F60130**	Bela Lukacs, his hands, firearms, and ammunition
M8F60131	-	**M8F60204**	Eugene Mondragon, his hands, bloodstained clothing, firearms, and ammunition
M8F60205	-	**M8F60275**	Josh Stone, his hands, firearms, and ammunition
M8F60276	-	**M8F60354**	Jim Musgrave, his hands, firearms, and ammunition
M8F60355	-	**M8F60363**	Clarence Harris and his hands
M8F60364	-	**M8F60378**	Cristina Olivas and her hands
M8F60379	-	**M8F60388**	Jeffrey Henry and his hands
M8F60389	-	**M8F60413**	Michael Corral, his hands, and bloodstained clothing
M8F60414	-	**M8F60424**	Michael Sandlin and his hands
M8F60425	-	**M8F60446**	Casey Cox, his hands, and firearm
M8F60447	-	**M8F60459**	Araceli Negrete and her hands
M8F60460	-	**M8F60472**	Elvis Hernandez and his hands
M8F60473	-	**M8F60484**	Dennis Goynes and his hands
M8F60485	-	**M8F60495**	Romeo Tamparong and his hands
M8F60496	-	**M8F60506**	Erbie Phillips and his hands
M8F60507	-	**M8F60519**	Robert Philpott and his hands
M8F60520	-	**M8F60530**	Matt Stuart and his hands
M8F60531	-	**M8F60541**	Cesar Wences and his hands
M8F60542	-	**M8F60552**	Timothy Pecina and his hands
M8F60553	-	**M8F60565**	Sam Oh and his hands
M8F60566	-	**M8F60574**	Charles Baley and his hands
M8F60575	-	**M8F60585**	Brian Whetsel and his hands
M8F60586	-	**M8F60595**	Joseph Ruvalcaba and his hands

EVIDENCE

I delivered the following evidence to the San Bernardino County Sheriff's Central Property and Evidence Unit.

Item(s) B-1 to B-3: Evidence collected from Detective C. Haas at the SBSD-SED Desert Station on August 11, 2022.

BC 2242001751

Item B-1: Geissele Automatics 5.56 caliber rifle, model: MK4, serial number: [redacted] with an EOTECH EXPS3 scope, Atpialc laser, serial number: [redacted] Surefire Scout Light tactical light, serial number: [redacted] a green FERROCONCEPTS sling, and a Defense Solutions Group 5.56 caliber ammunition magazine

BC 2242001752

Item B-2: One "⊕ LC 20" cartridge from chamber of rifle, Item B-1
Item B-3: 24 "⊕ LC 20" cartridges from ammunition magazine, Item B-1

Item(s) C-1 to C-3: Evidence collected from Detective B. Lukacs at the SBSD-SED Desert Station on August 11, 2022.

BC 2242001753

Item C-1: Staccato 9mm pistol, model: 20 11, serial number: [redacted] with a TLR-1 HL Streamlight, serial number: [redacted] Trijicon optic, serial number: [redacted] and STI 20 11 ammunition magazine

BC 2242001754

Item C-2: One "9MM LUGER WIN 20" cartridge from chamber of pistol, Item C-1
Item C-3: 18 "9MM LUGER WIN 20" cartridges from ammunition magazine, Item C-1

Item(s) D-1 to D-6: Evidence collected from Detective E. Mondragon at the SBSD-SED Desert Station on August 12, 2022.

BC 2242001755

Item D-1: Geissele Automatics 5.56 caliber rifle, model: MK4, serial number: [redacted] with an Trijicon MRO optic, serial number: [redacted] Surefire Scout Light tactical light, serial number: [redacted] a green FERROCONCEPTS sling, and a Colt's Manufacturing 5.56 caliber ammunition magazine

BC 2242001756

Item D-2: One "W C C 1 3" cartridge from chamber of rifle, Item D-1

Item D-3: Four "WIN USA 5.56 MM" cartridges, five "⊕ LC 21" cartridges, two "⊕ LC 20" cartridges, six "⊕ WMA 15" cartridges, and six "⊕ WCC 13" cartridges from ammunition magazine, Item D-1

BC 2242001757

Item D-4: Swabs of water used
Item D-5: Control swabs from right pant knee area
Item D-6: Bloodstain swabs from right pant knee area

Item(s) E-1 to E-6: Evidence collected from Detective M. Corral at the SBSD-SED Desert Station on August 12, 2022.

BC 2242001757

Item E-1: Control swabs from right pant knee area
Item E-2: Bloodstain swabs from right pant knee area
Item E-3: Control swabs from right shoe
Item E-4: Bloodstain swabs from right shoe
Item E-5: Control swabs from left shoe
Item E-6: Bloodstain swabs from left shoe

Item(s) F-1 to F-3: Evidence collected from Detective J. Stone at the SBSD-SED Desert Station on August 12, 2022.

BC 2242001758

Item F-1: Geissele Automatics 5.56 caliber rifle, model: MK4, serial number: [redacted], with an Trijicon MRO optic, serial number: [redacted] Surefire Scout Light tactical light, serial number: [redacted], a green SOB sling, and a PMAG 30 5.56 x 45 caliber ammunition magazine

BC 2242001759

Item F-2: One "⊕ LC 21" cartridge from chamber of rifle, Item F-1
Item F-3: Nine "WIN USA 5.56 MM" cartridges, 16 "⊕ LC 21" cartridges, and one "⊕ LC 20" cartridge from ammunition magazine, Item F-1

Item(s) G-1 to G-3: Evidence collected from Detective J. Musgrave at the SBSD-SED Desert Station on August 12, 2022.

BC 2242001760

Item G-1: Geissele Automatics 5.56 caliber rifle, model: MK4, serial number: [redacted] with an Trijicon MRO optic, serial number: [redacted] Surefire Scout Light tactical light, serial number: [redacted] a green Magpul sling, and a PMAG 30 5.56 x 45 caliber ammunition magazine

BC 2242001761

Item G-2: One "⊕ WCC 13" cartridge from chamber of rifle, Item G-1

Item G-3: One "WCC 13 5.56 MM" cartridge, one "⊕ LC 21" cartridge, one "W C C 1 3" cartridge, and 21 "⊕ WCC 13" cartridges from ammunition magazine, Item G-1

Item H: Evidence received from Detective B. Sprague at the SBSD-SED Desert Station on August 12, 2022.

BC 2242001762

Item H: SEM GSR kit from "Byron Hayes"

DISPOSITION OF EVIDENCE:
Storage and disposition of evidence is the responsibility of the San Bernardino County Sheriff's Central Property and Evidence Unit. Unless otherwise stated, evidence is released to the control of the San Bernardino County Sheriff's Central Property and Evidence Unit for storage or disposition.

Note: The use of the word "blood" to describe stains/fluids is based upon visual examination and/or the results of preliminary screening tests. The actual presence of blood has not been confirmed by laboratory testing.

Any opinions, interpretations, or conclusions in this report are based upon the data in the associated laboratory case record.

Note: To comply with San Bernardino County Sheriff's Central Property and Evidence Unit policies any food/drinking/beverage containers referred to in this report were emptied at or near the time of collection. Unless otherwise specified a sample of the contents was not collected.

[redacted]

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
SCIENTIFIC INVESTIGATIONS DIVISION
711 E. Rialto Avenue, San Bernardino, CA 92415 (909) 387-9980
[redacted]

NIBIN ASSIGNMENT

TO: H DETECTIVE (60H16); SBCSD - SPECIALIZED INVESTIGATIONS DIVISION - HOMICIDE DETAIL
DATE: 9/19/2022
SUBJECT: PRIORITY ASSIGNMENT FOR NIBIN ENTRY
Submitted Sheriff/Agency Case Number **60-2200101** (Lethal Force Encounter)

All suitable firearms and suitable representative samples of fired cartridge cases will be entered into the NIBIN database. If evidence cartridge cases are determined to have similar class of firearm-produced marks as those observed on test cartridge cases from firearms in the same case, then the evidence cartridge cases will not be entered into the NIBIN database. Upon examination, if any of the items are determined to be unsuitable for NIBIN database entry, a notification will be sent explaining the reason for non-entry. The images remain available in the database for future correlations. A notification will be sent if a NIBIN lead is discovered.

The National Integrated Ballistic Information Network (NIBIN) is a computer imaging system and database that compares images of fired cartridge cases, from crime scenes and from firearms seized during criminal investigations, for the purpose of discovering associations between crimes.

PRIORITY DESIGNATION HIGHLIGHTED BELOW

PRIORITY 1: Cases assigned this highest priority have been assigned to an analyst and have a due date.

PRIORITY 2: This priority does not have a due date assigned but will be worked as time becomes available.

If you have any questions, please contact [redacted]

LABORATORY NUMBER: 22-07538-I-01

EXAMINATION ASSIGNED	ASSIGNED TO	DATE ASSIGNED	DATE DUE
IBIS - Firearms/Testfire	[redacted]	9/19/2022	

BARCODE	ITEM	PETS CATEGORY	AGENCY DESCRIPTION
2242001842	N	SEMI-AUTOMATIC PISTOL	SPHINX SDP COMPACT PISTOL AND AMMO MAGAZINE
2242001843	O	GUN MAGAZINE	AMMUNITION MAGAZINE, PLC 13
2242001845	M	SEMI-AUTOMATIC PISTOL	BLK COBRA FS380 PISTOL AND AMMUNITION MAGAZINE

NIBIN: SEMI-AUTOMATIC PISTOL BC#2242001842; GUN MAGAZINE BC#2242001843; SEMI-AUTOMATIC PISTOL BC#2242001845.

San Bernardino County Sheriff-Coroner Department
Scientific Investigations Division
CAL-ID Latent Print Section

880 East Mill Street, San Bernardino, CA 92415-0054
(W) 909-890-5025 (F) 909-890-5035 (E) [redacted]

Case Number	220010160
Agency/Station/Division	SPECIALIZED DETECTIVES
Case Agent	DEL RIO
Offense(s)	LFE
Received	9/8/2022
Examiner	[redacted]
Victim(s)	
Suspect(s)	HAYES, BYRON (DOB: [redacted]

09/12/22: **FINGERPRINT EXAMINER** [redacted]

Three latent cards, two photos and one DVD, were received under barcode 2242001849. Two latents contain one or more impressions of value for identification. Three latents contain no impressions of value for comparison.

As a result of a known subject comparison, two latent impressions from this case have been identified to HAYES, BYRON EZELL, DOB: [redacted] CII NUMBER [redacted]

NOTE: Known prints taken by [redacted] Santa Ana PR, on 12-05-03.

NOTE: Latents lifted by [redacted] -- [redacted] San Bernardino County Sheriff's Department -- Scientific Investigation Division, on 08-31-22 and 09-01-22, from:

Latent Lift # 1:	"ITEM A-17 (GLASS BOTTLE)/ABOVE BACK LABEL"
Latent Photo # 1:	"AMMO MAG"

UNIDENTIFIED LATENTS:

Latent Lifts # 2 & 3:	THESE LATENTS CONTAIN NO VALUE FOR COMPARISON.
Latent Photo # 2:	THIS LATENT CONTAINS NO VALUE FOR COMPARISON.

All identifiable submitted latents have been identified.

The above was checked and verified by Fingerprint Examiner [redacted] Evidence retained in CAL-ID Latent Print Section files.

[redacted] 09/14/22

1/1

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
SCIENTIFIC INVESTIGATIONS DIVISION
711 E. Rialto Avenue, San Bernardino, CA 92415

LABORATORY REPORT
LIMS 22-07538-F-01

AGENCY CASE NO. 60-2200101

AGENCY SBCSD - SPECIALIZED INVESTIGATIONS DIVISION - HOMICIDE DETAIL

CASE AGENT HOMICIDE DETECTIVE (60H16)

The information above is provided by the agency and is not verified by the laboratory.

REPORT TYPE(S) Officer Involved Shooting (831)

ANALYSIS START DATE August 16, 2022

ANALYST [redacted]

TITLE Criminalist II

REPORT SIGNED ON August 22, 2022

EVIDENCE

The following evidence was received from the San Bernardino County Sheriff's Central Property and Evidence Unit:

BC 2242001751
Item A: Geissele select-fire rifle, model GA-M4, 5.56x45 mm caliber, serial number [redacted] and Defense Solutions Group ammunition magazine

BC 2242001752
Item B-1: One "⊕ LC 20" cartridge
Item B-2: Twenty-four "⊕ LC 20" cartridges

BC 2242001753
Item C: Staccato semi-automatic pistol, model P, 9mm Luger caliber, serial number [redacted] and Staccato ammunition magazine

BC 2242001754
Item D-1: One "9MM LUGER WIN 20" cartridge
Item D-2: Eighteen "9MM LUGER WIN 20" cartridges

BC 2242001755
Item E: Geissele select-fire rifle, model GA-M4, 5.56x45 mm caliber, serial number [redacted] and Colt ammunition magazine

BC 2242001756
Item F-1: One "W C C 1 3" cartridge
Item F-2: Five "⊕ LC 21," two "⊕ LC 20," four "WIN USA 5.56MM," six "⊕ WCC 13," and six "⊕ WMA 15" cartridges

BC 2242001758
Item G: Geissele select-fire rifle, model GA-M4, 5.56x45 mm caliber, serial number [redacted] and Magpul ammunition magazine

BC 2242001759
Item H-1: One "⊕ LC 21" cartridge
Item H-2: Sixteen "⊕ LC 21," nine "WIN USA 5.56MM," and one "⊕ LC 20" cartridges

BC 2242001760
Item I: Geissele select-fire rifle, model GA-M4, 5.56x45 mm caliber, serial number [redacted] and Magpul ammunition magazine

BC 2242001761
Item J-1: One "⊕ WCC 13" cartridge
Item J-2: Twenty-one "⊕ WCC 13," one "W C C 1 3," one "WCC 13 5.56MM," and one "⊕ LC 21" cartridges

The following evidence was generated during the examination:

BC 2242000726
Item L: Test-fired ammunition from Items A, C, E, G and I

DISPOSITION OF EVIDENCE:

Storage and disposition of evidence is the responsibility of the San Bernardino County Sheriff's Central Property and Evidence Unit. Unless otherwise stated, evidence is released to the control of the San Bernardino County Sheriff's Central Property and Evidence Unit for storage or disposition.

EXAMINATIONS AND RESULTS

Item A (rifle and ammunition magazine)

The rifle was examined and test fired with the submitted ammunition magazine. The rifle fired without malfunction. No modifications or defects were observed. The minimum force required to pull the trigger and release the firing mechanism measured 4 ¼ pounds in both semiautomatic and fully automatic.

Item C (pistol and ammunition magazine)

The pistol was examined and test fired with the submitted ammunition magazine. The pistol fired without malfunction. No modifications or defects were observed. The minimum force required to pull the trigger and release the firing mechanism measured 4 ½ pounds.

Item E (rifle and ammunition magazine)

The rifle was examined and test fired with the submitted ammunition magazine. The rifle fired without malfunction. No modifications or defects were observed. The minimum force required to pull the trigger and release the firing mechanism measured 5 ¼ pounds in semiautomatic and 5 ¾ pounds in fully automatic.

Item G (rifle and ammunition magazine)

The rifle was examined and test fired with the submitted ammunition magazine. The rifle fired without malfunction. No modifications or defects were observed. The minimum force required to pull the trigger and release the firing mechanism measured 4 ¼ pounds in semiautomatic and 4 ¾ pounds in fully automatic.

Item I (rifle and ammunition magazine)

The rifle was examined and test fired with the submitted ammunition magazine. The rifle fired without malfunction. No modifications or defects were observed. The minimum force required to pull the trigger and release the firing mechanism measured 5 ¼ pounds in semiautomatic and 5 ¾ pounds in fully automatic.

Items B-1, B-2, F-1, F-2, H-1, H-2, J-1 and J-2 (cartridges)

Other than general observations, no further analysis was performed. The cartridges are 5.56x45mm caliber ammunition with a full metal jacket bullet.

Items D-1 and D-2 (cartridges)

The cartridges are consistent in weight and appearance with 9mm Luger caliber, Winchester Ranger One ammunition with a 147 grain bullet.

[redacted]

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
SCIENTIFIC INVESTIGATIONS DIVISION
711 E. Rialto Avenue, San Bernardino, CA 92415 (909) 387-9980
[redacted]

TO: H DETECTIVE (60H16); SBCSD - SPECIALIZED INVESTIGATIONS DIVISION - HOMICIDE DETAIL
DATE: 8/16/2022
SUBJECT: PRIORITY ASSIGNMENTS FOR CRIMINALISTICS EVIDENCE EXAMINATION
Submitted Sheriff/Agency Case Number **60-2200101** (Officer Involved Shooting)

Because we receive more cases than we can work, it is necessary to prioritize criminalistics casework such as DNA, firearms, tool marks, impression comparisons, trace evidence, clandestine laboratory examinations, etc. The goal is to focus our efforts, so we may provide the most effective use of the laboratory's resources for all the law enforcement and justice agencies throughout San Bernardino County. The priority assigned to each case is based upon several factors including the probative potential of the evidence, the availability of laboratory resources, court dates, and other factors specific to your investigation.

PRIORITY DESIGNATION HIGHLIGHTED BELOW

PRIORITY 1: Cases assigned this highest priority have been assigned to an analyst and have a due date.
PRIORITY 2: This priority does not have a due date assigned but will be worked as time becomes available.

If you have any questions regarding this memorandum or priority assignment, please contact [redacted]

LABORATORY NUMBER: 22-07538-F-01

EXAMINATION ASSIGNED	ASSIGNED TO	DATE ASSIGNED	DATE DUE
Officer Involved Shooting	[redacted]	8/16/2022	8/24/2022

BARCODE	ITEM	PETS CATEGORY	AGENCY DESCRIPTION
2242001751	A	OTHER RIFLE	RIFLE OF DET HAAS WITH ACCESSORIES AND AMMO MAG
2242001752	B	AMMO/CARTRIDGES	CARTRIDGES FROM RIFLE, ITEM B-1
2242001753	C	OTHER PISTOL	PISTOL WITH ACCESSORIES AND AMMO MAG FROM DET LUKACS
2242001754	D	AMMO/CARTRIDGES	CARTRIDGES FROM PISTOL, ITEM C-1
2242001755	E	OTHER RIFLE	RIFLE WITH ACCESSORIES AND AMMO MAG FROM DET MONDRAGON
2242001756	F	AMMO/CARTRIDGES	CARTRIDGES FROM RIFLE, ITEM D-1
2242001758	G	OTHER RIFLE	RIFLE WITH ACCESSORIES AND AMMO MAG FROM DET STONE
2242001759	H	AMMO/CARTRIDGES	CARTRIDGES FROM RIFLE, ITEM F-1
2242001760	I	OTHER RIFLE	RIFLE WITH ACCESSORIES AND AMMO MAG FROM DET MUSGRAVE
2242001761	J	AMMO/CARTRIDGES	CARTRIDGES FROM RIFLE, ITEM G-1

[redacted]

State of California — Department of Justice

DEATH IN CUSTODY REPORTING FORM

BCIA 713 (rev. 11/05)

DOJ USE ONLY

RECORD KEY

AGENCY TYPE
- ☐ Police
- ☐ Sheriff
- ☐ Probation
- ☐ State
- ☐ Other Local

AGENCY NCIC NUMBER

COUNTY

☑ **ORIGINAL** ☐ **AMENDMENT**

DATE OF DEATH 8 / 11 / 2022 (MM / DD / YYYY)

SUBJECT NAME HAYES (Last) BYRON (First) EZELL (Middle)

CII NUMBER [redacted]

DATE OF BIRTH [redacted] (MM DD YYYY)

GENDER
- ☑ Male
- ☐ Female

RACE/ETHNICITY *(Check One)*
- ☐ Other Asian
- ☑ Black
- ☐ Chinese
- ☐ Cambodian
- ☐ Filipino
- ☐ Guamanian
- ☐ Hispanic
- ☐ American Indian
- ☐ Japanese
- ☐ Korean
- ☐ Laotian
- ☐ Other
- ☐ Pacific Islander
- ☐ Samoan
- ☐ Hawaiian
- ☐ Vietnamese
- ☐ White
- ☐ Asian Indian

DOJ USE ONLY

CUSTODY OFFENSE PC 245 (D)(2)

CUSTODY STATUS *(Check One)*
- ☑ Process of Arrest
- ☐ In Transit
- ☐ Awaiting Booking
- ☐ Booked - No Charges Filed
- ☐ Booked - Awaiting Trial
- ☐ Sentenced
- ☐ Out to Court
- ☐ Other

CUSTODIAL RESPONSIBILITY AT TIME OF DEATH *(Check One)*
- ☑ Process of Arrest
- ☐ City Jail
- ☐ County Jail
- ☐ Adult Camp or Ranch
- ☐ Local Juvenile Facility/Camp
- ☐ Adult Operations and Adult Programs (formerly CDC)
- ☐ Division of Juvenile Justice (formerly CYA)
- ☐ State Hospital
- ☐ Other

LOCATION WHERE CAUSE OF DEATH OCCURRED *(Check One)*
- ☐ Not Applicable (Natural)
- ☑ Crime/Arrest Scene
- ☐ Facility -- Administrative
- ☐ Facility -- Booking
- ☐ Facility -- Living
- ☐ Facility -- Common
- ☐ Facility -- Holding
- ☐ Facility -- Medical Treatment
- ☐ Other

FACILITY OF DEATH *(Check One)*
- ☑ Crime/Arrest Scene
- ☐ Local Hospital
- ☐ City Jail
- ☐ County Jail
- ☐ Adult Camp or Ranch
- ☐ Local Juvenile Facility/Camp
- ☐ Adult Operations and Adult Programs (formerly CDC)
- ☐ Division of Juvenile Justice (formerly CYA)
- ☐ State Hospital
- ☐ Other

MANNER OF DEATH *(Check One)*
- ☐ Pending Investigation
- ☐ Natural
- ☐ Accidental -- Injury to Self
- ☐ Accidental -- Injury by Other
- ☐ Suicide
- ☐ Homicide Willful (Law Enforcement Staff)
- ☐ Homicide Willful (Other Inmate)
- ☑ Homicide Justified (Law Enforcement Staff)
- ☐ Homicide Justified (Other Inmate)
- ☐ Execution
- ☐ Cannot Be Determined
- ☐ Other

MEANS OF DEATH *(Check One)*
- ☐ Pending Investigation
- ☐ Not Applicable (Natural)
- ☐ Handgun
- ☑ Rifle/Shotgun
- ☐ Club, Blunt Instrument
- ☐ Hands, Feet, Fists
- ☐ Knife, Cutting Instrument
- ☐ Hanging, Strangulation
- ☐ Alcohol/Drug Overdose
- ☐ Execution: Lethal Gas/Injection
- ☐ Cannot Be Determined
- ☐ Other

DATA SUPPLIED BY *(Please print the following information):*

Name: Detective Michelle Del Rio **Email:** [redacted]

Agency: San Bernardino County Sheriff's Departm **Telephone:** (909) 890-4904

Address: 655 E. 3rd Street San Bernardino, California 92415

Send completed form to: Department of Justice
Criminal Justice Statistics Center
P.O. Box 903427
Sacramento, CA 94203-4270
Facsimile: (916) 227-0427 or 227-3561
Telephone: (916) 227-3545

FAXED 10/06/22 @ 1621 HOURS.

AUTOPSY

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245 (D)(2)	**Assault on a Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

AUTOPSY: Byron Ezell Hayes

ASSIGNMENT:

On Tuesday, August 16, 2022, at about 0900 hours, I was assigned to participate with the autopsy of Byron Ezell Hayes, at the San Bernardino County Morgue, at 175 South Lena Road, San Bernardino, California.

PERSONS PRESENT:

Doctor:	[redacted] Forensic Pathologist, San Bernardino County Coroner's Division
Autopsy Assistant:	Tara Stein, San Bernardino County Coroner's Division
Crime Scene Specialist:	[redacted] Sheriff's Crime Lab, San Bernardino County Sheriff's Department
Detective:	Michelle Del Rio, Sheriff's Homicide Detail, San Bernardino County Sheriff's Department

DECEDENT:

Name:	Byron Ezell Hayes
Race / Complexion:	Black / Medium
Age:	[redacted]
Date of Birth:	[redacted]
Date of Death:	August 11, 2022
Height:	67"
Weight:	153 lbs.
Hair:	Black
Eyes:	Brown

CODE SECTION	CRIME	CLASSIFICATION
PC 245 (D)(2)	**Assault on a Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

EXTERNAL EXAMINATION:

Hayes' body lay on a table, inside a yellow vinyl body bag, with the name "Byron Hayes," coroner case #702206516, and a circle with "153" inside. The body bag lock #7611760 was secured to the bag.

At approximately 0908 hours, the body bag lock was removed by Martinez. The body bag was opened to reveal Hayes laid supine. Hayes' head was tilted back, and his arms were extended down at his side with his hands faced down. There was blood present on Hayes' head, face, chest, and arms. Lividity was present in Hayes' back.

Hayes wore a a piece of a black and white t-shirt on his left arm. Hayes had a black turniquet around each upper arm. Stein removed Hayes' clothing and turniquets, and washed his body. Toe tag #00232 was attached to Hayes' right great toe and had the following information:

- Last name: Hayes
- First name: Byron
- Coroner case #: 702206516
- Date of death: 08/11/2022

MEDICAL APPARATUSES:

- A clear endotracheal (ET) tube inserted into Hayes' mouth. A white and yellow plastic strap wrapped around the front of Hayes' face and back of the neck, which secured the ET tube.
- An automated external defibrillator (AED) electrode was attached to the upper right side of Hayes' chest.
- An automated external defibrillator (AED) electrode was attached to Hayes' left flank.
- An intraosseous line (IO) in the middle of Hayes' left shin.
- Electrocardiogram (EKG) pads were attached to Hayes' upper left and right chest, center of abdomen, left flank, and lower center, right, and left abdomen.
- A pressure cuff was wrapped around Hayes' right shin.

SCARS:

[redacted]

CODE SECTION	CRIME	CLASSIFICATION
PC 245 (D)(2)	Assault on a Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

TATTOOS:

- [redacted]

EXTERNAL / INTERNAL EXAMINATION:

[redacted] conducted an external and internal examination on the front and back of Hayes' body. The gunshot wounds were examined further through an internal examination. The following injuries were examined by [redacted] however, at the time of the autopsy, [redacted] was unable to determine trajectory. Please refer to [redacted] autopsy protocol for further information. [redacted] was unable to determine the order of the gunshot wounds, and they were numbered to differentiate them from one another.

1. Gunshot #1 - Wound to Hayes' chin. [redacted] deemed gunshot wound #1 was non fatal.

2. Gunshot #2 - Wound to the right side of Hayes' head. [redacted] deemed gunshot wound #2 was fatal.

3. Gunshot #3 - Wound to Hayes' right forearm. [redacted] deemed gunshot wound #3 was fatal.

4. Gunshot #4 - Wound to Hayes' right forearm. [redacted] deemed gunshot wound #4 was fatal.

CODE SECTION	CRIME	CLASSIFICATION
PC 245 (D)(2)	**Assault on a Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

EXTERNAL / INTERNAL EXAMINATION: (Continued)

5. Gunshot #5 - Wound to the top of Hayes' right hand. [redacted] deemed gunshot wound #5 was non fatal.

6. Gunshot #6 - Wound to Hayes' left forearm. [redacted] deemed gunshot wound #6 was non fatal.

7. Gunshot #7 - Tangential wound to Hayes' left arm. [redacted] deemed gunshot wound #7 was non fatal.

EXTERNAL / INTERNAL EXAMINATION (GUNSHOT GRAZE WOUNDS):

[redacted] located the following three gunshot graze wounds on Hayes' face and ear.

- Hayes sustained two gunshot graze wounds to the right cheek.
- Hayes sustained a gunshot graze wound to the scapha area of the right ear.

ADDITIONAL INJURIES:

There were no other external or internal injuries noted by [redacted]

EVIDENCE COLLECTED AND PHOTOGRAPHED:

[redacted] photographed significant aspects of the autopsy. [redacted] collected samples of Hayes' head hair, pubic hair, fingernail clippings, blood, and fingerprints as evidence. The following items were photographed and recovered to place into evidence.

- A partial piece of Hayes' white t-shirt.
- A partial piece of Hayes' black t-shirt.

CAUSE OF DEATH:

[redacted] determined the cause of death was from gunshot wounds to the head and right arm, and death was within minutes. [redacted] deemed the manner of death was a homicide.

175 South Lena Road
San Bernardino, CA 92415-0037
(909) 387-2978
Fax (909) 387-2989

[redacted]
Chief Forensic Pathologist

[redacted] MD
Forensic Pathologist

San Bernardino County Sheriff's Department
Coroner Division

Autopsy Protocol

Coroner's Case Number: 702206516 **Autopsy Number:** A-1794-22

Name: Byron Ezell Hayes **Age:** 33 **Sex:** Male
Time of Death: 1917 hours, August 11, 2022 **Race:** Black
Time of Autopsy: 0915 hours, August 16, 2022
Place of Autopsy: San Bernardino County Coroner's Facility **Deputy:** Seavey

HISTORY OF DEATH: The following information is obtained from the deputy coroner investigative report. This 33-year old man, Byron Ezell Hayes, was shot multiple times by deputies serving a warrant for his arrest.

Also refer to Coroner's Investigative Report 702206516.

GENERAL EXAMINATION: The decedent is identified by tag on the right foot. The body is that of a meso-morphic, dark-color skin, young adult male. The body weighs 69.5 kilograms (153 pounds) and measures 170.2 centimeters (67 inches) in length.

Clothing: The following clothing items or personal effects are present with the body at the time of autopsy: fragments of a soiled white T-shirt and black T-shirt.

Evidence of Medical Intervention: Medical intervention present on the body at the time of autopsy includes: a pulse oximetry lead on the right middle finger, a nasal-pharyngeal airway, a nasal cannula, oral endotracheal intubation, cardiac monitor leads on the anterior torso, defibrillator pads on the right chest and lateral left torso, an intra-osseous catheter in the left leg, a blood pressure cuff on the right leg, and tourniquets around the right and left arms.

Evidence of Postmortem Change: Lividity is fixed on the posterior surfaces of the body. Rigor is passing. The body temperature is cold to touch. Decomposition changes are not grossly evident.

Evidence Collected at Autopsy: A bullet core fragment recovered from the right parietal brain is submitted to the attending technician.

[redacted]

Radiographs: A complete set of postmortem radiographs is obtained.

External Examination:

HEAD AND NECK
The head is deformed from injury, and the face is injured. The scalp is covered with short, curly, black hair with an unremarkable distribution. Facial hair consists of a beard and mustache. The irides are brown, the corneae are clear, the conjunctivae are pale, and the sclerae are white. The external auditory canals are clear. The ears are unremarkable. The nares are clear. The nose and facial skeleton are palpably stable. The oral cavity contains blood, and the oral mucosa is injured. The uninjured teeth are natural and in good condition. The neck is symmetric with no lesions.

TORSO
The chest is symmetric. The abdomen is flat and firm. The genitalia are those of an apparently uncircumcised adult male. The testes are descended. The back is symmetric. The buttocks and anus are unremarkable.

EXTREMITIES
The right upper extremity is deformed at the forearm. The left upper extremity and both lower extremities are visibly and palpably intact.

IDENTIFYING MARKS
There are scars on the [redacted] and [redacted].

Description of Injuries:

I. Multiple gunshot wounds
A. Gunshot wound of the head
A combined entrance-exit wound is on the right parietal scalp, 8.5 cm below the top of the head and 9 cm right of the posterior midline. The ovoid wound measures 3 x 1 cm with skin splits extending to 1.5 cm on the 1 o'clock border, 1.5 cm on the 3 o'clock border, and 1 cm on the 11 o'clock border. Soot and stippling are not present around the wound. The wound path involves skin, subcutaneous tissue, the right parietal-temporal skull ("keyhole" defect), the brain, subcutaneous tissue, and skin. A bullet core fragment is recovered from the right parietal brain; the fragment is secured by the technician in attendance. The wound path is directed front to back and upward. Associated with the wound path are hemorrhage within the wound track, a 12 x 9 cm subgaleal hemorrhage over the right parietal-temporal scalp, linear fractures of the right parietal and right temporal skull and right middle cranial fossa, subarachnoid hemorrhage, and laceration of the right parietal lobe of the brain.

B. Grazing gunshot wound of the right cheek (#1)
A grazing gunshot wound is on the right cheek, 15.5 cm below the top of the head and 6 cm right of the anterior midline. The rectangular wound measures 3 x 0.9 cm. Soot and stippling are not present around the entrance wound. The wound path involves skin and subcutaneous tissue. No bullet or fragments are recovered from the wound path. The direction of the wound path cannot be definitively determined. Associated with the wound path are hemorrhage within the wound track and a 1.5 x 0.2 cm abrasion on the intervening skin with a serial grazing gunshot wound.

C. Grazing gunshot wound of the right cheek (#2)
A grazing gunshot wound is on the right cheek, 15 cm below the top of the head and 9 cm right of the anterior midline. The elliptical wound measures 2.5 x 0.5 cm. Soot and stippling are not present around the entrance wound. The wound path involves skin and subcutaneous tissue.

No bullet or fragments are recovered from the wound path. The direction of the wound path cannot be definitively determined. Associated with the wound path are hemorrhage within the wound track and a 1.5 x 0.2 cm abrasion on the intervening skin with a serial grazing gunshot wound.

D. Grazing gunshot wound of the right ear

A grazing gunshot wound is on the right ear, 13.5 cm below the top of the head and 17 cm right of the anterior midline. The ovoid wound measures 0.9 x 0.6 cm. Soot and stippling are not present around the entrance wound. The wound path involves skin. No bullet or fragments are recovered from the wound path. The direction of the wound path cannot be definitively determined. Associated with the wound path is hemorrhage within the wound track.

E. Tangential gunshot wound of the lower jaw

A tangential gunshot wound is on the lower right jaw, 20 cm below the top of the head and 3.5 cm right of the posterior midline. The ovoid wound measures 2 x 1 cm with skin splits extending up to 1.5 cm on the 7 and 11 o'clock borders. Soot and stippling are not present around the wound. The wound path involves skin, subcutaneous tissue, oral mucosa, the mandible (with loss of teeth), subcutaneous tissue, and skin. No bullet or fragments are recovered from the wound path. The wound path is directed front to back. Associated with the wound path is hemorrhage within the wound track.

F, G. Gunshot wounds of the right forearm

Gunshot entrances wounds are on the right forearm:
- Anterior medial wound, 0.3 cm circular wound with an eccentric marginal abrasion measuring up to 0.1 cm on the 12 o'clock border, located 6 cm below the top of the elbow and 4 cm medial of the anterior midline of the right upper extremity;
- Anterior wound, 0.3 cm circular wound with an eccentric marginal abrasion measuring up to 0.2 cm on the 12 o'clock border, located 9.5 cm below the top of the elbow and at the anterior midline of the right upper extremity.

Soot and stippling are not present around either wound. The co-mingled wound paths involve skin, subcutaneous tissue, muscle, the radius and the ulna, muscle, subcutaneous tissue, and skin. There are two exit wounds:
- Posterior wound, 18 x 9 cm gaping wound, centered 12 cm below the top of the elbow and at the posterior midline of the right upper extremity;
- Posterior-medial wound, 9 x 2.4 cm lacerated wound, centered 8 cm below the top of the elbow and 4 cm medial of the posterior midline of the right upper extremity.

No bullet or fragments are recovered from the wound paths. The wound paths are directed front to back. Associated with the wound paths are hemorrhage of the wound tracks and comminuted fractures of the radius and ulna.

H. Gunshot wound of the right hand

A gunshot entrance wound is on the right hand, 29 cm below the top of the elbow and 6 cm medial of the posterior midline of the right upper extremity. The circular wound measures 0.3 cm in diameter with an eccentric marginal abrasion measuring up to 0.3 cm on the 9 o'clock border. Soot and stippling are not present around the entrance wound. The wound path involves skin, subcutaneous tissue, muscle, the fifth and fourth metacarpal bones of the hand, muscle, subcutaneous tissue, and skin. Two exit wounds with a 1.2 x 0.3 cm segment of intervening skin are on the dorsum of the right hand: a 1.5 x 0.9 cm lacerated wound located 29 cm below the top of the elbow and 4 cm medial of the posterior midline of the right upper extremity; and a 2 x 1 cm lacerated wound located 29 cm below the top of the elbow and 2.5 cm medial of the posterior midline of the right upper extremity. No bullet or fragments are recovered from the wound path. The wound path is directed left to right. Associated with the wound path is hemorrhage within

the wound track.

I. Tangential gunshot wound of the left arm

A tangential gunshot wound is on the anterior left arm, 28 cm below the top of the shoulder and 5.5 cm lateral of the anterior midline of the left upper extremity. The ovoid wound measures 6 x 3.5 cm with skin splits directed superior-laterally. Soot and stippling are not present around the wound. The wound path involves skin, subcutaneous tissue, and muscle. No bullet or fragments are recovered from the wound path. The wound path is directed right to left and upward. Associated with the wound path is hemorrhage within the wound track.

J. Gunshot wound of the left forearm

A gunshot entrance wound is on the distal left forearm, 12 cm below the top of the elbow and 1 cm medial of the anterior midline of the left upper extremity. The circular wound measures 0.3 cm in diameter with an eccentric marginal abrasion measuring up to 0.1 cm on the 7 o'clock border. Soot and stippling are not present around the entrance wound. The wound path involves skin, subcutaneous tissue, muscle, subcutaneous tissue, and skin. A 5.5 x 3.5 cm lacerated exit wound is on the proximal left forearm, 6 cm below the top of the elbow and 2 cm lateral of the anterior midline. No bullet or fragments are recovered from the wound path. The wound path is directed right to left and upward. Associated with the wound path is hemorrhage within the wound track.

II. Other injuries

A. Ballistic impact points: a 0.3 cm circular, superficial laceration (ballistic impact point) is on the right cheek. A 0.3 cm circular, superficial laceration is on the upper left cheek. A 0.2 cm circular, superficial laceration is on the lower left cheek.

B. Blunt force injuries

The right buccal mucosa has contusions and lacerations up to 2 cm in greatest dimension. A 1.5 x 0.9 cm abrasion is on the right side of the head, at the level of the earlobe. A 6 x 3 cm subgaleal hemorrhage covers the left temporal scalp. There is a linear fracture of the left temporal skull.

A 3 cm linear abrasion is on the lower left back.

On the proximal anterior right forearm are a 6 cm discontinuous linear abrasion, a 2 cm linear abrasion, and a 2.5 cm linear abrasion. On the proximal anterior left forearm are a 1.5 x 0.9 cm abrasion and a 1.5 x 0.6 cm abrasion. A 3 x 1.5 cm abrasion is on the distal anterior-medial left forearm. A 0.6 cm linear abrasion is on the dorsum of the left hand.

INTERNAL EXAMINATION:

HEAD: The brain weighs 1440 gm. Examination of the external and cross-sectional surfaces of the cerebral hemispheres, cerebellum, and brainstem reveals no non-traumatic lesions. The atlanto-occipital joint is stable.

NECK: The anterior strap muscles of the neck are homogenous and red-brown, without hemorrhage. The thyroid cartilage and hyoid are intact. The larynx is lined by intact white mucosa. The major vessels of the neck are intact. The tongue is free of bite marks, hemorrhage, or other injuries.

CHEST/ABDOMINAL CAVITIES: No excess fluid is in the pleural, pericardial, or peritoneal cavities. There are no adhesions. The organs occupy their usual anatomic positions. The ribs, sternum, and vertebral bodies are visibly and palpably intact. No non-traumatic abnormalities of the muscles or bones of the appendicular and axial skeletons are identified.

CARDIOVASCULAR SYSTEM: The heart weighs 334 gm. The epicardial surface is smooth with unremarkable adipose deposition. The coronary arteries are unremarkable in distribution, with a right-dominant pattern. Cross sections of the vessels show no luminal narrowing. The myocardium is homogenous, red-brown, and firm. The atrial and ventricular septae are intact. The walls of the left ventricle, interventricular septum, and right ventricle are 1.7, 1.7, and 0.5 cm thick, respectively. The columnae carnae and papillary muscles are thin and round. The chordae tendinae are unremarkable. The valve leaflets are thin, mobile and without vegetation or calcification. The circumferences of the valve rings are: tricuspid valve 12 cm, pulmonary valve 6 cm, mitral valve 10 cm, and aortic valve 7 cm. The endocardium is smooth and glistening. The aorta gives rise to three intact and patent arch vessels. The lumen of the aorta is lined with tan-yellow streaks. The renal, mesenteric, and iliac vessels as well as the venae cavae are unremarkable.

RESPIRATORY TRACT: There is no blood, edema fluid, foam, exudate, or gastric contents found in the upper respiratory or lower bronchial passages. The mucosal surfaces are smooth, yellow-tan, and unremarkable. The right lung weighs 255 gm, and the left lung weighs 214 gm. The visceral pleurae are smooth and red-pink. The pulmonary parenchyma is crepitant. No mass lesions or areas of consolidation are present. The pulmonary arteries are well developed and patent. The diaphragm is intact.

GASTROINTESTINAL TRACT: The esophagus is intact and of uniform caliber; the lumen is lined by a smooth, gray-white mucosa. The gastro-esophageal junction is unremarkable. The stomach contains approximately 50 ml of mixed solids and fluids. The gastric wall is intact and lined by a tan-yellow mucosa with an unremarkable rugal pattern. The pylorus is unremarkable. The duodenum, jejunum, ileum, and colon are unremarkable. The pancreas has yellow-tan, moderately firm parenchyma with the usual lobular pattern; no mass lesions or other abnormalities are seen. The appendix is present.

HEPATOBILIARY SYSTEM: The liver weighs 1225 gm. The capsule is smooth and intact. The cut surfaces are slightly firm, red-brown, and smooth with minimal congestion. No mass lesions or other non-traumatic abnormalities are noted. The gallbladder is a smooth, gray-green, thin-walled sac, which contains over 10 ml of dark green fluid and no stones. The mucosa is dark green and velvety. The biliary system is patent into the ampulla of Vater.

URINARY SYSTEM: The right kidney weighs 80 gm, and the left kidney weighs 94 gm. The kidneys have thin, loosely adherent capsules and smooth renal surfaces. Sectioning reveals cortices that are well demarcated from the structures of the medullae; the renal parenchyma is unremarkable. The ureters are not dilated or obstructed. The urinary bladder is lined by a tan-white mucosa and contains 50 ml of clear urine.

GENITAL SYSTEM: The prostate is not enlarged, and sectioning reveals smooth, yellow-tan parenchyma with no distinct masses. The right and left testes are in the scrotum and are unremarkable.

HEMOLYMPHATIC SYSTEM: The spleen weighs 62 gm. The capsule is smooth. The parenchyma is dark red and soft with unremarkable follicular architecture. Lymph nodes throughout the cervical, mediastinal and hilar, peri-portal, peri-aortic, mesenteric, and iliac regions are small and inconspicuous. The thymus is not present in the anterior mediastinum.

ENDOCRINE SYSTEM: The pituitary gland is unremarkable. The thyroid gland is symmetric and smooth; sectioning reveals red-brown parenchyma, without cystic or nodular change. The parathyroid glands are not identified. The right and left adrenal glands are symmetric; sectioning

reveals bright yellow cortices and red-brown medullae with no masses or areas of hemorrhage.

TOXICOLOGY: An expanded panel has been requested.

Refer to Toxicology Report

HISTOLOGIC SECTIONS: Representative sections of various organs are preserved in formalin.

Autopsy Assistant: [redacted]

DIAGNOSIS:

I. Multiple gunshot wounds
- A. Gunshot wound of the head
- B. Grazing gunshot wound of the right cheek (#1)
- C. Grazing gunshot wound of the right cheek (#2)
- D. Grazing gunshot wound of the right ear
- E. Gunshot wound of the lower jaw
- F, G. Gunshot wounds of the right forearm
- H. Gunshot wound of the right hand
- I. Tangential gunshot wound of the left arm
- J. Gunshot wound of the left forearm

II. Other injuries
- A. Ballistic impact points
  - 1. Right cheek
  - 2. Left cheek (2)
- B. Blunt force injuries
  - 1. Contusions and lacerations, buccal mucosa
  - 2. Abrasion, lateral right head
  - 3. Subgaleal hemorrhage, left parietal-temporal scalp
  - 4. Fracture, left temporal skull
  - 5. Linear abrasion, lower back
  - 6. Linear abrasions, right forearm
  - 7. Abrasions, left forearm
  - 8. Linear abrasion, left hand

III. Natural disease and pre-existing conditions
- A. Left ventricular hypertrophy
- B. Mild peripheral atherosclerosis

IV. Toxicology results (femoral blood)
- A. Ethanol: 169 mg/dL
- B. Blood Alcohol Concentration (BAC): 0.169 g/100 mL
- C. Caffeine: presumptive positive

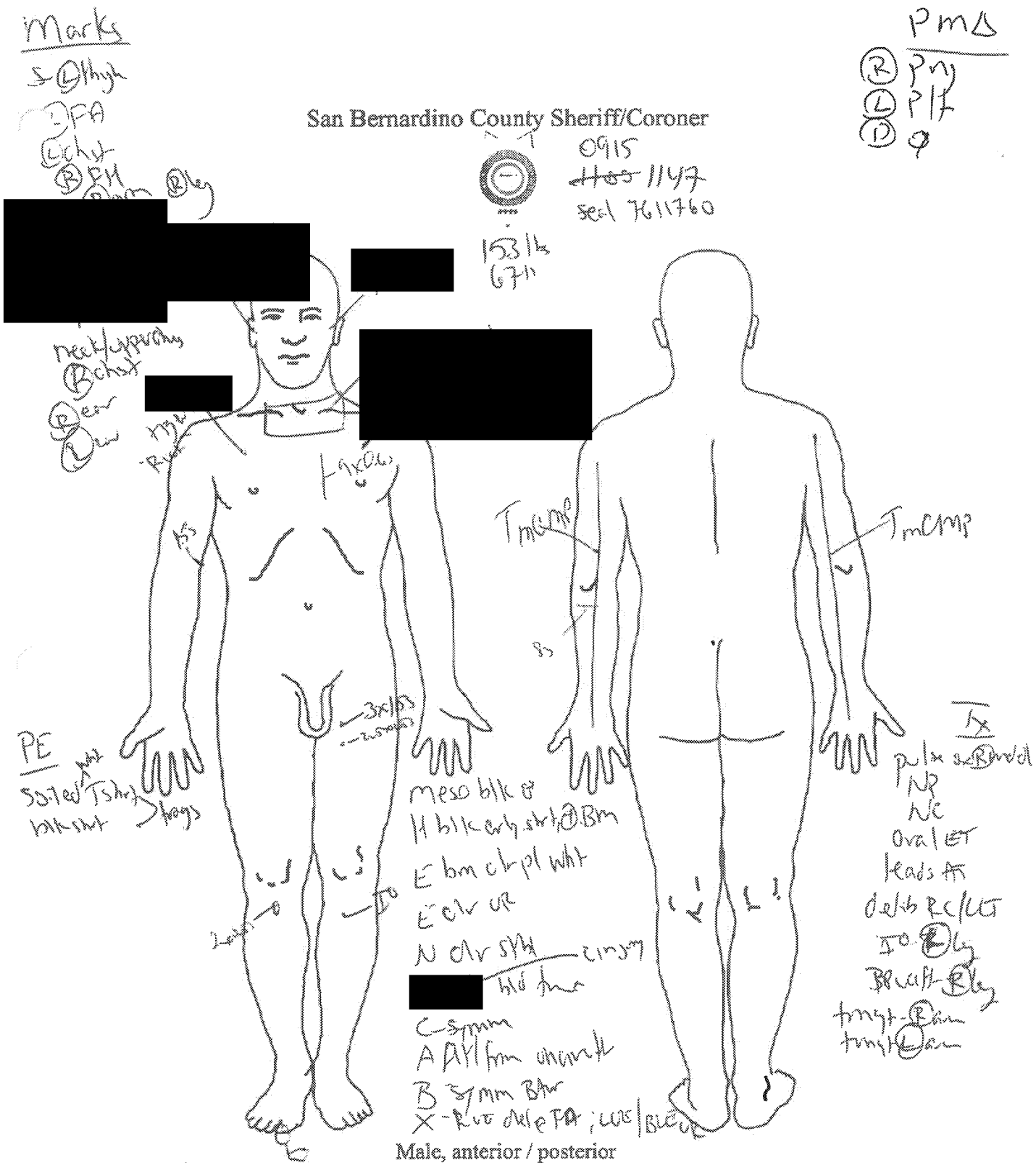
CAUSE OF DEATH: Multiple gunshot wounds, minutes

Manner of Death: Homicide

Autopsy Completed: 1147 hours, August 16, 2022

[redacted]
Forensic Pathologist
Date: 10/11/2022

[redacted]



Name Byron Ezell Hayes Coroner's Case # 7022065716 Autopsy No. A-1794-22

Age [redacted] Race Black Sex Male Date 16 Aug 2022

NMS LABS

[redacted]

CONFIDENTIAL

Toxicology Report

Report Issued 09/09/2022 16:09

To: **10664**
San Bernardino County Sheriff's Office - Coroner
175 South Lena Road

San Bernardino, CA 92415

Patient Name	HAYES, BYRON EZELL
Patient ID	A1794-22SL
Chain	702206516
DOB	Not Given
Sex	Male
Workorder	22300326

Positive Findings:

Analyte	Result	Units	Matrix Source
Ethanol	**169**	**mg/dL**	**001 - Femoral Blood**
Blood Alcohol Concentration (BAC)	**0.169**	**g/100 mL**	**001 - Femoral Blood**
Caffeine	**Presump Pos**	**mcg/mL**	**001 - Femoral Blood**

See Detailed Findings section for additional information

Testing Requested:

Test	Test Name
8052B	Postmortem, Expanded, Blood (Forensic)

Specimens Received:

ID	Tube/Container	Volume/ Mass	Collection Date/Time	Matrix Source	Labeled As
001	Gray Stopper Glass Tube	7.5 mL	08/16/2022 10:25	Femoral Blood	A1794-22SL
002	Red Stopper Glass Tube	3.75 mL	08/16/2022 09:55	Vitreous Fluid	A1794-22SL

001 [redacted]

All sample volumes/weights are approximations.

Specimens received on 08/17/2022.

[redacted]

Detailed Findings:

Analysis and Comments	Result	Units	Rpt. Limit	Specimen Source	Analysis By
Ethanol	169	mg/dL	10	001 - Femoral Blood	Headspace GC
Blood Alcohol Concentration (BAC)	0.169	g/100 mL	0.010	001 - Femoral Blood	Headspace GC
Caffeine	Presump Pos	mcg/mL	0.20	001 - Femoral Blood	LC/TOF-MS
This test is an unconfirmed screen. Confirmation by a more definitive technique such as GC/MS is recommended.					
Ethanol	Confirmed	mg/dL	10	001 - Femoral Blood	Headspace GC

Other than the above findings, examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded two (2) years from the date of this report; and generated data will be discarded five (5) years from the date the analyses were performed.

Workorder 22300326 was electronically signed on 09/09/2022 15:24 by:

[redacted]

Forensic Toxicologist

Analysis Summary and Reporting Limits:

All of the following tests were performed for this case. For each test, the compounds listed were included in the scope. The Reporting Limit listed for each compound represents the lowest concentration of the compound that will be reported as being positive. If the compound is listed as None Detected, it is not present above the Reporting Limit. Please refer to the Positive Findings section of the report for those compounds that were identified as being present.

Test 52250B - Alcohols and Acetone Confirmation, Blood - Femoral Blood

-Analysis by Headspace Gas Chromatography (GC) for:

Analyte	Rpt. Limit	Analyte	Rpt. Limit
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	10 mg/dL

Test 8052B - Postmortem, Expanded, Blood (Forensic) - Femoral Blood

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

Analyte	Rpt. Limit	Analyte	Rpt. Limit
Barbiturates	0.040 mcg/mL	Gabapentin	5.0 mcg/mL
Cannabinoids	10 ng/mL	Salicylates	120 mcg/mL

-Analysis by Headspace Gas Chromatography (GC) for:

Analyte	Rpt. Limit	Analyte	Rpt. Limit
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	10 mg/dL

[redacted]

Analysis Summary and Reporting Limits:

-Analysis by High Performance Liquid Chromatography/Time of Flight-Mass Spectrometry (LC/TOF-MS) for: The following is a general list of analyte classes included in this screen. The detection of any specific analyte is concentration-dependent. Note, not all known analytes in each specified analyte class are included. Some specific analytes outside of these classes are also included. For a detailed list of all analytes and reporting limits, please contact NMS Labs. Amphetamines, Anticonvulsants, Antidepressants, Antihistamines, Antipsychotics, Benzodiazepines, CNS Stimulants, Cocaine and Metabolites, Hallucinogens, Hypnosedatives, Muscle Relaxants, Non-Steroidal Anti-Inflammatory Agents, Opiates and Opioids.

[redacted]

1	*MODE*	**Homicide**	*CASE #*	**702206516**
	STATUS	**Post**	*DECEDENT*	**Byron Hayes**

ASSIGNMENT:

On Thursday, 08/11/2022, at 2000 hours, I was assigned incidentnumber CO222230053. [redacted] from [redacted] calledto report traumatic death of [redacted] Byron Hayes. Detective Bryan Sprague from the San Bernardino County Sheriff's Department (SBCSD) was present at the emergency room.

RESPONSE TO THE HOSPITAL:

On 8/11/2022, at 2021 hours, I responded from the Central Coroner Division in San Bernardino to [redacted] and arrived at 2103 hours.

STATEMENT[redacted]:

On Thursday, 08/11/2022, at 2200 hours, I spoke with [redacted] at the hospital. The following is a summary of her statement.

At 1913 hours, Byron arrived at the emergency department via AMR ambulance in cardiac arrest with cardiopulmonary resuscitation in progress. He was brought to [redacted] in the emergency room. Byron had multiple gunshot wounds. He had tourniquets on both upper arms. Medical intervention was continued, ut Byron did not respond. He was asystole and pronounced deceased by [redacted] at 1917 hours.

No blood specimens were obtained from Byron upon his arrival at the hospital. His designated medical record number was [redacted]

STATEMENT-DETECTIVE MICHELLE DEL RIO (SBCSD):

On Friday, 08/12/2022, at 0450 hours, I spoke with Detective Del Rio via the telephone. The following is a summary of her statement.

On Thursday, 08/11/2022, Officers from the Los Angeles Police Department were going to serve a Ramey warrant for their homicide suspect in the city of Victorville. Byron located LAPD around his house and barricaded himself in the residence. LAPD requested assistance from the Special Enforcement Division (SED) with SBCSD. SED responded around 1600 hours to [redacted] in Victorville. LAPD was staged in the backyard of the residence and SED was staged in the front of the residence. Byron kept going to different parts of the house to talk to LAPD and SED. At one point Byron brought out a pistol and held it up to his head. He said, "it is about to go down". SED heard a click, but then they saw Byron point the pistol at them and an officer involved shooting occurred at 1810 hours. There were five shooters. 4 rifles and one pistol were used. SED sent a drone into the residence to clear the house, but it was unsuccessful. They entered through a sliding glass door on the rear side of the residence. They went upstairs and found Byron, supine on the floor of a bedroom with a pistol in his left hand. They rendered medical aid, which included putting tourniquets on both upper arms. AMR paramedics were notified at 1813 hours and arrived at Byron at 1830 hours. He was unresponsive but had a pulse. He was ransported via ambulance to [redacted] where he was pronounced deceased.

2	MODE	Homicide	CASE #	702206516
	STATUS	Post	DECEDENT	Byron Hayes

BODY DESCRIPTION:

On 08/11/2022, at 2109 hours, I began the body examination at the hospital.

Gunshot Residue Kit:

At 2116 hours, I obtained samples from both of Byron's hands for gunshot residue analysis. The kit was given to Detective B. Sprague who was present.

Physical Characteristics:

The body was that of an adult male. The complexion was dark. The hair on the head was black and short. The eyes were brown. The teeth were present on the upper and lower gums. The body was approximately 5 feet 8 inches tall and approximately 150 pounds

Body Position:

The body was supine on the hospital gurney. The arms and legs were resting on the gurney.

Clothing:

The body was not clothed.

Therapeutic Devices:

- An endotracheal tube was intact in the mouth with a brace.
- Tourniquets were on both upper arms.
- Electrocardiogram leads were on the left and right side of the chest, left and right shoulders, and lower abdomen.
- Defibrillator pads were on the left chest and the left flank.
- A blood pressure cuff was around right ankle.
- A pulse oximeter was on the right middle finger.
- Intraosseous line was in the left shin.
- An intravenous line was in the right ankle.

Other Observations:

The sclerae were cloudy. There were no petechial hemorrhages present in or around the eyes. The pupils were fixed and dilated. There was vomit around the mouth.

Tattoo(s):

The following were distinct tattoos on the body:

[redacted]

Trauma:

I observed and palpated the following trauma in the body:

There was a circular-shaped gunshot wound in the right jaw just below the corner of the mouth, an irregular-shaped gunshot wound in the right side of the head with brain matter and skull fractures, an avulsion on the right forearm with fracture, an irregular gunshot wound on the right posterior hand, a large irregular gunshot wound in the left forearm and a large irregular gunshot wound in the left upper arm.

There were no palpable fractures to the torso, arms, or legs.

Postmortem Changes:

I palpated blanching lividity in the upper and lower back and posterior extremities. I did not palpate rigor mortis in the body. I palpated the chest, abdomen, upper and lower back and all the extremities, and they all felt cool.

Conclusion:

On 8/11/2022, at 2159 hours, I concluded the body exam. I took 54 digital photographs of the body.

IDENTIFICATION:

On 08/11/2022, at 2147 hours, at the hospital I obtained the body's right and left thumb print images via the Integrated Biometric Identification System. The transaction control number was SBM12345202208112147O3.

At 2153 hours, the identification was confirmed to be [redacted] Byron Ezell Hayes with a date of birth of [redacted] via fingerprint comparison to the fingerprints on file with SID number [redacted]

PROPERTY:

I did not collect property from the body or the scene.

NOTIFICATION TO THE NEXT-OF-KIN:

On Thursday, 8/11/2022, at around 2230 hours, Detective Del Rio spoke with [redacted] Byron's [redacted] while at the scene. She notified him of the death. [redacted] Byron's [redacted] was not in a good state to discuss the situation at that time. Byron was not married and did not have adult children. [redacted] was close by at the time of notification.

MEDICAL RECORDS:

On 8/11/2022, I requested medical records from [redacted]

TRANSPORTATION OF THE BODY:

On 08/11/2022, I contacted All in One transport service and requested the body be picked up from the

4	*MODE*	**Homicide**	*CASE #*	**702206516**
	STATUS	**Post**	*DECEDENT*	**Byron Hayes**

[redacted]

All In One transport team affixed toe tag number 00232 to the big right toe. The transport team placed the body in a yellow body bag and secured it with pouch lock number 7611760.

The body was transported from the hospital by All in One to the Coroner Morgue Facility in San Bernardino at my request.

DISPOSITION:

The case was referred to pathology.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DETECTIVE EUGENE MONDRAGON

Detective Eugene Mondragon

On Friday, August 12, 2022, at approximately 0030 hours, Sheriff's Crime Scene Specialist [redacted] and I met Detective Eugene Mondragon at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, Oliver photographed Mondragon, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE).

UNIFORM DESCRIPTION:

Mondragon's uniform consisted of the following:

- A green ballistic helmet with Liberator 2 communication and ear protection. A patch with "SED SBSD SWAT" written in black lettering affixed to left side of the helmet. A patch with "61Z10" written in black lettering affixed to the back of the helmet. A patch with "SANS PEUR ET SANS REPROCHE" written in black lettering affixed to the right side of the helmet.
- Glasses with clear lenses.
- A green long sleeve Crye Precisioin shirt with San Bernardino County Sheriff's Department (SBCSD) cloth patches on either shoulder. Green Crye Precision pants and green Salomon boots.
- Black Mechanix gloves.
- A green TYR Tactical load-bearing vest. A patch with "SHERIFF" and "O+ NKDA", written in yellow writing affixed to the front center of vest. An American Flag under "SHERIFF". A patch with "SHERIFF" written in yellow writing affixed to the back of the vest. A nametape with "E.MONDRAGON" written in black writing affixed to the back of the vest.

[redacted]

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

- A patch with "PACIFIC SOUTHWEST REGIONAL FUGITIVE TASK FORCE UNITED STATES MARSHAL" written in brown lettering affixed to the front of the vest.
- A patch with "TEAM ONE SED SANS PEUR ET SANS REPROCHE" written in black and green writing affixed to the front of the vest.

Mondragon's equipment on the TYR Tactical load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- A green magazine pouch containing two P-Mag rifle magazines and a tourniquet. Trauma shears behind the magazine pouch.
- A green magazine pouch containing two Staccato 2011 magazines. Inside the green magazine pouch was an additional green pouch.
- A black pry bar affixed to the back of the vest.
- A green pouch containing a Motorola handheld transmitter (HT) radio.
- A dry erase marker affixed to green magazine pouch.

Mondragon's equipment on the black nylon belt proceeded clockwise from the (front) center of the belt was:

- A green pouch containing a digital audio recorder.
- A black thigh rig platform with a green holster attached. The holster held Mondragon's department-issued Staccato 2011 handgun.
- A green pouch containing a pair of black handcuffs.
- A green pouch.
- A green dump pouch.
- A black pouch containing a SOG Leatherman tool.
- A black carabiner with glow sticks attached.
- A green pouch containing a light sound diversionary device (LSDD).

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

WEAPON COLLECTION:

Primary firearm collected:

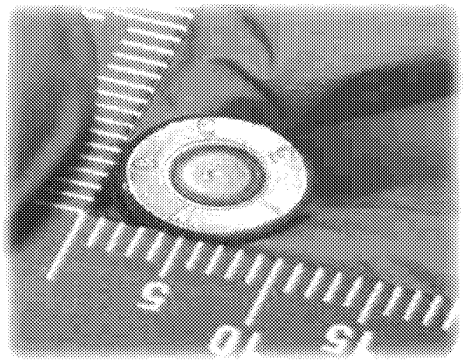
In my presence, [redacted] removed the ammunition magazine from the rifle's magazine well and placed it on the table. [redacted] removed a chambered cartridge and rendered the rifle safe. [redacted] examined and photographed Mondragon's rifle, ammunition magazine, and ammunition. The rifle was a Geissele Automatics MK4, 5.56-mm semi-automatic rifle with serial number [redacted]. Attached to the rifle was a mounted Surefire Scout Light tactical weapon light, an Trijicon MRO optic, and a Ferro Concepts sling.

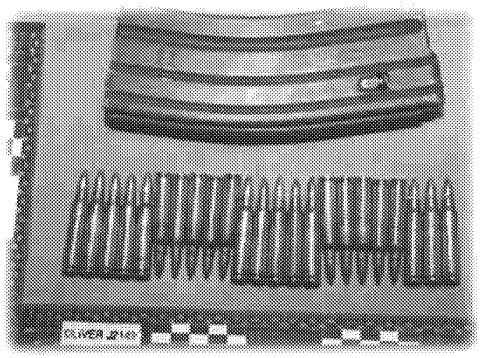
CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

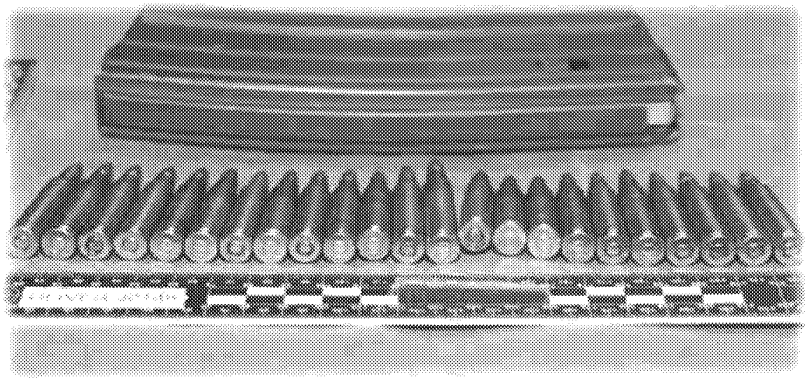
VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

MAGAZINE/AMMUNITION:

During the process, the chambered cartridge from Mondragon's rifle was photographed and packaged separately. The cartridge was headstamped, "WCC 13." Oliver removed the remaining cartridges from Mondragon's ammunition magazine. Inside the ammunition magazine were 23 cartridges. Six of the cartridges were headstamped, "WCC 13", Six cartridges were headstamped, "WMA 15", five cartridges were headstamped, "LC 21", four cartridges were headstamped, "WIN USA 5.56MM", and two cartridges were headstampted, "LC 20". Oliver collected the rifle, chambered cartridge, ammunition magazine, and additional 5.56 MM cartridges and packaged them for processing.







23 Cartridges

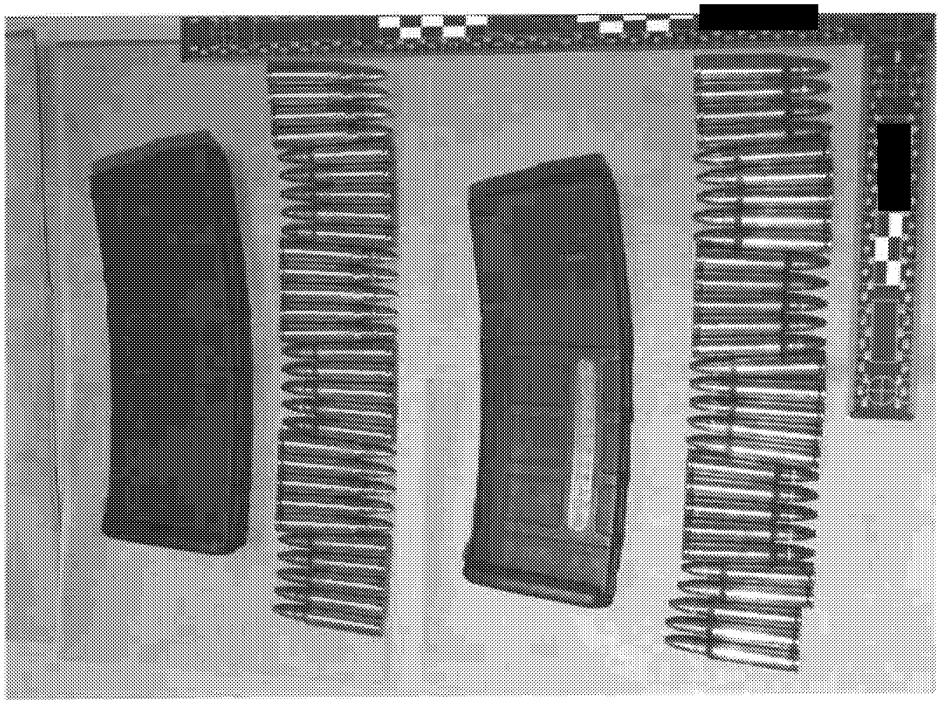
CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

MAGAZINE/AMMUNITION CONTINUED:

Mondragon carried two additional 30 round capacity 5.56-mm P-Mag rifle ammunition magazines. The two P-Mag ammunition magazines were stored on the front of Mondragon's TYR load-bearing vest. The first P-Mag rifle magazine contained 29 cartridges. 13 of the cartridges were headstamped, "+WCC13", seven cartridges were headstamped, "WCC 13", five cartridges were headstamped, "LC 21", three cartridges were headstamped, "WCC 13 5.56MM", and one cartridge was headstamped, "WMA 15". The second P-Mag rifle magazine contained 29 cartridges. 19 cartridges were headstamped, "+WCC 13", seven cartridges were headstamped, "WCC 13", two cartridges were headstamped, "+WMA 15", and one cartridge was headstamped, "WCC 13 5.56MM".

Two rifle ammunition magazines containing 29 cartridges



CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFCIER PROCESSING CONTINUED:

Mondragon's Staccato 2011 handgun was not used in the LFE and was not collected.

The processing was concluded at 0128 hours.

OFFICER INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on a Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

OFFICER INTERVIEW: DETECTIVE EUGENE MONDRAGON

On Wednesday, August 24, 2022, at approximately 0948 hours, San Bernardino County Sheriff's Department (SBCSD) Detectives Owenn Domon and Ian Gosswiller interviewed SBCSD Detective Eugene Mondragon, in the conference room at the Specialized Investigations Division, located at 808 Mill Street, San Bernardino. The interview was audio-recorded. Attorney [redacted] was present for the interview.

The following is a verbatim copy of the interview.

Reviewed By: **Sergeant Michael Warrick** MW Date: 2/28/2023 Author: **Detective Michelle Del Rio** Author Date: **02/20/2023**

DR# 172209341
H# 2022-100

Interview Detective Eugene Mondragon:

DOMON: All right, so this is Detective Owenn Domon. The date is Wednesday, August 24th, 2022. This gonna be referencing an LFE that occurred on Thursday, August 11th, 2022, in the City of Victorville at 12678 Westway Lane. DR number 172209341. Associated Henry number 2022-100. We are inside the conference room at the Specialized Investigation Division office. At this time if I could have everyone identify themselves in the room.

GOSSWILLER: Detective Ian Gosswiller San Bernardino County Sheriff's Homicide Detail.

MONDRAGON: Detective Eugene Mondragon, Specialized Enforcement Division.

[redacted] Attorney Rep.[redacted]

DOMON: Okay. So, this is a criminal report, and it will be submitted to the district attorney. You did not have to speak with me. No discipline can come to you for not speaking with me. Prior to this interview, has anyone ordered me to give you a statement other than a public safety statement?

MONDRAGON: No.

DOMON: Do you wish to speak with me?

MONDRAGON: Yes.

DOMON: Can you spell your first and last name for me?

MONDRAGON: First name is Eugene, E-u-g-e-n-e, last name is Mondragon, M-o-n-d-r-a-g-o-n.

DOMON: And what is your date of birth?

MONDRAGON: [redacted]

DOMON: And what is your employee number?

MONDRAGON: "D" as in "David" 3-3-9-1.

DOMON: And how long have you been employed by the San Bernardino County Sheriff's Department?

MONDRAGON: [redacted]

DOMON: And what is your department and your station?

MONDRAGON: San, I work for the San Bernardino County Sheriff's Department. I'm assigned to the Specialized Enforcement Division.

DOMON: And what is your height and your weight?

MONDRAGON: I'm 6'1 about 260 sorry 270 right now.

DOMON: 270. Do you recall your date of hire?

MONDRAGON: [redacted]

DOMON: And do you remember the date you started patrol?

MONDRAGON: It was [redacted] I don't know the exact date.

DOMON: That's fine. And you said your current rank is Detective Corporal?

MONDRAGON: Correct.

DOMON: Prior to being employed by the San Bernardino County Sheriff's Department, do you have any previous law enforcement experience?

MONDRAGON: [redacted].

DOMON: What shift do you work, and what times do you normally work?

MONDRAGON: We work a 9/80 schedule. Our times are usually from seven in the morning to about 4 pm, and we work Monday through

Thursday and then every other Friday.

DOMON: And what was your callsign on August 11th, 2022?

MONDRAGON: 61 "Z" as in "Zebra" 10.

DOMON: And do you know your unit number that you were driving?

MONDRAGON: I was… I don't.

DOMON: Okay.

MONDRAGON: I was in the desert Bearcat.

DOMON: And in the Bearcat, do you remember who was with you? Did you have a partner?

MONDRAGON: Correct. I do. It was Jeff Henry, was the driver, Tina Olivas, passenger in the rear, and Jim Musgrave.

DOMON: And can you kind of describe what uniform and gear you were wearing on that day?

MONDRAGON: We were wearing our green operational CRYE uniforms with our plate carriers, green helmets. On the plate carriers on the front and back is bold yellow lettering reads Sheriff, and callsign is affixed to the back of my helmet.

DOMON: And was your belt recorder activated during the incident on August 11th?

MONDRAGON: Yes.

DOMON: Does the Bearcat does it have a camera?

MONDRAGON: No.

DOMON: Were you wearing a body-worn camera?

MONDRAGON: No.

DOMON: Prior to this interview, did you have a chance to review your audio recording of the incident?

MONDRAGON: Yes.

DOMON: Did you take any photographs either during, prior, or after the incident?

MONDRAGON: No.

DOMON: How much sleep did you get in the 24 hours prior to the incident?

MONDRAGON: Prior to the incident, I slept. I believe I had a full eight hours of sleep that night before.

DOMON: The night before. What about the 48 hours before?

MONDRAGON: Probably about seven, so...

DOMON: Seven.

MONDRAGON: Yeah.

DOMON: During the time of the incident, were you under a doctor's care or taking prescribed medications that affected your ability to perform at the time of the shooting?

MONDRAGON: No.

DOMON: During the LFE, what weapons did you use, and what caliber were they?

MONDRAGON: I was using my department-issued Geissele M4 rifle, it was 556, and then I had my STI 2011; shoots nine-millimeter, nine-millimeter pistol rounds.

DOMON: And during the LFE, you, you used your-your rifle?

MONDRAGON: Rifle only, correct.

DOMON: Rifle only. How do you typically load your rifle?

MONDRAGON: I use I load 29 rounds into steel magazine.

DOMON: Is that how you recall loading your magazines prior to the shooting?

MONDRAGON: Correct.

DOMON: And this is just a kind of a broad question, and we'll get more into it later in the interview, but how many shots you remember firing during the LFE?

MONDRAGON: Five.

DOMON: Five. Were you injured at all?

MONDRAGON: No.

DOMON: Have you ever been in an LFE before?

MONDRAGON: No.

DOMON: No. Okay, so at this point, I'm just gonna kind of open up the floor to you if you can just kind of give me an open narrative of how the situation went down.

MONDRAGON: So, August 11th was a Thursday, I was contacted on Wednesday by Detective Brian Whetsel of the Los Angeles

Police Department. He advised me they were going to be out in our area in Victorville attempting to contact Byron Hayes, and he was wanted for murder out of I believe out of Hollywood. He was able to send me their tactical operation plan. Their basically, their plan was to conduct surveillance at the residence and wait for him to leave so they could take him into custody once he left the house. The reason they were contacting us was that if they couldn't get him out of the house, or if he barricaded inside the house, if we would assist them and respond and conduct a surround and call out at the location.

(Clears throat) excuse me. On Thursday, the 11th, he was give…contact me, give me updates throughout the day just saying that Brian or Byron had not left the residence yet. And was pretty much asking us to conduct a surround and call out later on that evening. I had I contacted our lieutenant, Josh Smith. I also advised him of what was going on. And I had Detective Whetsel from the LAPD contact our Lieutenant Smith and also advised him what was going on. I spoke again with our Lieutenant Smith, and he advised that once they got a search warrant for the location that, we would be able to respond and conduct a surround and call out.

They eventually got the search warrant for the location, confirming that Byron was at the house. Several of us loaded into the Bearcat I'm sorry, I… we reviewed the search warrant, we reviewed their tactical operation plan. We learned that Byron

was a gang member from Long Beach. He had prior history for murder, shooting, robbery, and, I believe, burglary. Detective Whetsel from the Los Angeles Police Department also advised us that the murder weapon from the most recent one in Hollywood, which he was wanted for, was still outstanding. He was considered armed dangerous at the time.

Deputy Olivas authored the op our operation plan. We reviewed the search warrant for the location in Victorville, and then we deployed to the location. We met at a school which is a little bit away from the actual house, and we briefed with-with Detective Whetsel. Again, he advised that the murder weapon was still outstanding he's considered armed and dangerous. I advised them of our plan that we're gonna pull our armor into the driveway blocking in a vehicle that was in the driveway.

Detective Whetsel let us know on surveillance that the vehicle was still parked in the driveway. So, I advised him we're going to go into our surround and call out, but I needed their units to assist. So, they were going to post at [redacted] and [redacted] at that intersection to block traffic. And then another, more other units we're gonna park [redacted] of location on [redacted] to block traffic coming from the [redacted] And then we need some of their units on the backside on [redacted] for perimeter in case he tried to run out of the back.

Detective Whetsel advised me that they had plenty of units they

were gonna, they were going to provide that blockage and that containment for us while we conducted the surround and call out.

As we deployed to the location, that's when I activated my recorder. Just before we got to the location, Detective Whetsel sped up and drove next to the Bearcat and we had the rear doors open, and he was telling me he was yelling at me, saying that Byron had just left on foot. He'd left the house on foot. I had a hard time hearing him because of the-the wind and the doors and the engines of the vehicles. He called me, and again, he was trying to tell me that Byron had left the house. I wasn't sure if they had detained him yet. So, I told our driver, Jeff Henry, to slow down and still pull on the street just to see if we can assist or if they had him or they needed us anymore.

When we pulled on the street, I told Deputy Henry to slow down but continue towards the house. We saw some neighbors out in the street pointing us toward the actual house. So, I told Deputy Henry to continue. We would just continue with our plan, conduct the surround and call out. He'd go pull his vehicle, sorry, pull the Bearcat into the driveway blocking the vehicle that was at the house. And as we did that, I noticed there were several LAPD officers positioned around the house. There was also a black, unmarked Ford UV parked in front of the house on the street. I used that for cover and tried to speak with the officers that were surrounding the house. I guided one of the officers back to us back to a position of cover. As we were doing that, I noticed one

of the LAPD officers towards the rear of the house was actually speaking with somebody and yelling at somebody. They said that they had contact with the suspect Byron Hayes toward the back of the house and at which time we instructed Henry to conduct the PA announcements from the Bearcat. He started the announcements over the speaker and also activated the sirens and the blue and red flashing lights, I believe. A short time after, oh sorry, actually, right as we landed also, I instructed Deputy Olivas to launch our-our unmanned aerial vehicle into the air so we can monitor the perimeter of the house with the thermal camera.

As we're doing that, Bryon presented himself on the second floor in a window in the center of that in the center of the house. He was yelling at us and asking us, you know, why were we there. I started communicating with him and advised him that we have a search warrant for the location and we had an arrest warrant for him. In which time he asked us what the arrest warrant was for. I didn't tell him what it was for. I don't want to get into arguing with him and escalate the situation. So, I just told him we had an arrest warrant for him, and we weren't leaving without him. We wanted him to come downstairs, end this safely, come downstairs unarmed. At which time, he, he was somewhat argumentative. He didn't want to come out. And he kept on asking what his warrant was for.

He also seemed very intoxicated. He started drinking a bottle of,

of alcohol. Through our conversation, he was saying that he wanted to drink his $4,000 bottle of alcohol before he came out. He also seemed aware that there were several Los Angeles Police Department personnel at the back of the house. He said if they came in through the backslider, that they were going to shoot it out. I told him we didn't want that and also communicated with the Los Angeles Police Department officers that were near me. And I advised them to make sure not to go through the back of the back door slider, and we're going have him try to exit through the front door. I communicated that to Byron. I said, nobody's coming through the back door. Just follow my commands, he can come out the front, and we could end this safely.

At a time, he several times, he did indicate to me that he was going to come out and surrender. And I told him I appreciated it. And at which time he you know, he, he would make excuses not to come out. I ensured him several times that he wasn't going to be harmed, that we wanted to end it safely, and we want him to come out through the front door and just listen to my commands. He continued to drink his bottle of alcohol. At one point, he even accidentally spit some-some of the alcohol onto the screen of the window, and he tried to wipe it off. And I believe he was so intoxicated that he actually knocked the whole screen off of the window out of the window. And he ended up finishing the bottle, still not come out of the house.

At one point I believe he did some type of FaceTime call, or he made some type of call to I believe he was saying he was talking to his [redacted] We gave him a chance to speak with his [redacted] hoping that he would calm down and maybe his [redacted] would help him talk some sense into him and get him out of the house. He did make a statement to his [redacted] telling his [redacted] to cremate him and pour his remains in the ocean. That was alarming to us. Sound like he was he's saying his goodbyes and getting ready to die. I know for me that that was alarming.

While I was communicating with him, I did give him a chance to speak with his [redacted] I didn't want to interrupt him and escalate the situation. I know through my communication it was just trying to deescalate the situation and not get in an argument with him and try to get him out. I thought he was going to come out several times, but he didn't. Later on, one of our negotiators was able to arrive that was Deputy Harris. Deputy Harris tried communicating with Byron, and Byron became really upset. I gave Deputy Harris a chance to try to communicate with him and-and establish a good line of communication with him. It seemed that Byron continued to get upset, angry, began yelling. So, so eventually, I tried to step back in and bring his attention back to me so, I could deescalate the situation again.

Shortly after that, he produced a handgun. But he did mention that he did have a nine-millimeter handgun, I think an SKS, and another type of rifle he had mentioned through our

communication. He said that if LAPD was going to come into the back slider door, he was going to use those weapons to-to shoot it out with them. Like I said, at that time, I told him, I assured him that the Los Angeles Police Department wasn't going to come through the back door.

But going back to when he produced a handgun, he reached down to the ground just to the left of him and retrieved a black what appeared to be a semi-automatic handgun. He actuated the slide, so he moved the slide back and forth. When I saw that, I knew it was a real gun. He began asking Deputy Harris for some In-N-Out. Deputy Harris just told him, you know, he was gonna see what he could do about that. Also, I believe that he's trying to just deescalate the situation, hoping to get him out of the house safely.

At one point, he began…he laughed, he chuckled to himself, and he pointed the gun at his own head, and he said, "I've always wanted to do this." And he goes, I want he says, "I want some In-N-Out." And I believe at that point, he started to count down from 10. Deputy Harris told him, "Hey, we don't even know what your order is. Tell us what your order is." He continued to count down when he got to three. He was really slow and pronounced three long pause, two a long pause, and then one. After one, he took the gun away from his head and pointed directly at me where I was positioned behind the LAPD car.

At that point, I thought he was gonna shoot me and kill me. So, I fired rounds at him. Fired five rounds. He went down initially, and I didn't know if he went down to take cover or if he was actually struck and went down. But the two first initial shots were at the threat, which was his head, and then the three additional shots were into the stucco just below the windowsill. Like I said, I didn't know if he had taken cover, and I just wanted to stop the threat. After my five shots, I stopped and assessed. We were listening, looking, trying to see if he was still moving around or anything. We instructed Deputy Olivas to try to move the UAS into a position to gain view into the bedroom. She couldn't really see him, at which time Sergeant Sandlin took several deputies to the front door to try to gain access into the house so we can render potentially render medical aid.

The front door was locked. It was French doors, so it looked like the bottom pins were in the actual studs that go around the door. So, I believe it was Deputy Musgrave wasn't able to open the door. We came back, Sergeant Sandlin asked if I was ready to move around the house to them. So, we're going to move around the [redacted] side of the house to gain entrance to the back door, which we eventually did. We… once we got the backslider door open, we deployed a robot. That was Detective Lukacs deployed the robot so we can start clearing into the residence. We entered the first floor. Once the first floor was cleared, we made our way up the stairs, cleared those rooms, and then got to Byron.

Byron had several shots to the face and several shots to both his arms. Myself and Detective Michael Corral rendered medical aid at the time. He was still breathing. I just reassured him that he was going to be okay. And we're going to help him and try to get him to the hospital as fast as we can. We cut off his shirt, trying to assess any more gunshot wounds if he had any gunshot wounds to his torso or chest, or legs, which he had none. He had the visible the gunshot wounds to both his arms. I applied a tourniquet to his right arm. Detective Corral applied a tourniquet to his left arm, also placed a nasal pharyngeal tube in his nose to assist him with breathing, and that helped him breathe. You can hear him before the nasal tube you can hear him kind of gurgling on his blood. After he placed the tube in, it was a lot smoother breathing.

Medical was staged, sorry, the Fire Department was staged. We advised them to come in. They were able to get inside the house. And then they took over care from there. As they were as they were assessing him and trying to get him on the backboard to get him out of the house, they actually had they also had me help him breathe with the with the assistance of an airbag. And it was also I think it was also hooked to oxygen just to just to assist him breathing. After that, the rest of them came in, they took over the medical care, and got him out of the house. At that point, I went back downstairs, and that was pretty much the end of the call.

DOMON: Okay. So, we're just gonna take it back to the beginning and just kind of break it down into sections and kind of go back over it. So, you said the day prior, so August 10th is when LAPD Detective Whetsel contacted you and advised you of this murder suspect that they were looking for Byron Hayes.

MONDRAGON: Correct.

DOMON: Okay. And I know you kind of went over it. Do you remember, like, the circumstances of whatever homicide they were investigating? Like kind of what was the details of that?

MONDRAGON: I don't know exact details, but what I was from what I read and what Detective Whetsel explained to me was; Byron's [redacted] had gone missing for a couple days, and there was a call for service for a welfare check, I believe it was. They found the body of a female, which was later identified as Byron's [redacted] in the front passenger seat of a car with a gunshot wound to her head. They later obtained surveillance footage. And the last people that were at the car with the female was Byron and an associate to Byron, which was [redacted] They obtained an arrest warrant for Byron, and that's why they were going to his house in Victorville to conduct surveillance.

DOMON: And that arrest warrant that was issued for him from LAPD? What was that for?

MONDRAGON: For murder.

DOMON: Then did they provide you guys a copy with that prior to your involvement?

MONDRAGON: Yes.

DOMON: So that was the day prior. Was it already set in place that or at Specialized Investigations Enforcement Detail was going to assist them, or was that just kind of giving you guys a heads-up?

MONDRAGON: They were just kind of giving us a heads-up. The week prior to that, there was another surveillance team from the Los Angeles Police Department asked just given us a heads up for the same thing for another murder suspect that fled to Victorville. And they were gonna, if they needed our assistance, they were gonna call us, but that team was able to take their suspect into custody, so they didn't need our assistance. This is kind of the same thing, instead, Byron wasn't leaving the house, and they needed our assistance for the surround and call out.

DOMON: So, when-when were when was SED when was, when were you guys actually asked to assist on them on the case?

MONDRAGON: It wasn't till the afternoon, I'm not exactly sure on the time, but it wouldn't be till I don't think it was until about two in the afternoon on Thursday the 11th.

DOMON: On the 11th. And that's when Detective Whetsel contacted you.

MONDRAGON: Correct.

DOMON: And is that when you guys formulated the plan for you guys to get involved or how did that kind of happen?

MONDRAGON: Once he said he actually requested formally requested us to assist, I let our commander know Lieutenant Smith, I put Detective Whetsel and Lieutenant Smith in contact directly just so if Lieutenant Smith had any extra questions that, you know, he, you would hear it from Detective Whetsel himself. Everything was cleared. Lieutenant Smith cleared us, gave us permission to go assist them with the surround and call out. The only thing we were waiting on was-was the search warrant, which Los Angeles Police Department was going to author.

DOMON: And you said Deputy Olivas, she's the one that authored kind of wrote up your guys' Operations Plan?

MONDRAGON: Correct.

DOMON: So, let's kind of go over that. What was your guys', what was your guys' plan going into this?

MONDRAGON: So, our plan was going to be to use, sorry to use Los Angeles Police Department as containment units while we drove the

Bearcat to the front of house and conduct PA announcements asking all the occupants of the residence outside of the house through front door and then safely take him into custody. We've reduced, we've done a lot of those, and it usually works. Sometimes it takes a little bit of talking, but our suspects usually come out, and they surrender.

DOMON: So that was your guys' goal and your plan for this operation?

MONDRAGON: Correct.

DOMON: So, prior to you guys serving the search warrant at the [redacted] address, you met with Detective Whetsel?

MONDRAGON: Yes.

DOMON: At, you said, at [redacted] near the area?

MONDRAGON: Yes.

DOMON: Do you recall where it was? Exactly? If only you remember.

MONDRAGON: It was about a [redacted] I can't remember the name of the [redacted] we just met them briefly in the parking lot.

DOMON: And what would you guys talk about during that briefing?

MONDRAGON: Like I told him where I needed his units where I wanted them to block the street, so we don't have any cross traffic or potentially get any bystanders hurt or anything like that. And I…where we needed his perimeter units on the backside of the house off of, I think it was [redacted] in case Whetsel, I'm sorry, in case Byron did try to flee out of the back, he would run straight into the containment units. I let him know that we're going to be launching our UAS our drone, essentially, to have overwatch over the house, and I believe that was it. I believe I told him, if it did go longer into like an actual barricade, it was gonna go longer than we would eventually get them switched out, which would, we would contact our lieutenant, and then it would be a full call out for us. We would switch out their perimeter units their roadblocks, and we will continue with our barricade protocol.

DOMON: Do you recall what time that briefing occurred at?

MONDRAGON: I don't. It had to be around, around three.

DOMON: Around three o'clock.

MONDRAGON: I believe so.

DOMON: Okay. Did Detective Whetsel, did he relay any new information to you during that briefing?

MONDRAGON: I don't think so. He did tell me about the murder that he was

convicted of in New Mexico, that was also his [redacted] He only spent four years in prison, I think, for that one because I think he had mentioned Detective Whetsel had mentioned that Byron had said that the gun accidentally went off and shot his [redacted] in the head and killed her. So, he this was kind of his, his MO of you would say he was, he killed two of his [redacted] with a with some type of firearm.

DOMON: And then after the briefing, did you guys immediately go to the [redacted] to the address on [redacted]?

MONDRAGON: Yes.

DOMON: Okay. Up to that point, do you have any questions?

GOSSWILLER: Yeah, a couple of small things. Just going back to your loadout. You said you normally load 29 rounds in a magazine?

MONDRAGON: Correct.

GOSSWILLER: On the day of the incident, was that 29 plus one? So, one chambered? Or would that be 28 in the magazine one chamber?

MONDRAGON: Correct. 28 in the magazine, one chambered.

GOSSWILLER: Okay. Just wanted to confirm that. And then you mentioned the term UAS. What's a UAS?

MONDRAGON: It's an Unmanned Aerial Vehicle. It's just the abbreviation for---

GOSSWILLER: Okay.

MONDRAGON: ---for essentially our drone.

GOSSWILLER: And while we're on abbreviations, you said a Ford UV, is that like an SUV?

MONDRAGON: Utility Vehicle. Yeah, it's like an SUV utility vehicle.

GOSSWILLER: All right. And just going now to when you're talking to Whetsel, and you hear that he murdered his [redacted] in New Mexico, and then also previously mentioned that you were looking for the murder suspect, with the murder weapon outstanding. What's going through your mind hearing those types of things when you're preparing for this?

MONDRAGON: We know that he's armed, and we know that he's used a weapon in the past and most recently used a weapon recently, and potentially, he's still armed and dangerous and willing to use those weapons, those firearms.

GOSSWILLER: Okay. And then you mentioned that Oliva is putting the plan together, the ops plan, who developed that plan, or whose plan was that?

MONDRAGON: It was, essentially, it was my plan. To use the Los Angeles units to block the streets and for containment. We had communicated that on a screen in our office prior to deploying to the location. I communicated our plan to look to Deputy Olivas, and she authored the operation plan.

GOSSWILLER: Okay. So, you are responsible for developing plan, communicating it to everyone.

MONDRAGON: Correct.

GOSSWILLER: Who was there at your office when it was on the screen? Who'd you communicate that plan to?

MONDRAGON: It was pretty much everybody that was involved on our side of the operation. So, it was myself, Deputy Olivas, Deputy Musgrave, Deputy Stone, Sergeant Sandlin, Detective Corral, and Deputy Henry.

GOSSWILLER: And then, so that was prior to you even meeting with the LAPD in person or for their briefing?

MONDRAGON: Correct.

GOSSWILLER: And then you guys met at the school, I think you said?

MONDRAGON: Yes.

GOSSWILLER: Who was there for that briefing? Was that…?

MONDRAGON: It was Detective Whetsel, and I believe their lieutenant, I-I lost his name, I forget his name.

GOSSWILLER: Were all the people you just described also at that briefing or was that just you?

MONDRAGON: We were all there. I forgot one person. It was a Detective Lukacs. He was still on his way to us. When he arrived, he arrived after the plan was, was formulated. And then he was, I'm not sure who briefed him on the plan. But he was also at the, we deployed from our office and met Detective Whetsel at the school, and he was there during-during the briefing during that short brief.

GOSSWILLER: With Whetsel?

MONDRAGON: With, yes.

GOSSWILLER: And someone prior to that briefing had communicated your plan?

MONDRAGON: Correct.

GOSSWILLER: And what radio channel were you guys on when you're going to be doing this operation?

MONDRAGON: We were going to be using the primary channel for our Victorville station. I believe it was DCC two.

GOSSWILLER: And how was it that you guys were communicating with LAPD?

MONDRAGON: Just over the phone. Also, I believe Detective Whetsel was provided a one of our Sheriff's radios, which he obtained from the Victorville Watch Commander.

GOSSWILLER: So, you had radio access with Detective Whetsel, and then primarily, it was for the phone.

MONDRAGON: Correct.

GOSSWILLER: Do you did you have one of their radios or access to their radio channel?

MONDRAGON: No.

GOSSWILLER: That's it.

DOMON: That's all you got.

MONDRAGON: (sneeze) excuse me.

GOSSWILLER: Bless you.

MONDRAGON: Thank you.

DOMON: Okay, so after the briefing, that's when you guys all get ready to head over to the [redacted] address?

MONDRAGON: Yes.

DOMON: So, and so who was in the Bearcat? Was everybody on your team in the Bearcat or was there other vehicles coming with you?

MONDRAGON: So, there was other vehicles. (sniffs) excuse me. In the Bearcat, like I said it was, Deputy Henry was the driver, Deputy Olivas, Deputy Musgrave, and myself. Following behind us was Deputy Stone in the van, he was potentially medical extract vehicle. Sergeant Sandlin in his truck, we are going to use his truck so we can launch the drone from the rear of his truck. Detective Corral was driving his own truck. And Detective Haas was driving his truck. And sorry, Detective Lukacs was also driving his-his arson bomb truck because he had his-his canine, canine in the back.

DOMON: So, it was four of you guys in the Bearcat, and then everybody else was in their individual vehicles trailing you guys behind?

MONDRAGON: Correct.

DOMON: And Detective Whetsel from LAPD, was he in a separate vehicle?

MONDRAGON: Yes.

DOMON: Was he after the briefing when you guys were getting ready to head to the location, was he like leading your guys' pack or…?

MONDRAGON: No, he was in the back, and then when he tried to, he tried to drive up and let me know about Byron leaving the house on foot. He drove past our vehicles and was trying to yell at me about Byron leaving. Then he started calling me. It was just hard to hard to hear him hard to understand exactly what was going on, which is why I told Deputy Henry to kind of slow down just so we can kind of assess what was going on. Once, we pulled on the street, and we didn't see them taking him into custody. I just told Deputy Henry continue to toward the house, and we'll continue with our plan.

DOMON: And I think you already said it, but you guys approached from the [redacted] traveling [redacted] to the house?

MONDRAGON: No, I'm sorry, we approached from [redacted] to [redacted] on [redacted] [redacted] essentially turns [redacted] and that turns into [redacted]

DOMON: Okay.

MONDRAGON: But yeah, we approached from [redacted] to [redacted]---

DOMON: [redacted] to [redacted]

MONDRAGON: ---on [redacted]

DOMON: And when you guys were approaching when you're on [redacted] heading east towards the location. Were you guys able to see any? Or could you see anything in the street? Could you see what LAPD was doing?

MONDRAGON: Yeah, so there was, so we saw one of their cars, which was that black, that Ford utility vehicle parked in front of the house, and there was neighbors outside, and they were pointing us at the actual address that were responding to anyways. And somebody had mentioned that he had went back in the house. When we arrived, I got out just to assess the situation, see if they had him in custody or what was going on. And that's when we noticed the LAPD units. LAPD personnel were around the house, and they're yelling at somebody inside the house. And I had called one of their officers back to us because he was kind of in a bad position right up on the house, and I had called him back to us to do some cover. And they said they were communicating with him on the backside of the house.

DOMON: And to your knowledge, were you ever told... was there anyone

else in the house besides Byron?

MONDRAGON: So, Detective Whetsel had mentioned that they were watching the house pretty earlier in the day. The only person… they had seen some blinds move. They tried to conduct a ruse. They're saying something about there's a potential gas leak to see who was there inside the house. A male answered the ring doorbell camera and said nobody was there except his [redacted] And but he was his [redacted] was asleep. Later on in the day, Byron's [redacted] arrived she left; they stopped and detained her. I want to say they it was Los Angeles Police Department stopped and detained her. She confirmed the only person inside the house was Byron.

DOMON: Did she… was anything else relayed to you about that traffic stop or what…the [redacted] say anything else?

MONDRAGON: I don't think so.

DOMON: So, to your knowledge, Byron was the only one in the house when you guys arrived at the location?

MONDRAGON: Correct.

DOMON: So, you guys pull up, and you say Henry parks the Bearcat in front of the house. Is it in the driveway, is it outside the driveway?

MONDRAGON: It's in the driveway, behind a vehicle that's already parked in the driveway. That vehicle was all the way up to the garage doors.

DOMON: And then you said you hop out, and you kind of go behind the- the Ford utility vehicle. Where was that parked at in relation to the house?

MONDRAGON: It was parked almost in direct view of the front doors. So, it was still in the street, the vehicle's facing [redacted] on that [redacted] curb line.

DOMON: Is it safe to say it was parked, was it [redacted] of the house, was it...?

MONDRAGON: It would be sorry; it'd be [redacted] of the house.

DOMON: [redacted] of the house.

MONDRAGON: Yeah.

DOMON: And you said it's kind of directly in front of the front door?

MONDRAGON: Yes.

DOMON: So, you can see the front door from there?

MONDRAGON: Yes.

DOMON: And that's where you, when you exit the Bearcat, you go behind that vehicle for cover and concealment?

MONDRAGON: Correct.

DOMON: And then that's when you call over that LAPD officer that kind of update you what's going on?

MONDRAGON: Yes.

DOMON: Do you recall who that was?

MONDRAGON: I don't recall who it was.

DOMON: And what did, what did that LAPD officer tell you?

MONDRAGON: I think he just had made a quick mention that he got he made Byron made it back inside the house.

DOMON: Made it back inside the house.

MONDRAGON: I didn't really ask him too much more after that. I saw the units in the back or the personnel on the back of the house speaking with somebody, so.

DOMON: Could you hear what they were saying to Byron in the back?

MONDRAGON: No, that wasn't too clear, no.

DOMON: Okay, so you're upfront, you're by the Ford utility vehicle. At what…how long until Byron comes to the you said, the second story window?

MONDRAGON: It was several, maybe five minutes.

DOMON: About five minutes?

MONDRAGON: Yeah, maybe.

DOMON: Just to backtrack a little bit. Can you kind of describe kind of what the house looked like?

MONDRAGON: Two-story single-family home. From left to right, on the first story was a window. Next to the window was French doors. That window and door was kind of inset underneath a small little front porch patio. To the right of that was the garage, had the roll-up garage doors. On the second floor, above that, was several windows. I think there's one window on the left a window in the middle, which were Byron, which was where Byron presented himself. And then I believe one more window to the right of that if I remember correctly.

DOMON: So, the-the second story, the middle window, that's the one Byron presented himself at.

MONDRAGON: Correct.

DOMON: And was there anything obstructing your view from Byron in your position where you were at?

MONDRAGON: No.

DOMON: You can see clearly; you can see Byron in the window?

MONDRAGON: Yes.

DOMON: The window itself was there anything obstructing your view was there shades, blinds, anything else in the window?

MONDRAGON: It was just a screen, but I could still see him pretty clearly, even behind the screen. The actual window was open. So, he was speaking with us speaking with us through the screen. And then, like I said earlier, he eventually knocked that screen down on accident. So, he gave us even more clear view of what he was doing. His actions with his hands and stuff.

DOMON: And the PA announcements, the public announcement, announcement, did those start you said Deputy Henry was doing was conducting those?

MONDRAGON: Correct.

DOMON: Did those start immediately when you guys arrived on scene?

MONDRAGON: Yes, they started moments after we arrived, he began the PA announcements, the public announcements. And then, at one point I told him to stop, because he was trying to communicate, they're doing some type of communication on the back side of the house, and I don't want to get, I don't want those PA announcements to get in the way of their communication. So, I told him to stop. And once I heard that their communication stopped, he went somewhere back inside the house, we had him restart the announcements. And then, when he presented himself at the window, I told him to stop because we had direct communication with him. And then, anytime he would leave out of sight, we would make sure to continue those PA announcements into the house.

DOMON: Do you recall what PA announcements were being given?

MONDRAGON: Yeah, it was. "We're advising this is San Bernardino County Sheriff's Department. There's a search warrant for the address, which was [redacted] all occupants out of the house exit to the front door with nothing in their hands."

DOMON: So, Byron presents himself in front of that window, and he's basically having direct verbal contact with you---

MONDRAGON: Yes.

DOMON: ---at this point. Do I know you… the conversation kind of went back and forth, what were you kind of telling him, and what was he, was he saying anything to you?

MONDRAGON: So, like I said, we were I was I let him know that there was an arrest warrant, we had a search warrant for the house and arrest warrant for him. He wanted to know what the arrest warrant was for. I didn't tell him what the arrest warrant was for because I didn't want to start an argument. I didn't want to escalate the situation. I was trying to deescalate the situation. Just let them know that we had an arrest warrant for him and we weren't leaving. And I wanted to do this safe in a safe manner. I don't want anybody to get hurt. He was, like I said earlier, he was he was worried about the LAPD guys in the back coming through the backslider. I reassured him that that wasn't going to happen. Just to follow my orders to come downstairs, nothing in his hands and you know, we're going to end it safely.

DOMON: And how would you describe his demeanor when you were talking to him?

MONDRAGON: He would go up and down. He'd get a little aggravated sometimes, but he was intoxicated. He was drinking his bottle. And I think when we were speaking, he it seemed like he told me he was going to come out. I thought it was going to come out several times. He would get a little upset, but then he would calm down. Even up, like I said, he was up and down. He would get

upset, calm down. And then we gave him that time on the phone with, I believe, which was his [redacted] Same thing with him. He was calm talking to his [redacted] then he would get upset. He was yelling a little bit at his [redacted] on the phone.

DOMON: When he was talking on the phone with his [redacted] was he still in front of the window?

MONDRAGON: Yes.

DOMON: So, you could hear, could you hear the conversation he was having?

MONDRAGON: Yes.

DOMON: And I think you mentioned that he was saying he wanted to be cremated, was there anything else you heard during that conversation with his [redacted]?

MONDRAGON: He was telling his [redacted] not to cry. He told him if you cry, you're a bitch. I think that's all I recall. He just tells him not to cry to cremate him and put him in the ocean.

DOMON: And when you heard him say that to his [redacted] what was going through your mind at that point?

MONDRAGON: Yeah, like I said earlier, he was when I heard him say that was pretty alarming to me. It sounds like he was saying his

goodbyes. And he was getting ready to do something pretty, pretty, pretty dramatic, you know.

DOMON: And so, from your, from your where you were standing and looking up to the window, how much of what could you see of Byron? Like how much of his body could you see?

MONDRAGON: For the most part, it was just below his waist and above. When he was, he was, our initial conversations talking about, you know, him giving up and not giving up and what their arrest warrant was for and all that stuff. Not until the end, which was when he produced the handgun. He took an, it looked like he took a knee in front of the window, and all I could see was from his neck, around his neckline up and the… his left hand, which was holding the handgun to his head to his own head initially.

DOMON: And during your conversation with Byron, did he ever…was he ever out of your sight? Did he ever leave and come back or anything like that?

MONDRAGON: Yes, he would. If he wasn't in the window, he I don't know where he would go, but he would, he would go out of view for several moments. And like I said, when he would do that, I would make sure that we communicate, Deputy Henry, to continue with the P, with the announcements over the loudspeaker. So, Byron would know we're still there, and we still want him to exit the house.

DOMON: And you couldn't see where he went when he did go out of your view?

MONDRAGON: No.

DOMON: How long, how long will he be gone when he was out of your view?

MONDRAGON: Moments, maybe a minute. Some, sometimes longer than others. It was…yeah, I don't know what he was doing in there, I don't know if he was trying to look at the positions of other officers or what he was doing, I'm not sure. But he did, like I said, he did indicate to us that he had several weapons in his bedroom. Like he said, an SKS, he said that he had said some type of rifle and then his nine-millimeter.

DOMON: So, you didn't know what he was doing when he left the window?

MONDRAGON: Yeah, correct.

DOMON: Like maybe he was grabbing something, or you don't know what he was doing?

MONDRAGON: Yeah, I don't, like I said, I don't know if he was, you know, trying to gain, learn the position of other units around him or and maneuver on them potentially. So it was pretty, pretty alarming. I was pretty scared for our partners there. You know, I make sure I

take good cover behind that, that car that I was behind.

DOMON: And during this time, did you have any communication with any of the LAPD officers that were on the perimeter around the house? Were you getting any updates on what they saw or anything?

MONDRAGON: Yeah, there was, I forget which-which officer was, but there was one behind the Bearcat behind our Bearcat, and he's the one that I was communicating with. Just making sure that his officers, their officers, were not making entry to the backslider to potentially-potentially get in a shooting with Byron. He informed me that they weren't there, just on the backside for containment. But again, they also they will they don't want to get exposed to any potential gunfire from Byron either. So, sound it sounds to me like they're-they're kind of hunkered down in a containment position.

DOMON: And you'd mentioned that the UAV, the unmanned aerial vehicle or the drone, does that have a camera on it? How does that work? What do you guys utilize that for?

MONDRAGON: Yeah, it's it, yes, it has a camera on it. Deputy Olivas controls the drone. And on the controller, you can see what the camera is viewing. So, you can move into different positions around-around the location and gain view into the backyard or, in this case, into the window from where Byron was standing.

DOMON: And if Deputy Olivas, if she's manning that, did she relay any information about what she saw on it or anything like that?

MONDRAGON: I think when we initially arrived, and he was at the back, speaking with the police, the Los Angeles police officers, she-she had stated that he was on the backside. And I think that that was about it. Because shortly after that, like I said, a couple minutes later is when he presented himself at the middle window of the second floor.

DOMON: And if you had to estimate, how long do you think you were talking to Byron at that window?

MONDRAGON: I would say probably about 30 minutes right around the 30 minutes.

DOMON: About 30 minutes. And you said his mood would kind of go up down. You believe that one point he may actually come out.

MONDRAGON: Yeah, there were several times that he was actually going to come out and give up. I think the first time was he said he wanted to finish drinking his dottle, his bottle of Dawn P is what he called it. And after he finished that, I thought he was going to come out. And there was one point to he-he almost kind of jumped out of the window after he knocked the screen off. He

was kind of giggling and stuff like that, which led me to believe that he was getting ready to give up. He-he almost leaped out of the window of the second story, and I told him again, "hey, don't do that. I don't want you to fall down and break your ankle." I... just come out of the front door, and let's do this safe. And he climbed back into the window. And that was another time that I thought he was going to come downstairs and give up and end it nice and safe for everybody.

DOMON: Did he come out, like, fully come out of the window, or is he kind of like straddling it?

MONDRAGON: He straddled the window he; one leg was out, and the other leg was in, and his upper body was fully out of the window. I-I thought it was going to jump out and potentially hurt himself. And I told him, "Hey," not to do that. And, you know, like I said, I didn't want him to get hurt.

DOMON: So, you're talking to him about 30 minutes, and is that when Deputy Harris arrives on scene and starts talking to him?

MONDRAGON: Yes.

DOMON: And where's-where's Deputy Harris at when he arrives? Where's he, where's he trying to communicate to Byron from?

MONDRAGON: He was initially he was on the, I think, behind the Bearcat, I believe, on the right side, so, passenger side of the Bearcat. But

I wasn't too sure I was kind of just maintaining my observation on Byron.

DOMON: And how did that interaction go between Deputy Harris and Byron?

MONDRAGON: Yeah, Byron did not like Deputy Harris at all. He became upset. He, it sounded like Byron, thought that we had called Deputy Harris there because Deputy Harris was black. But Deputy Harris is just our negotiating deputy that happened to be working at that time and was able to respond really fast to help us out with potentially negotiating Byron out of the house safely. Had nothing to do with race or color or anything like that. It just happened to be the person that was there trying to help us out and help Byron out, essentially get them out of the house safely.

DOMON: And how long do you think Byron was talking to Deputy Harris before he had armed himself with that firearm?

MONDRAGON: It was only a couple, maybe five minutes. I'm not exactly sure, but maybe around five minutes.

DOMON: About five minutes.

MONDRAGON: Yeah.

DOMON: Up to that point do you have anything?

GOSSWILLER: Yeah, a couple quick things. So, when you first got there, you'd mentioned that they said they had contact with Byron at the back of the house. Do you know who said that? How they communicated that to you?

MONDRAGON: Yeah, the-the first officer that I told to come back to cover the LAPD officer there was right up on the house near the front side of the house. When I called him back, he said they're I think they're talking to him on the back. So, I ended up looking that way, and you could see there was an officer I don't know who it was, but there was a LAPD officer kind of yelling at somebody through I'm not sure if it was through a window or a door or something. I'm guessing it was a window on that backside of the house.

GOSSWILLER: And then you'd mentioned he, Byron, had said if they come in and we're going to shoot it out, what's that make you think? What's going through your mind when you hear that?

MONDRAGON: So, when I'm hearing that it's leading me to believe that he's for sure armed in there. Like I said before, he's already considered armed and dangerous, and him saying that just kind of reinforcing that he's armed and he's willing to use that gun again. And put his life, our life, our partners' lives, and the public's life in danger by trying to shoot it out with the police.

GOSSWILLER: You mentioned that he said he had a couple guns, a nine-millimeter handgun, an SKS when you hear SKS, what-what do

you think of?

MONDRAGON: Like a large caliber semi-automatic rifle, so puts it put that scares me we don't there's not a lot of armor in the vehicle that I was I was behind even some armor, even if I was behind armor there's some armor that there's some sorry, there's some rounds that the armor doesn't stop. So, it-it you know I was scared for my life and not only my life, even if I get hit with some of those rounds, those rounds can go through me and end up in a neighbor's house and potentially harm the public.

GOSSWILLER: And I want to go back just a hair real quick. Regarding the brief, did you guys discuss medic at the briefing? Or not there? What point was it decided to stage them, and who decided that?

MONDRAGON: I believe Detective Corral was in charge, of the medical plan. We had discussed Deputy Stone's van being our initial medical extract vehicle. So, if one of us did get hit by gunfire or was hurt, we could use his van to transport them away from the location and hand them off to-to the medical personnel that were staged nearby and have them get to better care.

GOSSWILLER: Do you recall what point medical aid was staged nearby?

MONDRAGON: I don't recall exactly.

GOSSWILLER: And so, from your position, where you guys parked the Bearcat and then where you were behind cover on the vehicle nearby,

approximately how far away from you from Hayes are you from that upstairs window?

MONDRAGON: It was about 20 yards. I could throw a baseball on, you know if I wanted to, it was not a great distance.

GOSSWILLER: Okay.

DOMON: Okay. All right. So, let's kind of go into when Byron ends up arming himself with a firearm. So, it's in the window you're… he's communicating. Is he communicating with you at this point or Deputy Harris?

MONDRAGON: More so, Deputy Harris. I did…I when I noticed he got aggravated with Deputy Harris, I did give Deputy Harris a chance to try to establish a good line of communication with him. But at one point, I did try reaching back out to him. So I could try to deescalate the situation. And he-he was still pretty upset. But he was still, for the most part speaking with Deputy Harris.

DOMON: So, he's, he's speaking with Deputy Harris kind of going back and forth between him and you. So now let's kind of go over him when he ends up grabbing a gun. Let's kind of go through that a little bit. So, what's, what's he saying at this point, what's Byron saying?

MONDRAGON: I don't recall exactly what he said when he grabbed the handgun. But yeah, he when he did grab it, he reached down to his left,

grabbed what looked like to me it was a semi-automatic handgun, and moved the slide back and forth on the top of the gun, which to me looked like he loaded it and was getting ready to use it.

DOMON: So, he reaches down onto the ground?

MONDRAGON: Yes, that's what it looked like.

DOMON: And you said he grabbed it with his left hand?

MONDRAGON: Correct.

DOMON: And you said he's manipulating it, manipulating the slide. And to you, all your training experience, it appears like he was probably chambering a round into the gun.

MONDRAGON: Correct.

DOMON: So, after he has manipulated the slide, what's he do... what does he do after that?

MONDRAGON: He puts it to his own head. He points it at his own head. And I think that's when he starts. I remember, if I remember correctly, he asks for In N Out at that point. I think that's when I think Deputy Harris, you know, wants to know, well, what's your order. He asked him what his order is. And he tells him something he

says I want; I forget exactly what he said. And shortly after that, when he started counting down.

DOMON: Just to backtrack a little bit. When he bent down and grabbed the gun, did he kneel down did he completely go out of your view? How'd he grab the gun?

MONDRAGON: Yeah, so he-he knelt down, that's when he only presented like it was like his neck. The only thing I could see was like his neck, and his head, and the left his left hand holding the gun to his head.

DOMON: So, when he grabs it, he's in, he's the only thing you can see is from his neck up.

MONDRAGON: Correct.

DOMON: And then you eventually see his-his left hand with the gun?

MONDRAGON: Yes.

DOMON: And is that when you see him manipulating it also?

MONDRAGON: Yes.

DOMON: So, at this.... when he's manipulating the firearm, the only thing you can see his neck, head, and his left hand?

MONDRAGON: Correct.

DOMON: And you said he placed it to his head. Can you kind of describe that a little bit?

MONDRAGON: Yeah, he, he put the muzzle of the gun to the left side of his head and was holding it there while he was communicating with us. Well, mostly with Deputy Harris. That's when he was asking for his In-N-Out.

DOMON: And then that's when he proceeded to count down from 10?

MONDRAGON: Correct.

DOMON: And when he's counting down when he starts his countdown, what's kind of going through your head at this point?

MONDRAGON: I think that either he's going to shoot himself or he's going to he's devising a plan, especially when he slowed down towards those towards the later numbers when he took those long pauses in between three, two, and one. It led me to believe that he was either he was trying to gather the courage to either shoot himself or start shooting at us.

DOMON: And the whole time he's counting down, Byron has the gun to his head?

MONDRAGON: Correct.

DOMON: And during this countdown, he's still kneeling, so the only thing you can still see is his left hand, his neck, and his head?

MONDRAGON: Correct.

DOMON: So, when Byron when he reaches number one, what does he do?

MONDRAGON: If I remember correctly, he smiled, and then he pointed the gun directly at me. And that's when I thought he was going to shoot me, try to kill me. So, I fired my weapon.

DOMON: Anything up to that point, do you have anything?

GOSSWILLER: So, when he's pointing that gun at you, when you think he's going to shoot you or, you know, causing you to shoot, what-what do you think would have happened if you didn't fire?

MONDRAGON: If I didn't fire?

GOSSWILLER: Um-hum.

MONDRAGON: I believe he was gonna start shooting at me, and if he couldn't hit me, or he thought he could shoot at my partners and try to kill them. But pretty much anybody that he can shoot, he was gonna

try to shoot and kill.

GOSSWILLER: And what were the lighting conditions like at that point?

MONDRAGON: It was it was daylight. The sun was still out. It was afternoon time, so the sun was more towards the west sky, if you would say.

DOMON: What was your what was your sight picture?

MONDRAGON: So, looking through my optic, the red dot was on the upper portion of his head. That was the threat that I could see. That was what I was perceiving. That sight picture allowed me to see his head and his hand at the same time.

DOMON: And then, was your sight picture the same through all five shots, or did it change?

MONDRAGON: So, after the first two initial shots, he went down, and I wasn't sure if he had went down to take cover or was hit. So, through my training experience, I know that the 556 rounds that we shoot through our department-issued rifles go through stucco. But also, I'm not I don't construct the houses, so I wasn't sure if I potentially hit a stud in the wall. So, to stop the threat and ensure the threat was stopped, I-I took three shots into the stucco right below where his head was in case, he was crouching down and trying to move and assault us in a different pos at a from a

different position.

DOMON: And was there any breaks in your shooting from the first two to the last three?

MONDRAGON: I don't think so, no.

DOMON: So, just one continuous volley?

MONDRAGON: Yes.

DOMON: Can you describe your shooting platform like how you're standing was it one hand, two hand, were you moving?

MONDRAGON: I was braced against the black utility vehicle. So, it was pretty solid. I was standing, I had my left hand braced against the vehicle with the front portion of my rifle in my hand, and my right hand was on the fire control portion of the rifle the shoulder into my right shoulder, and I was just kind of leaning into my weapon system. So, I was standing up but leaned over with the rifle shoulder, looking through my optic.

DOMON: And do you remember, was there anything there any visual obstruction between you and Byron?

MONDRAGON: No.

DOMON: Nothing like that, nothing obstructing your view?

MONDRAGON: None at all.

DOMON: And I think we already went over this, but the distance between you and Byron, you said it was 20 yards?

MONDRAGON: About yeah, I would say about 20.

DOMON: And obviously, he was in an elevated position above you.

MONDRAGON: Correct.

DOMON: What is your best estimate of the time it took you to fire your weapon from the first round to the last round?

MONDRAGON: Under a second, maybe a second.

DOMON: Maybe a second?

MONDRAGON: Yeah.

DOMON: What was behind Byron?

MONDRAGON: So just a house, and then behind the house was an open field in the desert, and then several 100 yards behind that, I think it was [redacted]

DOMON: So, his backdrop was-was pretty clear?

MONDRAGON: Yes. There was definitely not another house directly behind his house.

DOMON: Up to that point, do you have anything?

GOSSWILLER: When you, when you fired your weapon, what could you hear at that point?

MONDRAGON: Just other rounds being fired. But it was, like I said it was a quick burst of rounds. And that was all that's all I heard when I fired.

GOSSWILLER: So, you heard other gunfire?

MONDRAGON: Correct.

GOSSWILLER: Could you tell if that gunfire was… where it was coming from?

MONDRAGON: Not specifically.

GOSSWILLER: Did you hear or see anything that you perceived that Hayes had fired his weapon?

MONDRAGON: No.

GOSSWILLER: And after you stopped firing your weapon, did you still hear gunfire, or how did that work?

MONDRAGON: No, I didn't hear any sustained gunfire. It was, just like I said, just

a quick burst of gunfire.

GOSSWILLER: What caused you to stop firing?

MONDRAGON: The threat was gone. So, I didn't perceive the threat.

DOMON: So, after the gunfire seized, what kind of happened after that? You guys ended up formulating a plan to enter the house?

MONDRAGON: Yes, Sergeant Sandlin got some of the deputies together, and at that time, we weren't sure if he was hit if sorry if Byron was hit. But we're guessing that he is, and he needs medical aid. So, Sergeant Sandlin formulated a plan to try to breach the front door those French doors of the house. Deputy Musgrave…I stayed back at my position behind the black utility vehicle, and I was still watching. I was watching them breach the door and watching the window in case Byron returned to the window and continued to try to fire at us. So, I was just watching that. It was the…a failed breach attempt at the front door, so they moved back to the Bearcat. At which time, Sergeant Sandlin asked me to-to move around the house with them with that team to essentially gain entry into the house through that back slider, that rear slider, to render medical aid to Byron.

DOMON: Did anybody… was any of the SED personnel did stay up in the front location to key observations on the window?

MONDRAGON: Yes, I believe Deputy Olivas and Deputy Haas remained at the

front of the house.

DOMON: At the front of the house. You guys moved to the back of the house, and you guys ended up gaining entry through the back slider. And that's when you guys deploy the robot?

MONDRAGON: Yes.

DOMON: How does... for the robot, is someone operating it, is there a camera on it, how does that work?

MONDRAGON: Yeah, so there's a camera on it doesn't record, but Detective Lukacs was operating the robot. Essentially, on the controller, there's a screen where you can see what the camera on the robot is looking at. He tried his best to clear the downstairs and then also go upstairs. He said once he started trying to go upstairs, the robot tipped over, and it wasn't able to continue moving. So that's when we made entry into the house.

DOMON: So, you guys into the house ended up going clear the-the first floor, then you guys make your way up to the second floor?

MONDRAGON: Correct.

DOMON: And when you guys get to the second floor, what do you see when you get up there?

MONDRAGON: At the top of the stairs, there's an opening to the left, and then several it was kind of an open area with other doors leading to that open area right before you go downstairs. So, somebody that I'm not sure who it was, but somebody mentioned they saw Byron when we first got there. But just through our training experience, we know we got to clear the other rooms before we start our medical attention to Byron. We don't want to start medical attention and potentially have some deal with somebody else and take our concentration off of Byron. So, we cleared the- the other rooms, and we made it to Byron.

DOMON: So, for safety reasons, you have to clear the rest of the residence to make sure there's that someone there waiting for an ambush situation.

MONDRAGON: Correct. And he also said there was more rifles and guns in there, so we just want to make sure there's nobody else in there.

DOMON: So, when you clear the top, you said there was an opening to when you go to the top of stairs to your left. Is that Is it a bedroom?

MONDRAGON: Yeah, it was end up being the master bedroom.

DOMON: Master bedroom. Was that door was it open, was it closed?

MONDRAGON: It was open.

DOMON: It was open already. So, you guys clear the second story. You guys find anybody else out there?

MONDRAGON: No.

DOMON: And then you end up going towards where Byron's at.

MONDRAGON: Yes.

DOMON: So, when you approach Byron, is he in a room, is he in the hallway? Where's he at?

MONDRAGON: He was in the room by where near where he was last seen laying down by the window.

DOMON: And how was he laying? Was he on his back, was he on his stomach?

MONDRAGON: He was on his back.

DOMON: On his back?

MONDRAGON: On his back.

DOMON: Was he moving? Was he talking or anything?

MONDRAGON: No, he was not moving. He wasn't talking, but he was breathing.

DOMON: He was breathing. Did you… was there anything around him, on the ground, on anywhere?

MONDRAGON: Yeah, there was a…I didn't…there was the black semi-automatic handgun. I didn't move it or anything like that. I believe Detective Corral kind of moved it out of the way so we can just safely render medical aid.

DOMON: And where was that in relation to Byron?

MONDRAGON: It was near his body. I can't tell you exactly where it was. It-it got moved out of the way.

DOMON: And the gun you saw that was on the floor next to Byron was that the same firearm you saw him holding earlier?

MONDRAGON: Correct.

DOMON: And then that's when you guys you started providing medical treatment at that point.

MONDRAGON: Yes.

DOMON: What kind of medical treatment did you guys provide for Byron?

MONDRAGON: Applied tourniquets to both his arms to stop bleeding there. We assessed his chest, torso to see if there's any other gunshot

wounds. Also checked his legs assessed his front, moved him over checked the back to just double check to make sure there's no other wounds. And then, like, I said I think Detective Corral placed that nasal tube to assist his breathing.

DOMON: And at what point did you call for outside medical help?

MONDRAGON: I think once the residence was clear, I'm not sure who called for, for the medical to come inside the house. But I was just focused on providing my best medical attention to Byron to help try to keep him alive.

DOMON: But someone on your team called for outside medical help to come?

MONDRAGON: Correct. I could be wrong. I believe it was Sergeant Sandlin that advised medical to respond inside.

DOMON: And how long were you treating Byron medically before the Fire Department arrived? If you had to estimate.

MONDRAGON: A couple minutes.

DOMON: A couple minutes?

MONDRAGON: Three, four minutes maybe. It was... I don't think it was that long.

DOMON: And then once the Fire Department… was it Fire Department or was it a different agency?

MONDRAGON: It was San Bernardino County Fire.

DOMON: San Bernardino County Fire Department. Once they arrived, they ended up taking over medical---

MONDRAGON: Correct.

DOMON: ---treatment for Byron. Were you present when they were treating him? Or did you kind of walk away?

MONDRAGON: So, like I said earlier, they had me place the oxygen mask on him and help assist with his breathing through the bag through, I'm drawing a blank what is called, but it's the bag you squeeze to push air into his lungs. And that was assisted with oxygen. So, they had me do that while they were loading em onto the, I'm drawing a blank right now, onto the stretcher. And once they loaded him on the stretcher somebody else took that over so.

DOMON: Took that over. And then, did they end up transporting Byron to a hospital at that point?

MONDRAGON: Yes, they transported him… to a helicopter and the helicopter is flying him out to a hospital.

DOMON: To a hospital? Do you have any idea where the helicopter, like the landing zone was?

MONDRAGON: No, I don't recall where they landed, no.

DOMON: Was the helicopter…was that prior…was that part of the medical that you guys staged earlier? Or was that an after effect?

MONDRAGON: I believe it was after.

DOMON: After. And just take it back just a little bit. After the shooting occurred, did the PA announcements, did those resume? Or did those stop?

MONDRAGON: I think they stopped.

DOMON: They stopped. Do you have any questions?

GOSSWILLER: How long was it before or excuse me after the shooting, how long was it before you got to Hayes?

MONDRAGON: It was about 14 minutes, I think it was in total.

GOSSWILLER: So, was there any unnecessary delays in those 14 minutes?

MONDRAGON: No, not at all.

GOSSWILLER: And I know you kind of broke it down with my partner, but why exactly did it take 14 minutes?

MONDRAGON: So, it took a little bit more time just because they tried to breach that front door, and it looked like Byron had all the locks on the door. So, the front door is really secure. So, then we had come back and then move around the house and then just safely breach the back door. Got to run the robot in there just to help us secure that first floor. And then, like I said, just for our safety, we clear those any other rooms leading up to Byron.

GOSSWILLER: Could you guys have gotten there quicker in a safe manner, though? Or is that as the speed it took you to get there safely?

MONDRAGON: Yes, that was the speed it took to get, get us there safely. Actually, pretty fast.

[redacted] If I may. Did you have speaking with LAPD; did you have any intel that anybody else was in the house?

MONDRAGON: No.

[redacted] And in the past, dealing with these certain situations like this, have you received intel that people are not inside the house only to encounter people in the house?

MONDRAGON: Yes.

[redacted] So, is that why the team takes the methodical process that they do to clear the house prior to encountering?

MONDRAGON: Exactly, yes.

GOSSWILLER: And then previously discussed that there was officers making contact with Byron on the back of the house.

MONDRAGON: Yes.

GOSSWILLER: Where were they after the shooting?

MONDRAGON: They were on the [redacted] side of the house kind of tucked, all the way up to the house, out of the view of any windows.

GOSSWILLER: So, they had moved from the back of the house to the [redacted] side of the house?

MONDRAGON: Correct.

GOSSWILLER: And so, they weren't in the backdrop at the time of the shooting?

MONDRAGON: No.

DOMON: At this point, we're going to take a break. The time is 1115 hours.

DOMON: All right, this is Detective Owenn Domon. We are back on tape; the time is 1119 hours. All right, just a few follow-up questions. Earlier, you said when Byron he ended up getting on the phone, and you said he believed it was his [redacted] How did you know it was his [redacted]?

MONDRAGON: I think he told us he was going to call his [redacted] and talk to his [redacted]

DOMON: So, prior to him calling on the phone, he said I'm gonna call my [redacted]?

MONDRAGON: Yeah, he stated, yeah, he just stated that he was going to call his [redacted]

DOMON: And during the negotiation phase, obviously, you were talking to him, and then deputy Harris was talking to him. Was anybody else negotiating with Byron at that point?

MONDRAGON: Yeah, Deputy Chris Haas was. He spoke with Chris briefly throughout.

DOMON: Briefly. Was there anything…do you remember what they talked about? What was said?

MONDRAGON: I think same, the same thing kind of, I was saying he was just reiterating. You know, let's just do this safe and come on out and

essentially the same stuff.

DOMON: And then you kind of describe you said that he appeared intoxicated. What made him appear intoxicated to you?

MONDRAGON: He had just the way he was standing; he was kind of wavering back and forth. I mean, he was drinking a big ole bottle of alcohol while he was talking to us. He said he wanted to finish his bottle before he came down. And then at one point he-he took a, he tilted his head all the way back, he lifted his bottle all the way up and was drinking, and that's when he kind of, I'm not sure if he laughed, or he kind of choked on the, on his own alcohol and kind of spit it up on the window screen. And then, when he tried to wipe it off the window screen, he did it in such a way that he knocked the window screen completely out of the window seals. So again, kind of stumbling and clumsy in that way. Looked very intoxicated.

DOMON: And, did he appear intoxicated when you first initially contacted him in the window?

MONDRAGON: Yes.

DOMON: So even from your first contact with Byron, he appeared intoxicated to you?

MONDRAGON: Yes.

DOMON: And then at what point during that negotiation, when you're talking to him, did he end up grabbing the alcohol bottle?

MONDRAGON: It was almost right away. He was… I think when he initially presented himself, he didn't have it, but every time after that he had it until he finished it, and then he threw it out of the window into the driveway.

DOMON: So, initially, you saw him, he didn't initially have it. He appeared intoxicated at that point, though, and then he ended up grabbing the bottle, drank it during your guys' negotiations, and ended up throwing the bottle out into the front yard area?

MONDRAGON: Correct.

DOMON: Do you have any further questions? No. All right.

[redacted] I just---

DOMON: Yeah.

[redacted] --- I just want to know, just real quick. I mean, I want to talk about when he had that gun to his head and then when he pointed at you guys. Could you describe the range of motion that he took when he pointed it, when he pointed, took the gun from his head, and pointed at you? Was it slow and deliberate? Was it rapid and determined? What did you see, and what did you perceive about

his about the motion of his hand when he pointed the weapon at you?

MONDRAGON: Yeah, so when he had it to his head, and he finally got to one, very quickly and aggressively, he snapped the weapon from his head down at me very deliberate, very fast, split second. Like I said, I thought he was gonna shoot me right away. So, I shot back immediately, protecting myself and not only myself potentially my partners. So.

DOMON: Good?

[redacted] That's all I have.

DOMON: All right. That's gonna conclude the interview. The time is 1123 hours.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DETECTIVE BELA LUKACS

Detective Bela Lukacs

On Friday, August 12, 2022, at approximately 2342 hours, Sheriff's Crime Scene Specialist [redacted] and I met Detective Bela Lukacs at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Lukacs, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE).

UNIFORM DESCRIPTION:

Lukacs' uniform consisted of the following:

- A green ballistic helmet with Liberator 2 communication and ear protection. An American Flag patch affixed to right side of helmet A patch with "61K93" written in white reflective lettering affixed to the back of the helmet. A patch with "EOD" written in white reflective lettering affixed to the left side of the helmet. A light affixed to the left side of the helmet. A pair of goggles with a green cover affixed to the front of the helmet.
- Glasses with clear lenses.
- A green long sleeve Crye Precision shirt with San Bernardino County Sheriff's Department (SBCSD) cloth patches on either shoulder. An American Flag patch affixed to the right shoulder. A patch with "EOD" written in white reflective lettering affixed to the left shoulder. Green Crye Precision pants and green Salomon boots.
- A brown back pack containing a Qinetiq robot remote. The remote crossed the chest and hung on the left side.

[redacted]

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

- A green TYR Tactical load-bearing vest. A patch with "SHERIFF" written in yellow writing affixed to the front center of the vest and the back of the vest. An American Flag patch beneath "SHERIFF". A patch with "61K93" written in yellow lettering beneath the "SHERIFF" patch.

Lukacs' equipment on the TYR Tactical load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- A green magazine pouch containing two shock tube ignitors, four breaching charges, and trauma shears.
- A green magazine pouch containing two Staccato 2011 handgun magazines.
- A green pouch containing a tourniquet.
- A green pouch.
- A green pouch containing a Motorola handheld transmitter (HT) radio. Affixed to the radio pouch was a roll of black electrical tape.
- A green pouch containing a canister of yellow smoke.
- A green pouch affixed to the lower front of the TYR Tactical load-bearing vest.

Lukacs' equipment on the green nylon belt proceeded clockwise from the (front) center of the belt was:

- A black carabiner affixed to the belt.
- A black thigh rig platform with a green holster attached. The holster held Lukacs' department-issued Staccato 2011 handgun.
- A green and black sheath containing a fixed blade knife with a wood grain handle affixed to the thigh rig platform.
- A green pouch containing a pair of handcuffs.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

- A green dump pouch.
- A green pouch containing a Leatherman Tool.
- A green pouch containing a canister of yellow smoke.
- A green magazine pouch containing a P-Mag ammunition magazine.
- A green magazine pouch containing a Staccato 2011 handgun magazine.
- A roll of black electrical tape affixed to the belt.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		

WEAPON COLLECTION:

Primary firearm collected:

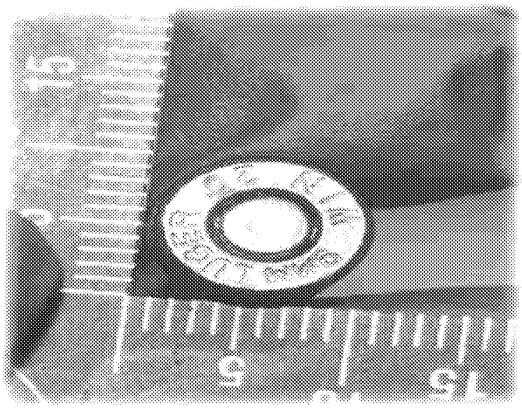
In my presence, [redacted] removed the ammunition magazine from the handgun's magazine well and placed it on the table. [redacted] removed a chambered cartridge and rendered the handgun safe. [redacted] examined and photographed Lukacs' handgun, ammunition magazine, and ammunition. The handgun was a Staccato 2011 semi-automatic handgun with serial number [redacted]. Attached to the handgun was a mounted Streamlight TLR-1HL tactical weapon light and a Trijicon optic.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

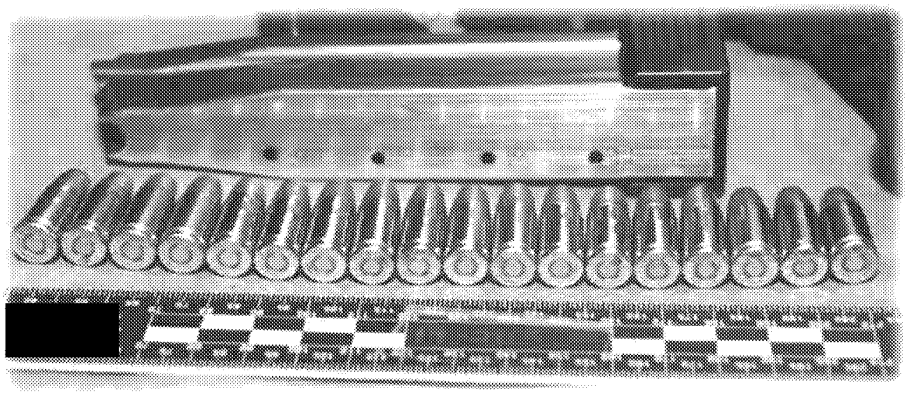
VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

MAGAZINE/AMMUNITION:

During the process, the chambered cartridge from Lukacs' handgun was photographed and packaged separately. The cartridge was headstamped, "9MM LUGER WIN 20." [redacted] removed the remaining cartridges from Lukacs' ammunition magazine. Inside the ammunition magazine were 18 cartridges. All the cartridges in the magazine were headstamped, "9MM LUGER WIN 20." [redacted] collected the handgun, chambered cartridge, ammunition magazine, and additional 9-mm cartridges and packaged them for processing.



18 Cartridges

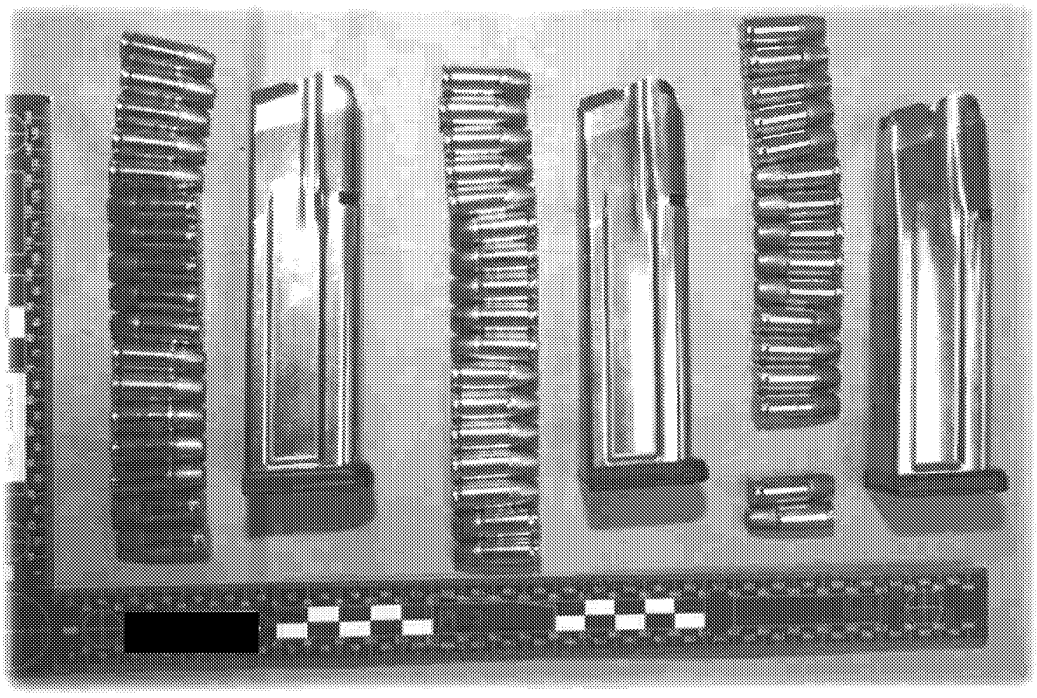


CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

MAGAZINE/AMMUNITION CONTINUED:

Lukacs' carried three additional 17 round capacity 9-mm handgun ammunition magazine. All of the magazines were Staccato 2011 handgun magazines. Two of the handgun magazines were stored on the front of Lukacs' TYR Tactical load-bearing vest. One of the handgun magazines was located on the left side of the belt. The first Staccato 2011 handgun magazine contained 17 cartridges. Ten of the cartridges were headstamped, "WIN 9MM Luger+P" and seven cartridges were headstamped, "9MM LUGER WIN 20". The second Staccato 2011 handgun magazine contained 17 cartridges. All the cartridges in the magazine were headstamped, "WIN 9MM LUGER+P". The third Staccato 2011 handgun magazine contained 16 cartridges. All the cartridges in the magazine were headstamped, "9MM LUGER WIN 20".



CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING CONTINUED:

The processing was concluded at 0025 hours.

OFFICER INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on a Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

OFFICER INTERVIEW: DETECTIVE BELA LUKACS

On Thursday, September 1, 2022, at approximately 0958 hours, San Bernardino County Sheriff's Department (SBCSD) Detectives Ian Gosswiller and Owenn Domon interviewed SBCSD Detective Bela Lukacs, in the conference room at the Specialized Investigations Division, located at 808 Mill Street, San Bernardino. The interview was audio-recorded. Attorney [redacted] was present for the interview.

The following is a verbatim copy of the interview.

DR# 172209341
H# 2022-100

Detective Bela Lukacs Interview:

GOSSWILLER: Alright, it is Thursday, September 1ST, 2022 at 0958 hours. This is Detective Ian Gosswiller I'm here at the Specialized Investigations conference room with the for the officer involved shooting interview for the incident reference DR 172209341. Henry number 2022-100 at [redacted] in Victorville on Thursday, August 11th. Before we start if I can just have everyone identify themselves in the room.

DOMON: Detective Owenn Domon.

[redacted] Attorney Rep. [redacted]

LUKACS: Detective Bela Lukacs.

GOSSWILLER: Alright. We're going to start with this. This is a criminal report, and it will be submitted to the district attorney. You do not have to speak with me. No discipline can come to you for not speaking with me. Prior to this interview, has anyone ordered you to give a statement other than a public safety statement?

LUKACS: No.

GOSSWILLER: Has anyone ordered you to speak with me?

LUKACS: No.

GOSSWILLER: Do you wish to speak with me?

LUKACS: Yes.

GOSSWILLER: Alright, just starting off, Bela, can you spell your full name please?

LUKACS: B-e-l-a, L-u-k-a-c-s.

GOSSWILLER: And what's your date of birth?

LUKACS: [redacted]

GOSSWILLER: Okay, and your employee number?

LUKACS: C 7-8-2-5.

GOSSWILLER: How many years of service do you have?

LUKACS: [redacted]

GOSSWILLER: And your current station and assignment?

LUKACS: SED with the arson bomb unit.

GOSSWILLER: Your height and weight?

LUKACS: 5'9, 165.

GOSSWILLER: Do you recall your date of hire? And if you don't know the exact date the month and year.

LUKACS: I think it's [redacted]

GOSSWILLER: What about the date you started patrol?

LUKACS: I'll say it was [redacted] I don't know the exact date.

GOSSWILLER: Alright, and your current rank?

LUKACS: Detective.

GOSSWILLER: Do you have any previous law enforcement experience?

LUKACS: [redacted]

GOSSWILLER: And so, on August 11th, what was your assigned work shift, dates or date and time?

LUKACS: Monday through Thursdays 7 to 17.

GOSSWILLER: And your callsign?

LUKACS: 6-1 Canine 6.

GOSSWILLER: What was your unit or patrol vehicle-vehicle?

LUKACS: It's a plain F350, but the unit number is 0-0-5-3-9-9.

GOSSWILLER: And did you have a rider or a partner with you?

LUKACS: Rambo.

GOSSWILLER: That's your canine?

LUKACS: Canine.

GOSSWILLER: Anyone else with you and your vehicle?

LUKACS: No.

GOSSWILLER: What uniform were you wearing?

LUKACS: The green SWAT uniform.

GOSSWILLER: Can you just go into detail what all that entailed as far as equipment you had with you, insignias?

LUKACS: Starting from the top it'll be my ballistic helmet, ballistic eyes, com gear, headset, microphone, plate carrier vest Sheriff markings on the front, high vis, high vis on the back. Do you want like the setup?

GOSSWILLER: Yeah, if you can.

LUKACS: Two breaching charges with initiators, actually four breaching charges two interior two exteriors, but they can be interchangeable but two initiators. Two pistol magazines, I believe they're the 17-round capacity, pistol belt. Oh, I'm sorry, back on the vest, I got a radio it was working. On the other side, I had a can of smoke, LSDD, light sound diversionary device. IR stroke, callsign, name, name tag on there. Pistol belt, I got pistol it's a 20 2011 Staccato with a 20-round magazine, a Leatherman, handcuffs, dump pouch had gloves in it. I wasn't wearing gloves because for dexterity reasons. On the other side, I had a D-ring, a little cloth badge attached to it yellow another can of smoke and then below that was my gas mask.

GOSSWILLER: Alright. Were you carrying a belt recorder with you?

LUKACS: Yes, and a belt recorder, it was in my, I always keep it in my upper right sleeve pocket.

GOSSWILLER: Was that activated during incident?

LUKACS: Yes.

GOSSWILLER: And does your vehicle or do you carry any type of body worn camera?

LUKACS: No.

GOSSWILLER: And did you have a chance to review the audio recording from the incident?

LUKACS: Yes.

GOSSWILLER: That was your audio recording?

LUKACS: Yes.

GOSSWILLER: Did you take any photographs?

LUKACS: No.

GOSSWILLER: And how much sleep did you get in the last 24 hours?

LUKACS: Prior to the incident?

GOSSWILLER: Yes.

LUKACS: I'd say eight.

GOSSWILLER: And then doubling that down in the 48 hours prior?

LUKACS: The day before that I was on a call. So maybe four more.

GOSSWILLER: So, a total of 12, okay. And were you under a doctor's care or taking prescribed medications that affected your ability to perform at the time of the shooting?

LUKACS: No.

GOSSWILLER: And what weapon did you use?

LUKACS: The Staccato 21.

GOSSWILLER: And what calibers?

LUKACS: Nine-millimeter.

GOSSWILLER: And how do you typically load it?

LUKACS: It's that one I keep in the holster is 20 rounds plus one in.

GOSSWILLER: So, one in the chamber?

LUKACS: Yes.

GOSSWILLER: And how do you remember loading your magazines before the shooting? Was that same as always?

LUKACS: 20 plus one.

GOSSWILLER: And when, when was it that you had loaded them? Do you recall?

LUKACS: Probably a couple of days before that I was at the range.

GOSSWILLER: And how many shots do you remember firing?

LUKACS: Two.

GOSSWILLER: Were you injured?

LUKACS: No.

GOSSWILLER: Have you been in LFE before?

LUKACS: [redacted]

GOSSWILLER: And when was that?

LUKACS: As a shooter or participant?

GOSSWILLER: As a shooter.

LUKACS: It was [redacted]

GOSSWILLER: You have anything?

DOMON: No.

GOSSWILLER: So, at this point, I'm going to ask you to just walk us through the incident from start to finish. Tell us what you can recall about it.

LUKACS: So, I guess we'll start off I was at [redacted] doing some paperwork and "Mikey," Detective Corral called me or texted me and said, hey, would you be able to assist us on a search warrant in Victorville for the robot, maybe a breach? I said sure. It was about I think right around 3:00, 1500 maybe closer to 1600. I said sure. So, I packed up Rambo, truck and headed up that way. On my way up there, I asked him where's the briefing at, he said they were going to meet at the High Desert office which is right by the right behind the courthouse there in Victorville. So made my way up there took me about an hour. Got up there I met with met with Mikey, Detective Corral, met with Mondragon. They gave me kind of a summary of the case that was going on.

They said it was a LAPD was doing a surveillance on a homicide suspect in Victorville off of, I believe it was [redacted] yeah [redacted] During their surveillance they had contacted the [redacted] at some point they had received intel that he was there by himself. He is possibly he was known the homicide that was involved was use of a firearm. They believed he was armed and dangerous with a firearm. And at that point we are waiting on the search warrant and arrest warrant to come back from LAPD to

serve it, and they needed our assistance for a surround call out basically. We waited at the office there for about 20, 30 minutes before they said alright, we're gonna meet at the like a rally point location which was near a school near the target location. I can't remember the school's name, but it was fairly close to the operation house the target.

Met with some LAPD guys there. I couldn't tell you, their names. Got some further intel I guess while we were there, they said the warrant was good. The arrest warrant was good. And the plan was to do a surround call out. My job in the operation was robot operator. We commonly use the robot to as like a reconnaissance intel gathering tool. Some of the guys loaded up in the Bearcat some of the guys loaded up in personal vehicles. We made like a convoy from the staging area where we met LAPD to the target location. I think I activated my recorder right there in the parking lot before I stepped off from the school where we did the brief.

I was the last man, the last truck in the in the stick the vehicle stick. We made our way to the target location I believe I forget the main street off of [redacted] but we came down [redacted] from main, I couldn't tell you what it was. Bearcat was first. I believe that there was a truck and a van there may be another car and then I was the last one.

And as we made our approach down [redacted] towards the [redacted] location, one of the LAPD guys was flagging me down on the side by my window, rolled the window down. He's like, hey, we just had contact with a guy he ran back inside. We have, so we pull up the Bearcat pulls up right on the front of the house their lights and sirens go on. They start doing PA announcements. I pull my truck right in front of his driveway two houses [redacted] kind of not in the driveway but facing the house from the street to the driveway, if that makes sense. Get out of my truck, make sure baby's good, Rambo; He's good. Start getting my robot together. I'd already pre-flighted it. Did some prechecks on it at the desert office. It's all I really had to do was turn on get a system check, make sure everything was connected. And then I drove the robot from my truck to behind the Bearcat and just kind of parked it out of view.

There was a LAPD unit I think a black plain, was it a Ford Explorer parked just [redacted] of the target location but facing the target location curbside right in front. I could see that Mondragon had took a position up near the front passenger door near the A pillar, that's what you want to call it. Haas was more positioned towards the rear hatch. Once I got the robot, situated behind the Bearcat just feeling out the situation. I could see the suspect come to the second floor it's either the third opening, basically middle of the house, upstairs, two or three opening through a screen. I could hear him in there. He was talking out towards us.

I could hear other deputies attempting to make contact verbally with him to establish some kind of contact with him.

I didn't make any contact with him. I didn't try to speak with him. There were a few deputies doing that. I know Mondragon was one of them. I could hear Haas, I could hear Sergeant "Sandy," Sandlin trying to make contact with him verbally gain some kind of rapport with him at that establish some kind of communication with the guy. You could see he was drinking some kind of alcohol. In his hand, he had a bottle of something. He referenced it a few times saying it was an expensive bottle of I couldn't, I don't remember what it was. But he was drinking it quite often he was on the phone quite often, either FaceTime talking to somebody, he was filming us.

As they got closer to or as a few minutes went by, he eventually started making contact more or less with Mondragon and Haas on my side where I was with them. He for whatever reason, he just tuned into them. Few minutes go by, I could hear Clarence Harris, one of our negotiators, he goes on the air and says I don't know if he's working or not, but he goes on there and says I'm in route. He ended up showing up not too long after that, tries to make contact with him says, Hey, I'm one of our negotiators. For whatever reason, the suspect didn't like that kind of irritated him a little bit more. Did I miss anything?

[redacted] No, you're good.

LUKACS: It seemed to irritate him from my point of view, bringing Clarence there. And so, he continued to talk mostly with Mondragon and Haas. Mondragon was a majority of the time trying to gain compliance. At some point a few minutes into that he agrees to come out in five minutes or something like that. He says, alright, I'll come in five minutes after I finish, finish this drink. Shortly after that, I don't know if he stumbles or whatever he does, but he almost the I thought it looked like he almost fell out of the window, the screen popped. And he kind of laughed at it. And he was kind of looking out onto the ground.

Once the screen came out, I had a really clear view of what was going on with him inside the room. I noticed immediately he was, he kept looking down to his, if he's facing us, he's looking down to his left side. He kept looking down to like towards the table or something like some object was driving his attention down to his left.

From what I understood LAP units, LAPD units were on the number three side so that would be probably what is called the [redacted] side make it easier in the backyard. They had the perimeter set. He was getting irritated because he said he kept hearing them coming up the stairs. And if they came up the stairs, it was gonna be a bad, a bad day. I couldn't remember exactly what he said. But it was something to that effect that it just wasn't going to turn out good for them and to leave them out of it. Mondragon

was trying to tell him that hey this is not it's not going to end that way. We're going through just comply with us come outside.

And he seemed like at that point that he was going to come out like it was going to be alright. He and that went on for I think a couple of times he kept getting sketched out about hearing noises, people going up the stairs and making statements that if they did come upstairs it was going to end up bad. But so, he's out the window still drinking his alcohol. At some point he finished his alcohol and chucks it outside onto the front yard there. I believe it was into the rocks. He kind of laughed at it.

He gets on the phone, either he's Facetiming or talking to somebody couldn't tell you who it was. From my perception, it felt like it was more like a close family member or friend. He was... and during that conversation, it really went from kind of like he was you know, okay with the situation he was about to come out. And then it started going really downhill with how he was talking. And like more of like an aggressive he was telling whoever on the phone that like, more or less to man up with his life. You can't go out like that, different comments that made it seem like you know, he was getting ready to make a decision on something whether it was, but it was in my opinion, it wasn't going to be good. Whether he was going to take some kind of action against law enforcement or himself.

I've been, Haas and I were on the same page with this one. He had I remember Haas telling me it's not going good. Like it's going downhill pretty quick right now. And I agree with him. I said, either I said it out loud or I just nodded my head. And I believe I said yeah, you're right, something to that effect. And this whole time, while he's at the window…if you guys, I don't know if you guys you want to know, I already had my pistol out I was kind of in a supportive position on the side of that on the passenger side of that rear passenger side of that car. I could see Mondragon he was back and forth between being up on his rifle because he was talking on the phone with whatever he was doing. Haas was pretty locked on-on his rifle. And we're kind of just observing this thing. Haas and Mondragon are making slight communication with the guy trying to get him to comply and kind of dial this thing down.

It…but once he got on that phone it deteriorated pretty quickly, and you know his it sounded like he was getting angry. His voice his demeanor was changing. He was getting more aggressive with his movements. Still kept looking down on the left. And then at some point he grabs a pistol and says alright, we're gonna do it this way, puts it to his head. He still kind of laughing at you know in between what he's talking about but more like-like very erratic. It wasn't it wasn't like he was obviously he has a gun to his head, and he's just didn't seem right.

And he makes a demand to want some In-N-Out Burger at some point. I think he said something about animal fries or animal style and a shake maybe. But at this point I'm definitely watching him very closely in the window or in the opening there now it's not a window is just an opening. And then he makes a… he starts making a countdown from five and it's kind of slow and you know down to two and then I don't think he said one. I don't remember him saying it in one maybe, maybe he like hesitated at two. And then I remember seeing him take the pistol and it swipes out down towards out towards us on the police outside.

I don't remember hearing his shot. I don't remember seeing his-his gun fire. I immediately was-was on target. I got my sights on target. Before I shot, I know I heard other shots starting to fire. I press my first shot. I could feel a recoil on the pistol. It has a Red Dot by the way like a red RDS. It took me about maybe another moment maybe a second to readjust my shot. As I'm redoing this, I could see him he was getting impacted by shots from other operators. He was falling down towards his left and didn't seem like he dropped immediately. He kind of kind of crumbled down.

I had a good sight picture from what I could see, and I didn't know that if he was hesitating or not or reconsolidating reorganizing himself at some level and maybe peek over and take another shot. I had a portion of his body rate above the windowsill there. I aimed as close as I can without trying to hit the windowsill and I broke the shot right over the windowsill.

After the last shot that I took he was out of view. At that point you know looking left looking around everybody seemed to be okay. In my mind the biggest hazard for whatever reason the way I saw the pistol in my mind I thought he was taking the shot at Mondragon, that's what I thought. In my just how it came out for whatever reason.

So once the shooting, the shots were stopped firing, no more shots, I could see the operators near the Bearcat, which was Sergeant Sandlin, Josh Stone, Jim Musgrave and Mikey Corral were coming up with a plan to make entry into the residence and assess the suspect up there. He was obviously shot we didn't know his current condition if he was alive, but the main focus was to definitely secure that location make sure there's no other occupants in there. So, they made a plan to go up to the front door with a few operators. Knowing this I don't know, I think it was Mikey-Mikey Corral, he had he said, grab your robot. So, I had my robot. Oh, part of the gear was I don't think I mentioned this, the pack with the antenna and batteries and all that for the robot.

So anyway, I drive the robot towards the passenger rear side of the Bearcat while they're managing their, Sergeant Sandlin is managing that stick up to the garage. And they move across [redacted] across the garage, in front of the garage, and they attempt to go and breach that front door of the residence. They were unable to successfully breach that door. They came up with a

secondary entry plan which was on the [redacted] side, number three side sliding door. So, once they moved cross there, I drove my robot along the four side the [redacted] side behind the stick that was moving the operators and positioned myself around that three four corner. It was a two-story thing, a two-story residence. So got my robot back there I could see they were already setting up to make entry and breach that glass slider. It was a… it was a mechanical breach more manual mechanical more manual than mechanical with the RAM.

I think Musgrave was trying to get trying to breach that glass. Took him a few hits. While they were doing that, I was pulling security upward towards the second floor there. I can see the balcony, I can see a window on the fourth side, I can see the balcony on the three side. I was just pulling security on there waiting for to run the robot. Once they had that cleared, Sergeant Sandlin said it was clear run the robot. Ran the robot inside the house. I could see…so the route the robot has a camera on it has several different cameras, but the camera that has the best view is located on the drive mode, which is basically it's not a panoramic camera, it's more maybe a 120-degree view gives you just basically your front driving view and maybe some left and right.

But I can see as I as I drove in the glass slider once it was clear, I could see the, it was a kitchen area I could see off to the left was more of like the dining area dining table. Off to the right was

more like a living room living space area, I can see a couple couches. I maneuver the robot around those areas first. We visually use the robot to clear make sure there's no other people inside the house. We believed that he was the only one in there, but you know we just don't trust everybody with that, especially moving into an unknown location like that. We're going to clear and do our jobs first and make sure it's safe for us to run our tactics and run and complete the operation.

So, run the robot in there. I couldn't see any people in there. I was relaying whatever I could see to Sergeant Sandlin. Tell him whatever area was clear whether it be living room, kitchen, dining room. From there I maneuver around towards in an [redacted] fashion down towards, actually [redacted] where I could see a hallway. I could see what appeared to be an open door that had a laundry room in it. Drive the robot down the hallway, I could see a couple other doors, maybe a couple other the bedrooms, they were closed. Turn the robot around, go back towards the stairs which is located more on the near the front of the house if you want to divide it by that rooftop line, so the [redacted] side of the house probably the front of the house with the garage and the front living room. The staircase is probably right in the middle of the house, where those two divider lines are. Made my way to the front living room did the same thing run a 360.
I could see and clear with my camera. I could see upwards high enough past my normal height of a human being or any objects that they could be hiding on. I'm relaying that information to

Sergeant Sandlin saying it's clear. Make my way to the staircase. Setup to run the robot up the staircase and eventually find the subject's bedroom that was the goal. But I get to about maybe halfway three quarters up the-the first stairs before the first landing and the robot takes a flip backwards and crashes and it lands on its side. I tried to work it to get it to go back on its tracks, couldn't do it. Told Sandy the robots out of play.

And so, he called for their entry stick to make entry and they started clearing within that. While they do that, I turned into an extra body. I provide additional security fill in flow as needed to whatever areas that need to be cleared physically with an actual operator. We did that, there was no other people located on the bottom floor. Made our way to the staircase systematically approach that, cleared all the way up to the first landing. As soon as operators got to the front of landing, they could they made contact visually with the suspect. They could see that he was still breathing but unresponsive.

There were still other rooms to be cleared along the [redacted] side of that the upstairs there was two bedrooms that were [redacted] of his bedroom that needed to be cleared and a bathroom. Those were systematically cleared. They made their approach into the suspect's bedroom made contact with him. Mondragon and I proceeded right, which would be [redacted] along the upper like upper landing that led to another bedroom that was across the staircase area. We cleared that bedroom. It was clear nobody

else in there and then made our way back to where the other operators were, who were already doing triage on the suspect.

I walked in the doorway where they were working on him down there, pulled out my tourniquet in case they needed it. They had already ran other tourniquets, I believe they put one or two already on him, and we're cutting his clothes off to assess for other injuries. Just in my view from outside basically by the doorway I could see he definitely had gunshot wound to his to his head. It looked like it entered in through his face. The back of his head, he was laying supine on his back, I can see a large amount of blood around his head area, he was unresponsive I could see his would be his right arm looked like a gunshot wound, severe wound.

And I was just standing by in case they needed another tourniquet or another piece of medical another gear that whatever I carried on me. My assigned medic that day, I believe was Mikey. He took charge of that. They called for the paramedics. Asked them if they need anything else. If I could grab anything for him. They said just make sure you escort the fire guys up here. So, I went back to the landing. I can see two fire personnel paramedics coming up. I just guided them up. And as soon as they got to the top, I walked my way down, got my robot out of the way. Took the robot put it outside by the by the front door there off to the right so it's out of the way, and I didn't go back in the house after that.

I went back to the side of the Bearcat see if all the other guys were good; Everyone seemed to be fine. Nobody was injured other than the suspect. I was talking with, I can't remember, I want to say it was Deputy Henry. And I think one of the LAPD guys was already starting to tape off the street, they had red tape. I went to my truck grab some yellow tape, the Sheriff's do not cross tape and we just started stringing it across along that crime scene out in front of the house. I cut my tape off at that point while I was outside. I cut the tape. Sergeant Sandlin was coming by check on checking on us. He just said standby wait for further instructions.

LAPD guys were out there they were kind of out by their trucks they had kind of maneuvered a little bit closer probably during the operation I didn't see what they were doing during the operation, but I noticed they were all like congregate a little closer more on [redacted] along the south sidewalk there. Didn't talk with any of them. Checked on Rambo; Rambo was good. Gave him some food and water it was dinnertime. And then we just kind of stood by for further instructions. Once we got the further instructions it was basically captain, lieutenant ended up showing up first or lieutenant showed up first captain showed up second. Our Captain Ferber and Smith. We were told to go back to the High Desert office and just standby for you guys so.

GOSSWILLER: So, we're gonna go all the way back to the beginning and just kind of walk through a few things. So, you're here at [redacted] approximately 1500, 1600 hours and you receive the call and you were requested to go up to the high desert. What information was provided to you at that point? Did you know what type of call or what you're going to?

LUKACS: I don't think so. I think it was just hey, we're gonna be doing we're executing a search warrant. We're gonna need your assistance with a robot and maybe an explosive breach if needed. It's not it's not an everyday thing, it's not a, it's not we are going to use it's not we're not going to use it. It's more just if the operation goes in that direction, and a team leader so somebody calls for it, they utilize a robot. We use the robot a lot. Great tool for like I said reconnaissance and whatever. So, like I say part of our collateral duties as the bomb arson guys, is we help out with SWAT operations for those reasons. So, I said I don't know which of my guys were here, but I told somebody before I let down off it was either JD or Roland. I Think it was Roland, Sergeant Schmiedel if just to make sure he's good with I'm gonna do a search warrant in Victorville will help out the team, the Desert team guys, and he said copy that so.

GOSSWILLER: So, then you went up to Victorville and attended the brief at the office up there. Who all was there for that brief?

LUKACS: It was, it was, it was a mix of the Team One, Team Three guys. The guys that were present were, was like I said Mondragon, Corral, Sergeant Sandlin, Tina Olivas, Josh Stone, Jeff Henry, he was our Bearcat driver, and Musgrave.

GOSSWILLER: And who provided the briefing?

LUKACS: It was Mondragon.

GOSSWILLER: And what was discussed in the briefing, what was the plan?

LUKACS: Mondragon said it was the plan was to conduct the surround call out for LAPD. They were waiting on the search warrant and arrest warrant so they can so we can execute it. They had been conducting surveillance at the location and needed and ended up IDing him there. Like I said at some point they ended up, were able to make contact with [redacted] At some point during their surveillance, they were able to gather intel from her that said he was in there by himself. Nothing any specific about him and being armed. But he's known, like I said the homicide was the brief that we got on the homicide was that there's a firearm used in homicide and that he was supposed to be armed and dangerous with a firearm.

GOSSWILLER: Backing up real quick. Approximately what time was it that you made it up to high desert? And then also what time was it that you guys did the brief?

LUKACS: It was about, if I left [redacted] at 3:00 or 4:00 it probably took me at least an hour because of traffic, maybe 4:30, 4:00, 4:30.

GOSSWILLER: And then that was time you got there?

LUKACS: Yep.

GOSSWILLER: Did you guys do the briefing immediately or was there other people coming?

LUKACS: No, I got there a lot of guys were still kind of getting their trucks ready. So, I parked my truck, started prepping my robot, prepping my equipment. Getting my enough gear on to where I was ready. Pistol belt, system checks, gear checks, that kind of thing.

GOSSWILLER: Is part of the briefing, an ops plan being disseminated for you guys?

LUKACS: Yes. Yeah, that was disseminated, actually I want to say it was we have an operational thread for that, it came out on that. It tells you exactly who's doing what, what the objective is, what the mission is, any contingencies after that.

GOSSWILLER: Okay. As far as the ops plan goes, and the briefing, what was your assignment? What were your responsibility need be?

LUKACS: My assignment was robot operator.

GOSSWILLER: Okay. Did it, did you guys go into detail or was it just be available for robot operations?

LUKACS: The plan was if it was necessary, if necessary to use the robot to aid in clearing the location. Whether it if we gain compliance and he came out we would still run the robot just as a reconnaissance tool to just it's just an added level of checking that we do to ensure our safety before we enter location.

GOSSWILLER: And during your briefing was the suspect description provided or photographs or anything like that?

LUKACS: I know the description was.

GOSSWILLER: Do you recall description?

LUKACS: I want to say there was a picture that came out on the thread that I did see. I'd have to look at my thread, but I do remember getting a description of him.

GOSSWILLER: Do you recall what that description was?

LUKACS: No. Like normal build, black male, his name, circs of the case, circs of the warrant.

GOSSWILLER: Do you recall his name?

LUKACS: I don't have it. I can check my phone if you want, it's on the thread, if it hasn't deleted already.

GOSSWILLER: That's fine.

LUKACS: Do you want me to check it?

GOSSWILLER: Sure.

[redacted] Go ahead and check it.

LUKACS: Byron Hayes.

GOSSWILLER: Okay, and had you ever had any prior contacts with Byron Hayes or any other involvement with him?

LUKACS: No, he didn't sound familiar at all.

GOSSWILLER: Alright, so after your initial briefing took place you guys went to the school and met with the LAPD officers?

LUKACS: Yep.

GOSSWILLER: How much time had passed between that briefing and the time you met with LAPD officer?

LUKACS: Maybe about 40, 45 minutes.

GOSSWILLER: And I believe you said you guys were waiting for search warrant, is that correct?

LUKACS: Yes.

GOSSWILLER: And there was a school you met I know you didn't recall the name approximately how far away from the scene was that school?

LUKACS: I would say maybe-maybe a mile, a mile and a half.

GOSSWILLER: And who was at that school? Can you describe or tell me who, if it was the same people at the briefing? Who else joined you at the school there?

LUKACS: Yeah, everybody from everybody from the desert office. From us, we all left together. We all drove over to the school together. They were all there. Mondragon was the case agent on this. He made contact with LAPD guys. There was no new updated further information or any changes to what we were, we already planned to deal with this with the operation. But while we're at the school, the warrant and search warrant were signed and good. So, we just reconsolidated there, got our vehicles back in order, and we were probably at the school for maybe 15 minutes. Basically, just enough time to get out, make contact, see if any

last-minute changes were to be made. There was there didn't seem like any. We didn't get any further things everybody said we're good to go. So, we all got back in our trucks reorganized and started heading down to the target location.

GOSSWILLER: What radio channel where you guys on for this operation?

LUKACS: Victorville's primary 17-DCC-2.

GOSSWILLER: And at any point during the briefing or prior to the incident, did you learn what the suspect was wanted for? Or the details of the case that he was wanted for?

LUKACS: From what I gathered it was a I guess he was wanted for a homicide investigation. And this search warrant was for that location.

GOSSWILLER: Did you know any of the specifics of that homicide investigation?

LUKACS: It was his it was a female victim. I want to say it was his [redacted] or one of his one of his acquaintances, [redacted], something close to that, and she had gunshot wounds, I believe in her head.

GOSSWILLER: Did you have any information on the suspects criminal history?

LUKACS: Yes, there was a brief said he had numerous charges for violent felony offenses. I'd have to look on the operational plan to tell you what, but I could tell you they were violent offenses, for example, like robbery, shootings, possession of firearms, maybe some drug charges. But they're listed on that operational plan I remember seeing them.

GOSSWILLER: So, from the information you had, he was wanted for murder, and he had numerous violent---

LUKACS: Criminal history.

GOSSWILLER: ---criminal history?

LUKACS: Yes.

GOSSWILLER: I just want to cover your vehicle real quick. Is your vehicle equipped with light sirens, is it, does it have any markings on the side or anything like that?

LUKACS: There is no there's no police markings on the it's a plain white F-350 Crew cab, four big doors, windows are tinted. It does have lights and sirens. It does have a horn. It's equipped with a radio. It's equipped with a canine alert system monitor system for Rambo. And it has instead of just a regular truck bed or a camper it has an actual panel like a construction assembly.

GOSSWILLER: So, was the plan clearly established and communicate with everyone?

LUKACS: Yes.

GOSSWILLER: And what was the goal of the plan?

LUKACS: The goal was to gain compliance from Mr. Hayes and successfully enter and clear the location and secure it for the search warrant for LAPD.

GOSSWILLER: Do you… was part of that plan, did it involve staging medical or having them on standby or anything in that effect?

LUKACS: Yes. Yeah, all of our SWAT calls we always notify medical we always have medical contingency plans, whether it be actively going on or contingencies for or just for the operation itself on standby. If not on scene.

GOSSWILLER: Do you know who contacted medical beforehand?

LUKACS: Usually we assign that to our medics because they're usually in charge of making sure that's squared away.

GOSSWILLER: Owenn to this point, do you have anything?

DOMON: Up to this point, no I think I'm good.

GOSSWILLER: So, you guys were at the school and then you learned that the warrants were signed right?

LUKACS: Yep. What is that what caused you guys to head toward the house or what was the-the point that you guys left the schools?

LUKACS: To initiate the operation.

GOSSWILLER: So, you guys are headed to the house on the I believe you guys came from [redacted]?

LUKACS: Yep.

GOSSWILLER: And who all was in that stick of vehicles with you? Was there any LAPDs with you there?

LUKACS: I don't remember any LAPD being in there. It was the Bearcat was number one. I believe the Black Bandit that belonged to us, I think that was Tina's van. There was Sergeant Sandlin's truck. Honestly, there could have been another LAPD unit in there because when we left the school, a couple of us got turned around in the parking lot and I had to come out the [redacted] end of that school parking lot to block traffic because people were starting to get within our, their element there. So, I couldn't tell you if some LAPD guy squeezed in there or not. But it was basically the Bearcat, van, truck, Sandy's truck, another plain vehicle and then I was the last the last one.

GOSSWILLER: So, when you arrived on scene, can you describe what you saw where the vehicles were? I know we briefly mentioned that there was a black vehicle up in front of the house there. Were there any LAPD officers? What all did you see when you first got there?

LUKACS: I can see, I couldn't see much towards the house because of our long line of cars. I can see basically where the target was. I knew where that was. I could see maybe a couple parked cars here there along the right [redacted] side. I couldn't tell you if they were undercover plain wraps UC cars or whatever. But there was some car staggered here there on the [redacted] and [redacted] side of the curb line there. And then going down [redacted], maybe a couple other staggered cars and then that black that black LAPD unit was there.

GOSSWILLER: Were there any officers out of their vehicles or out in the area?

LUKACS: Yeah, the first officer I found was the officer that came to my window and was trying to gather my attention. He's the one who told me that that they had they went for to make contact with him outside of the house and then he ran back inside, so I just grabbed my radio from my unit, my car unit truck unit and put it out towards the guys. FYI, LAPD attempted contact he ran back inside.

GOSSWILLER: Did you have any direct communication through radio or through contact with LAPD?

LUKACS: I did not.

GOSSWILLER: Do you know if anyone on your team did?

LUKACS: No.

GOSSWILLER: Alright. So then at that point, you moved up. You got the robot ready, and then moved up to the Bearcat, correct? And you said that you were or excuse me Haas was at the rear hatch?

LUKACS: Yep.

GOSSWILLER: When you say rear hatch, what, where exactly was that? What vehicle or…?

LUKACS: It was the black vehicle that was parked. The known I thought it was a cop vehicle just because it was a plain black or dark, it's gonna be black Explorer. Looked like a police car just plain wrap black and it was angled facing towards the house. Which I imagine that somebody probably parked it there during their attempt to contact with the guy, the suspect. And that was just sitting curb side facing the house right out right out front.

GOSSWILLER: Were there any lights or sirens activated on that vehicle or any other vehicles that were on scene when you arrived?

LUKACS: I don't remember seeing lights, but I came from the side of it. I don't remember seeing any flashing red or blues on the side of that car. I didn't remember hearing any sirens. The only sirens that were coming were from our Bearcat when we started doing announcements.

GOSSWILLER: Did you ever activate your lights or sirens?

LUKACS: No.

GOSSWILLER: Alright, so then you took your position at the vehicle. And you said you saw the suspect upstairs right through the window through the screen?

LUKACS: Um-hum.

GOSSWILLER: Approximately how far away from the suspect from Byron where you?

LUKACS: I estimate it to be about maybe 15 yards within there.

GOSSWILLER: Was there anything between you and Byron, besides the vehicle that you already described?

LUKACS: Just the screen initially, and then once that fell out then it was just him.

GOSSWILLER: Did you recognize Byron as the person you saw in the photo?

LUKACS: Yeah.

GOSSWILLER: Or the person in the window was the same person saw the photo? Can you describe what you can hear the suspect saying? I know we went through the countdown; we went through the In-N- Out, but what sort of contact, was he cooperative?

LUKACS: He was semi cooperative. He was definitely talking. He was definitely and we were trying to establish some kind of communication with him. I could hear other operators trying to establish a primary contact with him. Because usually we don't want a bunch of people trying to talk to one person. It's better just one on one. And I know a few different operators were trying to establish that. It seemed he was more directed towards Mondragon and Christopher Haas for whatever reason.

GOSSWILLER: And you mentioned that he's drinking a bottle of alcohol. He describes it as the expensive bottle. Did he appear intoxicated or in any other sort of way to you?

LUKACS: He did. He definitely, he was kind of like lackadaisical, but more passive aggressive while he was doing it. You could tell he was a little intoxicated. I would say.

GOSSWILLER: Can you describe in as much detail as you can, why he was appearing, intoxicated?

LUKACS: He's giggly, laughy, kind of sporadic, erratic at the same time. I don't remember him like he wasn't super, like towards the level of intoxicate. How do I say that? I just drew a blank. He wasn't intoxicated to a level where he was unable to communicate if that makes sense. But he was definitely appeared to be intoxicated.

GOSSWILLER: And it was that from when you got there, or did it progress? Or did you see it change?

LUKACS: The real change that I saw, we were so this whole thing when we first got there maybe lasted maybe 30 minutes. He seemed to be already slightly intoxicated. Like more in that initial stages of being intoxicated by alcohol, kind of happy. Not really aggressive at that point, maybe like little passive aggressive when he was talking. I know he was if somebody would talk to him, he kind of entertained the thought about talking. But the thing that kept triggering him was the movement that he's said he was hearing in the back door. As soon as that happened, it was more like turned to anger instead of his initial passive state, if you want to

call it that, I call it that. He wasn't really making any overt movements. He was kind of just out there talking with us. We're establishing communication with him. He agreed at some point to in five minutes, he was going to come out just let him finish his alcohol and he would come out.

GOSSWILLER: Was he at that window the entire time?

LUKACS: I believe he stepped off once, but it was brief. I think if any I think it was just stepped off to, he was out of view for a second to go I think look, look backwards towards that back number three side slider on the balcony where the LAPD guys were where he said LAPD guys were going to come out after him. But for the most part, he was always in view.

GOSSWILLER: And you'd mentioned that the LAPD guys were on the [redacted] side of the building.

LUKACS: Yes.

GOSSWILLER: How did you learn that?

LUKACS: So, there was…during our contact with him outside in the front yard right behind the Bearcat was that black van ended up parking. The back hatch was open we were using it as like a little staging area command post if you want to call it that for the drone operator, which was Olivas at the time. And there I

remember seeing during that timeframe, off to my right I could see a LAPD guy what I believe to be a LAPD guy. He was in more of a tactical uniform, dark blue or black tactical vest. I believe he had a helmet on. I don't remember seeing a rifle.

But I remember hearing him giving out information indirectly or directly to whoever was listening behind the Bearcat whether it was Sergeant Sandlin or the other operators, but I know he was there. And my perception of that was as he was our contact for their LAPD's movement on perimeter. And once we establish communication with Mr. Hayes, it was…he said, if they come up the stairs it's gonna be bad. We kept telling him, hey, they're not they're not coming up. They're not they're holding they're holding in place they're not. They're not going to do any of that just come on out. And to that point, it was pretty. It seemed like he was going to cooperate and come out.

GOSSWILLER: You'd mentioned that he's saying if they come up the stairs is going to be bad, something to that effect. What's going through your mind when you hear that?

LUKACS: Given the information I had with him being involved with a homicide with a firearm, given his criminal history, given his current actions of cooperation, passive aggressive cooperation, whatever you want to call it, and he keeps looking down over to the left. Oh, he does mention at some point that he he has, I don't know the exact words of it, but he says he says he has an

AR15, pistols, like basically, he's armed, ready to go down for whatever reason, I can't remember exactly what he said. But I know at some point, he's saying that I'm saying, okay, now I really believe he's armed. And he keeps looking down towards the left. So, I'm thinking maybe he has a stat, staged his weapons right there by the door. And he's not really, he's not leaving that area either. Like he's kind of staying out there with us, so that was my belief that he was definitely armed at that point.

GOSSWILLER: How… so the whole incident was approximately 30 minutes from time you got there until it was over or till shots were fired?

LUKACS: I'm saying 30 minutes until, till shots were fired. The whole operation, I think, well, until the, from the time we got there till the time, we eventually were able to sanitize the location and call it clear, was probably about an hour, maybe a little longer, maybe hour and a half. But it was it was actually it was pretty quick. And I remember at some point, before the shots were fired, Sergeant Sandlin had went over the air and said, making communication with the lieutenant said Hey, this, this might be a long one, might want to start rolling up here and bring the command post that kind of thing. And then pretty soon, soon after, that is when he ended up grabbing that gun and then it was quick after that.

GOSSWILLER: So, the 30 minutes was approximately how long you guys were out there communicating with-with him before the shots. How

long into that 30 minutes was it that he kind of fell out of the window and pushed the screen out?

LUKACS: It was pretty early on maybe within the first 10 minutes of being there.

GOSSWILLER: And so, when you say you know he's pushing that screen out, kind of falling out. Does he come out of the window? Does he stay inside the window? Can you describe that?

LUKACS: It looked it looked to me like it was surprised that the screen had fallen out like he like when the screen fell out, he kind of lost his balance a little bit and laughed at it and laughed about it.

GOSSWILLER: But he stayed inside the house.

LUKACS: Yes.

GOSSWILLER: And then your visibility increased when the screen was gone. How much of his person could you see?

LUKACS: From the right around just above the waistline upward.

GOSSWILLER: And at what point was it that he got on the phone?

LUKACS: He got on the phone a couple of different times but like as far as like timeline into the contact, maybe a couple of times 10,15

minutes into contact with him and then it seemed like he was just holding the phone hold with his right hand, he was just holding the phone the whole time, like.

GOSSWILLER: So, you're kind of holding it out your hand out away from your face, was he? It was away from his face like that?

LUKACS: Yeah, and at some point, didn't know if he was talking. But you know, he's panning the phone out telling everybody, whoever he's talking to, like, look what's going on type of thing.

GOSSWILLER: So, like he's recording it?

LUKACS: Right, like we thought he was I thought he was recording, like all of the responding units and whatever is going on for that situation.

GOSSWILLER: When he's on the phone, is it on speakerphone?

LUKACS: I couldn't hear. I could hear him talking to it. I don't remember hearing anybody else talk on over that. So, I don't know if it was like a FaceTime thing that he could only hear, or I just couldn't hear it.

GOSSWILLER: Did you ever hear what the other person he was talking to saying?

LUKACS: No.

GOSSWILLER: And you'd mentioned that you believed it was a close family or close friend?

LUKACS: That's what it sounds like, to me. That how he was talking. It wasn't like he was talking to his [redacted] Or you know, normally when people talk to their [redacted] it's like that, like kind of nicer. Or like, I guess like an [redacted] or [redacted]. It was more like, pretty direct, pretty blunt. And yeah.

GOSSWILLER: Did he ever say who he was talking to or anything like that to you guys?

LUKACS: I don't remember if he said that or not.

GOSSWILLER: So, while he's talking on the phone, you said it was seemed like he was getting ready to make a decision.

LUKACS: Yeah.

GOSSWILLER: What's going through your mind when you're hearing that? Or when you're thinking you're perceiving that he's about to make a decision.

LUKACS: I'm thinking either he's going to shoot himself in the head with a gun and we'd have to react and do the same thing we did. Or he

would act in aggression towards us or somebody that was in the street. Try to get a shot off that's at one of us or a bystander or another house or whoever I don't know. I just knew that it was either gonna go he's gonna turn the gun on himself, or it was gonna be he was gonna use it towards officers or the public from there.

GOSSWILLER: Okay, so while he's on the phone, do you see the gun?

LUKACS: Not initially.

GOSSWILLER: But at some point, he… is he still on the phone when he picks the gun up or?

LUKACS: I want to see he does still have the phone and he kind of lowers his, he was standing from that point and he kind of lowers himself like on the window. Like I don't know if it was on the window, but he lowers his silhouette lowered within the window. So, while he had the gun to his head, and that's when it really was changing.

GOSSWILLER: So, when he lowers his silhouette, how much of him can you see?

LUKACS: Pretty much from maybe his chest upwards to his whole head and arms.

GOSSWILLER: So, throughout this contact what's he doing with his hands? I know point he's got a phone. Is he keeping them visible? Is he taking them out of view? What's he doing?

LUKACS: They're pretty visible the whole time. I don't he didn't he didn't take him like he didn't take the gun off his head from that point. It was basically the last time he moved the gun was from his head to outside towards us.

GOSSWILLER: Owenn do you have anything to this point?

DOMON: Oh, yes, a few clarifying questions. Just take it back just a little bit. When you guys first initially arrived on scene where did the where did the Bearcat park in relation to the house?

LUKACS: It parked right in front, right a little bit on the driveway, maybe just outside of that, that apron there of the driveway. The entry of the driveway.

DOMON: The entry of the driveway. So it was in clear view?

LUKACS: Facing the house.

DOMON: Facing the house, so it was in clear view of the house?

LUKACS: Yes.

DOMON: And everyone in that house can see out. And you said you positioned your vehicle you were kind of [redacted] of the actual location and then parked---

LUKACS: Yeah, being last I got as close as I could to the target location, but I ended up parking just if you look at that [redacted] it's the first [redacted] house after the on the [redacted] there on the corner.

DOMON: And if you can recall what kind of PA announcement or public announcements were being made from Bearcat?

LUKACS: It was you could hear his name being announced that we had a search warrant and arrest warrant for the location, come out with nothing in your hands, peacefully. And he didn't really want anything to do with that.

DOMON: During those PA announcements was there anything that described who was there?

LUKACS: The occupants, but we make pretty much the same announcement every time. It's if a known suspect is there, we make the announcement for that suspect or any other occupants.

DOMON: And I think I phrased a little wrong. Is there anything describing who was giving the announcements?

LUKACS: The Sheriff's Department.

DOMON: So, it was---

LUKACS: San Bernardino County Sheriff's Department, we have a search warrant for location, any and all occupants exit the residence with nothing in your hands.

DOMON: Got it. And were those PA announcements were those given the whole time you guys were doing, you got the whole time you guys were there with those PA announcements being given?

LUKACS: At some point, I don't remember them being because once he comes to the, once he's outside, I don't there's no other reason to keep saying announcements if you're making trying to make a verbal contact with him and defuse a situation, right.

DOMON: Oh, so when my communications were being done between either Byron and Mondragon, the PAs would stop?

LUKACS: Yeah.

DOMON: Just so there was---

LUKACS: Clarity.

DOMON: ----- so you can hear it?

LUKACS: Yeah.

DOMON: So, clarity. And I know you had mentioned them before you Rambo, your Canine what's Rambo's like duties or qualifications as a canine?

LUKACS: He is an explosive detections, canine

DOMON: Explosive detection. So no, he's not like an attack dog or bite dog or anything like that?

LUKACS: No.

DOMON: And I know you already talked about your positioning over by the Ford Explorer. And just so I'm clear it was you, Mondragon and Deputy Chris Haas over by there?.

LUKACS: Yeah, I was in the middle of two of them.

DOMON: So, Mondragon was you said by a pillar. Haas was in the back, and you were in the middle?

LUKACS: Yes.

DOMON: Got it. And to go when he's on the phone, it's just a little unclear to me. So, is he… you said when he's on the phone with his

family or who you believe is a family member, is he is that when he's picking up the gun?

LUKACS: No.

DOMON: Or is the phone just kind of up in his right hand?

LUKACS: He doesn't have the gun at that point.

DOMON: So, when he's talking to whoever they don't know if it's a family member or family friend, he doesn't have the gun.

LUKACS: Right.

DOMON: He ends that conversation is that when he picks up the firearm?

LUKACS: Yeah, so after that he ends that conversation. I don't know if he really ended it or if it's still on the phone, but he we're trying to establish more contact with him and you can tell his it's really digressing at that point, the communication with him. And shortly thereafter is when he basically says I got enough, I had enough of this. And that's when he says, Alright, here's what we're gonna do. And he starts making the demands of In-N-Out, what he wants with In-N-Out. I don't know if he said anything else at that point. At that point, I was more concerned with where that gun was going and what that gun was capable of and what that gun was going to do from there.

DOMON: Right. And which handed he grabbed the gun with?

LUKACS: Left hand.

DOMON: His left hand. And you keep kind of signaling, where did he point the gun at? Like kind of how was he holding it where on his head? You keep obviously holding it up.

LUKACS: It appeared to be like the side of his head. Just right there.

DOMON: So, kind of towards like his temple, his left temple area?

LUKACS: Yeah.

DOMON: And from the time he'd grabbed the gun to the time he pointed it out the window, how long would you think that was?

LUKACS: Maybe a couple minutes. It didn't last that long. I think he went into his-his demands. Maybe he said a few other things. And then he started doing the countdown. And like I said it would after that it went pretty, pretty fast.

DOMON: Pretty fast after that. Can you describe what the gun looked like from your view?

LUKACS: It looked like a black like a semi-automatic pistol.

DOMON: Semi-automatic.

LUKACS: From what I saw.

DOMON: And when he picked up the gun because he described to kind of either knelt down or he was leaning down on the window where he's, couldn't see much more but you know, from his chest to his head. Was that, was he like that when he grabbed the gun or did, he grabbed the gun first still standing and then crouched down?

LUKACS: He was still standing and then he got like, it looked like he wanted to get comfortable and talk about negotiations or something like he likes took up a position where you wanted to start talking about stuff. And that's how crouched.

DOMON: And that's when he crouched down or kneeled down?

LUKACS: Yeah.

DOMON: And then you said, the countdown starts, he's it's kind of slow, methodical, drawn out a little bit. And you're not sure if he says one. And then he moves the gun from his head and points it straight out. Can you kind of describe how that movement was? Meaning was it a slow was it fast? Did he have, was it with intent?

LUKACS: It was fast to me. Like I was watching the whole thing, pretty much as soon as he grabbed the gun pretty intently. And it seemed like it came out really quick and like more of like a, like a swiping motion like he swiped out, like in a sideways grip. Just straight out, I could see his arm extended, I could see the pistol still in his hand. And that's when the shooting happened.

DOMON: If you had to estimate, how long do you think it took for him to move the gun from his head to pointing it?

LUKACS: In real life? And like a fraction of a second.

DOMON: Whatever you perceive.

LUKACS: A fraction of a second. I mean, it was It wasn't like he it wasn't like his demeanor where it was like his like it wasn't like his countdown where it was like three, two, I'm punching out, ready. It was like his countdown was slow. And then he punched out quick.

DOMON: So, half a second you said or something.

LUKACS: Very fast.

DOMON: And during the time he was holding the gun either from when he was first picking it up to his head, whatever. Did he manipulate the gun in any way?

LUKACS: I didn't see him like as far as like, loading it or anything like that?

DOMON: Yeah, any kind of anything like that?

LUKACS: No.

DOMON: Okay, and when he pointed the gun out, was it just with his left hand? Or was what was his right hand doing it at that point? If you can remember.

LUKACS: I don't remember what his right hand was doing at the time because his right hand didn't have a gun. So, I was just pretty much concentrated and once that gun came to his head it was that was my focus.

DOMON: You couldn't see what his right hand because you were focused on his left hand with the gun.

LUKACS: I know he wasn't doing anything overt with the other side of his body when he was pretty much, I want to say if he was talking still like he wasn't. But the gun was my focus at that point.

DOMON: Up to that point that's all I have.

GOSSWILLER: Alright. Can you describe what the lighting conditions were?

LUKACS: During the operation outside?

GOSSWILLER: Yeah.

LUKACS: Daylight, maybe late afternoon, 1800 sun off to the [redacted] I do remember seeing the sun going behind the house, but it was still visible off to my left peripheral like the sun shining. I still remember that.

GOSSWILLER: Was there any concern with the lighting conditions or were you able to clearly, see?

LUKACS: I was able to clearly see. I didn't really have any object obstructions with the sun other than noticing it was there.

GOSSWILLER: You previously mentioned that you were positioned on the vehicle with your pistol out. Why did you choose to have your pistol out?

LUKACS: To provide security for Haas and Mondragon.

GOSSWILLER: Was there any other options that you had at that point that would have potentially been better or worse?

LUKACS: No. I usually on different operations depending on what it is I sometimes carry my M4, I sometimes don't. For this operation I didn't because I carry a bunch more other explosives and tools for the operation. More of a specific job. Like I said, I got my robot remote control pack that's added.

GOSSWILLER: Can you describe that pack? Is it just a small backpack or is it large?

LUKACS: I would say it's like a medium slender it's enough to carry the communication equipment. So, if I, if you want to like a dimension and it's maybe a foot wide by foot and a half tall by six inches deep, and it just has the communication portion of it and then the battery housing unit and an extra battery pack pouch, and then it's connected into the remote which is about the size of this piece of paper with a couple dials on it. And it's hardwired with a like a telephone cord communication wire coiled.

GOSSWILLER: So, you mentioned that your sights were on target previously. And you have a Red Dot sight.

LUKACS: Yes.

GOSSWILLER: So, were you looking through your Red Dot sight can you describe your sight picture?

LUKACS: During the actual shooting itself?

GOSSWILLER: Yes.

LUKACS: Yes. So, as right when the gun goes right when he pulls the gun out, I gather my Red Dot sight and I'm aiming a little lower than

his head maybe towards the whatever chest I could see up into the head area, center math center mass, if you will of him.

GOSSWILLER: So that's when he pulled the gun out and then you aquire your sight picture through the Red Dot?

LUKACS: Yes.

GOSSWILLER: And do you maintain that the whole time he has the gun out?

LUKACS: I maintain it as much as I can, but they're still trying to communicate and so you kind of try to keep an open visual looking around looking left looking right just to make sure everything for any reason just to do it for observational purposes, but I do remember being locked on that Red Dot a majority of that contact.

GOSSWILLER: So, when he pulls the gun out and points it towards his head, what's going through your mind?

LUKACS: Like I said I thought the way he was talking and the way he had been talking I believed that initially that he was maybe I believed initially maybe he would just kind of set it back down and maybe you want to talk about some more stuff or for whatever reason. But if he didn't, I knew it was either going to end two ways he was either going to shoot himself in the head or he was going to fire at one of us.

GOSSWILLER: So, he's got the gun out you're looking through your Red Dot, is that with one or two eyes?

LUKACS: Two eyes.

GOSSWILLER: So, you had both eyes open. And you said it was approximately two minutes that he had the gun out before he pointed it at Mondragon?

LUKACS: Yes.

GOSSWILLER: And can you describe your shooting platform you may have covered it but are you holding the gun one or two hands?

LUKACS: Two hands and during semi supported on top of the roof of the patrol unit there or their unit or that vehicle.

GOSSWILLER: When he pulls the gun out what sort of commands are you hearing given to him? Or are you giving any commands?

LUKACS: I'm not giving any commands, but I could hear maybe one or two like, Byron you don't want to do this, put the gun down, you want to come out. But like I said he his-his demeanor digressed at that point, and he was he seemed pretty adamant he was going to make a decision one way or the other.

GOSSWILLER: How far away from Mondragon were you?

LUKACS: Maybe four, five feet.

GOSSWILLER: So, you're if he's pointing at Mondragon, you're still in that general area?

LUKACS: Yeah, we're right, we're literally, Mondragon's near that front, front passenger door on that pillar. I'm next door down, and Haas is right around the backside of that car.

GOSSWILLER: So, can you describe in detail, so I know you mentioned that you heard a couple of gunshots or heard gunfire before you fired, can you describe in detail what you were looking at when you fired?

LUKACS: The Red Dot on through the viewing port into my sight picture which was targeted towards Mr. Hayes' upper torso.

GOSSWILLER: When you you're firing the gun is where's his gun?

LUKACS: His gun is out.

GOSSWILLER: And you're holding your arm out so it's pointed---

LUKACS: It's pointed outward towards us.

GOSSWILLER: So still pointed toward your direction. And you mentioned that you heard gunfire, how many shots did you hear being fired while you were while you were shooting or during the incident?

LUKACS: I remember hearing---

[redacted] Can I clarify?

GOSSWILLER: Sure.

[redacted] When you heard the gunfire, did you hear distinctive shots, or did you just hear the sound of gunfire? Could you distinguish between how many shots were being fired?

LUKACS: No, I did hear gunfire though.

GOSSWILLER: So, with that you heard gunfire, how long did that gunfire last?

LUKACS: It was maybe a second or two. It seemed to all come it seemed to be happening and then it was like pretty quickly over with. When I shot my second shot, I don't remember hearing any more gunfire and I like I said I took me probably reaction time, aim, shoot, readjust, track and take my second shot maybe two seconds.

GOSSWILLER: So, from your first shot to your second shot approximately two seconds or maybe two seconds I should say?

LUKACS: Approximately.

GOSSWILLER: And earlier you'd mentioned you broke the shot, what exactly do you mean when you said that?

LUKACS: Sorry. Squeezed the trigger till the hammer falls. We refer to as break breaking the shot.

GOSSWILLER: So, you fired?

LUKACS: Fired, fired.

GOSSWILLER: I thought that's what you meant, I just wanted to confirm.

LUKACS: Sorry.

GOSSWILLER: What do you think, what did you perceive would happened if you didn't fire your gun?

LUKACS: I believe if I didn't take immediate action, he was definitely a threat to the officers that were closest which was all of us and anybody else that was out there, and any commonly in the in the cities you get bystanders with their cell phones out he got media, I don't know if any, they were there at the time. But bullets do strange things when they're fired. And I believe that the immediate threat was us. And then I thought if he wasn't able to get a good shot off on us that the round was still that a round could still go out or several rounds could still go off and hit somebody else.

GOSSWILLER: And what was your intent when you fired the weapon or your weapon?

LUKACS: To stop him from shooting.

GOSSWILLER: Any questions about that portion?

DOMON: No, I think I'm good on that.

GOSSWILLER: Alright, so then after the shooting concluded, how long... you'd mentioned that a group were behind the Bearcat making a plan to approach.

LUKACS: Yes.

GOSSWILLER: And how long was it after the shooting concluded that you guys approached the residence?

LUKACS: As soon as the shooting was over, I thought Sandlin did a great job and re consolidating right away reorganizing and saying hey, we need to get there we're getting guys together at the back I looked over I could see the plan going in action like right away. Either it was Mikey or Sergeant Sandlin that said Hey, we're going to need the robot. So, I repositioned from where I was at during the shooting back around to where my robot was staged behind the Bearcat and the van. By the time I did that, did a quick system check, make sure it was still make sure I still had

battery juice. Still working. I was just on standby. So, they made their approach up to the front door. And that, like I said that action was made pretty immediately.

GOSSWILLER: So, it just all unfolded right away, there was no delay, it just happened.

LUKACS: It the plan fell right into place as it should have.

GOSSWILLER: And so, a couple times during the interview, you mentioned numbers and three four corner, that type thing, can you describe what you mean by three, four corner or what 1,2,3,4 would be?

LUKACS: Sure. So, we generally will consider the number one side the front of the house that you're facing during the operation. And then it moves in a clockwise direction around the house. So, you've got your, your, if you're facing the house, the one side, the left side will be the two side if you're facing that two side, go around to the back side of the house. If it's a perfect house, three, and then the final side, the four side. So, if I'm saying three, four corner, it'll be on that three side where the four side meets on that corner.

GOSSWILLER: So, for this particular house, when you're looking at it, the front door is the one side. Which side of the building would that be?

LUKACS: Where the front door is at?

GOSSWILLER: Yeah.

LUKACS: The one side.

GOSSWILLER: So, is that going to be the [redacted] side?

LUKACS: That's going to be the [redacted] side.

GOSSWILLER: So, [redacted] is one. Two would be [redacted]?

LUKACS: Yes.

GOSSWILLER: And three would be [redacted] and four would be [redacted]?

LUKACS: Yes.

GOSSWILLER: So, for example, three, four would be on the [redacted] corner?

LUKACS: Yes.

GOSSWILLER: Just wanted to clarify that so we're all on the same page now. So, your responsibility at that point was to-to get the robot ready to assist in clearing. You had mentioned the robot has several cameras do those record?

LUKACS: No.

GOSSWILLER: And so, they opened up, you described how eventually you got around, you got into the back of the house, and we're clearing the house. And then the robot with the robot, you were going down the hallway where the laundry room was, and there was a couple doors, they were closed. Is the robot able to enter closed doors or is that past its limitation?

LUKACS: It is capable of doing that but given the situation. So, we so just if this makes sense. So, we use that robot on the bottom side of the house to deal with hazardous devices is what it is. So, it does have a has a manipulative claw that rotates and can grab door handles and turn them for you if you'd like. But it is a time-consuming process. This time-consuming process here was more use for reconnaissance and clearing for any extra bodies within the house. So, if there's a doorway closed, we have procedures in place for leaving doors closed, and we could deal with closed doors later. Our main target priority is to get to if a suspect or victim entered safely.

GOSSWILLER: So, in this particular one, you didn't open the doors because you were trying to get to the suspect/ victim who was injured?

LUKACS: Yes.

GOSSWILLER: And approximately how long was it from the shooting to the point where you guys got to the injured?

LUKACS: Probably within five minutes. The longest part was probably clearing with the robot just because it is very meticulous. And it is very cumbersome when you get different obstacles in your way with the tracks on that robot. It could pick up blankets on the floor, trash. It's not like it's a remote system so you're only getting a limited view. So, if you get backed into a corner and say you drag a blanket with you in your tracks, you're not going to know it until you try to make a turn and you right turn doesn't work. So, I try to avoid obstacles, that kind of thing.

GOSSWILLER: Why would you guys choose to use the robot to clear rather than just to send the team in?

LUKACS: Like I said before it was, we're going into an unknown situation with we know for sure there's one, could there be two we don't know, we're not going to just risk running in blindly into a house. So, we'd like to visually clear with a robot first to ensure that and send operators in behind that to make to do the final sanitation clear of whatever direction we're going. In this case, it was secure the bottom floor, and then make our way upstairs to the upper deck where he was.

GOSSWILLER: So, in your experience, have you been involved in a situation where you guys send in the robot, and you find somebody or something in a place that you weren't expecting it?

LUKACS: Absolutely.

GOSSWILLER: Okay, then, so, you methodically or you in a timely manner you go, you go through and clear in the best you guys can. You get to the suspect who is injured on the second floor. Did you see his gun at that point?

LUKACS: No.

GOSSWILLER: Did you provide any medical aid? I know you said you stood back and had a tourniquet ready? Did you ever touch him? Check his pulse or anything?

LUKACS: No.

GOSSWILLER: And at what point was medical aid cleared in or requested, if you know?

LUKACS: Like time, timeframe wise?

GOSSWILLER: Yes.

LUKACS: Probably as soon as we make contact, we requested them to start making their way up towards the location.

GOSSWILLER: So, when you say as soon as you made contact, that's when you (unintelligible)?

LUKACS: I didn't do it. Yeah, I didn't I didn't make the notification. And I'm guessing I'm missing that portion of it, but we had medical on standby. So as soon as we made contact, we know there's no more threat there, we would send fire department personnel in. And they were there within as soon as I went back to the landing, within a couple of minutes, I could see at least two fire paramedics coming up with their bags from the outside looking out inside out. I can see them coming inside the house.

GOSSWILLER: Did they come through the front door, the back door?

LUKACS: Front door.

GOSSWILLER: So, at some point, the front door was open?

LUKACS: Sometime somebody opened that front door.

GOSSWILLER: Was that you or?

LUKACS: No.

GOSSWILLER: So, when you came down at that landing, you saw them coming up?

LUKACS: When I got to the landing, I could see them coming up and I was there to just provide guidance for them if they started walking

into different rooms or whatever. But they came right up the stairs right away.

GOSSWILLER: So, you saw them come up does that mean the doors were already open, so you can see through it or?

LUKACS: Yes.

GOSSWILLER: There's one more term you mentioned earlier, just want to confirm. You said while they were on the back side of the house, you were pulling security? What do you mean by the pulling security?

LUKACS: Providing security towards unknown threats. I.E., in that particular case the windows on the upstairs and the balcony?

GOSSWILLER: So, you were keeping an eye on that window?

LUKACS: On the upstairs while they were making while they were working on breaching that window on the bottom three side, [redacted] side.

GOSSWILLER: And why would you be there?

LUKACS: It's still unknown. We don't know if he has one of his accomplices in there. Or maybe there's just somebody else on any unknown that could be in there that's a threat could be in there. And so, I was just provide overwatch for that.

GOSSWILLER: Did you guys know if he was shot or not at that point?

LUKACS: I believe he was shot just by his reaction to the gunfire. I believe he was shot.

[redacted] But did you know?

LUKACS: Did I know for sure.

[redacted] At that point?

LUKACS: No.

[redacted] (inaudible). Would it have been, if he was still mobile, could he have looked out those windows and seen you, is that another reason to provide security?

LUKACS: Yeah, so I okay. Sorry. I get it. Yeah, I, you know, could he have still been able to move throughout the house, absolutely. So, we didn't know exactly if he if he was still in that front room where he initially contacted him or yeah, you could have moved with that weapon throughout and took up another position elsewhere. So, we did and that's why we provide that overwatch security if you I call it that. It's just the term I use forever.

GOSSWILLER: In your experience, have you seen someone who's been shot and still able to---

LUKACS: Yes.

GOSSWILLER: --- move, shoot, do various actions?

LUKACS: Yes.

GOSSWILLER: And then after the medical aid was medical was on scene, you were out front, putting the tape up. And then you'd mentioned that's when I cut my tape off. Is that turning off your recorder or is it…?

LUKACS: Yes, I turned off my recorder shortly after exiting outside and doing other duties.

GOSSWILLER: At this point, we're going to take a quick break. The time is 1143 hours, we're gonna pause recording.

GOSSWILLER: Alright, it is 1149 hours on Thursday, September 1st, 2022. This is Detective Ian Gosswiller, we're back in the Specialized Investigations conference room, continuing the officer involved shooting interview, Bela Lukacs. Alright Bela, we just had a few follow-up questions real quick. So earlier, you had mentioned that when everybody was approaching the scene, some people were in the Bearcat and others were in their personal vehicles. Can you describe what you mean by their personal vehicles? Were they department vehicles that they were driving, or they were there personally owned vehicles?

LUKACS: No personally owned vehicles, like they didn't own them. It was their issued Sheriff's Department vehicle, but more of like in a UC capacity so.

GOSSWILLER: When you say UC?

LUKACS: Undercover.

GOSSWILLER: So, they were their, unmarked Sheriff's Department vehicles. And then also, previously, we had asked if you knew if anybody had contact with the Los Angeles Police Department officers. And I think you said, no. Do you mean that no one had contact or no, you don't have knowledge?

LUKACS: I don't have any knowledge who specifically had communication with LAPD. It wasn't my role or duty at the time. But I know information was getting passed. But as far as who had that line of communication, I don't know.

GOSSWILLER: So, somebody was communicating with LAPD, though, or no, do you know?

LUKACS: I don't know.

GOSSWILLER: And then, also, you had mentioned that when he pointed the gun at his head, that if he pulled the trigger and shot himself, that

you'd have to do the same thing that you did. Can you describe what you mean by that?

LUKACS: Is as far as carrying out the operational plan, yes. But it's as far as depending on his actions, if he would have shot himself. I wouldn't have shot unless he posed another threat after he shot himself. But I don't know what that would have been or how that would have went, because it didn't happen.

GOSSWILLER: Gotcha. But so, when you said do the same thing that you did, what exactly were you referring to?

LUKACS: Carrying out the mission, the operational plan.

GOSSWILLER: Can you describe what you mean by the operational planning what, what the steps would be that you guys would take?

LUKACS: Clearing the location, securing it, if that was the case. Rendering aid for any anybody inside and then making sure there was no other occupants within there. And then once it was clear, we would hand it over back to LAPD so they can execute their search.

GOSSWILLER: Do you have anything?

DOMON: Oh, yeah. Just one quick more question. What would you guys would have done if he would have complied and given up? If he would have followed your orders when you initially got there?

LUKACS: The plan was for him to come out the front door, if he would have come out the front door and it was compliant and no threat. He would have just been taken into custody and transferred over to LAPD detectives.

DOMON: That's all I have.

GOSSWILLER: That's all I have.

[redacted] I'm good.

GOSSWILLER: With that it's 1152 hours, and we're going to conclude the interview.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DEPUTY JIM MUSGRAVE

Deputy Jim Musgrave

On Friday, August 12, 2022, at approximately 0250 hours, Sheriff's Crime Scene Specialist [redacted] and I met Deputy Jim Musgrave at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Musgrave, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE).

UNIFORM DESCRIPTION:

Musgrave's uniform consisted of the following:

- A green ballistic helmet with Liberator 2 communication and ear protection. A patch with "FORGED SBCSD SWAT SCHOOL" written in black lettering affixed to the left side of the helmet. A nametape with "61Z11" written in black lettering affixed to the back of the helmet.
- Glasses with tinted lenses.
- A green long sleeve Crye Precision shirt with San Bernardino County Sheriff's Department (SBCSD) cloth patches on either shoulder. Green Crye Precision pants and green Salomon boots.
- A green TYR Tactical load-bearing vest. A patch with "SHERIFF" written in yellow writing affixed to the front center of the vest and the back of the vest. A cloth SBCSD badge affixed to the front center of the vest. A nametape with "61Z11" affixed to the front center of the vest.

[redacted]

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

Musgrave's equipment on the TYR Tactical load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- A green magazine pouch containing two rifle ammunition magazines and a tourniquet. Trauma shears were behind the magazine pouch.
- A green pouch containing an X2 Taser.
- A black Sharpie marker affixed to the vest.
- A brown pouch to carry a breaching hammer affixed to the back of the vest. No breaching hammer was inside.
- A green pouch containing a Motorola handheld transmitter (HT) radio.
- Two glow sticks affixed to the vest.

Musgrave's equipment on the green nylon belt proceeded clockwise from the (front) center of the belt was:

- A black thigh rig platform with a green holster attached. The holster held Musgrave's department-issued Staccato 2011 handgun.
- A green pouch containing a digital recorder affixed to the thigh rig platform.
- A green pouch.
- A green pouch containing a light sound diversionary device (LSDD).
- A green pouch containing a medical kit.
- A green dump pouch.
- A green magazine pouch containing a rifle ammunition magazine.
- A green magazine pouch containing two Staccato 2011 magazines.
- A green molle strap with a black carabiner. Attached to the carabiner were Viktos gloves.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

WEAPON COLLECTION:

Primary firearm collection:

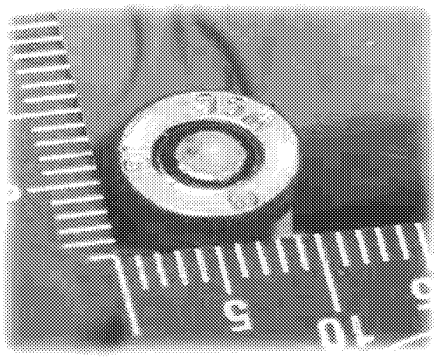
In my presence, [redacted] removed the ammunition magazine from the rifle's magazine well and placed it on the table. [redacted] removed a chambered cartridge and rendered the rifle safe. [redacted] examined and photographed Musgrave's rifle, ammunition magazine, and ammunition. The rifle was a Geissele Automatics MK4, 5.56-mm semi-automatic rifle with serial number [redacted] Attached to the rifle was a mounted Surefire Scout Light tactical weapon light, a Trijicon MRO optic, and a Magpul sling.

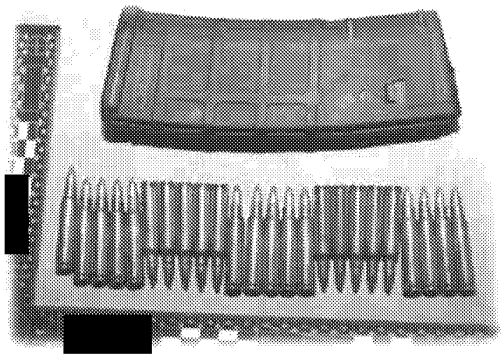
CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

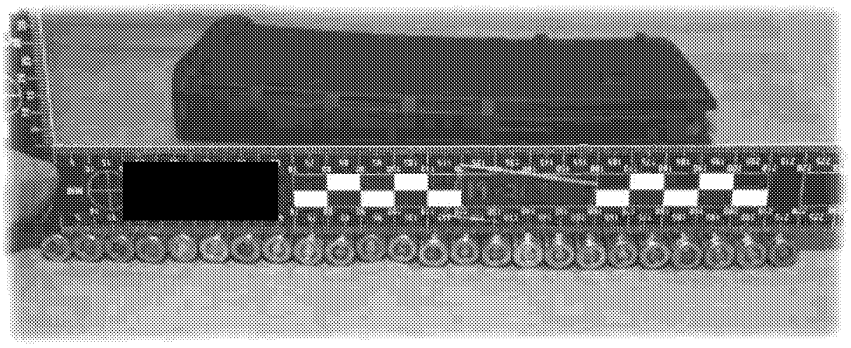
MAGAZINE/AMMUNITION:

During the process, the chambered cartridge from Musgrave's rifle was photographed and packaged separately. The cartridge was headstamped, "+WCC 13." [redacted] removed the remaining cartridges from Musgrave's ammunition magazine. Inside the ammunition magazine were 24 cartridges. Twenty-one of the cartridges were headstamped, "WCC 13", one cartridge was headstamped, "+WCC 13", one cartridge was headstamped, "LC 21", and one cartridge was headstamped, "WCC 13 5.56MM". [redacted] collected the rifle, chambered cartridge, ammunition magazine, and additional 5.56 cartridges and packaged them for processing.





24 Cartridges

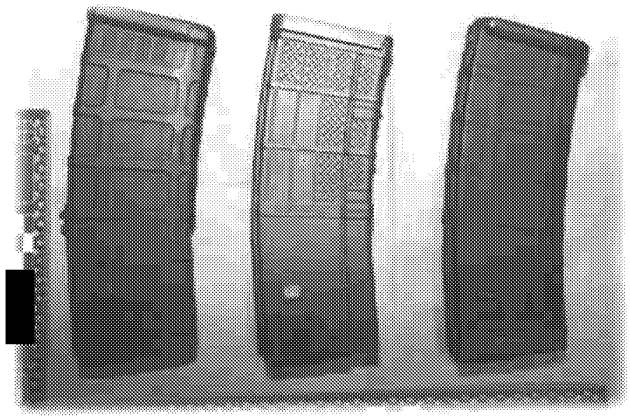


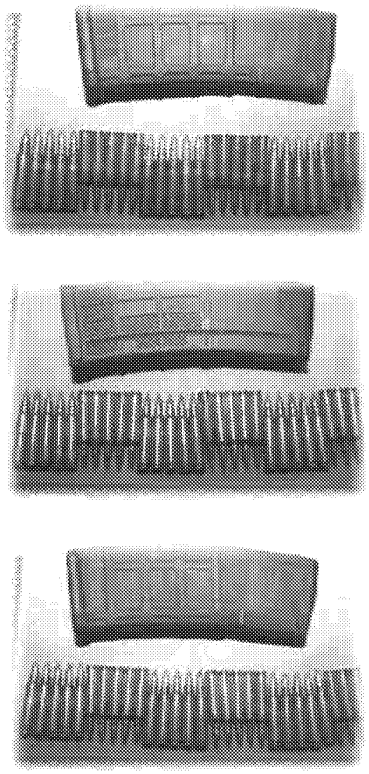
CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

MAGAZINE/AMMUNITION CONTINUED:

Musgrave carried three additional 30 round capacity 5.56-mm ammunition rifle magazines. Two of the magazines were P-Mags and one was a Lancer Systems ammunition magazine. The Lancer Systems magazine and one P-Mag magazine were stored on the front of Musgrave's TYR load-bearing vest. One P-Mag ammunition magazine was stored on the right hip. The Lancer Systems ammunition magazine contained 28 cartridges. Twenty-seven of the cartridges were headstamped, "+WMA 17," and one cartridge was headstamped, "WMA 17." The cartridges in the Lancer Systems ammunition magazine were green tipped cartridges. The first P-Mag ammunition magazine contained 28 cartridges. Eighteen of the cartridges were headstamped, "LC 21," five cartridges were headstamped, "WCC 13," and five cartridges were headstamped, "WMA 15." The second P-Mag ammunition magazine contained 28 cartridges. All the cartridges in the magazine were headstamped, "+WCC 13."





CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING CONTINUED:

Musgrave's Staccato 2011 handgun was not used in the LFE and was not collected. Musgrave had a breaching shotgun attached beneath his right arm. The breaching shotgun was not used in the LFE and was not collected.

The processing was concluded at 0400 hours.

OFFICER INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on a Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

OFFICER INTERVIEW: DEPUTY JIM MUSGRAVE

On Wednesday, August 24, 2022, at approximately 1315 hours, San Bernardino County Sheriff's Department (SBCSD) Detective Owenn Domon and I interviewed SBCSD Deputy Jim Musgrave in the conference room at the Specialized Investigations Division, located at 808 Mill Street, San Bernardino. The interview was audio-recorded. Attorney [redacted] was present for the interview.

The following is a verbatim copy of the interview.

Reviewed By: **Sergeant Michael Warrick** MW Date: 2/16/2024 Author: **Detective Michelle Del Rio** Author Date: **12/12/2022**

DR# 172209341
H# 2022-100

Interview with Deputy Jim Musgrave

DEL RIO: This is, my name is Detective Michelle Del Rio. Today is Wednesday, August 24, 2022. It is 1315 hours. This is going to be in reference to DR 172209341. Associated case number is Henry 2022-100. The type of call for this is a lethal force encounter that occurred on August 11, 2022, at [redacted] in Victorville. Location of the interview is going to take place in the conference room at 808 East Mill Street in San Bernardino. Will everyone please identify themselves?

DOMON: Detective Owenn Domon.

[redacted] Attorney Rep. [redacted]

MUSGRAVE: Deputy Jim Musgrave.

DEL RIO: Okay. Jim, would you like me to call you "Jim?" "Deputy Musgrave?"

MUSGRAVE: Whichever one works.

DEL RIO: Okay, Jim. Okay. Jim, this is a criminal report, and it will be submitted to the district attorney's office. You do not have to speak with me. No discipline can come to you for not speaking with me. Prior to this interview, has anyone ordered you to give a statement other than a public safety statement?

MUSGRAVE: No.

DEL RIO: Has anyone ordered you to speak with me?

MUSGRAVE: No.

DEL RIO: Do you wish to speak with me today?

MUSGRAVE: Yes.

DEL RIO: Spell your first and last name, please.

MUSGRAVE: First name Jim, J-i-m. Last name Musgrave, M-u-s-g-r-a-v-e. V as in Victor.

DEL RIO: Your date of birth?

MUSGRAVE: [redacted]

DEL RIO: Employee number and badge number?

MUSGRAVE: My employee number is Henry 6871.

DEL RIO: And your badge number?

MUSGRAVE: I believe it's 3031.

DEL RIO: How many years of service do you have with the San Bernardino County Sheriff's Department?

MUSGRAVE: A little over [redacted]

DEL RIO: And where are you currently assigned?

MUSGRAVE: To our Specialized Enforcement Division, SED.

DEL RIO: Your height and weight?

MUSGRAVE: Height is 6'. Weight is 230 pounds.

DEL RIO: Date of hire?

MUSGRAVE: [redacted]

DEL RIO: What date did you start patrol?

MUSGRAVE: I started [redacted]

DEL RIO: Your current rank?

MUSGRAVE: Deputy.

DEL RIO: Do you have any previous law enforcement experience?

MUSGRAVE: [redacted]

DEL RIO: What is your work schedule like? Your, your shift?

MUSGRAVE: Typically, we start, our standard would be Monday through Friday on our on-calls. Off-call week would be Monday through Thursday. Times would be around 7:00 a.m. to 4:00 p.m. We do have, also adjust our schedule, as far as that Friday that we're off for, during our off-call weeks. And then obviously, we're on-call. So, if there's something that happens that we have to respond to.

DEL RIO: Okay. What was your callsign on the day of the incident?

MUSGRAVE: It was 61Z30 or 61Z11, I'm sorry.

DEL RIO: And what was your unit number or what type of vehicle do you drive?

MUSGRAVE: We were, during this incident, I did not have my vehicle. We were in our armored vehicle, the Desert BearCat.

DEL RIO: Desert BearCat?

MUSGRAVE: Yeah.

DEL RIO: Did you have a rider or a partner?

MUSGRAVE: There was multiple of us inside the vehicle.

DEL RIO: Okay.

MUSGRAVE: Do you want their names?

DEL RIO: Yes, please.

MUSGRAVE: Okay. The driver was Jeffrey Henry and I had two other partners seated in the back with me, which was Eugene Mondragon and Cristina Olivas.

DEL RIO: Can you describe your uniform you were wearing that day?

MUSGRAVE: We were in our standard uniform. As far as our tactical green uniform, which is crye precision, top and bottom. I had my salomon green boots, as well as we were wearing our green armored vest that we had with the sheriff logo on the front and rear, with bold yellow lettering. I also had my green tactical helmet on, as well as all the other equipment I had on top of that.

DEL RIO: Which was what?

MUSGRAVE: So, I had my tactical belt on, which carried my duty weapon which was a Staccato 2011 9mm. Also, I had a Geissele M4 that was slung over my shoulders. And then, I had a Remington 870 breaching shotgun that was attached to the right side of my vest.

DEL RIO: Was your belt recorder activated before or before and during the incident?

MUSGRAVE: Yes.

DEL RIO: Do you have a camera in the armored vehicle?

MUSGRAVE: I do not believe so.

DEL RIO: Were you wearing a body-worn camera?

MUSGRAVE: No.

DEL RIO: Did you get a chance to review your audio recording of the incident before this interview?

MUSGRAVE: I did.

DEL RIO: Did you take photos at the incident location during or after the incident?

MUSGRAVE: No.

DEL RIO: How much sleep did you get in the last 24 hours and 48 hours prior to the incident?

MUSGRAVE: Average six to eight hours a night.

DEL RIO: A night? Okay. Were you under a doctor's care or taking prescribed medications that would affect your ability to perform at the time of the shooting?

MUSGRAVE: No.

DEL RIO: What weapon did you use during the shooting?

MUSGRAVE: My Geissele M4.

DEL RIO: Can you spell Geissele for me, please?

MUSGRAVE: Oh man.

DEL RIO: Sorry.

MUSGRAVE: I can, I mean I can give it my best shot. G-i-e-s --, I guess two "Ss," -- s-s-l-i-e. I don't know if that's correct, though. Kind of a hard one.

DEL RIO: It's, sorry about that.

[redacted] Okay. It's going to be G-i -- G-e-i-s-s-e-l-e.

DEL RIO: And you said that was a rifle?

MUSGRAVE: Yes, ma'am.

DEL RIO: Okay. What caliber is that rifle?

MUSGRAVE: It shoots our 556 rounds

DEL RIO: How do you typically load your Geissele?

MUSGRAVE: So, all my mags I load with, my magazines, I load with 28 rounds

DEL RIO: How do you remember loading your magazines before the shooting?

MUSGRAVE: I do it the same way every single time.

DEL RIO: So, 28 rounds?

MUSGRAVE: Yes, ma'am.

DEL RIO: Did you chamber a round before the lethal force encounter?

MUSGRAVE: I did.

DEL RIO: How many shots do you remember firing?

MUSGRAVE: Two.

DEL RIO: Were you injured?

MUSGRAVE: I was not.

DEL RIO: Have you ever been in a lethal force encounter before?

MUSGRAVE: Yes.

DEL RIO: And when was that?

MUSGRAVE: That was June of 2020.

DEL RIO: Okay. So, at this point, I'm just going to open it up for you. If you could explain, you know, basically, you know, regarding the incident. How you were made aware of the incident. What information was provided to you and then just kind of go in chronological order, all the way until the conclusion of the incident.

MUSGRAVE: Okay. So, we were at our, our office location, which was on the rear side of the court, Victorville courthouse. We were inside of our office. Detective Eugene Mondragon was acting as our team leader for our team, which is team one within our division. He notified us that LAPD had a request due to possibly having their, one of their murder suspects from their county, located at a house in Victorville off of [redacted] I believe it's [redacted] in the city of Victorville. Basically, they wanted us to assist them in serving a search warrant or a surround call-out to detain their suspect. Eugene Mondragon or Mondragon had let us all know and due to

us being kind of short staffed, members of Team Three, which included Jeffrey Henry, Deputy Jeffrey Henry, Sergeant Mike Sandlin, said they would assist us... and Detective Michael Corral, they were going to assist us with that, as well. We were waiting for LAPD to have a search warrant signed for us to assist them. They eventually had that signed and we, an OPS plan, operation plan, was made for us to do this operation. We discussed it at the Victorville office.

Our main plan was for, by this time, they had made us aware that their suspect was inside of this residence. The suspect's mother had arrived at our target location, our house and they had detained her when she left the residence, who confirmed that the suspect was inside the residence. We made the operation plan. Our main objective was to do a surround and callout, which is typically what we do, to have suspects come out to us so we can detain them, clear residence for a search warrant and then, basically hand it off to LAPD. That's how we've done in the past. So, that was part of the operation plan. We went over positioning. A few of us were going to be riding in the BearCat, which included Jeffrey Henry as the driver, myself, Mondragon and Olivas inside the BearCat, inside the rear of it and everyone else was going to be in unmarked vehicles to be in different positions during that.

We load into our BearCat at Victorville courthouse, and we drove to the [redacted] which is located about, just off

[redacted] About half a mile, if that, away from the target location or the house the suspect was at. We drove over there. Eugene or Mondragon spoke with members of LAPD who were on surveillance at the location in multiple vehicles. Mondragon gave them the, I believe the plan for what we were doing. I didn't hear that conversation. From there, our plan was to drive to the house from [redacted] We were all loaded into our vehicles. As we began to drive to the location, I notified our dispatch to give, give us basically what we call a "33." It's just to clear the air for anyone that's not on our call, would go to a backup channel. So, we could not have any interference or outside people taking up the air or the radio.

So, on our way there, that happened and then Mondragon received a phone call while we were on our way there and we're probably a quarter mile or so away. That's where Mondragon got a phone call that the suspect, from a member of the LAPD team, that said that the suspect was walking out of the residence and walking [redacted] And we, our plan was to come from the [redacted] side and drive [redacted] towards the house. So, we knew that the suspect was going to be walking towards our direction once we made a certain turn onto that street. Mondragon let us know that they were going to attempt to detain him at that point and then we didn't really hear anything, or we didn't really know what was happening while we were driving up. And so, we decided to continue driving towards the location.

As we were driving, I saw, kind of neighbors pointing towards the area where the house is located on [redacted] and we decided to park in the position that we had planned on our operation plan. As we did, I saw LAPD officers on the, I'd say the [redacted] side of the house, which was the side. I saw them on the side of the house. We didn't really know what had happened and then they notified us that the suspect had ran back inside the house. Once that happened, we continued our same plan. Mondragon told Henry to continue with or to start PA announcements. Basically, "public announcements" using a loud speaker on the BearCat. He begins standard stuff, saying that we had a search warrant for that certain residence at [redacted]. "All occupants to exit the front door, unarmed with their hands in the air." That's how we always do it.

And it was about a couple of minutes while that was going on that we kind of took our positions. I exit the BearCat and I was on the rear passenger side of the BearCat, where the doors are open in the back. I was on the passenger side at the rear of it where I had view of basically, garage and up, which included two windows above the garage. As we're sitting there, I observed what appeared like someone looking through the blinds of the, of the two windows. It was on the left. It appeared somebody was looking through the window, so I notified Sergeant Sandlin about that. As we got set up, PA announcements continued and eventually the suspect ended up opening up the window on the left side, where the blinds were moved. And he began to speak

with, he was asking what we were doing there, and Mondragon notified him that he had a warrant for his arrest. He needed to exit the residence, explained to him, "Out the front door unarmed, hands in the air."

The suspect question, continued to question what his warrant was for. Mondragon continued to tell him that he was, he had an arrest warrant, which I understood because you don't want to tell somebody that they have a warrant for murder, when they could create kind of a negative response from the suspect. And we wanted to avoid any type of altercation or anything like that. So, we continued to speak with him that way. Suspect eventually stated that he was going to, he would comply, exit the residence. He, he continued to respond to Mondragon when they were speaking. He heard the kind of like, the commands or requests for, being informed to exit the residence at that point.

He said he was going to come down and then I remember at one point, he ended up stating that he could hear people coming to his back door. I don't know how he was hearing that or if he had video on his phone or not, but he said he could hear people approaching the back door. And then he said if they come in the back door or break it or something like that, that he was going to react. And then he said he was loaded. He didn't say what was loaded at that point, but my perception at that time was okay, maybe he possibly means a firearm because you don't really load anything else. So, he stated that, and then he walked out of

the window. He walked to the rear of the house or towards the direction from what I can see. He walked out there and then I guess, we found out that he was communicating with units that were on the backside of the house, which was on the [redacted] side off of, I believe there's, like on Cantina and he was on the porch.

Cristina Olivas, she, during this operation, she was driving our UAS or unmanned, unmanned aerial surveillance vehicle. She was driving that up in the air and basically, it just gives us advantage of a viewpoint that we can't see from the ground. So, if she can see anything else through the window or the overhead view. She was able to see the backyard while he, while he was standing on the balcony, was able to give us a description. I remember he had red shorts on. I believe she said he had a blue shirt or a dark colored shirt. And he ends up coming back to the window on the front side and communicating with us. I... let me see. At that point, he had a gold bottle of alcohol. I remember him stating it was like a $4,000 bottle of alcohol.

Requests are still made for him to come back, come out downstairs, to comply. He said he would. He just wanted to have a drink first. He began drinking his bottle of alcohol and his demeanor or behavior kind of, when we first got there, it was kind of, I would say aggravated because he was trying to figure out, he was at, saying he wanted to figure out what's going on. Then he kind of calmed down. When he returned with the bottle of alcohol, it was kind of up and down from there. He would have

times of talking to Mondragon or anybody else and it seemed like they were having a conversation, seemed like it was kind of a working rapport that was being built. And then, he would kind of get loud or aggravated some more. And then after that, he continued to talk about the back door every once in a while, about people approaching it. We tried assuring him that nobody was attempting to enter the house.

After that, he wanted to make a phone, or he said he was getting a phone call from his [redacted] He wanted to speak on the phone. They were okay with him speaking on the phone. There's really no way for us to stop that from happening. So, we figured that would benefit him or give some more compliance. He gets on the phone, and we're still at our positions. While he was in the window, I had my firearm forward, but I did not have my… Our optic is a Trijicon MRO, and I didn't have, that is what it's called, but I didn't have, I didn't have it on him. I just had it ready to go, just in case, just because his behavior has kind of going up and down. He made statements of having something loaded. But we're kind of getting our… My attention was drawn on him a lot, just in case because he became, he started becoming kind of, how do you say it.… You didn't know what he was going to do next.

After that part, he continues to drink. I don't know if he was getting intoxicated because of his drink, if he was drinking that much, but I remember kind of his behavior start becoming more

erratic, a little more aggressive. And then, we had a negotiator arrive on scene, who was Clarence Harris. He was working at Victorville that day. It's standard for us to have a negotiator come on scene just to assist with speaking with anybody that we have. As soon as he arrived and tried speaking with, with our suspect, suspect did not have, kind of reacted negatively towards him immediately. And they were, they were unable to kind of, build a communication between them.

He continued to speak with Mondragon. He said he just wanted his drink. He said he was still going to come out, but as he continued talking with his [redacted] on the phone, the way he was talking to his [redacted] he started getting loud. I couldn't really understand what he was trying to say to his [redacted] He was kind of like giving, like life advice, or anything like that. And then, as that continued… Before we got him the phone call, he said he just needed five minutes on the phone or a few minutes to speak with his, with his [redacted] And then I think… I'm sorry. I'm trying to remember kind of chronological --

DEL RIO: It's okay. Take your time.

MUSGRAVE: -- how it's going.

DEL RIO: It's fine.

MUSGRAVE: As that went, they tried speaking with him again, Harris and

Sandlin. He was kind of extreme, seemed to be extremely aggravated at that point. And I remember on the phone, he was kind of finishing up on the phone, and then, let's see... He got off the phone and then he started speaking with, towards somebody, I forgot. He said something kind of, said something negative. And then he asked for, where his negotiator was at or Harris said, "Hey, I'm right here." And then he wanted to, he wanted In-N-Out. So, Harris was trying to speak with him, but at this point, he was kind of speaking over anybody else, kind of yelling, cursing. I remember at one point he, he was like messing with his private area, I guess, through the communication. He said some, kind of like... I'm trying to think of what he said, but he said something kind of, just foul or negative about that and then with Harris.

And then after that he, at some point he said something about a firearm having, if they were to come in through the back door, that he was going to, he was going to handle it or it was something around that, but he said that he, his gun was loaded. So, we knew he had a firearm or by his, by what he was saying. I'm sorry to go back a little bit, but --

DEL RIO: No, it's fine.

MUSGRAVE: -- sometime in the middle of all that, I remember him saying he had it right here. He was looking at his left side, like kind of down at his, like left hip, almost like, there was like, something that he

just kept looking at. And so, in my mind, I was thinking, "Okay, well, he's already said he had something loaded. He could have, could be a firearm there." I hadn't seen it at this point, that he told us that he had a loaded or his gun was loaded. So, obviously at that point, I'm going to think, "Okay, there's possibly a gun in play during this." As he made the request for In-N-Out, he continued to speak over Harris, and then he pulls out a, he reaches to his left, grabs something, He pulls out a firearm. He kind of brings it out to his left side, and then puts it towards his head.

At that point, I think he was making demands for the In-N-Out and Clarence was trying to speak with him, trying to get him to drop the gun so they could speak about what he wanted. At some point, the suspect went down to his knees in the window, where just basically his upper higher torso and head were exposed and firearm with his left arm. He continued to make demands. He started giving a countdown from five seconds. He went from "5" all the way down to "2." Clarence, I think, I believe it was Clarence was still trying to, or Harris was still trying to speak with him. And then at that point, he, from what my view was at, he could just, you see him bring the firearm down. He does something to it and then that's where he extends his arm out and just immediately points the firearm out the window.

From where I was at, it appeared he was pointing it towards the left side of where the BearCat was at. It was fast, but it looked

like it was going in that direction where my partners, Mondragon, Chris Haas, were at. I believe, Corral, Mike Corral could have been over there. And at that point, it's, seeing his demeanor, just kind of deteriorate or behavior just continuously get through this whole span of time. And obviously, you know, a firearm comes into play, and he points a gun out towards my partners. Immediately in my mind is he's going to attempt to shoot one of my partners or kill one of us. And at that point, that's where I shot my firearm. I shot two rounds.

And the timespan from what I remember was very quickly of gunfire. It was maybe a second, a second and a half, from what the way I perceived it. And after that happened, he wasn't in the window and my firearm had, basically they call it a “double feed” or “failure to eject.” So, after I shot the two rounds, the casing of my last fired cartridge didn't, wasn't, it was stuck in like the, basically cartridge port where your bolts, your casings come out. It was stuck in that.

So, where I was at during the start of the call, where I was right outside the door or the rear passenger or the BearCat, there was probably, at some point during the phone call, Stone had relieved me. We switched. I was standing at, with my gun up the whole time. So, it was a pretty extended time of holding a rifle up. So, he said he was going to relieve me for a little bit. So, he took over that spot and then I basically replaced where he was at and so, he was kind of behind me on my right shoulder. So, I

kind of went back to his position towards the end of that phone call. So, that's where I was when the shooting happened.

After that happened, I cleared my malfunction of my firearm. I stepped behind, I kind of took a step in, cleared that, took the casing out where a round that was chambered, also ejected out of my firearm and I just reloaded my magazine and then was looking back at the window. There, I know somebody made announcements asking me if the suspect was firing, if he was, that we were going to get him medical as soon as possible. From there, we quickly decided to approach the front door, to attempt to breach the front door so we can get in, clear the residence and get to him to provide medical.

As we got to the front door, I attempted to use a ram from our Desert BearCat to hit the door, to break it open, so we can get inside. I probably hit it like six times. It was like a double French door. It had pins out were locked top and bottom. So, I couldn't unlock it, or knock it open. So, we ended up coming back to the BearCat and I grabbed a thing we call a "bang pole." It's basically a large metal pole that you're able to attach LSDDs or other people know them as like "flashbangs." You can attach it to one and break it through a window and set one off, but we were, I was just going to use it as a window break.

So, we decided to go to the backyard of the house, and we went up the [redacted] side of the residence and entered through the back

sliding glass door, which I used that thing we call a "bang pole" to break it open. I believe with us that were, basically what we call like a "stick," it's a line of us that are going to be doing our movement through the house, was I know myself, Josh Stone, Corral, Haas, Sandlin, I believe Mondragon, were all with us. We were together. We entered the rear sliding door where we entered the kitchen, kind of side living room area. Before we entered, though, we entered a robot that was driven by Bela Lukacs. He's our Bombs and Arson member. He assists us with the robot. So, he was with us in the, our "stick" or our line, as well.

The robot cleared some of the bottom floor of the house. We basically use it. It's something that we're able to go to fast that can just clear without putting us in danger in case there was somebody inside that was waiting for us or anything like that. We want to make sure we clear the residence before we, our attention is driven on providing the aid because we don't know if anyone's inside that causes us harm or we can get medical, other medical aid, AMR, Fire to enter the house and we want to make sure that they're safe, as well.

So, we cleared the bottom floor. We went upstairs. There was just one master bedroom off the left side when you come to the top side of the stairs, cleared that and then we went into the bedroom where the suspect was still at. He was laying on his back at that time. At this point, I was kind of towards the back of

our line or "stick." And I know Corral and Mondragon begin, provide medical aid right away. I was going to see if they needed any help, but it was kind of a small room. I didn't want to cram it with multiple, with myself, as well, in there. And I remember somebody asked for a tourniquet. I provided a tourniquet that I had on me. And at that point, that's where I had exited.

I had taken Mondragon's rifle, I believe, just to, so he didn't have it slung on him and getting in the way of him working, giving medical aid to the suspect. At that point, I took his rifle. I went downstairs and then, I'd say a minute or two, our Fire Department was already there. And when I had, at the very beginning, when I had called the, our "33" on the channel, I also asked for medical to stage, just in case. So, Fire was able to respond right away. So, I told them where the room was, so they can directly go there. And then shortly right after them was our AMR vehicle, or the medical vehicle arrived and I pointed them to where to go, as well. They went up there during the, while they were providing medical care and getting him on basically, they couldn't get their whole gurney up there because it was small, kind of switch-back stairs. So, they ended up taking a board to put the, put the suspect on and I just got everyone's information, as far as Fire and AMR. And then, I waited outside until they put the suspect into the AMR vehicle, and I left the location.

DEL RIO: Okay. Okay. So, we just have a few questions.

MUSGRAVE: I gotcha.

DEL RIO: So, you mentioned you were notified. Who did you say you were notified by?

MUSGRAVE: At the very beginning?

DEL RIO: Yes.

MUSGRAVE: Mondragon.

DEL RIO: Do you remember what time you were notified?

MUSGRAVE: Oh man. I don't know. If I had to give my best guess, it was maybe around 1400 hours.

DEL RIO: Could you tell me which, what was the name of the LAPD officer who briefed you guys?

MUSGRAVE: I don't know his information. That was Mondragon that spoke with him.

DEL RIO: Were you familiar with the area you guys were going to respond to?

MUSGRAVE: Yeah. I've driven through there probably multiple times when I worked at Victorville City station, but I didn't know exactly where

the streets went or anything like that. But we were able to look at a map prior to our, the start of the operation. During our, us briefing the OPS plan.

DEL RIO: Okay. During the briefing of the, of the OPS plan, the operations plan, were you guys provided like, information as far as how many LAPD officers were actually doing surveillance or were at the scene?

MUSGRAVE: We didn't have an exact number. Just with prior experience working with them, they typically have quite a few personnel with them when they're doing surveillance, but we didn't have an exact number.

DEL RIO: Once you arrived on scene, do you recall approximately how many LAPD officers there was?

MUSGRAVE: With what I saw while I was on scene, I would say maybe 12. 12-15, maybe.

DEL RIO: Okay. What, if anything, do you remember while en route to the scene that heightened your senses or caused you concern about the call? Like what was your mindset?

MUSGRAVE: Obviously, we know that this, that our, the suspect was wanted for a homicide out of LA. So obviously, you have someone that's committed a violent crime that they are looking for. It was that, as

well as the fact that there was not, a firearm was never recovered. We were notified that a firearm was never recovered from the crime that occurred in LA We were also told that when they detained the [redacted] who had left the residence, that she had a, at first, I believe she said… In all honestly, it's like third party information by the time it gets to us, but I think they said there was no firearms. And then, she said she did have a firearm in a room that was locked away. So, we knew that there could be access to a firearm. And so, at that point, we don't know if there's a firearm or not.

DEL RIO: Okay. You said when you were briefed of the operations plan, was that plan established and clearly communicated with everyone?

MUSGRAVE: Yes.

DEL RIO: Okay and you understood what the plan was?

MUSGRAVE: Yes.

DEL RIO: So, after you were briefed on the situation, approximately how long after did you arrive, that you guys arrive on scene?

MUSGRAVE: From what I remember, maybe an hour.

DEL RIO: So, it's about what time at, at this point?

MUSGRAVE: So, we waited a little bit after Mondragon told us what we were going to be doing. So, I'd say maybe 1530-1600 hours.

DEL RIO: So, about 4 p.m.?

MUSGRAVE: Yeah.

DEL RIO: Okay. You mentioned that you called a code 33 on the channel after you arrived on scene?

MUSGRAVE: While we were on our way there.

DEL RIO: While you were on your way there --

MUSGRAVE: From the [redacted].

DEL RIO: And you mentioned that, after you called the code 33, pretty much like you said, to the channel for you know, only emergency traffic.

MUSGRAVE: Yeah.

DEL RIO: And you also called for medical aid to --

MUSGRAVE: To stage.

DEL RIO: To stage. Okay and why did you do that?

MUSGRAVE: That's just standard. You never know when, if an incident's going to occur where somebody gets injured. So, we just like to be prepared to have them staged for, to quickly respond in case we need them.

DEL RIO: During the operations plan briefing, what were your responsibilities?

MUSGRAVE: So, I was going to be riding in the Desert BearCat and when we arrived on scene, I was just going to be holding, basically one of our front perimeter spots as we did our surround and callout and was basically just going to be holding cover on the right side or passenger side of the BearCat. Obviously, in case we're able, if we take any type of gunfire or anything like that, I'm prepared. But it's basically just keep watch of that right side of the house while we were there.

DEL RIO: Okay. Were you given any information, as far as the suspect, if anyone else was inside the residence?

MUSGRAVE: So, when they detained the [redacted] they believed he was, the LAPD believed that he was only one inside and when they detained the [redacted] who had left, she also notified them that he was only one inside of the residence. And that was relayed back to us.

DEL RIO: So, once you arrived at the scene, can you explain just a little bit

more where all the vehicles were located compared to where the residence was?

MUSGRAVE: So, our, our, we're used to calling it Desert BearCat. It's an armored vehicle, was parked basically at the bottom of the driveway, faced straight in with the garage door. We had one of our, there, I know there was a LAPD vehicle that was parked to our right with, I think it was a van. It was a black car. It was either a small SUV or a van. That was to our, my right and I believe there's another LAPD car that was to our left. One of our, I believe one of our partners' vehicles was parked behind us on our like, my right side, but a little behind us on the street. I think some of LAPD vehicles were kind of placed in there when they tried to detain the suspect, but we were able to be in our position during that time and I didn't really see other vehicles. I wasn't really paying attention.

DEL RIO: Okay. So, while, so once you arrived, you said that the, you guys received information that you said the suspect, you said Byron. Do you remember what his full name was?

MUSGRAVE: Right now, I can't… I know it was Byron. Byron Hayes.

DEL RIO: Hayes? Okay. You mentioned that Byron had exited, had exited the house and had walked up to one of the, I guess undercover LAPD officer's vehicles?

MUSGRAVE: I didn't, we didn't know if he had walked, at that point, we didn't know if he walked up to anyone. We, the only thing that we knew was that he walked out of the house and was walking [redacted]. And then, the next thing I guess, supposedly he ran back into his house, and we didn't know if there was a type of confrontation or interaction with them.

DEL RIO: Okay. So, when you arrived, when you guys arrived to the house, and you set up. At that point, was anyone communicating already with the suspect? With Byron?

MUSGRAVE: When we arrived?

DEL RIO: Yes, when you arrived.

MUSGRAVE: At that point, somebody said that there was people on the backside of the house. Basically, we call it the "two-three corner," but it'd basically be like the [redacted] corner of the house. That, they were saying that they were contacting somebody back there, but other than that, nobody had direct contact with, with Hayes, at any point before that.

DEL RIO: Okay.

MUSGRAVE: That we knew of.

DEL RIO: Did you have any concerns being at the front of the residence

with officers being at the rear of the residence?

MUSGRAVE: No, because at that point, we had officers that were on, set to be on Cantina, which is the back street. That's on the whole other side of the house with, there's a block wall, and they were going to be in the street just in case Hayes had attempted to jump over a wall or anything like that. They were just there, but that was communicated that they would be at that area.

DEL RIO: So, once you've arrived at the scene, and you guys are set up, at what point or how long would you estimate when you first or anyone of your team made contact with Hayes and where was he?

MUSGRAVE: I would say maybe a couple of minutes.

DEL RIO: Okay.

MUSGRAVE: If that. A minute, 30 seconds. Two minutes, before he opened up the window began asking what we were you doing.

DEL RIO: Okay. From your position where you were to where Hayes was at the window, you said it was upstairs?

MUSGRAVE: It was on the second story, yes.

DEL RIO: Okay. Second story and the window faced where your location

was?

MUSGRAVE: Yeah. I'd say we were [redacted] of the house and the front door garage faced [redacted] as well. So, yeah.

DEL RIO: Okay. So, at that point, you said Detective Mondragon made contact with, verbally contact with Hayes and began speaking with him.

MUSGRAVE: Yeah.

DEL RIO: Okay. Did you have a clear view of Hayes at that time?

MUSGRAVE: I had a clear view of him. I would say the, probably for three quarters of it, probably right until he like, got on the phone with his brother. The sun was kind of right above us. So, there was a glare, but I was able to see him.

DEL RIO: And can you explain what Hayes' demeanor was like when Mondragon first make contact with him?

MUSGRAVE: When he first made contact, kind of agitated. As far as, wondering what we were doing. He continued to question Mondragon, what his warrant was for. It just seemed like he was just agitated, at that point.

DEL RIO: Okay. When you say agitated, was he like, was he screaming at

you guys, or --

MUSGRAVE: He didn't, he was kind of yelling at that point, asking what it was for. He was telling us to, I believe he was telling us to get our stuff together or he just, he was making statements about not wanting us to ruin his life again. I guess for him being arrested in the past. I don't know, but he was kind of making statements like that.

DEL RIO: Okay and how, how would you say Mondragon handled that contact with Hayes?

MUSGRAVE: Good. Mondragon was actually able to communicate with him and kind of build like, he was just being respectful with him and kind of built a rapport pretty quick. The guy began talking with Mondragon and then Mondragon explained to him that he needed to come out. They had an arrest warrant, but we wanted this to end safely. He didn't want suspect to get hurt, damage to the property. He wanted us to be safe, as well. And I think at that point, it seemed like Hayes understood that and he was, it seemed like he was going to comply. And he said he was going to come down through the front door.

DEL RIO: Okay. So, he gave a somewhat of an indication that he was going to comply with you guys?

MUSGRAVE: Yeah, he was, he verbally seemed like he heard all of our

announcements each time.

DEL RIO: At what point, while Mondragon is speaking to Hayes, did Hayes' demeanor change to where he refused to come out?

MUSGRAVE: It kind of built up, but Hayes began speaking about people coming in through the back door and that's kind of where, he kind of began getting… How do I say it? That just seemed to change his demeanor overall. He kept talking about it and he was saying that he could hear people approaching his back door. They were going to come in. He was going to have to react, and he was almost acting like, skittish almost about it. And that's just where he, it just kind of went on from there, as far as what started it.

DEL RIO: Okay. So, he got more, I guess more agitated than he already was?

MUSGRAVE: Yeah.

DEL RIO: Okay. Do you remember seeing anyone else in that area during that time?

KUCHARSKI: What do you mean?

DEL RIO: As far as like civilians?

MUSGRAVE: I, at that point, I was focused on him. I didn't see any other people over there.

DEL RIO: At that point, what was the, what were the lighting conditions? I know you said that the sun was kind of in the [redacted] direction. You're facing [redacted]

MUSGRAVE: Like, em. We were able to see everything. The sun was kind of in a spot where it's causing a glare, but other than that, though, we were able to see him. We couldn't see everything inside the room just because the way the sun was going. Obviously, there was no sunlight going directly into his room. We can see a little bit, but it wasn't the best picture into the room.

DEL RIO: Then you mentioned that at one point, the negotiator, Clarence Harris, Deputy Clarence Harris arrived. Do you know or do you recall approximately how long after you went on scene that Deputy Harris arrived?

MUSGRAVE: I'd probably give it 15 minutes. Around that.

DEL RIO: About 15 minutes?

MUSGRAVE: Yeah, somewhere around that.

DEL RIO: Okay. Describe how you felt during that time when Deputy Harris arrived, and you said he obviously didn't like Deputy Harris.

What was going through your mind during that time?

MUSGRAVE: I would just… You kind of got a feeling that the way he responded to Harris, my attention started going a little more focused on the suspect. As far as, watching what he was going to do next. He just, he didn't want to hear Harris. He was talking over him, saying kind of like, rude comments to him. And at that point, that kind of just like, I don't know how you say it, like, just heightened my, just attention a lot during that time.

DEL RIO: Okay. When you say he was saying rude comments to Harris and his demeanor changed, can you, can you explain a little more about that?

MUSGRAVE: Yeah. He said immediately when Harris started talking, he told him to shut up multiple times. Harris tried, he made a comment, as Harris tried to explain that he was a negotiator. Hayes said a rude comment about his private area at that moment, and just did not want to hear Harris speak at all. He started, that's when he just started, trying to talk to somebody else. (Inaudible) talk to Mondragon.

DEL RIO: So, he initially spoke to Mondragon and then after the negotiations with Harris were unsuccessful, Mondragon took over --

MUSGRAVE: Yeah.

DEL RIO: -- negotiations again?

MUSGRAVE: I believe so.

DEL RIO: And how was, did Hayes, the suspect's demeanor change at all?

MUSGRAVE: There wasn't too much communication at that point. He began to talk about wanting to speak to people that, whose guns were up. He made some comments about that. He didn't want to speak to somebody because their gun was down. He just started kind of going off on that tangent about people having their guns up and that was kind of what happened right there.

DEL RIO: Okay.

[redacted] May I?

DEL RIO: Sure.

[redacted] At that point, was there a dialogue or was it more of Hayes just yelling?

MUSGRAVE: At that point, Hayes was kind of talking over everyone. He didn't try to say anything. He was being loud when he was kind of yelling out the window and it was hard for anyone at that moment to communicate with him at all.

[redacted] So, was Hayes receptive to any communication at that point?

MUSGRAVE: No.

[redacted] Okay.

DEL RIO: Okay. You mentioned that he had a bottle of alcohol --

MUSGRAVE: Yeah.

DEL RIO: -- in his hand. At what point did you see that bottle of alcohol?

MUSGRAVE: It was some point after he had walked to the backyard, along the back patio and then when he returned. It was sometime around that --

DEL RIO: Okay.

MUSGRAVE: -- that he had it.

DEL RIO: Did you see him take a drink of that bottle or --

MUSGRAVE: I did, yeah.

DEL RIO: You did? Okay. When you said he walked to the back of the residence, could you hear him speaking to anyone or still screaming or --

MUSGRAVE: No. We couldn't hear anything --

DEL RIO: You couldn't hear anything?

MUSGRAVE: -- from where we were at.

DEL RIO: Okay. You mentioned you guys had given him announcements, orders, you know, to exit the residence.

MUSGRAVE: Yeah.

DEL RIO: Who gave those announcements?

MUSGRAVE: So initially, Henry did, who was our driver of our BearCat. He was doing it over our, the public announcement, the PA system. So, it was loud. Everyone can hear it.

DEL RIO: Okay.

MUSGRAVE: And then after that, that's where Mondragon spoke with him and was telling him that we just needed him to come outside.

DEL RIO: Okay. Was Mondragon's communication loud and clear enough to where Hayes was able to hear him?

MUSGRAVE: Yeah, they were able to have a conversation, basically.

DEL RIO: Okay. Can you do me a favor and just describe like the size of the window?

MUSGRAVE: The window was pretty big --

DEL RIO: Just approximate.

MUSGRAVE: I would say maybe three feet wide.

DEL RIO: Okay.

MUSGRAVE: Three or four feet wide. Three feet tall. Four feet tall.

DEL RIO: Okay and you explained to me that when, when Hayes was, as he became more agitated at one point, he, you said he mentioned, "Handle it."

MUSGRAVE: Yeah. When he, when he was talking about people coming up to the back door, if they were going to attempt to break in through the back door or break it or approach it. He just said he was going to react and that's when he said that he had something loaded. But throughout the conversation, every time he brought up the back door, he said… I don't know if "handle it" was the exact word he said, but he said he was going to basically react and address it. And so, I forget, I don't remember what the word he said when he was talking about it.

DEL RIO: What do you think he meant by that? About what would he, what he was, what he planned on doing?

MUSGRAVE: So, my perception from what I heard from what he said so far about having some loaded, to my knowledge, it was going to be that he was going to shoot a firearm at whoever was coming in that door. And that's kind of something that he said a few times throughout that whole incident.

DEL RIO: Okay. What was going through your mind when you said that Hayes reached down with his left hand and he brought up a, a firearm? What's going through your mind during that time?

MUSGRAVE: I mean, at that moment, he's holding a firearm. Based off my, I mean, I know he put it to his head. The gun wasn't pointed at us at that moment. He just had brought it up sideways to his head, but him holding a firearm right there about 15, 10-15 yards in front of you. You know, he could attempt to kill one of us at any moment. So, we're, our focus and everything is out the roof at that point and we're paying attention, making, just seeing what he's going to do. And that's why they were trying to communicate with him to get him to drop the firearm at that point.

DEL RIO: Okay. Will you describe to me what the firearm Hayes, Hayes had in his left hand?

MUSGRAVE: I remember it being just a black firearm. It looked like, based on

what I saw and my experience, it looked like a semi-automatic firearm. I couldn't tell you caliber or anything like that. I couldn't tell you the model because I couldn't really… There wasn't that much time.

DEL RIO: And at that point, it was clearly, it was clear that Hayes knew you guys were law enforcement officers?

MUSGRAVE: Yeah. He asked if we were, even asked if we were sheriff's, at one point. He was told that we were, and he knew we were the law enforcement.

DEL RIO: Okay. Why do you believe Hayes, at one point, right before the shooting, asked for the negotiator, Deputy Harris, again?

MUSGRAVE: I believe it was just to ask for In-N-Out. He said he, I, if I'm remembering right, he said that he's always wanted to do this. And that's when he asked for In-N-Out.

DEL RIO: Okay. When you said he's, that he mentioned he's, "always wanted to do this," what do you think he meant? What was your perception of what he meant by that?

MUSGRAVE: Maybe having, at that point, I don't know. Maybe having some type of interaction with the negotiator and trying to request, make requests, I guess. Maybe. I don't know at that point.

DEL RIO: Okay. At any point, did anyone tell Hayes that they would bring him In-N-Out?

MUSGRAVE: Clarence Harris said that he was going to look into it, but during that time when he was trying to speak with him, that's when Hayes was talking over him.

DEL RIO: Talking over him. Okay. Tell me a little bit more about the conversation. You said that he spoke, he asked, or he said he was going to call his [redacted] on the phone.

MUSGRAVE: I believe he said his [redacted] was calling him --

DEL RIO: His [redacted] was calling him.

MUSGRAVE: He got on the phone. It was, it's hard to understand him. He was saying basically, it almost sounded like he was giving like life advice to his [redacted] He was telling him he loved him. Told him to take care of himself, basically. He was like making, he was saying things that kind of, over and over again. I couldn't tell you exactly what he said off the top of my head, but that conversation went on for a little bit. And towards the end of that conversation, he kind of started getting more agitated, again and he started speaking loudly and like, yelling at his [redacted] on the phone.

DEL RIO: Okay. Were you able to hear the conversation between him and his, the other person on the phone?

MUSGRAVE: No.

DEL RIO: No? Okay. Did he ever say his [redacted] name?

MUSGRAVE: I don't believe so.

DEL RIO: Okay. How long would you say the phone conversation took?

MUSGRAVE: I'd say about seven minutes. Around that.

DEL RIO: About, so, he was on the phone for about seven minutes?

MUSGRAVE: That's, if I'm looking back on it right now. Around seven minutes.

DEL RIO: And during the time while he's on the phone with, with his [redacted] or on a phone conversation with someone, are PA announcements, public announcements, still being given to him?

MUSGRAVE: Not at that point because since we were, there was able to have a conversation between, face to face, basically without the use of a PA system. We weren't going to use that because it'd be way too loud. You wouldn't be able to hear what he was saying.

DEL RIO: You mean his conversation on the phone --

MUSGRAVE: Yeah.

DEL RIO: -- with whoever --

MUSGRAVE: Yeah.

DEL RIO: -- he was on the phone with. Okay. So, once he gets off, off the phone with, with, with his [redacted] you said he, he became a lot more agitated.

MUSGRAVE: Yeah.

DEL RIO: You mentioned a countdown.

MUSGRAVE: Yeah. So, he, after he made the request for In-N-Out, people were trying to create communication. That's where he was talking over them. And then he said something about, I want to say something like, around like, "How about this," or something. And that's where he reached his left, pulled out a firearm. And then he ended up on his knees in the face of that window and then Harris was trying to ask him about the food request or something about that. And that's when he started a countdown from "5."

DEL RIO: Okay. When he made, when he did that countdown from "5", you said "5" to "1"?

MUSGRAVE: The last number I heard was "2" --

DEL RIO: Was “2” --

MUSGRAVE: At that point.

DEL RIO: Okay. How long was that countdown?

MUSGRAVE: The actual time of him counting down from “5,” probably eight seconds, 10 seconds was how long he was taking to kind of go through, but after he got to “2,” that's when the incident occurred or the shooting.

DEL RIO: Okay. So, as he's counting down from “5” to “2,” where's the gun at at the point?

MUSGRAVE: It’s to his side.

DEL RIO: It's to his side? Okay. At any point, did you hear, do you know if he pulled, pulled the trigger of that gun?

MUSGRAVE: While he's holding it, you said?

DEL RIO: Yes.

MUSGRAVE: I don't know.

DEL RIO: No? Okay.

MUSGRAVE: I was unable to see that at that point.

DEL RIO: So, at that point once he got to you, you said that he pointed the gun at, what you believe was towards like deputy, Detective Mondragon?

MUSGRAVE: Yeah. He, he did something with the firearm prior to pointing the gun out the window. He removed it from his head. I don't know if he tried re-racking the firearm or anything like that. It was some, he was trying to do some type of, trying to operate it in some way and then that's when he drove his arm out the window pretty quick and that's where the firearm came out.

DEL RIO: Okay. As he's doing the countdown from, from "5" to "2," what's going through your mind at that time?

MUSGRAVE: At that point, I don't know if he's going to attempt to shoot himself in the head. If he's going to point the gun out or not. At that point, I mean, you're just watching him with the gun and you're kind of just waiting to react based on his, his actions, at that point. And there's not really much that, you know, I can do because I'm not the one communicating with him or anything or people are trying to and he's just not having it, at that point.

DEL RIO: Okay. So, at that point when he finally, you said he gets countdown to "2" and he points a gun, he puts it, the gun outside of the window. Is, was there a screen or?

MUSGRAVE: So, there was a screen in the window. At some point when he was drinking his alcohol and was talking to us, I remember him taking a sip and like, spitting up the drink or something and like, it got on the screen. You can see like, the bubbles on it. And he tries wiping it off and he ends up pushing the screen out the whole window. And that screen ended up landing, I believe on the driveway.

DEL RIO: Okay.

MUSGRAVE: So, after that there was no barrier.

DEL RIO: So, there was no screen? Okay. Did that give you a better, a better view --

MUSGRAVE: Yes, it did.

DEL RIO: -- of where he was? Okay. What was the background like inside the house?

MUSGRAVE: From his room?

DEL RIO: Yes.

MUSGRAVE: From what I see?

DEL RIO: From your position. From where your position was on the what,

passenger --

MUSGRAVE: Yes.

DEL RIO: Where you're a passenger on the BearCat.

MUSGRAVE: From my passenger side, what I could see was obviously window, him in it. Behind him, looked like there was just, I can see the corner of the room. It's on the, from my viewpoint, the left side of the window, looked like it was pretty close to the wall that ran kind of away from him. And then I can see the back wall. So, I could see the corner from there, but I couldn't see much of what was inside just from him being in a second story.

DEL RIO: Okay. So, at the time where he again, counting down to "2", he sticks his left hand out of the window, and he points a gun at Detective Mondragon. How, how much time would you estimate before you took your first shot?

MUSGRAVE: Half a second.

DEL RIO: Half a second --

MUSGRAVE: Maybe a second. Somewhere around that.

DEL RIO: Okay. Can you describe like, the sight picture that you obtained when you pointed your weapon at him and shot?

MUSGRAVE: Sight picture, I put my, basically with our, our optic. There's a, we have a red dot optic that we zero in. And basically, I was aiming with my optic, you know, to have the red dot right where he was at.

DEL RIO: Okay. Between the first shot you took and the second shot, how much time did you estimate was between both of them?

MUSGRAVE: It was back-to-back. It was pretty quick.

DEL RIO: So, it was like, rapid succession --

MUSGRAVE: Yeah.

DEL RIO: Just one and two?

MUSGRAVE: Yeah.

DEL RIO: Okay. Can you describe what your shooting platform was?

MUSGRAVE: Yeah, I was standing. Obviously, both feet planted. My right foot slightly back to normal stance we usually shoot with, shoulder width apart and then had my firearm, the stock of my firearm into my right shoulder. I'm right-handed, so my right hand was the one that pulled the trigger. Left hand is supporting by holding the front of my hand grip, my rifle.

DEL RIO: What was your perception of the distance between you and Hayes at that point, when you fired the two shots?

MUSGRAVE: I'd say somewhere between like, 12-15 yards. Do you want that in --

DEL RIO: Okay.

MUSGRAVE: Yeah.

DEL RIO: No, that's fine. What was your point of aim?

MUSGRAVE: Point of aim, at that point, was going to be upper torso thoracic. Obviously, where he's at in the window, we're able to just see the upper portion of his upper body and his head and arm, firearm. So, we tend to place that red dot kind of, bottom of the clavicle or bottom neck area because it's real, closer distance. My firearm's going to have basically, we call it an "offset." Just since we zero in our firearms at 50 yards. The closer we are, that round's going to go a little bit lower than a red dot the closer you are. So, that's kind of where I, my point of aim was at.

DEL RIO: Describe how you felt after your two shots were fired.

MUSGRAVE: After the two shots were fired, I noticed my firearm had the malfunction. Stone was in front of me. He was still keeping watch of that window. So, at that point, my, through my mind, it was just

to fix my malfunction real quick. I didn't know if the suspect had ran off, if he was down, at that point just because of how fast everything happened. So, I was just trying to clear my malfunction on my firearm.

DEL RIO: Okay. So, when you cleared your malfunction, did you remain in the same position you were and cleared the malfunction while still focusing --

MUSGRAVE: I took a step in --

DEL RIO: Okay.

MUSGRAVE: Just so I'd be behind, basically, have cover. Stone's there to continue watching that window or my position. So, it's not like, nobody's there. But it takes me out of harm's way instead of being, standing out in the open with a gun that doesn't work.

DEL RIO: You mentioned that you were behind Stone.

MUSGRAVE: Just off to his like, right shoulder.

DEL RIO: Off to his right shoulder. What were you using for cover?

MUSGRAVE: So, we had the, we had the BearCat. Stone was like, just off the side of it. But the view where I was at the beginning, where I was at, was just off to the side of him, but I was tucked in enough to

where if I need to get behind, I just take one step in, and I'm blocked by the thing. Obviously, when the firearm came out, is where I was standing next to Stone.

DEL RIO: Okay. I think what I'm trying to get at is what, was the rear like, the rear doors of the BearCat open or were they closed?

MUSGRAVE: They were open.

DEL RIO: Okay. What do you think would have happened had you not fired your weapon?

MUSGRAVE: I mean, it, it's hard to say. You know, people shoot, and you don't know if, maybe if I were in a fire that one of my partners could have been hit by a round that he shot or whatnot. And that's the way I view with everyone that was there, that was shooting was I'd rather have my partners there and help and protect one another during that incident than one of us not being there. And that could have been the person that helped stop the threat or saved one of our lives or anything like that. So, that's why I thought it was important for me to be there, as well.

DEL RIO: Okay. So, would it be safe to say that at that point when he pointed the weapon out of the window, you and your partners' life was in imminent danger?

MUSGRAVE: Oh, absolutely.

DEL RIO: When you fired your two shots, what was your intent?

MUSGRAVE: To stop the threat.

DEL RIO: Up to this point, do you have any questions?

DOMON: Yeah, I think just a few little minor, just clarification things. Just so I have a clear picture in my mind, when you, when the BearCat, when you guys arrived, where was Mondragon positioned at?

MUSGRAVE: He was on, from, he was left of me on the other side of the BearCat. I don't remember if he was on the left side of the BearCat or the vehicle next to it.

DOMON: Okay. So, he was on your left and you were positioned --

MUSGRAVE: I was on the right side of --

DOMON: On the passenger --

MUSGRAVE: Yeah.

DOMON: On the passenger side?

MUSGRAVE: Yeah.

DOMON: Okay and then when Deputy Harris arrived, where was he at?

MUSGRAVE: He was behind myself and Stone.

DOMON: Behind you guys? Behind the BearCat?

MUSGRAVE: Yeah. So, he was trying to communicate with him. He kind of stepped off, kind of with us to like, make eye contact with Hayes.

DOMON: Okay.

MUSGRAVE: But enough to where he still had cover.

DOMON: Got it and how many times, just if you can estimate. How many times do you think Byron went back and forth from the front of the house to the back of the house?

MUSGRAVE: From when we got there and started communication with him?

DOMON: Yeah.

MUSGRAVE: I believe it was just one time him going to the back and then back to us.

DOMON: Just one time?

MUSGRAVE: Yeah.

DOMON: Okay and you said that he was speaking with the LAPD officers that were in the backyard. Was that relayed to you or --

MUSGRAVE: So, when, I believe I looked at Tina's screen for her UAS she was driving --

DOMON: Okay.

MUSGRAVE: And it looked like he was communicating. I couldn't hear it or anything like that.

DOMON: Right.

MUSGRAVE: Maybe he wasn't. It's just something that looked like he was doing when he was on that screen.

DOMON: Okay, so you just, you looked at Olivas' UAV drone thing?

MUSGRAVE: Yeah.

DOMON: And it showed him, it looked like he was --

MUSGRAVE: It looked like --

DOMON: -- appearing to talk?

MUSGRAVE: Yeah.

DOMON: Okay and does that drone or the UAS, does it not have audio or is it, it's just a video?

MUSGRAVE: To be honest, I don't know.

DOMON: Okay. But you didn't hear anything --

MUSGRAVE: No.

DOMON: -- when you were looking at? Okay. Did Olivas, while she was flying the UAS around, did, was she giving updates on what he was doing back there or anything?

MUSGRAVE: Yeah. She would give updates just what she could see --

DOMON: What she could see?

MUSGRAVE: -- just in case there was something that we couldn't see.

DOMON: Okay.

MUSGRAVE: She just wanted to let us know that he was on the back patio. Gave us a quick description of what he was wearing and then she was kind of giving us updates in the window when he was communicating with us. "Hey," like, "I can't see this." Or she

couldn't see in the room or his hands in his waistband, just like little brief things just so we were kind of aware.

DOMON: Got it and then take it back, kind of way back. When you guys first got notified of this call, was it on August 11 or was it before that?

MUSGRAVE: I don't recall.

DOMON: Okay, but you, Mondragon got notified of it and then he briefed you guys --

MUSGRAVE: That we were going to assist them, yes.

DOMON: Got it. Was there any kind of and I know you kind of touched on it. The, the homicide that he was wanted for, that Hayes was wanted for, was there any kind of further description of why like, the circumstances of that call?

MUSGRAVE: So, we kind of spoke about it during our brief that he was wanted for I guess shooting his [redacted] or something that was inside of a vehicle. I think there was somebody else that was tied to that case, as well, and that other suspect had gotten picked up. But from what we knew, this was like the main suspect to that, of their investigation. I don't know all the details of it, but we basically got the gist of it that he has that warrant for, for murder.

DOMON: For murder? And he was, in that homicide, involved a firearm during that commission of that murder?

MUSGRAVE: Yeah.

DOMON: Okay. Do, are you aware of any of Hayes' criminal history or his background?

MUSGRAVE: They went over a little bit and they mentioned that he was arrested for murder prior, which I don't remember the time, time difference of that.

DOMON: Okay.

MUSGRAVE: But I know, we knew he had violent crime history before.

DOMON: So, he had a violent history --

MUSGRAVE: Yeah.

DOMON: -- in the past? Okay and then the briefing at [redacted] with the LAPD detective. Was any new information relayed to you guys reference Hayes? Anything at all?

MUSGRAVE: At that point, I wasn't there for the actual conversation. I was still inside the BearCat when Mondragon was speaking with them, but that's basically just what we were planning on driving in,

letting them know… Yeah, I don't recall any new information off the top of my head right now.

DOMON: Okay. So, it was more or less just you --

MUSGRAVE: -- grouping up.

DOMON: Grouping up and then Mondragon telling the LAPD detective like, "Hey, this is our plan. We're going to go in and do this."

MUSGRAVE: That's the way I perceived it to go, yeah.

DOMON: Okay and you'd mentioned earlier that the [redacted] of Hayes was detained. Was that prior, when did that happen?

MUSGRAVE: That was before we arrived at [redacted]

DOMON: Okay. So, that was prior to the briefing you had --

MUSGRAVE: Yeah.

DOMON: -- with LAPD? Okay and that was when she stated that there was a firearm inside the house?

MUSGRAVE: Yeah. LAPD let us know that she stated that.

DOMON: That she stated that?

MUSGRAVE: Yeah.

DOMON: Got it. And then during this whole negotiation phase, was anybody in communication with LAPD?

MUSGRAVE: Yeah. Wait, during the incident?

DOMON: Yeah, like kind of during, was anybody talking to LAPD in the backyard or anything like that?

MUSGRAVE: I believe Mondragon had, I don't know if there was LAPD people that were around him, but I'm not sure if they were not.

DOMON: Okay.

MUSGRAVE: I know they were around, but...

DOMON: Right and then during the negotiations with Hayes, I know Mondragon was talking to him, and then eventually Harris. Was anybody else talking to Hayes during that?

MUSGRAVE: Sandlin did for a little bit, Sergeant Sandlin. And he kind of seemed like, he had a little rapport with him when they were kind of talking. And you can tell Sandlin was kind of playing, playing with like, not playing with him, but kind of going along with him and it seemed like they had some type of communication. That's where he kind of asked, that's where he told Sandlin that he was

going to come down, too and like, that's just the time when we thought he was going to come down.

DOMON: Okay.

MUSGRAVE: But he seemed to have some type of communication until there was a phone call.

DOMON: Unit the phone call?

MUSGRAVE: Yeah.

DOMON: Okay, and then after the phone call is when Hayes' demeanor changed back to being --

MUSGRAVE: Yeah, yeah.

DOMON: -- aggravated and stuff like that. And then during the course, or during the negotiations, Hayes brought out that champagne bottle champagne bottle and started drinking?

MUSGRAVE: Yeah.

DOMON: Okay. Did he appear intoxicated while you, while the negotiations were going on?

MUSGRAVE: So, at the very beginning, I don't believe so. But once he started

drinking the bottle, like, it just seemed like, from my experience, somebody that was intoxicated. It seemed like he was kind of gradually getting intoxicated.

DOMON: Okay. So, he was starting to feel the effects of the alcohol?

MUSGRAVE: I mean, that's what it appeared to me --

DOMON: Right.

MUSGRAVE: -- at that moment. But it looked like it kind of got worse as the whole incident went on.

DOMON: Okay and just an approximation, if you can, how long were negotiations? By the time you get on the scene and negotiations started, how long did that last until the LFE occurred?

MUSGRAVE: I'd say 30 minutes. 34 minutes. Somewhere between 30-35 minutes --

DOMON: 30-35 minutes?

MUSGRAVE: -- during that whole time.

DOMON: Okay and then just so I, just so, to clarify it for myself, when he first grabbed the firearm, was he was he standing or was he kneeling?

MUSGRAVE: I believe he was standing --

DOMON: Standing?

MUSGRAVE: -- when it happened. I believe so.

DOMON: Okay and then once he grabbed it, is when he ended, you said --

MUSGRAVE: At some point, he ended up on his knees.

DOMON: On his knees? Okay and the whole, once he grabbed the firearm though, he had the firearm to his head the whole time?

MUSGRAVE: Yeah. He brought the gun up and then he said something about having it to his head and then that's where he had the gun.

DOMON: He had the gun there? Okay and then the countdown happens. And then that's when, around "2" is when he --

MUSGRAVE: It was a little after he said, "2."

DOMON: "2?"

MUSGRAVE: Yeah.

DOMON: And then --

MUSGRAVE: That's where --

DOMON: -- points the firearm --

MUSGRAVE: Yeah.

DOMON: Okay and I think you kind of touched on it, but can you kind of describe like, how he put the gun out? I mean was, did it look like he had an intent to do something? Was it --

MUSGRAVE: That's the way he came out with it. When he brought the gun down like I said, he did something to his firearm. I don't know if maybe racked it, or what he did. But obviously, when you rack a gun, you're loading a round in the chamber.

DOMON: Right.

MUSGRAVE: That's where the gun just, he punched the gun out really quick. I wasn't able to tell if he shot at that point, but we immediately knew that he was pointing his firearm with intent to shoot or kill one of us.

DOMON: Right. That's all I have up to that point.

DEL RIO: Okay. Just your perspective, were there any communication issues during the incident? And I mean communication issues between you and your partners?

MUSGRAVE: No.

DEL RIO: Did you have a clear view of where your partners were located?

MUSGRAVE: Yeah. I had a pretty good view of where they were at.

DEL RIO: Describe what you remember hearing when you fired your weapon.

MUSGRAVE: What I remember hearing?

DEL RIO: Yes.

MUSGRAVE: After the firearm was pointed out the window and I had made that decision to shoot, I believe I heard, I just remember hearing some pops, which were other rounds of people shooting. I mean, I heard one as I, right after I, right before I was squeezing my trigger. I decided to do it. I just remember hearing those pops for like, like I said, a second or two. It was pretty fast.

DEL RIO: Okay. Can you estimate how many shots, gun shots you heard?

MUSGRAVE: It's hard because they're all super-fast, but I'd say, from what I heard at that time, 10, 12.

[redacted] So, if I may?

DEL RIO: Yes.

[redacted] Had Hayes followed through on his, on his agreement to come out with his hands up and comply with the directive, what would have occurred?

MUSGRAVE: We would have brought him outside. Mondragon told him he was going to give him the commands when he exited the residence, how the plan was, and we would have just placed him handcuffs. He would've been placed into a police vehicle.

DEL RIO: After the shots were fired, you mentioned that you no longer saw Hayes out the window.

MUSGRAVE: I did not.

DEL RIO: Okay. Were announcements, were the public announcements continued after that?

MUSGRAVE: Not with a PA, I don't believe with the PA system.

DEL RIO: Okay.

MUSGRAVE: Somebody was yelling for him and telling him that we were going to, to bring medical attention to him, but we didn't know exactly where he was at at that point.

DEL RIO: Okay. Were you guys able to or were you able to hear Hayes at that point? I know you said you didn't know where he was, but were you able to hear his voice? Was he still talking?

MUSGRAVE: No.

DEL RIO: Did he respond to those PA, to those announcements that were given?

MUSGRAVE: No.

DEL RIO: You mentioned after the shooting, you guys entered the residence --

MUSGRAVE: Yes.

DEL RIO: -- through the backdoor, using the bang pole.

MUSGRAVE: Yeah, just a tool that we use.

DEL RIO: Okay.

MUSGRAVE: That was used as a window break for this incident.

DEL RIO: And you said you guys formed, you and your team formed a "stick." What position in the "stick" were you in?

MUSGRAVE: So, at that point, when we approached the window, I was like, the second one just because I was holding our tool. We had somebody, I believe it was Stone that had the shield that was in front of me, if I remember correctly. From that point, we approached the back window. I broke the rear slider and dropped my tool behind us. As we entered the house, I might have been the fourth one in, I think. Somewhere around there. I don't remember exactly my position, at that point, but I think it was the fourth one in.

DEL RIO: Okay. When you entered the residence, what was the lighting inside?

MUSGRAVE: It was well lit. I mean, the windows, the sun was behind us, shining through the windows from that side. So, we were able to see everything.

DEL RIO: Were commands continued to be verbalized as you guys entered the residence?

MUSGRAVE: Somebody was.

DEL RIO: Okay.

MUSGRAVE: I don't remember who, but…

DEL RIO: What is your best estimate of how slow or fast the incident

unfolded?

[redacted] Which part of the, are you talking from the time they got the call until the time that it ended or until the LFE occurred? What --

DEL RIO: No, I was going to say... Sorry. Let's say from the time where he actually reached down with his left hand to grab the firearm. When you first saw the firearm up to when the lethal force encounter actually occurred.

MUSGRAVE: You're asking how fast it was?

DEL RIO: Yes. How fast did it unfold? From the time when he first came out with the firearm up to the time where you fired your weapon.

MUSGRAVE: It went a lot faster than we expected it to. As he gave, gave a countdown, after he brought the firearm up and said something and then that's where he started the countdown. And then, just from when he went from his head to doing something to his gun, to pointing it out was quick. Like --

DEL RIO: Okay.

MUSGRAVE: -- it was, it felt within seconds during that time.

DEL RIO: Okay and when, one thing I forgot to ask was when he pointed the gun out at Detective Mondragon or toward --

MUSGRAVE: It was in that area.

DEL RIO: -- that, towards that direction. Yeah. How, can you explain how his, his hand in the gun was pointed toward him? I mean, was like his arm fully extended? Or how?

MUSGRAVE: From what I remember, I believe his arm was extended. Like I said, it all unfolded really quick. So, like, I wouldn't be able to tell you the exact position if I remember, but I remember his arm fully being able to shoot the firearm, being fully out.

DEL RIO: Okay. At this point, we're going to take a short break. Do you have any questions up to this point?

DOMON: I'm good.

DEL RIO: Okay. Sir?

[redacted] No questions.

DEL RIO: We'll take a break at 1442.

DEL RIO: Okay. This is Detective Del Rio. We're going to go back on tape at 1452 hours. Still in the room are Detective Owenn Domon, Attorney [redacted] and Deputy Jim Musgrave. Okay Jim, we just have a few follow up questions. Just you know, a few things that we just want to clarify. At that point

where Hayes is standing at the window, you mentioned that he has the firearm to, to his head. His, with his left hand --

MUSGRAVE: Yeah.

DEL RIO: Is he saying anything? Is he verbalizing anything or doing anything else while he has the gun to his head?

MUSGRAVE: From what I remember, he mentioned something about like, wanting the In-N-Out, I believe it was. And then, I remember Harris asking, saying that he didn't know what he wanted from there. But then, he started, that's about, around the time is right when he started the countdown from "5."

DEL RIO: Okay. So, he started the countdown from "5" as he's still holding the gun to his head?

MUSGRAVE: Yeah.

DEL RIO: Okay. During the countdown, is he doing anything else, or does he do anything else with the firearm?

MUSGRAVE: From what I remember, I don't remember him doing anything else during that countdown. He just gave that countdown once he got to "2." He said something. I don't remember. I couldn't hear what he said and then that's where he manipulated that firearm.

DEL RIO: Okay. So, after so, and correct me if I'm wrong. So, after he did the countdown from "5," you said he, he said number "2" and then he brought the gun down --

MUSGRAVE: Yeah, he said something --

DEL RIO: Could you see him do the--

MUSGRAVE: He said something that I couldn't hear.

DEL RIO: Okay.

MUSGRAVE: And then that's where he had brought, I just remember him bringing the gun down, did something to it. Obviously, like from my angle where I'm at, I don't have a full view of him at this moment because he's on his knees. So, he does something to the gun. I can just see both hands doing something to the firearm, which in my mind, he's maybe re-racking the firearm or something like that. But that's basically what I saw from there.

DEL RIO: Okay. So, is it safe to say that at that point, when he brought the gun down and did something to the firearm, you lost vision of the firearm at that point?

MUSGRAVE: Yeah, I couldn't completely see what he was doing to it.

DEL RIO: Okay. You just said he used both hands?

MUSGRAVE: Yeah.

DEL RIO: Okay and then he brought the, how long did he manipulate the firearm?

MUSGRAVE: It was quick.

DEL RIO: Okay.

MUSGRAVE: Maybe a second.

DEL RIO: Okay and then at that point, you mentioned that he brought the firearm out still with his left hand?

MUSGRAVE: Yeah.

DEL RIO: Okay and he pointed it out the window?

MUSGRAVE: Yeah. From where I was at, it's hard to tell if his, where his arm was extended --

DEL RIO: Okay.

MUSGRAVE: Like, if it was fully out the window, if it was inside the window. It was kind of hard to tell from that point.

DEL RIO: Okay. Did you see where his right hand was positioned during

the time where he actually pulled --

MUSGRAVE: I couldn't see his right hand.

DEL RIO: You couldn't see his right hand during that time?

MUSGRAVE: At that time, I was focused on, on the firearm at that point.

DEL RIO: Okay. Did Hayes ever attempt or, or actually exit the window at any point?

MUSGRAVE: I don't remember exactly when, during this whole incident. But there was a point where he did, it looked like he was going to step out of the window. He began to crawl out where he was almost sitting or straddling in the window, windowsill. It looked like he was going to come out, but he was, then he went back in and it was almost like he was joking. Like, joking around at that time.

DEL RIO: Okay.

MUSGRAVE: I just don't remember exactly when that happened.

DEL RIO: Okay. Do you remember if he already had the gun out during that time, when he kind of acted like he was going to come out of the window?

MUSGRAVE: I didn't see it at that time. So, I don't believe so, at that moment.

DEL RIO: Okay. I just have another question. From the time, how much time would you estimate from the time where the lethal force encounter took place to how much time it took to actually render medical aid to Hayes?

MUSGRAVE: I would, I would estimate it at about 10-15 minutes from what I remember. That 10-15 minutes was, you know, us making a decision. Obviously, we have to go in there to provide medical aid, but he's barricaded in the house. So, we're going to have to breach the front door. That failed. We went to the back, had to breach the back door. And then we were going to work our way to him, but to be able to do that, we had to clear the residence while we go in. We don't know if, we've gotten information that he was the only one inside, but we obviously have to be aware and make sure that he's the only one inside. We don't know if there's somebody inside that could, that was possibly going to ambush us. That kind of comes just from experience from us on other calls, or anything like that, whether it's on patrol or SED. You know, we have people that say they're the only inside or that's the only person, no one else is inside. But then, we end up finding more people inside. And that's going to be a safety hazard to us because we want to be able to give all of our attention to him during medical aid and we want to make sure that AMR, Fire is able to do that, as well, safely and we don't want anyone come shooting or ambushing. We have Fire and

AMR now getting injured when they're supposed to be there providing medical aid.

DEL RIO: Okay. Do you have any other questions?

DOMON: Nope.

DEL RIO: Sir, do you any questions?

[redacted] I have nothing.

DEL RIO: Okay. Is there anything else that you'd like to ask that maybe we forgot to ask?

MUSGRAVE: No, I think that's it.

DEL RIO: Okay. Interview with Jim Musgrave will be concluded at 1458 hours.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING/WEAPON:

Deputy Chris Haas

On Thursday, August 11, 2022, at approximately 2232 hours, Sheriff's Crime Scene Specialist [redacted] and I met Deputy Chris Haas at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Haas, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE).

UNIFORM DESCRIPTION:

Haas' uniform consisted of the following:

- A green ballistic helmet with Liberator 2 communication and ear protection. An American Flag patch affixed to right side of helmet. A patch with "61Z12" written in black lettering affixed to the back of the helmet. A patch with "FORGED SBCSD SWAT SCHOOL" written in black lettering affixed to the back of the helmet above the "61Z12" patch. A purple glow stick affixed to the back of the helmet below the "61Z12" patch. A black metal attachment on the front of the helmet for night vision goggles (NVG).
- A green long sleeve Crye Precision shirt with San Bernardino County Sheriff's Department (SBCSD) cloth patches on either shoulder. A patch with "SED SBSD SWAT" written in black lettering affixed to right shoulder. Green Crye Precision pants and green Salomon boots.
- A green TYR Tactical load-bearing vest. A patch with "SHERIFF" written in yellow writing affixed to the front center of the vest and the back of the vest. An American Flag patch beneath "SHERIFF". A patch with "HAAS NKDA" written in yellow lettering.

[redacted]

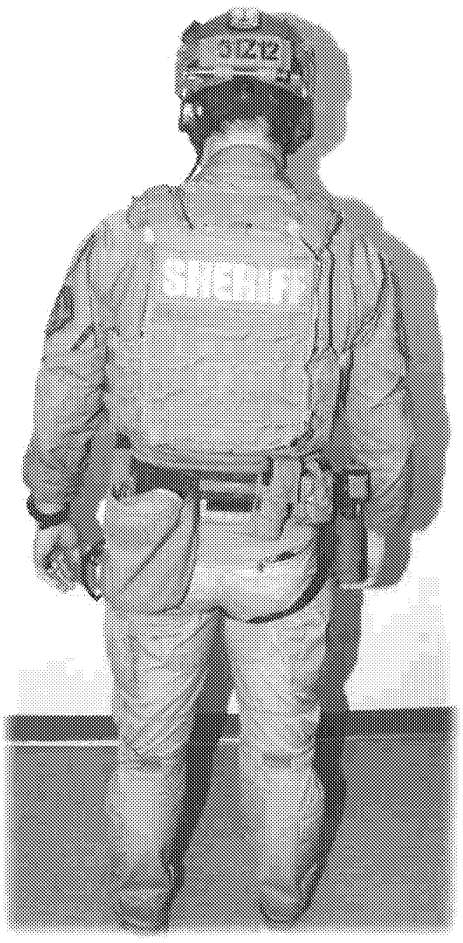
CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

Haas' equipment on the TYR Tactical load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- A green magazine pouch containing two metal rifle magazines and a medical bandage package. Trauma shears behind the magazine pouch.
- A green pouch containing a tourniquet.
- A green radio pouch containing a Motorola handheld transmitter (HT) radio.
- A Geissele Automatics MK4 rifle slung around the neck.



Haas' equipment on the green nylon Lead Devil belt proceeded clockwise from the (front) center of the belt was:

- A green pouch containing a digital recorder.
- A black thigh rig platform with a green holster attached. The holster held Haas' department-issued Staccato 2011 handgun.
- A green pouch containing a pair of black handcuffs.
- A green pouch containing a light sound diversionary device (LSDD).
- A green dump pouch.
- A green pouch containing a metal rifle magazine.
- A green pouch containing two Staccato 2011 magazine.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

WEAPON COLLECTION:

Primary firearm collected:

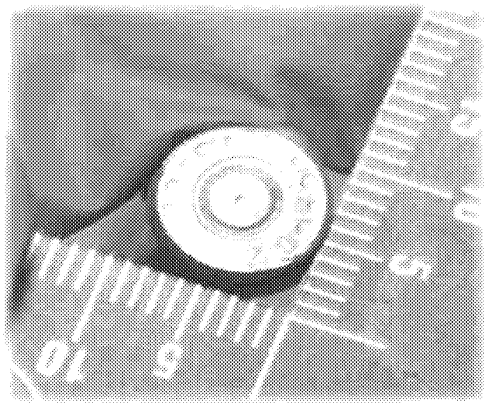
In my presence, [redacted] removed the ammunition magazine from the rifle's magazine well and placed it on the table. [redacted] removed a chambered cartridge and rendered the rifle safe. [redacted] examined and photographed Haas' rifle, ammunition magazine, and ammunition. The rifle was a Geissele Automatics MK4, 5.56-mm semi-automatic rifle with serial number [redacted]. Attached to the rifle was a mounted Surefire Scout Light tactical weapon light, an Eotec EXP53 optic, Atpialc laser, and a Ferro Concepts sling.

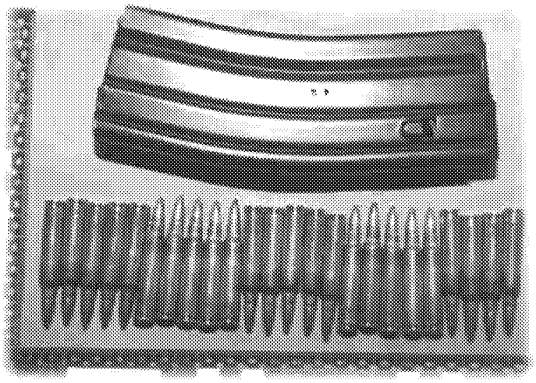
CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

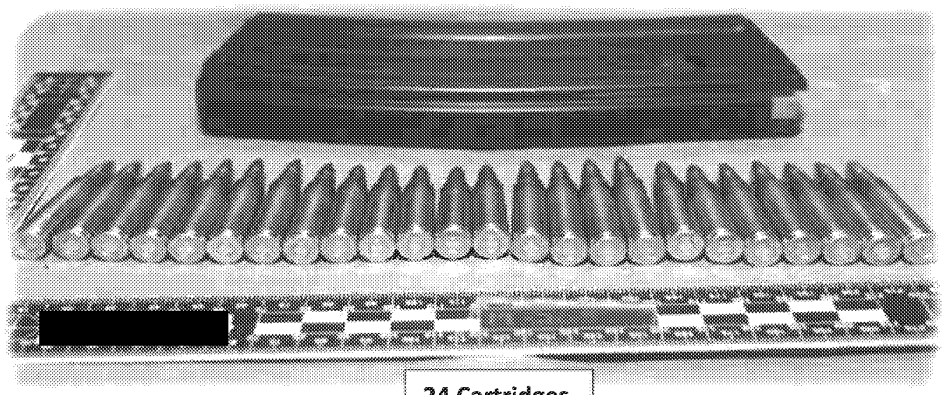
VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

MAGAZINE/AMMUNITION:

During the process, the chambered cartridge from Haas' rifle was photographed and packaged separately. The cartridge was headstamped, "LC 20." [redacted] removed the remaining cartridges from Haas' ammunition magazine. Inside the ammunition magazine were 24 cartridges. All the cartridges in the magazine were headstamped, "LC 20." [redacted] collected the rifle, chambered cartridge, ammunition magazine, and additional 5.56 cartridges and packaged them for processing.







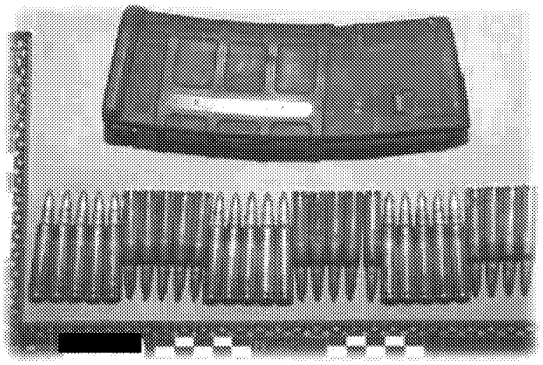
24 Cartridges

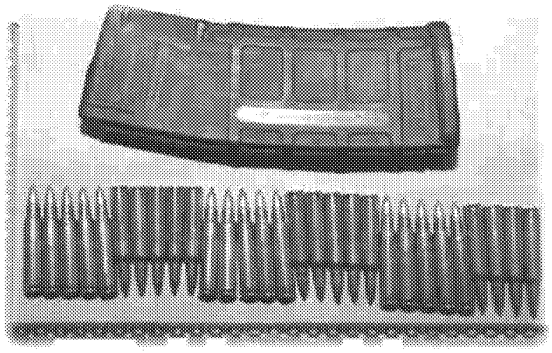
CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

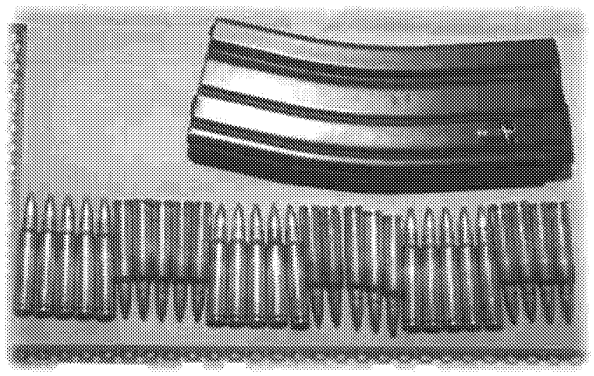
MAGAZINE/AMMUNITION CONTINUED:

Haas carried three additional 30 round capacity 5.56-mm rifle ammunition magazines. Two of the magazines were P-Mag magazines and one was a DNH metal rifle magazine. The two P-Mag magazines were stored on the front of Haas' TYR load-bearing vest. The DNH metal rifle magazine was stored on the left side of Haas' belt. The first P-Mag magazine contained 29 cartridges all headstamped, "LC 20." The second P-Mag magazine contained 29 cartridges. Twenty-three of the cartridges were headstamped, "WCC 13", and six cartridges were headstamped, "WCC 13 5.56 MM." The DNH magazine contained 29 cartridges. Twenty-eight of the cartridges were headstamped, "LC 20" and one cartridge was headstamped, "WMA 15."





Three rifle ammunition magazines containing 29 cartridges



CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING CONTINUED:

Haas' Staccato 2011 handgun was not used in the LFE and was not collected.

The processing was concluded at 2340 hours.

OFFICER INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on a Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

OFFICER INTERVIEW: DEPUTY CHRISTOPHER HAAS

On Friday, January 27, 2023, at approximately 1008 hours, San Bernardino County Sheriff's Department (SBCSD) Detectives Ian Gosswiller and Owenn Domon interviewed SBCSD Deputy Christopher Haas in the conference room at the Specialized Investigation Division, located 808 Mill Street, San Bernardino. The interview was audio-recorded. Attorney [redacted] was present for the interview.

The following is a verbatim copy of the interview.

DR# 172209341
H# 2022-100

Interview with Deputy Christopher Haas:

GOSSWILLER: All right, it is Friday, January 27, 2023, at 1008 hours. This is Detective Ian Gosswiller. I'm here in the Sheriff Homicide conference room. We're going to be doing a Lethal Force Encounter interview with Haas, reference DR# 172109341, associated H#2022-100 to reference the LFE that happened in Victorville on 12687 Westway Lane on Thursday, August 11, 2022. So, before we start if I can have everyone identify themselves.

DOMON: Detective Owenn Domon.

[redacted] Attorney Rep. [redacted]

HAAS: Deputy Chris Haas.

GOSSWILLER: Okay. And Deputy Haas, this is a criminal report, and it will be submitted to the district attorney. You do not have to speak with us. No discipline can come to you for not speaking with us. Prior to this interview, has anyone ordered you to give a statement other than a Public Safety Statement?

HAAS: No.

GOSSWILLER: As anyone ordered you to speak with us?

HAAS: No.

GOSSWILLER: Do you wish to speak with us?

HAAS: Yes.

GOSSWILLER: Okay. Can you spell your full name, please?

HAAS: First name Christopher, C-H-R-I-S-T-O-P-H-E-R. Last name Haas, H-A-A-S.

GOSSWILLER: And your date of birth?

HAAS: [redacted]

GOSSWILLER: Your employee number?

HAAS: Frank 3-7-9-6.

GOSSWILLER: And how many years of service do you have?

HAAS: Just a little over [redacted]

GOSSWILLER: And your current assignment?

HAAS: I'm a deputy in the Specialized Enforcement Division.

GOSSWILLER: With the San Bernardino County Sheriff's Department?

HAAS: San Bernardino County Sheriff's Department, yes.

GOSSWILLER: And height and weight?

HAAS: 5'10, 175.

GOSSWILLER: Do you recall your date of hire?

HAAS: [redacted]

GOSSWILLER: And the day you started patrol?

HAAS: Ooh. The day I started patrol was in…

GOSSWILLER: And if you just know the month, that's fine too.

HAAS: I believe it was [redacted]

GOSSWILLER: And prior to working with the Sheriff's Department, did you have any previous law enforcement experience, whether Explorer, Dispatch, or anything of that like?

HAAS: [redacted]

GOSSWILLER: And on August 11th, what was your shift assignment?

HAAS: I was working for the Specialized Enforcement Division. Our day-to-day operations are – we're a Fugitive Task Force. So, we were just working cases that we had.

GOSSWILLER: Okay.

HAAS: I was assigned to the Victorville area.

GOSSWILLER: And your work times or shift schedule as well, at the time?

HAAS: Would be 7:00 a.m. to 4:00 p.m.

GOSSWILLER: And your callsign?

HAAS: 61-Zebra-12.

GOSSWILLER: What was your unit number?

HAAS: I was in a loaner vehicle, so I don't remember. My vehicle was getting repaired, so I was in one of the – a different vehicle that I wasn't normally driving. So, I don't remember the unit.

GOSSWILLER: Do you remember what type of vehicle it was?

HAAS: It was a brown Shelby – Chevy Silverado, four-door.

GOSSWILLER: Did you have a rider or a partner with you?

HAAS: No.

GOSSWILLER: What uniform were you wearing?

HAAS: I was wearing my operational green uniform; green shirt, green pants with a tactical load-bearing vest, and a pistol belt.

GOSSWILLER: And can you describe the vest? What it had on it if there was any writing, any patches, any [inaudible] equipment?

HAAS: On the front, in bold, yellow lettering, I have the word "SHERIFF" with my callsign, 61-Zebra-12, and on the rear again, big bold, yellow lettering the word "SHERIFF."

GOSSWILLER: And did you have equipment attached to the vest, or is that all on your belt?

HAAS: Yeah, there's equipment attached. I have my radio, extra magazines for my rifle, individual first aid kit, and on my belt; I have extra magazines, handcuffs, and my pistol. I believe that's it.

GOSSWILLER: Did you have a belt recorder with you?

HAAS: And my department-issued belt recorder, yes.

GOSSWILLER: Was that activated?

HAAS: Yes.

GOSSWILLER: Did you have any type of body-worn camera, or does your vehicle have any type of camera?

HAAS: No.

GOSSWILLER: And did you have a chance to review any audio or video related to the incident prior to this interview?

HAAS: Yes.

GOSSWILLER: And what were you – what did you review?

HAAS: I reviewed my audio from my department-issued digital recorder, and the Los Angeles Police Department had body cam of a portion of the incident that I saw.

GOSSWILLER: Okay. Did you take any photos?

HAAS: No.

GOSSWILLER: And then, prior to today, how much sleep did you get in the last 24 hours?

HAAS: Six or seven.

GOSSWILLER: That's hours?

HAAS: Yeah.

GOSSWILLER: Okay. And then the last 48 hours?

HAAS: Same.

GOSSWILLER: So, a total of 12 to 14?

HAAS: Yeah.

GOSSWILLER: And what weapon system did you utilize during this incident?

HAAS: I use my issued rifle, which is a Geissele AR-style rifle, M4.

GOSSWILLER: Okay.

HAAS: It has an optic mounted on it for aiming. And…

GOSSWILLER: How do you typically load that rifle?

HAAS: My magaz-- in my vehicle, the magazine is loaded with nothing in the chamber, and then when a call comes out, and I deploy, I load the rifle and turn my optic on.

GOSSWILLER: Okay, and you typically use 30 –

HAAS: With 20 -- 28 rounds is how I typically do it.

GOSSWILLER: So, it'd be 28, and then you load it, it will be…

HAAS: One in the chamber with 27 in the magazine, yeah.

GOSSWILLER: And what caliber?

HAAS: 5-5-6

GOSSWILLER: And do you recall loading your magazines before that incident?

HAAS: They were loaded prior to, yeah. And then –

GOSSWILLER: Do you recall when that was, or actually doing that?

HAAS: I don't. We train a lot. So, it was within the few days before because I usually -- which we shoot most weeks. So…

GOSSWILLER: Okay.

HAAS: -- it would have been that week.

GOSSWILLER: How many shots do you remember firing?

HAAS: Four.

GOSSWILLER: Were you injured?

HAAS: No.

GOSSWILLER: All right. At this time, I want to turn it over to you. If you can, just walk us through what happened from when you got the call, the information you received, all the way to the conclusion of it.

HAAS: Okay. On August 11th, we were working. We were at the office in Victorville, at the courthouse. That's our main office for the desert. Corporal Eugene Mondragon was my acting supervisor at the time. He had received a phone call from Las Vegas – or Los Angeles Police Department that they were working a homicide and the suspect was possibly in Victorville at the address on [redacted]

Corporal Mondragon briefed us on the case, told us that they were -- that LAPD was doing surveillance, that they were watching this house, and that they were possibly going to do a search warrant if they got positive identification of the suspect at the location. So, we were waiting at the office for them to let us know whether we were going to serve a search warrant or not. They saw a female leaving the location. This was relayed from LAPD to Corporal Mondragon.

They saw a female leaving the location. They did a traffic stop on her. It ended up being the suspect, Byron Hayes's [redacted] that

lived there. She told the detectives that Byron Hayes, the suspect whom LAPD was looking for, was inside. And so, LAPD was going to author a search warrant and seek to get it signed. So, we were waiting. When they told us that, we were waiting for them to get the search warrant signed.

We waited a little while, maybe an hour or two. They finally communicated again with Corporal Mondragon. Told him that the search warrant was signed, and so we briefed it. During that time we were waiting, Detective Olivas was writing the operations plan. Once LAPD told us that the search warrant was signed, then we briefed assignments and left from our office in Victorville, and met up with the detectives at a park. I think it was [redacted] in Victorville, which was close to the [redacted] address.

We stopped at the park. Corporal Mondragon got out and met with the detectives and briefed them on their assignment. Part of their assignment was going to be just watching the [redacted] side, which would have been the backside of the house, and then SED personnel were going to handle the front side of the house. We met with them, we left from the park. I was maybe the second or third vehicle back in the line leading up to the house -- the address that we were going to serve the search warrant at.

When we turned onto [redacted] -- not long after turning onto it, we saw several LAPD officers running around the house.

We could see the houses. It went down to the end, and then the road turned [redacted], and the house was directly in front of us, and we could see LAPD officers running all around the house. As we're pulling up, Corporal Mondragon was in contact with those detectives, and they had told him, and he relayed to us from them that they had tried -- they had seen Hayes in the – or he walked out of the house. They tried to take him down, and he ran from them, back into the house, which is why they were now outside of their vehicles surrounding the house.

I parked my truck. So, the part of the equipment that we used was our armored rescue vehicle. They parked that in the driveway. I parked my vehicle a few houses [redacted] of the location, and I could see there were several LAPD officers on the [redacted] side of the house, and there was a black SUV parked in the middle of the road, more towards the [redacted] side of the house like the [redacted] corner. And nobody was there. And I couldn't see anybody watching the [redacted] side of the house.

So, I grabbed my rifle and ran to that black SUV because the doors were open, but nobody was in it. And when I got there, I could see down the [redacted] side of the house. And there were several LAPD officers in the backyard there who were out in the open, and I could see them yelling up toward the second story of the house. But because they didn't have any cover, myself and Corporal Mondragon, we were -- At that vehicle at that time, we tried to call those officers back to us to get them some cover and

some concealment because they were just in the open.

We got -- the ones we could see, we got them back to us. And then the armored rescue vehicle driver began giving, I believe it was Deputy Jeff Henry, began giving Public Announcements to the house for all occupants to exit unarmed with their hands up and that we had a search warrant for the residence. I believe those commands were given over and over again. Over the radio, I heard there was some communication that the officers, the LAPD officers on the backside, had communication with the suspect. I guess there was a balcony back there he was talking to them on.

While they were talking to him, we set up on the front side of the -- San Bernardino County Special Enforcement Division personnel set up on the front of the house watching the front side. And the house is a two-story house, and there was a large window above the garage. I would say maybe three or four feet wide by three or four feet high. And it was open, but there was a screen still up. And after -- after several minutes, Hayes came to that window and started yelling at us, asking us what we were there for.

We were telling him -- Corporal Mondragon and myself began communicating with him, telling him that we had a search warrant for the residence and that we needed him to come down and talk to us. He kept demanding to ask what the search

warrant was for. He was wanted for -- when we were briefed on the case, LAPD had had a murder in their area of a female, and she had been shot in the head. And so, during the brief, they advised us that Hayes was to be considered armed and dangerous.

We didn't want to tell him that he had a murder warrant, in fear of it would escalate the situation. We just wanted him to come down and talk to us. So, we just told him he had a warrant and that we had a search warrant for the residence, but he continued to ask what the warrant was for, and we're trying to just de-escalate the situation by just telling him just come down and talk to us. But he kept refusing to come down.

At this time, he's communicating to us through the screen, but we could still see him. It was a little obscured, but we could still see him clearly. From where I was, I was, you know, within 20 yards of him, but he was on the second story. We continue to communicate with him. Throughout this communication, at one point, he got on the phone, and he was talking to his [redacted] I believe. And during that conversation, he began to get very animated. He was getting emotional; he would yell at times.

Also, while he's talking, he's drinking. He had a big bottle of alcohol that he was drinking that he would take drinks of, and he told us he had been drinking all day, I think. And he -- but during that conversation with his [redacted], he was acting very, like I said,

emotional, almost as if he was giving his [redacted] life advice, and it sounded as though he wasn't going to ever see his [redacted] again. It was -- I didn't like the direction that it was going because of the way he was talking to his [redacted] And considering the fact that he was wanted for this murder, LAPD had told us that the weapon used was still outstanding. We didn't know where it was.

During the traffic stop, his [redacted] had told the detectives -- or the... Yeah, the detectives who stopped her that there were weapons in the house. So, with all of that, it was a stressful situation knowing that there were weapons in the house; that he was wanted for murder; he was to be considered armed and dangerous; and now that his actions were not indicative of somebody that I've seen in the past who was ready to surrender.

I've been on several calls where, you know, the person we're looking for begins to speak with family members. And when they get them to surrender there, they act different. He was much more elevated in his demeanor, which was worrisome. So, conversation continued, he continued to drink, at one point, he pushed on the screen and almost fell out the window. The screen fell out. So now the screen was out of the window, we can see him clearly.

Corporal Mondragon had most of the communication with him. I would try to assist a little bit, and just de-escalating him and

telling him, "Hey, man, it's -- just come on down and talk to us. It's not that big of a deal. We just need to get you down." He continued to -- he would say he was going to come down, but he never made any actual movement towards surrendering.

During the conversation, he kept his left hand - something that I noticed - he kept his left hand obscured from our view. He had the phone in his right hand, and he would move his right hand around a lot, but for the most part that left hand, he kept it out of view, which also, it didn't match the rest of his movements. So, I was worried he was he was hiding a weapon in that hand as well.

Eventually, a negotiator got on scene. Deputy Clarence Harris got on scene and tried to talk to him. Hayes didn't like him and cursed at him and then went back to talking to Corporal Mondragon and myself. But he's still -- he wasn't giving up. So, we -- during the commands -- and at well at -- at the end of the conversation -- So he was talking to his brother, that conversation ended, he hung up the phone, and then he started making demands for In-N-Out to Deputy Harris, and then he said, "You know what? We're going to try something different or something new."

He wanted to try something, and he reached down where his left hand had been, and he pulled up a handgun. I could see it very clear. It was a black handgun. He didn't point it at us. He just

kept it kind of close to his body, and he messed with the slide. As if he were loading it, he pulled the slide to the rear in a loading motion, and then he put the gun directly to his own head. At that time, he continued to demand In-N-Out, and saying he wanted a double-double and he was giving his order, but then he started giving a countdown.

And at that point, I was -- from my position, I was behind just an SUV. There was no armor on it, I had my ballistic vest on and helmet, but the vehicle itself was not any ballistic protection, and I was within 20 yards. So, I knew I was well within danger. We also hadn't -- we didn't evacuate any of the neighbors, so the people were inside their homes. It's a very close neighborhood. So, their homes are close together. So, I was worried that he was going to start shooting at us or in the neighborhood. Everybody was in danger.

But he kept the gun to his head, so you know, I didn't I wasn't in fear for my safety yet. But as he continued to count down, he got down to two or one, and it almost looked like he maybe tried to pull the trigger, and it didn't go off. Or he fiddled with it, and then he pulled the gun away from his head and kept it real close, like under his chin, and he fiddled with the slide again as if he was trying to reload it. He brought it up to his head, and then just a moment later, he almost -- almost like he cracked a smile.

That's how close I was to him. I could see his teeth, you know,

the corners of his mouth went out I could see his teeth. And then he pointed the gun directly, it felt like, at me. It looked like I was looking right down the barrel of the gun. As soon as I saw that barrel, I knew I was in danger. I know it takes a split second for him to start pulling -- shooting rounds. So, I fired four rounds for as long as I saw that gun pointed at me.

As soon as I no longer saw that gun pointed at me, he had gone out of view, and so I stopped firing and just reassessed. I was looking in the window to see where he was. I could see a little bit down that [redacted] side. See if there was another window that he was maybe coming out of. But I didn't see any other movement. I heard other deputies on scene shoot as well. I didn't know who all, or how many had shot, but I heard them shoot also. And then it went quiet, and we all just watched that window.

Deputy Olivas or Detective Olivas was trying to get the drone up to look inside the window, but we couldn't see. So, Sergeant Sandlin took several SED members with him to the front door to try to breach that. They couldn't breach it. The door was locked, and it was -- and they weren't able to get in. So, they went around the backside, through the rear slider. All the while, I was just watching that upstairs window to make sure that they were safe in case Hayes tried to pop up and shoot at them. They made it inside.

Once they made it inside, I was able to move back over to the

[redacted] a little way to the armored rescue vehicle, and help Detective Olivas with looking at the footage from the drone. We were trying to get an angle to look inside and see if we could see anything in there. Because of the way that drone is, we couldn't see -- we couldn't get it close enough to the house. So, we're unable to get a view inside. We thought we might be able to see a little bit of blood on the windowsill, but even then, we couldn't get close enough and couldn't get a clear enough view.

And then, the team that made entry, they worked their way up the stairs and told us that they were able to see him, and they were going to begin medical aid on him. That he was injured. So, they immediately began medical aid, and then I waited outside until the entire house was clear; just to make sure there weren't any other people inside or any other dangers for medical personnel. I waited at the front door and escorted medical personnel upstairs, and then they began performing their medical procedures on him.

GOSSWILLER: Okay. All right. So, we're going to start back at the beginning.

HAAS: Yup.

GOSSWILLER: So, it's August 11th, you were at the SED Station behind the Victorville Courthouse, and Corporal Mondragon received some information about the LAPD operation, right? Do you know about what time it was that you guys received that information?

HAAS: It was early afternoon. I know the call was created around 3:00 p.m. in the afternoon, like 1500 hours. But when he exactly got the first call, I don't I don't remember.

GOSSWILLER: Okay. Do you know who was providing that information from LAPD? Who from LAPD, that is?

HAAS: I don't know the name. I just know he's a… We've done one other case with him, but I don't remember his name. Because I just -- I never dealt with him personally. Corporal Mondragon spoke with him, being the supervisor, and then just relayed the information to his team.

GOSSWILLER: Did you ever have any direct contact or planning with the LAPD

HAAS: No.

GOSSWILLER: -- detectives? That was all Corporal Mondragon, then?

HAAS: Yeah.

GOSSWILLER: And so, you mentioned that you were briefed on [radio]. All right. So, you mentioned that you were briefed on the case from LAPD and what the suspect was wanted for, and suspect information. What -- what description did you have? What information, specifically on the suspect, did you have at that point?

HAAS: That he was in his 30's, a black male adult. Didn't get much more information than that. At that point, I didn't have much more.

GOSSWILLER: Were you ever provided a photograph or anything like that?

HAAS: I believe during the briefing, we had photographs of him. But I don't have those. And I honestly, at this point, being so late, I don't remember how that brief went. What all was discussed, but I'm sure we had those photographs.

GOSSWILLER: And then -- so you mentioned that once you guys did join in on the call, you went to the park nearby, or the school, and brief there. Who provided the briefing at that point?

HAAS: Corporal Mondragon spoke with LAPD. Since it was in our area, we took over the operation. And so, we did our planning back at our office. Which is what our ops plan included was we were going to bring our armored rescue vehicle, and we're going to do a Surround-and-Call-Out, which is where we set up a good perimeter. So, if anybody tries to flee, we can apprehend them. And then, we give Public Announcements, or PA Announcements, to all occupants to exit the residence.

We give the address, and we tell the occupants to exit the residence with their hands in the air unarmed, and that's what we call a surround-and-call-out, and that was our plan. And we're

going to utilize LAPD as a rear containment to watch the rear of the residents. So, since we had our plan, briefed Corporal Mondragon just -- he went up and spoke with LAPD. I didn't go up and I don't remember seeing any other SED members go up and assist with that. He just gave them what we expected out of them, and then we got back in our vehicles and...

GOSSWILLER: Okay, so your briefing was back at the SWAT office, or SED office?

HAAS: Right.

GOSSWILLER: -- prior to going out and meeting with the LAPD detectives?

HAAS: Yes.

GOSSWILLER: And then Corporal Mondragon briefed the LAPD detectives and gave them directions on what they should do.

HAAS: Yes.

GOSSWILLER: [inaudible].

HAAS: -- that's exactly how it went.

GOSSWILLER: Okay. And so, when you guys made your plan before leaving the office, who was present for that?

HAAS: Corporal Mondragon, myself; the rest of the members on my team would have been Deputy Olivas, Deputy Josh Stone, Deputy Musgrave, Deputy Henry. So, there was another team, Desert Team, also there now. Deputy Henry, Sergeant Sandlin, Corporal Corral are members have the other team that worked in the High Desert, and then we also had Corporal Lukacs who's from our Bombs Arson… assisting.

GOSSWILLER: Okay, and during that briefing, everyone was made clear of their specific assignments?

HAAS: Yep. Yeah, several were told that their assignment was going to be to ride in the armored rescue vehicle. I was one that was told to drive my personal -- or not my personal, but my department-issued vehicle to the search warrant, which was in my truck.

GOSSWILLER: Okay. So, your specific assignment was to drive your truck. Once you arrived on scene, what was your assignment?

HAAS: My assignment was going to be to… one of the containment spots. But because we rolled -- because when we pulled up, and we saw the chaos, we saw the LAPD officers running all around the property, that kind of changed, and we needed to just set up a quick perimeter. That's why I just parked my vehicle and jumped out, and ran to the vehicle that was left in the middle of the street. Because I didn't know, at that point, I didn't know exactly what had happened.

I didn't know if they had been shot out, or if the suspect had ran out of the house, or anything. There was a lot of things going through my mind at that point. So, I parked my car, locked it, and ran over to the SUV that was parked in the middle of the street, and I just kind of… my assignment now was just to cover that side of the house.

GOSSWILLER: Okay. So, prior to arriving, though, your assignment was going to be the perimeter contain?

HAAS: Yeah, on the front side.

GOSSWILLER: Okay.

HAAS: And then eventually, make entry into the house.

GOSSWILLER: Okay. And when you were assigned to the perimeter, what was your path of entry? What road were you going down, or…

HAAS: We came from the [redacted] and then, I don't remember what road we turned [redacted] onto, but that road led us right on the [redacted] And we had to go [redacted] on the [redacted] and that was -- we all took the same path in.

GOSSWILLER: Okay. To this point, Owenn?

DOMON: No, not at this point.

GOSSWILLER: Okay. So, when you arrived, or you'd mentioned when you arrived, there were several vehicles and LAPD officers in the area. Can you describe their vehicles and then also their uniforms, or what equipment they were wearing?

HAAS: I believe they had some unmarked vehicles, like undercover type vehicles, parked just east of the location that they were doing surveillance with. And then the other vehicle that I distinctly remember is that black SUV. It was like a black Ford Explorer, I think, similar to our patrol units, but it was black. And then the LAPD officers were, most of them, I believe, wore plainclothes with a like a black, tactical style, load bearing vest on. And that's, I don't remember seeing any other type of uniforms.

GOSSWILLER: Do they have any insignias on those vests?

HAAS: They said "POLICE" on the front and back with a... And that's – I distinctly remember that, but I don't remember any other like –

GOSWILLER: Okay.

HAAS: -- markers.

GOSSWILLER: What about the vehicles that you saw? Were there any lights or sirens activated?

HAAS: I don't remember seeing any lights or sirens activated.

GOSSWILLER: Okay. And then your vehicle that I know it was a loaner vehicle, but was it equipped with emergency lights and siren?

HAAS: Yes, it's equipped with it, but I didn't turn them on. I didn't have them activated.

GOSSWILLER: Throughout the incident?

HAAS: No.

GOSSWILLER: Okay. When you guys are approaching, were there any lights or sirens activated, whether on the Bearcat or the armored vehicle, or any other vehicles?

HAAS: The armored rescue vehicle is equipped with them, and those were activated.

GOSSWILLER: The lights?

HAAS: Yes.

GOSSWILLER: Okay. What about the -- was there ever a siren?

HAAS: I don't remember hearing the siren at that point because I was focused. It may have been activated, but I don't remember. I remember when -- I remember PA announcements were -- those began real quick, but I don't remember sirens or any chirping of

them.

GOSSWILLER: Okay, and so you'd mentioned you parked your car to the [redacted] and then ran up to the black vehicle, right?

HAAS: Mm-hmm [affirmation].

GOSSWILLER: How far away was your car from the residence that you guys were going in? And then also, that vehicle?

HAAS: From the residence, I was probably… so I was maybe two or three houses to the [redacted] So maybe 30 or 40 yards from the house. And then the car that I ran to was parked on the [redacted] side, so it was a little further. So maybe 40-ish yards or so.

GOSWILLER: Okay.

HAAS: From where I was parked.

GOSSWILLER: And do you recall what the address of that residence was?

HAAS: [redacted] in the city of Victorville.

GOSSWILLER: Okay, and approximately what time was it when you guys arrived on scene?

HAAS: I remember the call was created around…it was almost 1600

hours. So, we would have been on scene... I don't know, maybe an hour or so after that. I don't remember exactly. I can look at the… So, around 1733 hours.

GOSSWILLER: Okay.

HAAS: I believe is when we went on scene.

GOSSWILLER: Describe the lighting conditions at that time.

HAAS: It was summertime, so it was still -- the sun was still high in the sky, and there wasn't -- it wasn't a cloudy day. It was a sunny day. So, at that point, it was bright out. The sun was actually, it was a two-story house, and we were pretty close to it. But looking up when we were communicating with Hayes, the sun was above the roof. So, I was almost looking into the sun, like I could see the glare of the sun was coming down, and it was going to be dipping down behind the house.

GOSSWILLER: Okay. So, when Hayes is in that second-story window, and initially you said there was a screen there?

HAAS: Mm-hmm [affirmation].

GOSSWILLER: Did you have a clear visual of him, even through the screen? Or…

HAAS: I could see him clearly, clear enough. It was, obviously, when you're looking through a screen, it's obscured a little bit. That's its job is to screen some of the light and debris and stuff, but I could see him clear. I could make out -- when he moved his hands, I could make out all five digits. On one hand, I can make out the cell phone in his hand. He was taking drinks out of a bottle, I can make out the shape of the bottle, the color of the bottle, which is like a rose-pinkish color. So, I could make those out.

GOSSWILLER: Okay. What about Hayes's attire? What was he wearing? What did he look like at that time?

HAAS: Honestly, I don't even remember at this point.

GOSSWILLER: From what you could tell, what was his demeanor like?

HAAS: When we first got there, it was, he just wanted to know what we were there for. It wasn't, I was hopeful with the way he was talking to us. He's like, "Just tell me what you guys want." You know, he was very direct about it. And I was hopeful thinking that, hey, you know what? I think we can just kind of calm this down. He does see, you know, this armored rescue vehicle in his driveway. He sees all of us. Obviously, it's elevated, but I think we can kind of calm the situation down. So, his demeanor was, you know, he was animated. He was agitated. But at the same time, he didn't seem unreasonable at that point.

GOSSWILLER: You'd mentioned that he was drinking alcohol and told you that he'd been drinking alcohol all day.

HAAS: Yeah, he said he had drank, I think, that whole bottle.

GOSSWILLER: Okay. Did he appear to be intoxicated? And if so, how?

HAAS: His movements were a little staggered, and then at that point when he tried to brace himself against the screen, and he almost fell out, really showed that he, I believed what, that he had almost drank that whole bottle of alcohol. Because then he stumbled back and caught himself. And he had that demeanor of somebody that was intoxicated with his gait and his unstable body movements.

GOSSWILLER: How long was it after you guys got there and started talking with him that that screen was pushed out, or that he kind of fell through a little?

HAAS: It wasn't very long. You know, less than 30 minutes. It's weird, communicating with him through the screen, and he had taken several drinks. And then, you know, like I said, less than 30 minutes after talking to him, he pushed it out and almost fell, but exact time, I don't remember.

GOSSWILLER: Okay. And you said you were within 20 yards from him, did you ever get closer than that?

HAAS: No, not while I was talking because from where that car was, there was nothing between me in the house, so I would have been completely exposed. At that point, I was able to at least conceal myself a little bit behind that car, and I never left the back, the rear quarter panel of the SUV.

GOSSWILLER: Okay. And when you say within 20 yards, is that you're closer to the 20 yards? Or could it be less? What...

HAAS: It could have been less, but I wouldn't - I wouldn't guess any further than that. Just based off of being on the range a lot and just kind of knowing distances. I wouldn't guess any further than 20 yards.

GOSSWILLER: Okay. So, is it fair to say it's approximately 20 yards? Or would you say?

HAAS: Yeah, approximately 20 yards.

GOSSWILLER: Okay. And from where you're standing, I know the screens initially there, you're using cover from that vehicle. Is there anything else between you and Hayes?

HAAS: No, not between us. Other than the windowsill, you know. But he's in the open of the window now. So, but at that point, no.

GOSSWILLER: And so, when he's in this window, how much of him is exposed?

HAAS: So, he's standing, at this point, as we're talking to him; he's standing, and I could see probably like mid-thigh or so up, and I could see all the way to the top of his head. But at one point when the shooting occurred, he had actually dropped down to his knees. So, I could only see him from maybe a little above sternum up, a little below his shoulders and up.

GOSSWILLER: And you mentioned while you guys were communicating, while he talked with him, he's keeping his left hand down?

HAAS: Yeah, it was obscured, and he was doing it almost as a conscious effort. Because the rest of his body was moving, but that left hand just stayed out of view. Almost like he was keeping it below the windowsill, out of view.

GOSSWILLER: Was that the same whether he was standing or kneeling?

HAAS: Mm-hmm [affirmation]. Yeah.

GOSWILLER: Did he ever --

HAAS: Until he pulled the gun up.

GOSSWILLER: Okay. Other than bringing the gun up or pulling the gun up, did he ever expose his left hand?

HAAS: I don't remember. I just remember seeing, taking note of the fact

that he was moving around, and that arm was stiff and out of view, which didn't match the rest of his movements that he was making. Which I just noticed it, and it made me feel a little worried about what might be in that hand.

GOSSWILLER: Did he stay in that window seal the whole time, or did he ever go out of your view?

HAAS: He left one or two times. He went to the back of the house and communicated with the LAPD officers, and they had some communication with him. I don't remember what was said. But where he was standing, I could see it must have been a hallway because on the backside of the house, there was a window, and I could see light shining through. So, I could see, he would walk back towards the back, and then I could see him as soon as he entered that hallway. I could see him walking back towards the window that we were communicating with him on.

GOSSWILLER: Okay. And you briefly mentioned that the LAPD detectives that were on the back had provided some updates when they were communicating with him.

HAAS: Yeah, just that they had communication with him back there and that they were able to see him. Because at that point, we could not see him. So, they communicated with us like, “Hey, we can see him back here.”

GOSSWILLER: So, are you guys, you share any radio channels? Or how do they provide those --

HAAS: No.

GOSSWILLER: -- that information?

HAAS: I believe, but I'm not certain, that we usually carry a spare radio. Usually, a supervisor carries a spare radio so that we can provide it to an outside agency. I believe that's what they'd gotten. I don't remember, that's usually, that's kind of standard for us to do, is carry a spare and give it to an outside agency.

GOSSWILLER: So, in that circumstance, someone from their team would be receiving the information on the radio and then relaying it --

HAAS: Back to us.

GOSSWILLER: -- over your radio?

HAAS: Yes.

GOSSWILLER: But you didn't have direct radio --

HAAS: No.

GOSWIILER: -- connection between --

HAAS: And they could have been contacting Corporal Mondragon over the phone. I don't remember because I wasn't hearing them on our radio. So, I don't know.

GOSSWILLER: Who told you that they were talking with him?

HAAS: I believe it was Corporal Mondragon?

GOSSWILLER: And how did he tell you that?

HAAS: He would tell us over our radio. And he was behind the vehicle that I was behind, so he and I could also talk. We're… you know.

GOSSWILLER: Okay. And so, when you're standing there at that vehicle, you mentioned you had your rifle. Are you holding your rifle? Are you pointing your rifle? Can you describe how you are positioned?

HAAS: Yeah, I had -- So I was at the rear passenger side corner of the vehicle. So, the nose of the vehicle was pointed towards the [redacted] kind of. It was almost perfectly parallel with the front of the house. So, I was at the rear passenger side of the vehicle at the corner, kind of like where the liftgate is, and I was looking over the vehicle with my rifle pointed up in the window.

GOSSWILLER: Okay. And so, while you guys are out there talking with him, you have your rifle pointed up there the whole time?

HAAS: Mm-hmm [affirmation].

GOSSWILLER: Okay. And so, I just want to go over a few things. You mentioned there's a weapon outstanding, there's weapons in the house, he's wanted for murder, he's armed and dangerous, his left hand was obscured; what's going through your mind with the totality of this circumstance? All of those things coming together. What - what's your mindset?

HAAS: I didn't want to get shot. I didn't want anybody on my team to get shot. I didn't want any of the citizens to get shot because there were people all around. Due to what we were there for, due to it being him wanted for murder, you know, it's… I didn't know what his state of mind was going to be, if he was going to give up or if he was going to shoot me. And because of all those things, because there was a weapon because he was wanted for murder, I was definitely, definitely had that fear that something bad could happen.

That didn't know. I didn't know what he was going to do. And then, once I saw the weapon, it just confirmed that the danger is right there. You know I wasn't far from him. I shoot a lot, we train a lot, and those distances are not difficult to be accurate at. And because I was so close, I was well within danger. And as soon as I saw that weapon, it was… yeah. I didn't want to take any chances.

GOSSWILLER: Okay. And while you guys are out there communicating with him, you mentioned that Henry was providing commands over the Public Address in the Bearcat.

HAAS: Yeah.

GOSSWILLER: What, specifically, commands was he giving?

HAAS: He was giving the address. So, "[redacted] all occupants inside, exit the residence with your hands up unarmed," is our standard Public Address that we give to residents when we're doing a surround-and-call-out. However, when Hayes would come to the window, those Public Announcements would drown out him. So, then we would stop those, and just, either Corporal Mondragon or myself would speak with Hayes. Just because it was -- those PAs, we were so close; they were super loud. But if he stepped out of view, then we'd began the PAs again.

GOSSWILLER: And how long was this whole incident with you guys out in front, before the shooting happened, with you guys giving commands?

HAAS: The whole incident was less than an hour. It was, but we gave PA Announcements as soon as we got on scene. When he came to the window, we would stop them. But then, like I said, if he left the window and went to the backside of the house, which he did one or two times, we would start the PA Announcements again.

But we, in all, maybe like 30, 40 minutes of them.

GOSSWILLER: Okay. So, in that 30, 40 minutes, did he – did Hayes give you any indication that he was going to give up? Did you believe he was ready to surrender?

HAAS: He made comments. He said, "Just tell me what I'm -- what the warrants for, and I'll come down." But again, I didn't tell him what he was wanted for because I was afraid that that would escalate the situation. Knowing that, hey, we're here because you have a murder warrant. He's been arrested before. His criminal history, we were briefed on a little bit. That he had also done time for the death of somebody else. We weren't given specifics, but he had served prison time for some -- the cause of death of someone else. So, he was familiar with this process.

I didn't want to escalate it by him knowing. Like, hey, you're looking at these charges. So that's why I didn't tell him. But he would -- he told us a couple times, he was like, "I'll come down. Just tell me what it's for," you know. That was the only inclination he gave us, which I didn't really believe because he just never really made any other movement toward giving up.

GOSSWILLER: So other than him saying, you know, "Tell me what it's for, and I'll come down," was there anything -- any movement or anything that he tried to surrender or give up or give any indication?

HAAS: No.

GOSSWILLER: At this point… Owenn?

DOMON: Yeah, just one question. Do you remember where your other -- the rest of your team [inaudible] SED personnel were located in front of the house? Was anyone else by you, or were you by yourself over by that black SUV?

HAAS: Yeah, so I was at the back of the SUV. Detective Lukacs was directly to my right, like over like the middle portion of the vehicle, and then Corporal Mondragon was at the front, like kind of over the hood.

DOMON: Okay.

HAAS: And then the rest of the team was over behind the armored rescue vehicle, which was parked in the driveway.

DOMON: Okay. Up to that, that's all I have.

GOSSWILLER: Okay. And so, you'd mentioned it's a tight neighborhood; there's a lot of houses around.

HAAS: It's like track homes.

GOSSWILLER: Okay. From your position, your angle, what's behind where

you're looking?

HAAS: I could see down the [redacted] of the house, and there was a block wall behind the house. And then I could just see a desert field. And then, way off in the distance, there were more track homes, but there was like a desert field directly behind the house.

GOSSWILLER: Okay. So, from your point of aim while you're sitting there with your rifle, what would be to your backdrop at that point?

HAAS: Back there, I could just see sky, and that desert field went around the back of the house for quite a ways, also. But through the back window, I couldn't see homes. I couldn't see any of that.

GOSSWILLER: Okay, so he's at the front of the house as well, right?

HAAS: Mm-hmm [affirmation].

GOSSWILLER: Can you describe the house, its overall structure? Is it large? Is it a small home?

HAAS: It's a pretty large two-story home. Those track homes are pretty large in square footage. I don't know exactly, but they're good size homes. And like I said, it's two-story. He was at the front, and then he had the entire back half behind him.

GOSSWILLER: Okay. And why did you choose to bring your rifle with you, instead of another weapon system?

HAAS: I knew we were going to be doing, holding on the perimeter at first. And due to those distances, if I did need to engage anyone, I'm much more accurate at further distances with my rifle, for it's more stable than I am with just my pistol.

GOSSWILLER: Okay. So, I want to kind of go step-by-step over the moments where Hayes pulls the gun up and what he's doing in those moments. You said initially, he's not pointing the gun at you guys, he ends up pointing it at his head, and you said, "I wasn't in fear for my safety at that time." Can you describe what you mean? Why you weren't in fear at that time versus another time? Or can you elaborate on that a little?

HAAS: Being in the Specialized Enforcement Division, we get a higher level of training. That's what we're there for; special weapons and tactics. I didn't want -- he was pointing the gun at himself. I didn't want him to kill himself. I didn't want him to point the gun at us. I didn't want to have to shoot him. But at that point, because he was just pointing it at himself, he wasn't committing a crime by pointing it at me.

I had no justification. I had no legal reason for shooting him. To say I wasn't in fear for myself; I was in fear for the simple fact that there was a guy within 20 yards of me holding a gun. But at

that moment, there was not a direct threat to me, I guess I should say. So...

GOSSWILLER: So, in that split second, the gun is not pointed at you?

HAAS: No.

GOSSWILLER: In your experience, how long does it take for it to transition from him pointing the gun at his head toward somewhere?

HAAS: Less than half a second. It takes no -- it's a very quick motion.

GOSSWILLER: Okay. So, you said, you know, you weren't in fear at that split second. Did you perceive him as a threat? And if so, why, or why not?

HAAS: Not a threat to use lethal force on, but, obviously, here's an individual standing with a gun. So, he was a threat that I obviously wasn't going to stand out in the open. I also knew that because the vehicle that I was behind there was no ballistic protection, rounds can go through it real quick. So, there was definitely a threat there.

But I still hoped that we could resolve this through talking to him. That, you know, maybe his initial thought was, "I don't want to go back to prison." But then, if we could just talk to him and calm him down and be like, Hey, there's other ways out of this. And

that's what Corporate Mondragon and I we're trying to talk him out of it. But yes, that threat was definitely there.

GOSSWILLER: And how long is he holding the gun up to his head?

HAAS: So, he makes some comments about, "I'm going to try something different," "My family is going to get paid," as he's putting the gun to his head. And he tells us, "What are you guys going to do now?" Because he tells us that he was not a threat to us that he's just pointing it at himself. So that goes on for just a moment, and then he starts his countdown. So, you know, maybe a minute or two.

He's standing there. His countdown was -- his pace was slow, but it wasn't too delayed. Once he started counting down from ten, nine, eight, … he stopped a couple times to talk about his In-N-Out order. But then he started right back in sequential order down to one.

GOSSWILLER: And when he says, "My family is going to get paid," what does that mean to you?

HAAS: Well, I think he was hoping we would shoot him while he was pointing the gun his head. I think he wanted to have us violate law or policy and just -- and shoot him while he's pointing at himself, which is why I said he wasn't a threat to us at that moment because he was pointing at himself. I think that's what

he meant.

GOSSWILLER: Okay. And what was the objective of this operation?

HAAS: To take him into custody with -- safely with nobody getting injured.

GOSSWILLER: When you're communicating with him, or Corporal Mondragon is communicating with him, are you looking directly at him, or are you looking through the scope?

HAAS: So, my rifle is up, and it's a reticle is projected onto a clear glass, and I can look through it, but I have it there, and I'm just using my -- I'm looking at him. I'm not focused on my reticle or anything, I have it up in that vicinity. But I'm not, like, directly looking through my optic at this time, just so that I can see the whole picture, and it's not obscured by anything.

GOSSWILLER: At what point, if any, did you switch and start looking through your optic?

HAAS: I was going back and forth to make sure that my -- the reticle, the part that actually is projected onto the screen that I aim with, to make sure that it was still on him. So, he was on his knees, and I could just see like his sternum up to the top of his head. And I was keeping my reticle just below his chin on his upper chest. And I would go back and forth just making sure that it was still there. But I would come out of it and keep our eyes on him, just

to keep that good clear view.

GOSSWILLER: Okay. So throughout, you were –

HAAS: [inaudible].

GOSSWILLER: -- checking your reticle –

HAAS: Yup.

GOSSWILLER: -- but you weren't on it the whole time.

HAAS: No.

GOSSWILLER: You mentioned your point of aim was on his chest or...

HAAS: Yeah, just below his chin, kind of... I didn't have much that I could see of his body. That's the biggest area of his body I could see that I knew would stop the threat if there was one.

GOSSWILLER: You mentioned that you had your rifle rested on that SUV, right?

HAAS: Mm-hmm [affirmation].

GOSSWILLER: Can you describe your shooting platform?

HAAS: So, I was standing. My feet were squared towards Hayes, and

	the front end of my rifle was just resting over the back of the car.
GOSSWILLER:	And Hayes pointed the gun at you; that's when you fired your first shot, you said?
HAAS:	Mm-hmm [affirmation].
GOSSWILLER:	How much time passed between your first shot and your last shot?
HAAS:	They were four quick shots. Not rapid, but they were quick. Less than a second, I shot those four rounds.
GOSSWILLER:	And your point of aim was...
HAAS:	Same thing. Yeah, like his upper chest, neck area.
GOSSWILLER:	You mentioned that you heard other gunfire taking place. How many rounds did you perceive were fired?
HAAS:	I couldn't. I just remember hearing the sound of them and the echo of them in that neighborhood. But to give a number, I couldn't even give a number.
GOSSWILLER:	Did you hear that gunfire before you fired?
HAAS:	No.

GOSSWILLER: How long did it last after you fired?

HAAS: I didn't hear it. Not after. It just sounded -- I could hear theirs and not mine. During that time, it almost seemed like…

GOSSWILLER: So, while you're firing, you heard –

HAAS: Mm-hmm [affirmation].

GOSSWILLER: -- gunfire from somewhere else, but not your own?

HAAS: Right.

GOSSWILLER: Okay. But you didn't hear any after you stopped firing?

HAAS: No, not that I remember.

GOSSWILLER: When he pointed the gun at you? Did you perceive that he fired it at all?

HAAS: I didn't see why not. I didn't -- I couldn't tell you that I did or didn't. I just -- I figured I was about to be shot, and so I needed to shoot first. So, whether he did or didn't, I don't know. I didn't wait to see. Just as soon as I saw him take that gun away from his head, and it started coming towards us, and just that the black hole of the muzzle just started to turn into a perfect circle, like it was pointed right at me. And as soon as I started -- saw that

angle coming down towards us, I started shooting.

GOSSWILLER: What did you hear immediately before you shot?

HAAS: What do you mean? Sorry.

GOSSWILLER: Do you recall hearing anything specifically before you shot?

HAAS: I don't, no.

GOSSWILLER: What do you think would have happened if you didn't fire your weapon?

HAAS: I felt like I was about to be shot. I thought for sure I was going to be shot. Either me and I knew I was in -- where I was at, because of that vehicle that and having done ballistic testing and shot through vehicles, I knew that any handgun round would go right through that. And due to the angle, it felt like it was pointed right at me. I felt like I was looking right down the muzzle of that gun.

GOSSWILLER: After the gunfire stops, you'd mentioned that there was a drone that was sent up. How long was that after the gunfire?

HAAS: It had been up the whole time.

GOSSWILLER: Okay.

HAAS: The drone had -- we launched that, I think, right in the beginning. It had been launched, and Detective Olivas had been the pilot for that throughout the call. But because it is pretty loud, she kept it kind of high so that we could communicate with them. But then, as soon as the shooting happened, she brought it down low, and we tried to get the thing with the camera. But we just couldn't because it has sensors that don't allow it to get close to objects.

GOSSWILLER: Okay. Was Detective Olivas providing any updates of anything she saw through that drone during this incident?

HAAS: Yeah, when I went over to her, we were trying to. Her and I were looking at the screen and trying to. The only update we were able to get was that we possibly saw some blood on the windowsill.

GOSSWILLER: Okay.

HAAS: Meaning that he was injured, which is -- we wanted to get medical aid.

GOSSWILLER: What about before the shooting? Was she able to provide any other insight or –

HAAS: I don't think –

GOSSWILLER: -- angle?

HAAS: I don't believe so.

GOSSWILLER: Okay. How long after the shooting stopped was it that the ambulance arrived?

HAAS: So, prior to search warrants, we -- it's our policy; we stage fire and medical. So, they were down the street. They weren't very far. So as soon as the shooting occurred, the entry team went in. It was maybe just a few minutes. We had to wait and see; we wanted to assess the situation, see if he was going to come up and surrender or engage us again. And then once the team went up and made it inside, and they checked him, and saw that he was down and needed medical aid, then we called the ambulance in right away. So, it was just a matter of minutes.

GOSSWILLER: Do you remember who called for the ambulance?

HAAS: I don't remember, no.

GOSSWILLER: Do you remember where they were staged?

HAAS: I don't remember their staging location. It was -- I remember turning around after it was cleared. And I was standing by the front door waiting for them, which was right away. I looked back, and I saw them already driving up the street, so they were -- they had to have been close.

GOSSWILLER: Why wait to call for them after the shooting stopped?

HAAS: Well, we were -- we didn't know what the situation was yet. We didn't know if it was safe for them. We can't bring them in on an armed gunman. It has to be safe for them to come in. So, we had to wait just a moment in order to make sure the house was clear and make sure that there weren't any other dangers for them because they need to come in and just do medical. And so, we made sure the house was safe. It was cleared.

We did have – we're trained in initial medical stuff. So, we -- a couple of our guys immediately began medical attention on Hayes, applying tourniquets and trying to stop bleeding. And then that after that initial medical and the house was cleared, then then it was safe for the medical personnel to come in.

GOSSWILLER: Was there any unnecessary delays?

HAAS: No. No. It was right away; it was as quick as we possibly could safely get in there.

GOSSWILLER: And you escorted the medical personnel up the stairs, right?

HAAS: Mm-hmm [affirmation].

GOSSWILLER: Did you provide any medical treatment or any… Did you touch Hayes' body at all? Or provide any --

HAAS: No, I walked them in through the front door. We went up the stairs. I got to the top landing and pointed them toward the room that he was in. They brought their gurney in and provided medical care, and then they escorted him out and down. I waited there just briefly to check the trajectory of shots. I look to see where shots went, and just to make sure that nothing exited the house and to make sure that we didn't have to go check behind the residence for any additional victims or anything.

GOSSWILLER: Okay. When you say you checked the trajectory of the shots, can you describe what you mean by that?

HAAS: Well, because it was a downward angle and the back of the house, I just wanted to make sure no bullets exited the house. So, I looked through the walls, checked the other bedrooms, made sure the rounds didn't go through all the walls, and I went outside and checked the exterior of the house to look for any exit holes in the walls and the roof. I didn't see anything. So, then I went back outside.

GOSSWILLER: How long was it that the ambulance was on scene before they left with Hayes?

HAAS: It was right away. They -- I think by the time I checked and then walked back downstairs, they were already gone. So, it was just the amount of time it took them to walk him down the stairs and just a couple houses down where they park their ambulance.

GOSSWILLER: Do you know where they took Hayes after that?

HAAS: I don't.

DOMON: Yeah, just a couple of things for some of my own clarification. Take it back just a little bit. You said he ended up taking a phone call while you guys were communicating with him, and you had mentioned his [redacted] How did you know it was his [redacted] on the phone?

HAAS: I don't remember how that was communicated. I think maybe somebody on our -- told us that he was on the phone with his [redacted] or somehow during the conversation maybe. I don't honestly remember how I determined that.

DOMON: Okay. But somehow, he determined it was –

HAAS: Yeah.

DOMON: -- his [redacted]? Could you hear what the person on the other side of the phone saying?

HAAS: No, he didn't have it on speakerphone. He had up to his ear.

DOMON: Okay, so you could just hear -- but could you hear Hayes?

HAAS: I could hear Hayes giving him -- it was almost as if he was giving

him life advice, and it sounded like he was saying goodbyes, and, to me, it sounds like he was talking to somebody for the last time.

DOMON: Okay. And how long did that, if you remember, how long did that phone call lasts?

HAAS: It was several minutes. He was on the phone for several minutes.

DOMON: Okay.

HAAS: You know, like three to five minutes, maybe.

DOMON: Three to five? Okay. And then going back to when he actually pulled the gun, because you said he, at first, he was standing, and then he transitioned to being on his knees. When he ended up bringing that firearm to his head, was that while he was standing still or while he was on his knees?

HAAS: I believe he was standing, and then he dropped down to his knees.

DOMON: Dropdown --

HAAS: So, he initially started -- so when he initially pulled the gun up, he put it to his head, and he was standing, but then he went to his

knees. And at that point, we could -- before that, we could see much more of his body, and then he dropped to his knees, and we could only see, you know, like I said, from his chest up.

DOMON: From his chest up? Okay. And then that's when the countdown eventually starts along with his In-N-Out order.

HAAS: Mm-hmm [affirmation].

DOMON: And then he reaches one, then you said he kind of brings it back down. You said he was manipulating the slide like he was trying to either charge it or --

HAAS: Yeah.

DOMON: -- do something with it.

HAAS: Like there was something up with it. Yeah, he was messing with the slide. Just for a split second, he put it back to his head, and then it was almost as if he cracked a smile and just...

DOMON: Okay. So, from the time, and this if you know, from when he's manipulating to when he brings back to his head, how long is that before he's pointing it out towards you?

HAAS: Just seconds. It wasn't even --

DOMON: Seconds?

HAAS: Yeah. So, he -- just enough time to maybe pull on the slide two or three times. He put it to his head for just a split second and then pointed it at us.

DOMON: Did that little smirk, and then pointed it out to you.

HAAS: Yeah.

DOMON: Can you kind of describe -- so when he pointed it at you, can you kind of describe how he points it? Meaning, is he bringing it out slowly? Is it a one fast, fluid movement?

HAAS: It was just a fluid movement, but it wasn't a quick punch out. But it was just a deliberate motion.

DOMON: Okay.

HAAS: From his head right, out to us. Just --

DOMON: Right out to you guys?

HAAS: Yeah.

DOMON: Okay. And then you had said obviously you were in fear for your life. You started -- you believe you saw that barrel. Was there --

is there anybody else around you at this time when this gun is getting pointed at you?

HAAS: Well, Corporal Lukacs is right next to me and, or Detective Lukacs, and Detective Mondragon are right -- were behind the same car.

DOMON: Behind the same car. And you guys are in close proximity, right?

HAAS: Close proximity. But I also -- none of the neighbors have been evacuated, right behind us. We were in the middle of the street, and right behind us was another residence --

DOMON: Right.

HAAS: -- with people in it, also.

DOMON: Okay. Because obviously, you said there wasn't time to evacuate anybody.

HAAS: Right.

DOMON: Because you guys -- this situation was unfolding quick.

HAAS: Yeah.

DOMON: So, was that -- is that also possibility too? Obviously, you've got

neighbors behind you...

HAAS: Got neighbors behind me, my partners; there were a lot of people down.

DOMON: And based on all your training and experience, him being in an elevated position, does that change anything for you guys being at a disadvantage like that?

HAAS: Definitely. It's a much better angle for him. He can see a lot more of us. Elevated positions is what you always hope for if you're going to be in a fight.

DOMON: And I know we kind of went over this, in the back -- your backdrop, could you tell where Hayes was? Was he like in a big open area? Was like it like -- and what I mean by that: was he in a room? Or was it like, just like a big open lot? But can you kind of describe what you could see?

HAAS: From what I could see, it looked like it was a bedroom because I thought it was maybe a bed off to his left. I could see some type of furniture sticking out of the wall that appeared to be a bed, but I can only see a portion of it. So, I wasn't sure if it was a couch or a bed, and then it looked like maybe a closet behind him.

DOMON: Okay.

HAAS: But it was, again, that closet was kind of obscure because of the shadow and the way that the light was backlighting him. I could see him well because he was standing in the center of the hallway. But then the other sides of him were kind of shadowed, so I couldn't see too deep into that room.

DOMON: Okay. So, it's kind of dark behind him?

HAAS: Yeah.

DOMON: Okay. And in your takeaway back in your initial briefing, did LAPD ever disclose if anybody else was in the house with him?

HAAS: I believe... No, I don't remember hearing any of that, until the traffic stop with the [redacted] I think was... because that would have been after the brief. Or no, it would have been right because that's where they got the information for the search warrant that he was there. So yeah, I think she told them that he was alone in the house.

DOMON: That he was by himself in the house?

HAAS: Yeah.

DOMON: Okay. And I know we went over his demeanor. It appeared he was slightly intoxicated. You obviously saw him drinking alcohol during it. From the beginning of your interaction with him to - I

guess - the end, did his demeanor change at all? Did he get more aggressive? Did he get more violent? Did he get more intoxicated?

HAAS: Not more intoxicated. But he definitely – originally, he seemed agitated that we were there. But almost reasonable in the fact that "Hey, tell me why you guys are here, and I'll come down," right? But then it really flipped when -- after he got off the phone with his [redacted] or during that conversation when it seemed like he was saying his goodbyes. He really… his emotional level went up. He almost -- he was emotional on the phone. He started yelling on the phone, and then from that point on, his demeanor like his -- was much more elevated than it had been at any other point.

DOMON: Okay. I think that's all I have.

GOSSWILLER: So, I want to go over a couple things real quick. As far as you know, while he's in the window and he pulls the gun up to his head, I know you kind of motioned; but can you describe which hand he was using?

HAAS: From the time when he brought it up to his head initially?

GOSSWILLER: What hand did you have the gun in?

HAAS: In his left hand.

GOSSWILLER: Okay.

HAAS: He had the gun in his left hand, and that was the hand that I had been kind of focusing on the whole time because that's the one that he had been intentionally -- seemed to intentionally be obscuring from us. His other hand he was using… And then there were times where he just -- it seemed like he was intentionally keeping it out of view of us. So, he grabbed -- so the gun came up with his left hand, just directly to his head.

GOSSWILLER: So, when he brought the gun up with his left hand, did you see what he was doing with his right hand?

HAAS: No.

GOSSWILLER: What was your focus at that point?

HAAS: My focus was on that left hand. It was that gun.

GOSSWILLER: Okay. And so, in the sheriff's department or range, we call it master grip: to keep your finger off the trigger. How was he holding the gun? Was he using master grip, or was his finger on the trigger? Could you tell?

HAAS: I couldn't tell.

GOSSWILLER: Okay. At any point, were you ever able to see if he put his finger

on the trigger?

HAAS: No. No.

GOSSWILLER: All right. At this point. we're going to take a quick break. The time is 1121 hours, and we're going to pause the –

Okay, the time is now 1123 hours. We're going back on tape. All the same, individuals are in the room. We don't have any further questions. Did you guys have anything you want to add before we end the interview?

HAAS: No. No.

DOMON: Okay, the time is 1123 hours. We are going to end the interview.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DEPUTY JOSH STONE

Deputy Josh Stone

On Friday, August 12, 2022, at approximately 0130 hours, Sheriff's Crime Scene Specialist [redacted] and I met Deputy Josh Stone at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Stone, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE).

UNIFORM DESCRIPTION:

Stone's uniform consisted of the following:

- A green ballistic helmet with Liberator 2 communication and ear protection. A strobe light affixed to the top of the helmet.
- A green long sleeve Crye Precision shirt with San Bernardino County Sheriff's Department (SBCSD) cloth patches on either shoulder. Green Crye Precision pants and green Salomon boots.
- Green and black Viktos gloves.
- A green TYR Tactical load-bearing vest. A patch with "SHERIFF" written in yellow writing affixed to the front center of the vest and the back of the vest. A cloth SBCSD badge affixed to upper left chest. A patch with "O+POS" written in brown and green letters affixed to back of vest.

[redacted]

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

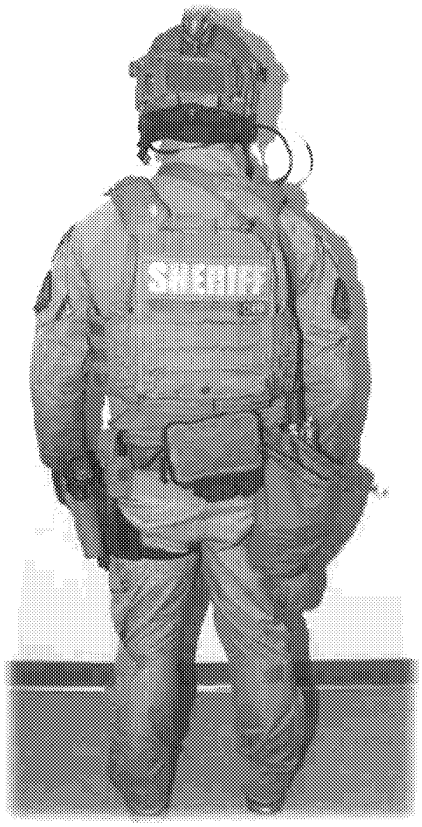
UNIFORM DESCRIPTION CONTINUED:

Stone's equipment on the TYR Tactical load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- A green magazine pouch containing three P-Mag rifle ammunition magazines.
- A green pouch containing a Motorola handheld transmitter (HT) radio.
- A black pry bar affixed to the left side of the vest.

Stone's equipment on the green nylon belt proceeded clockwise from the (front) center of the belt was:

- Two empty green magazine pouches.
- A green magazine pouch containing one P-Mag rifle magazine.
- A green dump pouch.
- A green medical kit with a tourniquet affixed to the bottom.
- A green pouch containing a light sound diversionary device (LSDD).
- A black thigh rig platform with a green holster attached. The holster held Stone's department-issued Staccato 2011 handgun.
- A black basketweave case containing a digital recorder affixed to the thigh rig platform.



CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

WEAPON COLLECTION:

Primary firearm collected:

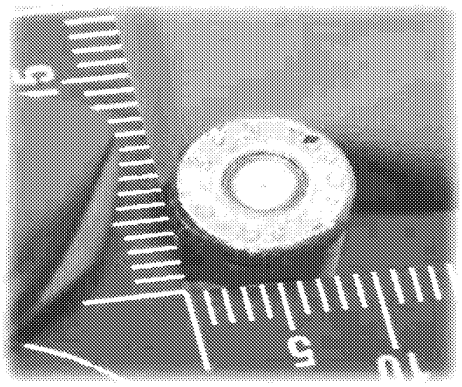
In my presence, [redacted] removed the ammunition magazine from the rifle's magazine well and placed it on the table. [redacted] removed a chambered cartridge and rendered the rifle safe. [redacted] examined and photographed Stone's rifle, ammunition magazine, and ammunition. The rifle was a Geissele Automatics MK4, 5.56-mm semi-automatic rifle with serial number [redacted] Attached to the rifle was a mounted Surefire Scout Light tactical weapon light, an Trijicon MRO optic, and a S.O.B. sling.

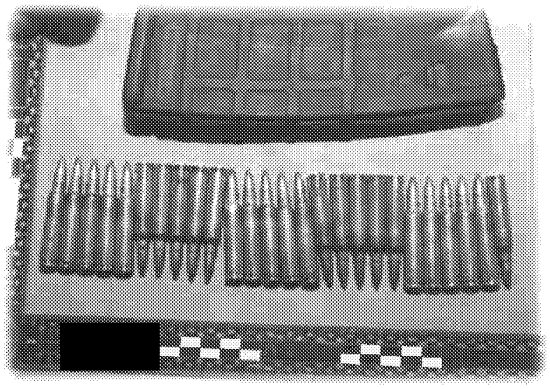
CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

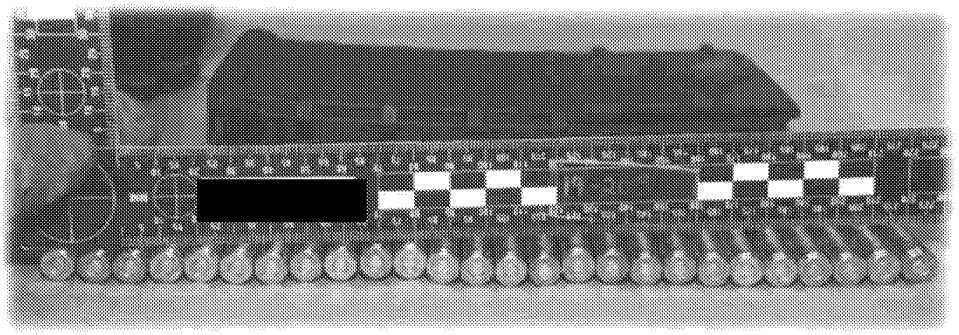
MAGAZINE/AMMUNITION:

During the process, the chambered cartridge from Stone's rifle was photographed and packaged separately. The cartridge was headstamped, "LC 21." Oliver removed the remaining cartridges from Stone's ammunition magazine. Inside the ammunition magazine were 26 cartridges. 16 of the cartridges were headstamped, "LC 21", nine cartridges were headstamped, "WIN USA 5.56", and one cartridge was headstamped, "LC 20". Oliver collected the rifle, chambered cartridge, ammunition magazine, and additional 5.56 MM cartridges and packaged them for processing.





26 Cartridges

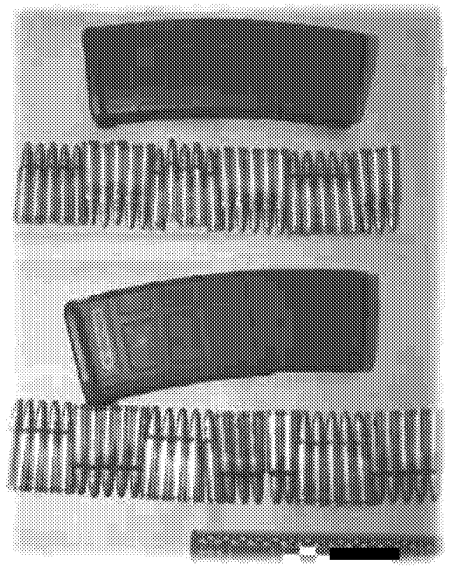


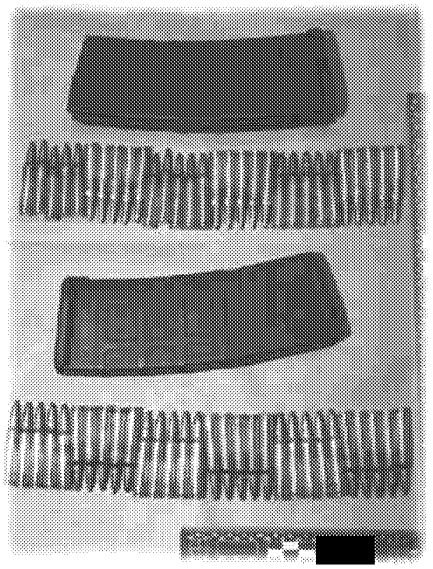
CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

MAGAZINE/AMMUNITION CONTINUED:

Stone carried four additional 30 round capacity 5.56-mm P-Mag rifle ammunition magazines. Three P-Mag ammunition magazines were stored on the front of Stone's TYR load-bearing vest. One P-Mag ammunition magazine was stored on the right hip. The first P-Mag rifle ammunition magazine contained 30 cartridges. Sixteen cartridges were headstamped, "LC 21", nine cartridges were headstamped, "WIN USA 5.56", and one cartridge was headstamped, "LC 20". The second P-Mag rifle ammunition magazine contained 28 cartridges. Twenty-five cartridges were headstamped, "LC 20", two cartridges were headstamped, "WIN USA 5.56MM", and one cartridge was headstamped, "LC 21". The third P-Mag rifle ammunition magazine contained 30 cartridges. Twenty-five cartridges were headstamped, "WIN USA 5.56MM", four cartridges were headstamped, "LC 21", and one cartridge was headstamped, "LC 20". The fourth P-Mag rifle ammunition magazine contained 30 cartridges. Thirteen cartridges were headstamped," WIN USA 5.56MM", 10 cartridges were headstamped, "LC 21", and seven cartridges were headstamped, "WWC 13".





CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING CONTINUED:

Stone's Staccato 2011 handgun was not used in the LFE and was not collected.

The processing was concluded at 0245 hours.

Reviewed By: Sergeant Michael Warrick Date: Author: Detective Owenn Domon Author Date: 08/12/22

OFFICER INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on a Peace Officer**	**LFE**

VICTIM'S NAME -- LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

OFFICER INTERVIEW: DEPUTY JOSH STONE

On Thursday, August 25, 2022, at approximately 0954 hours, San Bernardino County Sheriff's Department (SBCSD) Detective Owenn Domon and I interviewed SBCSD Deputy Josh Stone in the conference room at the Specialized Investigations Division, located at 808 Mill Street, San Bernardino. The interview was audio-recorded. Attorney [redacted] was present for the interview.

The following is a verbatim copy of the interview.

Reviewed By: **Sergeant Michael Warrick** MW Date: 2/16/2024 Author: **Detective Michelle Del Rio** Author Date: **01/23/2023**

Interview Deputy Josh Stone:

DEL RIO: Okay, my name is Detective Michelle Del Rio, San Bernardino County Sheriff's Department. Today is Thursday, August 25th, 2022, it is 0954 hours. This is going to be an interview, reference lethal force encounter. DR number is going to be 172209341. Associated Henry number is 2022-100. Again, this is an interview involving a lethal force encounter that occurred on August 11th, 2022, at [redacted] city of Victorville. Interview is taking place in the conference room of 808 East Mill Street, San Bernardino. Will everyone in the room please identify themselves?

DOMON: Detective Owenn Domon.

[redacted] Attorney Rep. [redacted]

STONE: Deputy Josh Stone.

DEL RIO: Josh, this is a criminal report, and it will be submitted to the district attorney's office. You do not have to speak with me. No discipline can come to you for not speaking with me. Prior to this interview, has anyone ordered you to give a statement other than a public safety statement?

STONE: No.

DEL RIO: Has anyone ordered you to speak with me?

STONE: No.

DEL RIO: Do you wish to speak with me?

STONE: Yes.

DEL RIO: Spell your name, first and last please.

STONE: First Name Josh J-o-s-h. Last name is Stone S-t-o-n-e.

DEL RIO: Your date of birth?

STONE: [redacted]

DEL RIO: Employee number and badge number?

STONE: E 5-3-4-0. Badge number is 3-5-6-1.

DEL RIO: Years of service with the San Bernardino County Sheriff's Department?

STONE: I want to say around right at [redacted] maybe [redacted] my...yeah [redacted] of [redacted] if that.

DEL RIO: What is your current assignment? Like where you assigned to?

STONE: Specialized Enforcement Division.

DEL RIO: Height and weight?

STONE: 5'9, 205.

DEL RIO: Your date of hire?

STONE: [redacted] maybe it's [redacted]

DEL RIO: What date did you start patrol?

STONE: [redacted]

DEL RIO: Current rank?

STONE: Deputy.

DEL RIO: Any previous law enforcement experience?

STONE: [redacted]

DEL RIO: What shift were you working on the day of the incident and what were the times of your assigned shift?

STONE: I was working our normal assigned day shift. The times were 0700 to 1600, which is 4pm.

DEL RIO: And what was your callsign?

STONE: 61Z13.

DEL RIO: What was your assigned vehicle number?

STONE: 2-0-6-0-5.

DEL RIO: Did you have a rider or a partner?

STONE: No.

DEL RIO: What uniform were you wearing? If you could describe your uniform just from top to bottom everything. The uniform you were wearing and what tools you had on your uniform.

STONE: So, I was wearing my department issued green "Crye" uniform, which is green pants, green long sleeve shirt. I was wearing my department, over that I was wearing my department issued load bearing vest. So, do you want me to go into what I had on my vest?

DEL RIO: Yes, please.

STONE: I had a gold Sheriff star affixed to the front next to the words Sheriff in all capital letters in gold. Over the front of my chest, I had the same Sheriff patch and gold letters affixed to the back.

On my vest I was carrying my HT radio for communications, I had three rifle magazines. I had my com, my communications gear that plugged into my radio. I was wearing a… my gun belt, which had my department issued nine-millimeter pistol, medical gear, my department issued belt recorder, and that was it for the belt, and I was wearing a ballistic helmet.

DEL RIO: Was your belt recorder activated?

STONE: Yes

DEL RIO: Does your vehicle, your assigned department vehicle have a camera?

STONE: No.

DEL RIO: Were you wearing a body worn camera?

STONE: No.

DEL RIO: Did you have a chance to review your audio recording prior to the incident recording of the incident prior to the interview?

STONE: Yes.

DEL RIO: Did you take any photographs before or after the incident?

STONE: No.

DEL RIO: How much sleep did you get in the past 24 hours prior to the incident?

STONE: Seven to eight hours.

DEL RIO: What about 48 hours prior to the incident?

STONE: Probably 16 hours.

DEL RIO: Were you under a doctor's care or taking prescribed medications that affected your ability to perform at the time of the shooting?

STONE: No.

DEL RIO: What weapons did you use during the shooting?

STONE: My department issued; do you want me to give you the actual manufacturer?

DEL RIO: Sure.

STONE: It's a Geissele it's probably really hard to spell. It's a Geissele Super Duty M4.

DEL RIO: Geissele Super Duty M4.

STONE: Yes.

DEL RIO: Okay it's gonna be g-e-i-s-s-e-l-e. And that is a rifle?

STONE: Yes.

DEL RIO: How do you typically load your rifle?

STONE: I usually have 28 rounds in the magazine and one in the chamber.

DEL RIO: How do you remember loading your magazines prior to the shooting?

STONE: This the this go round I thought there was 28 rounds in it, there was 26 and I found two unspent rounds in my gun box that must have fell out during that jarring around bouncing around.

DEL RIO: Okay prior to the shooting, when did you load your magazine last? Or your rifle?

STONE: I had just got back from vacation, so it was over a month prior.

DEL RIO: But you said you did have 1… so you said you had 26. Was that 26 in the magazine plus 1 in the chamber or was it 25?

STONE: It was 26 in the magazine, so 1 in the chamber.

DEL RIO: How many shots do you remember firing?

STONE: One.

DEL RIO: Were you injured anytime during the incident?

STONE: No.

DEL RIO: Have you ever been in lethal force encounter before?

STONE: Yes.

DEL RIO: When was that?

STONE: The last one was [redacted].

DEL RIO: Now what I like to do is I like to open it up for you to you basically just, you know in as much detail as possible you can explain, you know what took place the day of the incident and during the shooting. And if you could just start with how, you were made aware of the incident.

STONE: So, we came into work that day. Corporal Mondragon was acting as our team leader because our sergeant was on vacation. He advised us that LAPD was doing surveillance on a suspect wanted for homicide. They were going to attempt to take him into custody if he left the house. If he did not leave after a decent

amount of time, they requested our assistance for doing what they, what we call a surround and call out on a residence. So, we had that, we had that plan just in case it went that route and they needed us, but if they were able to take him into custody prior to that, then that is they were going to handle that what our expectation was. So as the day went by, and we were doing our daily activities in the office, towards the end of our shift, Mondragon told us that the suspect had not come outside, and that we needed to put a plan together for a surround and call out on the at the residence.

So, Deputy Olivas was tasked with putting together the operations plan and Mondragon was in communication with representatives from LAPD, gathering as much information as possible on our suspect at the location. He put together a tactical plan of how we were going to execute the surround and call out. And we had a briefing at around 3:00, 3:30. He gave us the rundown of what was going on, who our suspect was, his criminal history, what he was wanted for the location that he was staying at, how LAPD verified that he was there, which is very important for us and all of our measures that we put in place for a surround and call out. Did you want me to go through like who our suspect was and all that good stuff?

DEL RIO: Yes, please.

STONE: So, our suspect was Byron Hayes [redacted] He had an

extensive criminal history. He had a prior 187 arrest, numerous violent felonies on his criminal history. He was wanted for the murder of a female victim in this in the Los Angeles area. He was believed to be staying at [redacted] in the City of Victorville and the residence belonged to his [redacted] from the information that we got. He was known to be armed. He was a documented gang member.

And we had some vehicles that he was he could possibly be driving, but that was more for LAPD. We were going to deal with surround and call out at the residence if he was there and didn't leave, so we did the briefing, and we did the briefing at our desert office up in Victorville, but we remained at the office until the search warrant for the residence was signed. We told LAPD that we would not we would not conduct the surround and call out without a signed search warrant. He already had an arrest warrant, but we needed the search warrant before we would help out.

So, I want to say sometime after 4:00, I forget when we got the search warrant signed. Corporal Mondragon got a copy of it, verified it and made sure everything was correct on it, and we left the station, and went to a park near-near the residence. I forget exactly what park it was, but we met up with two LAPD representatives there. I, my job was to drive my department-issued black van for that occasion because I was the assigned medical extract vehicle for the incident in case any bystanders,

or my partners took fire, or got hurt. My job was to load them in the van and transport them to the nearest hospital, so I drove by myself; I followed the Bearcat. We get to the park and I started prepping my gear. I didn't get out and meet with any of the LAPD guys because that was more Mondragon's thing to give them a radio, so we had communication, advise them of our plan and kind of regroup one more time before we head to the residence.

So, we were there for two three minutes maybe; went to the start heading towards the residence. I followed the Bearcat in my van. My job once we got there was to place my van near the Bearcat, but in a position to where if I needed to get somebody in my van in a hurry and get to the hospital, I was in a good, a good position, so I was parked pretty close to the Bear. My job was to park pretty close to the Bearcat. In my van I had my radio on our SWAT channel while we were driving, driving from the park to the house. Our SWAT channel is a talk around channel just between, just between us. There's no radio traffic, we can relay information to each other. Make sure we're all up and ready to go. There's no Dispatcher assigned to it, so that's the channel that I was on making sure that we had everybody, and we were ready to go.

We pull down the street and I see a couple of unmarked LAPD cars in the middle of the street. I see a couple of LAPD guys on the side of the house our target house and I didn't understand what was going on. That wasn't part of our initial plan, so it was

confusing to me, but I went through with what I was supposed to do anyway; I ignored all that. Positioned my van where I was supposed to. Started getting my gear out for this incident. I was assigned chemical agent person meaning I would be deploying chemical agents if needed being pepper spray, CS gas, stuff like that. If it went that route, so I was getting all that all those all that gear ready, and I positioned myself behind the Bearcat. While I was doing that, I switched over to the primary radio channel and heard that LAPD was talking to our suspect on the back side of the house.

I held my position behind the Bearcat. At one point, our suspect Mr. Hayes came to the front upstairs window and that's where the communications began. Corporal Mondragon immediately took the lead, advising Mr. Hayes that we were with the Sheriff's department he had a warrant for his arrest, and he was to come downstairs out the front door with his hands up, unarmed for us to take him into custody. Mr. Hayes kept asking what the warrant was for, like he wanted to know why, what his warrant was for, but we just kept advising or Mondragon kept advising him that he had a warrant, and he was a little, he was argumentative about it, but we he just kept getting direction to come downstairs, out the front door with his hands up and unarmed. He was obviously very agitated.

There were points of that conversation where he said he was going to come down. At one point he said he okay, I'm coming

down, so Sergeant Sandlin who was also there, put together an arrest team. My job was to grab the shield, utilize the shield for safety in case he did come out with a gun, and we were gonna give him commands to come to us, and we were going to take him into custody in the street next to the Bearcat. Well, it turns out he never did come outside. We had that plan set up because he kept saying he was going to come outside, but he then got pretty agitated, get sidetracked, and we just kept trying to negotiate with him.

He was really, I remember him, always being agitated about the LAPD guys in the backyard. He kept thinking they were going to come into the house. Mondragon was trying his best to explain to him that we were in control. Since we were there, we were the ones executing the surround and call out. Nobody from LAPD was going to be coming in through the back of the house, but he didn't seem to really respond well to that. That was in the beginning that was a big issue for him.

During the conversation, during the negotiations, he was I noticed he was extremely intoxicated, very argumentative. He would go from sounding like he was okay with what was going on saying he was going to come out, and he'd immediately just go off on another tangent. One thing that really did get my attention is he was making mentions of having weapons, but I couldn't see any. He kept mentioning that if the guys come in through the back door, he was loaded. The guys come in the

backdoor, I'm going to deal with them. The guys come in the back door, we're gonna have problems, stuff like that, but up until that point, we didn't see any weapons. He kept messing with something next to him, but we could never see what it was because the window was blocking it.

So, I maintained my position. As long as he was talking, we kept through with the negotiations. That's kind of our thing, as long as we will not progress with any other options or tools we have as long as we have contact with our suspect. As long as he's talking to us, we will continue, continue, continue, we'll, we'll go for hours as long as he's talking, so we kept communications with him; it was mainly Corporal Mondragon. Sergeant Sandlin would talk to him a little bit here and there, but it was mainly Corporal Mondragon trying to explain to him. We were also doing PAs. Every time he went to the back of the house, the driver of the Bearcat would give PAs. Once he would come to the front and talk to us the PAs would stop so we can have efficient negotiations without all that extra noise.

It seemed like the more time that went on, the more agitated he got. He had a large bottle of liquor. He kept he was saying he wasn't gonna come out until he finished his bottle and he just started chugging it, or drinking it fast, really fast. At one point he got on FaceTime, he said he was Face Timing his [redacted] I don't know who it was, but that conversation went on for a while. That kind of halted our negotiations because he was more talking to

his [redacted] Seemed like towards the end of that conversation got really agitated and started crying. Sounded like he was saying goodbye, but I couldn't make out everything that he was saying.

Around that time our actual negotiator showed up. He tried to pick up contact negotiations and he just seemed to agitate Mr. Hayes even more just by him being there, so we, we gave that a try. That didn't seem to work. Mr. Hayes said he would rather talk to somebody else. It wasn't it wasn't long that he after he got off the phone, he ended up on making a, making a request and he said some something to the effect of I've always wanted to do this, or I've never been able to do this before and he said he wanted In-N-Out. I maintained my position. I let the people that were talking to and figure out how they were gonna accommodate that, and not too long after that, it's when he brought the gun up to his head. Said he wanted In-N-Out, gun comes up to his head.

And it was around that time that I ended up switching positions with Musgrave because he'd been in the same, same position for probably at least 30 minutes, so it was my idea was to get a fresh body in there. Because I didn't have much of a job up until that point. He'd been stuck in the same position for a while. After a while, I've been there numerous times after a while your arms start getting tired. Kind of want to just drop your rifle and relax, so I switched out with him. I was focused on what he was doing,

what his movements were. I did see the gun. He brought it up to his head, but he wasn't pointing at any of us, so I was cognizant of that, just trying to pay attention to what he was doing. My immediate thoughts were trying to trying… while I was paying attention to him, I was trying to get assessment where all everyone was at. Where my partners were at, did I remember seeing the houses behind us get evacuated, are there still residents in the houses behind us. I did see one family leave off to my, off to my right. I didn't see anyone leave the house direct, directly across the street. I don't know if there's anyone still in that house or not. So those are my concerns.

While I was trying to go through all that he started in with a countdown. It started at five and went to one and I just I got on my optic trying to figure out what he was going to do, and shortly after he got to one, he took the, he took the took the handgun and it was a pretty overt action, just straight out. wasn't directly at me, but it was in the direction of we had three to four guys on the driver's side of the Bearcat behind like a Ford Explorer. I took, I felt like it was in their direction, so once I saw that I fired one shot and he went down, and I didn't see him. Once we once that happened, I held, I held on the on the window because I could we don't I don't know if he was hit, I don't know we missed I don't know if he still has a gun in his hand, he's gonna pop back up and start shooting, so I held on the window and then I was given instruction from Sergeant Sandlin that we are going to create an entry team which is a team is going to enter the

residence and clear the residence, and we're going to try and get through the front door to clear the residence and get up to Mr. Hayes in the event that he does need medical attention.

So, I grabbed the shield. We go up to the front door. Deputy Musgrave is our breacher for this entry team. He tries four times to breach the front door; It's unsuccessful. At that time, Sergeant Sandlin says failed breech. Go back to the Bearcat; we're going to find another way in. We go back to the Bearcat.

Sergeant Sandlin comes up with a plan of going through the backyard to breach the rear slider on the first floor. Again, I'm assigned to the shield. I go with entry team through the side yard on the right side of the house. There we encounter our LAPD officers we let them know that we're coming through and we are going to breach the backslider, so I provide cover with the shield while Mus, while Deputy Musgrave breaches the black, backslider; it's successful. We immediately get the robot inside to start clearing the residence. We were told that there was nobody in the house, but we still have to verify we've been we've been told that numerous times in the past and we have come across people hiding. We've gotten bad information numerous times. So, we take that information, but we still have to verify it, so we sent the robot in to clear as much of the house as possible. The robot cleared the whole downstairs except for like one or two doors that it couldn't get through closed doors. Tried to send it up the stairs and the robot which is not… would not make it up

the stairs so we had to clear that on our own. Once Sarge, Sergeant Sandlin felt good about that we made entry into that residence. We checked the… we checked the areas that the robot couldn't get to downstairs, and we formed up at the base of the stairs. Since I was the guy with the shield, I made it up the stairs first. Got to the top of the stairs. I look, I look straight ahead, and I can see the suspect or Mr. Hayes laying on the ground. I could see that his chest is moving, so I relay to my team. "Hey, he's still breathing". So, Sarge, Sergeant Sandlin knew that he was still breathing. We had enough guys to where we could kind of split our team to where half of us went straight to Mr. Hayes and the other half continued clearing the rest of the upstairs.

So, I went with, with my shield into the room, visually, it was a small room, so I visually cleared it. Nobody else in the room, I located the firearm which was lying next to Hayes. I did not touch it, but I put my foot in between the firearm and Mr. Hayes, while Corporal Corral and Corporal Mondragon started rendering medical aid. Would you like to know what kinda of medical?

DEL RIO: Yes, please.

STONE: So, Mondragon and Corral first started with assessment. It was pretty obvious that he was bleeding from both arms, so Corral put a tourniquet on his left arm. Mondragon put a tourniquet on his right arm. The tourniquets were placed up into the armpit

area and they were applied that way. It seemed at the time that Mr. Hayes was having a hard time breathing, so Corral administered a…it's like a nasal tube done in through the nose, into a throat to kind of make breathing a little bit easier if you're having an obstruction. That seemed to help. The breathing didn't seem quite as labored after that, that piece of equipment went in. And then they started their assessment with the rest of the body. Checking legs, checking torso, checking everywhere else just to see if there was any other injuries that weren't visible.

His, I remember his pants being cut to get a clear, clear visual of his legs, same thing with his shirt. He was rolled over onto his side and his whole backside from his neck all the way down to his legs were also checked. There were no additional injuries. He was rolled back onto his back and the tourniquets were assessed again. Usually if we move somebody, we will reassess the tourniquets to make sure they didn't come loose. While that was happening, fire was advised that they were clear to come in, all medical personnel. Once I heard them coming in the house, I stepped out, so I was out of their way, and they were able to work. Once they were all upstairs, the medical personnel, that's when I exited the residence to get out of the way because I didn't want to block their path. I didn't want to be in the way of their equipment or anything like that, so after that I returned to the Bearcat, and that concluded what I did.

DEL RIO: Now we're just going to have some-some follow up questions.

STONE: Yeah.

DEL RIO: You mentioned you were in your van you followed behind the Bearcat.

STONE: Yes.

DEL RIO: Can you explain to me what the Bearcat is?

STONE: The Bearcat is a armored rescue personnel carrier. It has bullet proof paneling on it. It has lights and sirens. It has a public address speaker we call them PAs; it has a radio that's what we, that's what we do our evacuations with and what we carry our personnel in.

DEL RIO: Was there a, like a call for service generated by either by you or any of your partners, pretty much to inform Dispatch?

STONE: Yes. So, I didn't handle that, but a call was generated, and Dispatch was advised that we would be executing a search warrant at that address.

DEL RIO: You mentioned there was communication and they you guys had like a radio channel that was more like a talk around channel between you guys.

STONE: Yes.

DEL RIO: Was there any communication between you guys and the members from the LAPD?

STONE: I think that was a there was I wasn't privy to it. That was mainly done through phone calls. If the radios sometimes the radio wasn't working, or sometimes they might have been on the wrong channel or something like that, but I remember Mondragon being on his phone on his way there. I can see him while he was in the Bearcat.

DEL RIO: Were you aware of medical aid, medical aid was staged you know prior to you guys either arriving at the incident or...?

STONE: Medical, medical aid was requested and a medical plan was put in place during our planning process.

DEL RIO: So, based on the brief, the briefing that your team had, was the plan clear, clearly communicated with everyone?

STONE: Yes.

DEL RIO: And as far as medical aid, do you know who requested the medical aid?

STONE: I don't know exactly who did because I wasn't, that wasn't my assignment.

DEL RIO: What if any, do you remember while in route to the scene that heightened your senses, or caused you concern about the incident that you were in route to?

STONE: Well, we stopped on the street for that's not normally what we do. We normally once we get on the street, we go straight in. I found out later that as we were going towards to the address, our suspect left that address on foot, and when LAPD tried to take him into custody, he fled back to the residence hence why the why the cars were in the middle of street and LAPD was already on the side of the house. So, I that was different to me, but I didn't have that information until later on, so it made sense.

DEL RIO: So, you were saying that you guys stopped in the street. Was that where the arm the Bearcat was parked?

STONE: We, once we turned on to the-the street leading towards the house we stopped. I guess, I guess they were trying to figure out what was going on, if the guy was running towards us, if he fled back to the house, they were trying to get that information, and so our driver was told to stop, and I wasn't in the car with them, so I didn't understand what was going on. But once they couldn't see the suspect they went proceeded to the residence.

DEL RIO: You mentioned one of your assignments was to deploy CS gas, if necessary, if it came to that. What is CS?

STONE: It's a chemical agent. If you breathe it in, it gives you watery eyes, you cough it's just it's not comfortable. It's designed to in a perfect world you-you breathe it in, and you don't want to deal with it anymore and you give up. It's not lethal. It doesn't hurt. You get decontaminated and you're fine within a few minutes, but it's very unpleasant while you're breathing it in, so that is a tactic that we use if it goes to that point, it's been very successful in getting our suspects to exit the house and give up because they feel like they can't see, and they are choking or coughing a lot. They don't like that, so that's-that's why we use it.

DEL RIO: During the, you said PA announcements, the public announcements, who were the public announcements given by?

STONE: Deputy Jeff Henry, he was a driver.

DEL RIO: Jeff Henry.

STONE: So, the driver, if you're assigned to the driver, to be the driver, during an incident, your responsibility is working the sirens and giving announcements through the PA system or the loudspeaker, so he was the one giving those announcements. The announcements were, he would say, Mr. Hayes' name, he would identify who we were," We are the San Bernardino County Sheriff's Department. You have a warrant for your arrest," and then they're followed up with the instructions of what we would want Mr. Hayes to do, which was exit the residence. We want to

make sure we know where he's exiting the residence, so we say through the front door, unarmed, with your hands up, so there's no confusion on what you want him to do.

DEL RIO: You mentioned during the PA announcements Hayes, I guess was very agitated.

STONE: Yes.

DEL RIO: And you said at one point he was intoxicated.

STONE: Yeah, it was pretty---

DEL RIO: Tell me about that.

STONE: ---I mean, we, you could figure that out pretty quick that he was heavily intoxicated. He came to the window the first time and he had a large bottle, like a like champagne style bottle in his hand. It was just about empty. He was just very, very erratic. And that's usually indicative of who I've dealt with people I've dealt with for years of being intoxicated. They're very erratic, you'll have their attention and then they'll go to something else. And they'll be cooperating and then two seconds later, they're losing it, and you've got to start all over essentially trying to get their attention. That's what he was displaying. He seemed like he was trying to make conversation with Mondragon, and they were they would seem like they were having a good rapport and he would lose it

and get agitated and felt like we would have to start over, but as long as he was communicating, you know we were going to keep, we were just going to keep doing it, as long as it took. That's our that's our biggest thing, as long as we are talking to us, we will talk to you for as long as it's. I've been, I've been on calls for 10 hours for we it's taken that long, because we had communication the whole time, so as long as he was talking, we were gonna keep talking to him. But it was just hard to keep him on track.

DEL RIO: During time while he was being agitated, you said he was very erratic. Can you describe what his body his body language was like?

STONE: Yeah, he, it's kind of like swaying back and forth, swing like he, he, I think it was his left hand, you…when he would set his bottle down, it would go, he would put his left hand next to him and it's almost like there was a bed, or an end table or something next to him with something on it. We were suspicious that it was a gun, but we hadn't seen it up until that point, and he kept moving something around and he put his hand behind his back, and then he would grab his bottle and then you'd see the hand again. At one point, he told us, hey, I have a nine-millimeter, I have an AR next to me standing up, but we still hadn't seen anything, so we were thinking he was armed, and we just we hadn't seen it yet. So, when he was making all the statements, we just couldn't confirm it up until that point. Then he would leave, he'd go talk to

the guys on the backside, and he'll come back. Just agitated the whole time.

DEL RIO: From the position where you were you said you were behind the Bearcat on the passenger, passenger side, the rear of the Bearcat. What was your distance between you and where the suspect was located?

STONE: I would say 15 to 30 yards, probably more like 20 to 30 yards. My guess.

DEL RIO: Did you have a clearer view of Hayes?

STONE: Yes.

DEL RIO: Were there any obstructions at all at any point?

STONE: At first there was a screen then he I don't know if he purposely knocked it out or if you did it on accident, but he knocked the, the screen came out that during-during that incident.

DEL RIO: Did Hayes ever exit the window or attempt to exit the window at any point?

STONE: Yes, so he said, "I'm just gonna come out through the window." Our fear obviously, is that he was gonna fall off the roof and break a leg or something like that. And if you want to, if he's

gonna give up, or surrender, we don't want him to get hurt, so Corporal Mondragon said, "Don't, don't jump out." Or didn't want him to jump out. He's like, hey, just come down the stairs through go through the front door. He got almost all the way out the window and I guess he changed his mind and went back in. Yes, it's like he came out for a little bit, but he went back inside.

DEL RIO: And at what point during the incident, did he, did he exit the window?

STONE: I consider kind of the middle, so I break it down into the beginning where we're having our first negotiations with him. The middle is where he comes out the window, the screen comes out, he's on the phone, and the end to me is after he gets off the phone, puts the gun to his head, so I consider that the middle.

DEL RIO: You mentioned that Hayes was communicating with Mondragon, but then he would go to the rear of the residence. Tell me more about that. Like, how many times did he go back? Could you hear him talking while he was it the back of the residence or…? Describe that a little more.

STONE: At least at least three times. I don't know exactly what he was doing back there, my… there was a couple of occasions where it was broadcasted over the radio that he was communicating with the LAPD officers on the backside. Then he would come back. He had he had cameras that were connected to his phone he

was able to monitor, and he kept thinking that they were going to come through the back slider. We kept telling him that they weren't, and at no point where it was that part of the plan. They were never gonna come through into the residence and try to take him into custody. But he would go back and think there was there was a back balcony that he would talk to them from and then he would come back to the front where we were.

DEL RIO: At any point during the negotiations, did LAPD relay the information that he was communicating with them?

STONE: I would hear it over the radio, so they had to relay it somehow.

DEL RIO: Okay.

STONE: Otherwise, I would have never known because I couldn't hear what was going on back there.

DEL RIO: Do you know what that communication was or what Hayes was saying?

STONE: No.

DEL RIO: No, okay. You mentioned the negotiator showed up, who was the negotiator?

STONE: Deputy, Deputy Clarence Harris.

DEL RIO: Clarence Harris. Okay, and at what point did he arrive?

STONE: He arrived while the, Mr. Hayes was on the phone.

DEL RIO: So that would be towards the end of the incident. You said that Hayes was Face Timing his, his [redacted].

STONE: That's what he said, yeah.

DEL RIO: That's what he said. Were you able to hear the conversation?

STONE: Parts of it.

DEL RIO: Between him and his [redacted]?

STONE: Yeah, parts of it. A lot of it didn't make any sense to me, but he…as the conversation went on, he seemed to get more and more agitated. He was talking about what he wanted his family to do with him when he died. He was talking about…I'm trying to remember… towards the end, he started, you know when he was crying, he was saying his goodbyes and he loved his [redacted] stuff like that, but he kept saying he was gonna get off the phone then he kept talking, he kept saying he was going to get off the phone and kept talking. The it sounded like the conversation was progressively getting more emotional towards the end, so, that's what I remember from that.

DEL RIO: At any point during the incident, did Hayes make any sta, you know, give any signs that he was gonna you know, surrender, he was gonna exit the residence?

STONE: Yeah.

DEL RIO: Okay.

STONE: That was towards the beginning. To the point to… our sergeant won't form an arrest team unless we have indication that our, the person we're there for is going to come out and surrender. Because it's essentially taking people away from their jobs, cover and things of that nature, so Sarge, Sergeant Sandlin told me to grab a shield because he said… I heard this, I heard Mr. Hayes say okay I'm coming out. I was told to grab the shield. I was gonna provide cover while one of our deputies gave commands. One of our deputies was going to be assigned to handcuffing him, and my job was to provide cover with them for the shield in case he came out armed, so yes, we did think he was going to come, and turned out that he didn't.

DEL RIO: So, you… could you describe more when you said that he had a gun to his head or he you know, he grabbed a gun he grabbed, and he put it to his head? Can you describe more what position he was in? Describe the gun for me.

STONE: So, he, I see his arm come up and it doesn't go straight to his head he's trying to rack it. Looks like he's having a hard time racking it, but he does. The gun goes straight to his head, and it's up against his head. It was a handgun. I couldn't tell you what caliber it was. He's holding it to his head the whole time, and it's all I felt like he was trying to antagonize us to shoot him because he kept saying that "You can't shoot me. You can't shoot me. I'm gonna get a lot of money if you guys shoot me right now. I'm not a threat to you," and he wasn't pointing the gun at us so, we held our positions. I was just very cognizant of what he was going to do with the gun, but as long as he wasn't pointing it at any of us, we were good. There was no need for us to take action. He kept it to his head from what I saw all the way until he pointed it out towards us.

DEL RIO: Do you recall what the what color of the gun?

STONE: It was like a, from what I recall, it was like a silverish color.

DEL RIO: From your you said it was a handgun from-from your distance, were you able to tell whether it was like a semi-automatic or a revolver or…?

STONE: It was I do remember it was a semi-automatic. I just couldn't tell much else about it after that.

DEL RIO: So, during the time when he…you said he grabs the gun, what did you get it with his left hand his right hand or were you able to

tell where he grabbed the gun from?

STONE: It would, it came from right next to him it was a place that we were thinking that he had a gun because in all mentions he was making about it, it came from that spot. I don't know what it was sitting on.

DEL RIO: Okay.

STONE: But it came from his left side, and he grabbed it, brought it up. I could see that he had a gun and he's bringing it up. I was trying to figure out what he was going to do with it. He had like it like I said he was having a hard time racking it, watching him, watching him and it goes to his head, and that's when he goes into telling us that we can't shoot him and is that the other and then that's when he goes in that he didn't get a response from us. He's holding the gun to his head, and we didn't, we held our positions, and that's when he went into his countdown from 5,4,3,2,1, and then that's when the gun came from his head, and he pointed it out towards us.

DEL RIO: So, you're using your left hand was it with his left hand?

STONE: Yes.

DEL RIO: Okay.

STONE: I'm sorry.

DEL RIO: It's okay.

STONE: During that, he goes from standing to kneeling, so I can see from the top of his shoulders up, that's all I have. I don't know what the purpose of that was for but that's what he did, and that's how he did his countdown, and that's where he the position he was in when he pointed the gun out the window towards us.

DEL RIO: At what point did he end his conversation with his, I guess, [redacted] or whoever he said he was speaking to?

STONE: Probably a few minutes before that.

DEL RIO: Okay.

STONE: Yeah.

DEL RIO: So, he grabs the gun from somewhere---

STONE: Sure.

DEL RIO: ---somewhere where you're not able to see with his left hand?

STONE: Yeah.

DEL RIO: You said he brings it up. At this point, he's still standing.

STONE: Um-hum.

DEL RIO: And you said he, you said you believe he was like racking it doing something with the gun.

STONE: Yeah.

DEL RIO: And then he put the gun with this left hand up to his head.

STONE: Yes.

DEL RIO: Is he saying anything during this time, you know, to you guys, or is he just talking to himself or?

STONE: No, yeah, he was making statements that, "Hey, I'm not a threat to you right now," as he's holding a gun to his head.

DEL RIO: Okay.

STONE: "I'm not a threat to you guys right now. If you guys shoot me right now, gonna get a lot of money," and then I felt like there was a pause, and then nothing happened. And then he went right at…I didn't know he was gonna go into a countdown. He just went into it. He didn't say like, I'm gonna give you till the count of five to do this, that and the other. I don't remember him saying any of that.

It's just, I just heard him counting down and I was like, oh, man, what's gonna happen when he gets to one, so I just kept, kept making sure that the gun wasn't gonna get pointed towards us. And as long as he wasn't pointing the gun towards us, I was good where I was at. There was no need for me to do anything else, but when he got to one that's when he pointed after one. He pointed the gun towards us.

DEL RIO: How long would you estimate he had the gun to his head?

STONE: Around a minute, maybe.

DEL RIO: And from the time that he.... or let me just back up a little bit. At what point did he actually go down to his knees?

STONE: I don't remember exactly when.

DEL RIO: Okay.

STONE: I just remember when he was doing his countdown he was on his knees, yeah.

DEL RIO: So, when he did his countdown from five to one, how fast or how slow was the countdown?

STONE: It was probably---

DEL RIO: Or how long do you think that lasted?

STONE: Realistically a little bit more than five seconds. It was five, four. And that will I forgot what number he paused at, but he paused, and he said something to us like want to see it or something like that, I can't really make out exactly what he was saying, and then he went on with his countdown, and even at one there was still kind of a I felt like there was still kind of a little pause after that, so it wasn't quick; it took a little bit.

DEL RIO: When you say a little bit was it like a few seconds or…?

STONE: The countdown took eight to ten seconds maybe.

DEL RIO: Were you able to see his right hand during that time?

STONE: I'll be honest with you; I was not paying attention to his right hand.

DEL RIO: Okay.

STONE: Yeah, when I was in my optic, I could see the gun to his head and his neck and his left shoulder and that was it. I couldn't tell you what his right hand was doing.

DEL RIO: So, you said he had the gun to his head he went down to one there was a slight pause and then he removed the gun from his

head, and he pointed it at toward your partners.

STONE: Um-hum.

DEL RIO: Can you describe how he like how he pointed to how he held the gun? Like was his arm fully extended, was it turned?

STONE: It was I remember it being pretty overt because he was able to get to full extension. It wasn't slow. I remember him getting his gun all the way out before any of us were able to really get the shots off, or before I was able to get a shot off. I can't speak for anyone else, but that's what I saw, so it was it was pretty sudden. It wasn't a slow you know, like it was straight out pointing straight up, straight up like in line not straight up in the air like it wasn't canted it wasn't leaning. It was straight up and down just like you would normally fire a gun.

DEL RIO: How much time would you estimate from the time that he pointed the gun out when you took your shot?

STONE: Maybe half a second.

DEL RIO: What was your shooting platform?

STONE: I was standing. I used the side of the rear swinging door is a partial support of the Bearcat, so the rear swinging door opens out I rested the side of my rifle against it and support it with my

right hand for like a stable platform, yeah.

DEL RIO: You mentioned you used your optic---

STONE: Um-hum.

DEL RIO: ---optic lens. What was your focus through the optic?

STONE: The gun to his head and his.... all I can really see was his face and the gun to his head.

DEL RIO: At that time during the shooting, was there anything between you and Hayes?

STONE: No.

DEL RIO: Why did you stop shooting?

STONE: I fired my rounds and he disappeared; he went down. I was pretty confident that he, well I shouldn't say I was confident that he wasn't gonna. There was no reason for me to keep firing him because I couldn't see where he was at.

DEL RIO: How much time would you estimate from the time that you guys arrived at the scene from the time you guys arrived at the scene to the time the shooting took place?

STONE: 35, 40 minutes.

[redacted] If I may?

DEL RIO: Sure.

[redacted] When you saw Hayes point the gun out what was your belief was about to occur when Hayes pointed, pointed his gun out?

STONE: He was gonna shoot at us. He's got a very violent, violent history, crime history. He's wanted for murder. My guess is he knows that if he gets arrested, he's probably going away for a while to take all those things into account. Yeah, thought for sure he was going to shoot at us.

[redacted] So, there was a clear threat at that point?

STONE: Yeah.

[redacted] And when you stopped firing can you go can you be a little bit more specific about why you stopped firing? Was there still a threat at that moment or…?

STONE: I didn't I didn't see a threat anymore so there was no reason for me to keep firing.

DEL RIO: Well, you answered some of the questions that I was gonna ask but, what do you believe would have happened had you not fired

your weapon?

STONE: I believed he would have started shooting in direction of my partners. I was worried about the house behind us. There were bystanders inside. When everything was said and done, they did come outside so they were in their house, so I was taking all those things into consideration leading up to that point.

DEL RIO: Describe to me how you felt during and after the shooting, if you can recall.

STONE: Yeah. During it was it was nerve wrecking. I don't know. I didn't know if you got any shots off at us. I don't know if any of my partners got hit. I don't know if (inaudible) what was going on with that. After I was pretty disappointed in the outcome, because I thought I really did think for a while that he was going to come out peacefully. I felt like we utilized every tool that we had for that outcome, a peaceful outcome. I don't know, I was…just sucks, I thought he was coming out. He told us he was coming out. There were times where they had a good conversation with Mondragon. I just I'm just disappointed it went that way. Obviously, afterwards, I went through in my head, if there was anything that we could have done differently if there's anything we could have tried. And we didn't deploy gas into the house because he was talking to us and there was no reason for us to do that. We didn't want to agitate him anymore. We wanted to let the negotiations take place like take their place. And we

were hopeful that that was going to work out and it just I don't know what else we could have done.

DEL RIO: So, you felt that you guys had all the adequate resources---

STONE: Yes.

DEL RIO: --- to manage the incident. Okay. You mentioned you guys made entry into the residence through the rear, the sliding door. Who made entry? Who was with you?

STONE: Myself, well, we sent the robot in first. After we actually went in, myself, Corporal Mondragon, Corporal Corral, Deputy Musgrave, Detective Lukacs and Sergeant Sandlin.

DEL RIO: You just said that you guys sent the robot in. Tell me about that.

STONE: As… our job is to… medical personnel won't respond to the scene until they the house is safe. And that's our job, so we send the robot in to see if the robot could spot anything that before prior to going in and it gives us the layout of the house so there's a quicker way to get to where we need to go, we can take it instead of stepping into something that we've never seen before, so we use that for officer safety and spend 10 seconds of getting an actual layout of what we're stepping into, so that's what we use the robot for.

DEL RIO: Ultimately during the incident could you describe what your stress level was?

STONE: When the beginning I was aware of the situation, but I was I felt like we were going to get a pretty positive outcome. When he put the gun to his head obviously that that changed a lot, I was just worried about what was gonna happen. I didn't want him to shoot himself; I didn't want him shooting any of us, so that that was definitely worrisome for me.

DEL RIO: From the time after the lethal force encounter occurred, how much time would you estimate before you guys rendered medical aid to Hayes?

STONE: Maybe 10 minutes.

DEL RIO: And how much time would you estimate the entire incident?

STONE: 45ish minutes from start to finish.

DEL RIO: You have any questions, Domon?

DOMON: Yes. A couple of just more clarifying. You said it took you about 10 minutes from the time LFE occur to get to Hayes. Was there any delay in getting to Hayes?

STONE: Yeah, we had a failed breach at the front door; it was locked. We tried to breach it with our breaching tools that we have, that are

normally pretty successful. After four tries Sergeant Sandlin and said, "Hey, this is a failed breach, we need to find another way in." And so, we went back, regrouped at the Bearcat, and got, came up with a different plan to get inside. And that's when we went around to the back. Our initial plan was to go into the front door---

DOMON: Okay.

STONE: ---because it's the closest so.

DOMON: And then you explained earlier, obviously, you have to make sure the house is clear. No one else is in there if you get ambushed. So, the 10 minutes it took you was for safety reasons to get to Hayes.

STONE: Once, yeah.

DOMON: And then just so I'm kind of clear, where was the Bearcat parked in relation to the house you guys were at?

STONE: It was nosed, so when I say nosed in the driveway, the nose of the vehicle was parked just kind of past where the driveway and the curb line meet so like in the driveway, not all the way up in there, but half I want to say like half in the driveway, half in the street, so we still have a view of the whole front of the house and all that stuff. Up until we make con actually made contact with

him at the front window, we didn't know where he would be.

DOMON: Where he was at.

STONE: So, we needed to get a visual of the whole front of the house.

DOMON: Alright. And when you initially got there, you were behind the Bearcat and then sometime during the incident you switched with Deputy Musgrave and took his position because he was probably exhausted from holding his rifle up for that long.

STONE: Yeah.

DOMON: And that was on the, you said the passenger side of the Bearcat.

STONE: The rear passenger side, yes.

DOMON: Rear passenger. Do you recall where the rest of your…the SED team was?

STONE: So, as far as like fixed positions, I remember Corporal Mondragon, Deputy Haas, Detective Lukacs were taking cover behind a black Ford SUV that belonged to LAPD. That was offset from the driver side of the Bearcat, and they were using that as cover and those were their fixed positions, that's where they stayed. Corporal Corral and Olivas, Deputy Olivas and Sergeant Sandlin were with me and Musgrave behind the Bearcat, but

they obviously had some different assignments come up and so they were moving around a little bit, but that's kind of the area that they were in, and Jeff Henry was the driver, and he never left the driver's seat.

DOMON: And that Ford Expedition or utility vehicle that Mondragon, Haas and Lukacs were behind was it pretty close to where the Bearcat was?

STONE: Yes.

DOMON: How far do you think they were away from the driver's side of Bearcat?

STONE: So, I want to say Mondragon and Haas maybe 5 to 10 feet away, it was pretty close.

DOMON: From the Bearcat?

STONE: Yeah.

DOMON: And the window that Hayes was communicating to you guys out of, can you kind of describe that window like the size, was there…? I know you said there initially it was a screen on it.

STONE: Yeah.

DOMON: Was there any like blinds or anything obstructing your view?

STONE: There was not, so the window, I can't remember if it was always open or if he opened it because I wasn't trained on that window. I was trained on an adjacent one. It's your standard upstairs residential window. I'm trying to explain the best I can because I don't work construction.

DOMON: That's fine.

STONE: It's a sliding window. The house had blinds. I think they were the kind of blinds that you pull the pull the string and they go up---

DOMON: Okay.

STONE: ---if that makes any sense.

DOMON: Right.

STONE: And there was just a standard screen. It was obviously a big enough window that he can crawl in and out of because he came out of it crawled out of it at one point. But the only obstruction was the screen and that was knocked out during that he pushed it out during the incident.

DOMON: And you had mentioned that he had said that I guess he was having an issue, or he got very aggravated because he thought

LA, the Los Angeles Police Department was getting to come in the back, and he was making statements as he's saying he was loaded.

STONE: Yeah.

DOMON: Or he had something he was going to handle it if they came in. What was your mindset when you started hearing him say that?

STONE: It kind of coincided with the movements he was making because he would talk to us, and he'd been messing with something out of my view, off to his left-hand side. LAPD told us they believed him to be armed. He was we, he kept saying like, hey, might have a gun next to me, might have a gun next to me, but we couldn't see, and then on top of that, he would make some statements, so we were I was, I had a good feeling that he was armed, but I couldn't confirm it because I hadn't seen it. He at one point said he had an assault rifle next to him, along with the handgun, so I was taking him at his word.

DOMON: And then the window that Hayes was in during the LFE, what was behind him?

STONE: All I could see was a wall.

DOMON: There's a wall behind him.

STONE: Yeah. I was I wasn't straight on with him I was at an angle. So, my view was just a wall behind him.

DOMON: Just the wall.

STONE: Yeah.

DOMON: And then you guys make entry and then you go upstairs, and you end up locating Hayes on the second story. Was he in the room that you guys were communicating with?

STONE: Yes.

DOMON: So, you go over there, and I think you said it was you, Corporal Corral and then Corporal Mondragon that entered that room first.

STONE: Um-hum.

DOMON: And you describe seeing the gun. Where was a gun in relation to Hayes?

STONE: Right next to his left side.

DOMON: Right next to his left side.

STONE: Yeah.

DOMON: Can you I mean, estimate how far away the gun was from him? If he had to guess if not, that's fine.

STONE: It was within arm's reach, that's why I stepped in-between it. If it wasn't near him to where he couldn't access it, I wouldn't block. I wouldn't stand in-between it. I didn't want to touch it. Our priority at that point was medical aid, so I wasn't going to fiddle with a gun or anything like that, like our job at that point was to provide him medical aid, so I just stood in between him and the gun while my partners were giving him aid. But it was it was within arm's reach for sure.

DOMON: Arm's reach.

STONE: Yeah.

DOMON: I think that's all I have.

DEL RIO: You mentioned that you used the optic, right? Can you explain the difference between the optic and like normal vision, or normal sight?

STONE: Oh, it's our optic has what we call a dot, it's red. You zero it in. Zero it in means you go to the range; you aim it at a target and when you zero it in the bullet goes where your dot is, so that is it's all used for accuracy. So, you put the dot where you want it and theoretically that's where your impact is going to be.

DEL RIO: I remember you said I asked you what you were focusing on when you actually fired your shot and you said as you said his head. Do you remember having any vision problems like blurry or like light shining into your eyes or anything like that?

STONE: At the very beginning, we were dealing with the sun setting and so I had a really hard time seeing him I was... almost had to duck just to get like get lower so I can get a better view of him without the sun shining, but by the time the incident happened the sun had already gone down to where it wasn't an issue.

DEL RIO: Can you describe what the lighting was during that time, the time of the shooting?

STONE: It was the sun wasn't down yet, it was still pretty light outside. But it just wasn't shining in our eyes, so. Light, clear no wind, no nothing. So, that's what I would describe it as.

DEL RIO: At this point, we're going to take a brief break.

DEL RIO: Do you have any questions for us, up to this point?

STONE: No.

DEL RIO: We'll be taking a break at 1113 hours.

DEL RIO: This is Detective Michelle Del Rio here still back from break at

1123 hours. Still in the interview is Detective Owenn Domon, Attorney [redacted] and Deputy Josh Stone. Josh, we just have just a few follow up questions for you. If you can explain, you mentioned as far as when you guys were negotiating with Hayes, you mentioned you didn't use the CS gas toward him.

STONE: Deploy.

DEL RIO: Yeah, yeah, you didn't deploy that. Can you explain a little more why you didn't utilize that resource?

STONE: It's a, it's a tool that we always have available for us in case we need it, but that's more to stimulate, I don't...stimulate a surrender, or giving up if you're not getting any response or contact from your suspect that you're dealing with. As long as we're negotiating, as long as we have either contact with the suspect via face to face or phone, we will never just start deploying chemical agents because we don't want to deter the negotiations. That's the most important thing that we have going for us so we're not going to do anything to mess that up, so that's why we didn't deploy chemical agents in this case.

DEL RIO: You described during the time towards toward the end you mentioned that Hayes was messing with something.

STONE: Yeah.

DEL RIO: You weren't able to see you know below it, you know, below his waist or what was off to the side. What did you mean by he was by you believed he was messing with something?

STONE: Um, it looked like he would be taking something out of the back like maybe the back of his like shorts or pants and setting something down. I believed it was a firearm, but I couldn't confirm it because there was a couple of times where he was looking at it, you would see that you would see his arm move, but I couldn't see what he was grabbing. His arm would go behind his back and those were the times that he would walk to the back of the residence where LAPD was at, and he would come back and then you would see him fiddling around with his shorts or pants again and then sets like set something next to him, so I couldn't tell you exactly what he was doing. I just I felt like he was a weapon to go along with the statements he was making.

DEL RIO: I noticed you were motioning your, your left hand.

STONE: Yeah.

DEL RIO: When you felt like he was reaching out was it the motioning, was that with his left hand, or with his right hand, or with both hands or…?

STONE: Mainly his left hand.

DEL RIO: Okay.

STONE: Yeah, that's what I remember seeing.

DEL RIO: Okay you said that it was, it kind of unfolded rapidly when-when Hayes had the gun to his head and then he pointed it at you know or toward you know, your partners. Can you give me estimation like a time estimation?

STONE: So, like I was saying he-he was able to get out to full extension, so it was pretty quick, but I would say half a second around there. Maybe a little bit less than that.

DEL RIO: Okay.

STONE: What I'm trying to explain is as if you're-you're moving pretty quick if you can get your arm out to full extension before anyone else reacts. I'm trying to give you my best estimation on time.

DEL RIO: Yeah, that's perfectly fine. When you fired your weapon, you said you were looking through your optic on your rifle. Did you have one or two eyes open?

STONE: I always keep both eyes open. Reason being is I still want to be able to see what's going on around me. I don't want to be looking through a tube essentially to where the majority of my vision is blocked. So always keep my…I'll look through my optic with my

left eye and I'll always keep my right eye open just so I can get a better field of view of what's going on.

DEL RIO: You mentioned when you guys entered the residence and you saw Hayes on the ground, you said you stepped between the gun and his body just you know it was close enough at you know arm's reach. You didn't you know; you didn't know what his status was you didn't want him to get to the weapon, but your main focus was pretty much rendering medical aid to Hayes. At any point during that time, did you or you know that you or anyone else manipulate Hayes' weapon?

STONE: I did not, and I didn't see anybody do it because they were while I was there, they were providing medical aid. I didn't see anybody touch it.

DEL RIO: I don't think we have any more questions. Is there anything that you'd like to add that maybe we forgot to ask?

STONE: No.

[redacted] I'm good.

DEL RIO: We'll be concluding this interview at 1129 hours.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DETECTIVE MICHAEL CORRAL

Detective Michael Corral

On Friday, August 12, 2022, at approximately 0407 hours, Sheriff's Crime Scene Specialist [redacted] and I met Detective Michael Corral at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Corral, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Corral did not fire any weapons during the LFE. Corral was photographed to document his uniform presence during the LFE. Corral did not sustain any injuries during the LFE.

UNIFORM:

Corral's uniform consisted of the following:

- A green ballistic helmet with Liberator 2 communication and ear protection. A patch with "SED SWAT" written in black lettering affixed to right side of helmet. "SED SWAT" was inside a shield with wings on either side. A patch with "61Z30" written in black lettering affixed to the back of the helmet. A patch with "FORGED SBCSD SWAT SCHOOL" written in black lettering affixed to the left side of the helmet.
- Glasses with clear lenses.
- A green long sleeve Crye Precisioin shirt with San Bernardino County Sheriff's Department (SBCSD) cloth patches on either shoulder. A patch with "SED SBSD SWAT" written in black lettering affixed to right shoulder. Green Crye Precision pants and green Salomon boots.
- A green TYR Tactical load-bearing vest. A patch with "SHERIFF" written in yellow writing affixed to front center of vest and back of vest. A cloth SBCSD badge affixed to front right chest. A nametape with "M.CORRAL" written in green lettering affixed to back of vest.

[redacted]

MW
Reviewed By: Sergeant Michael Warrick Date: 8/26/2022 Author: Detective Owenn Domon Author Date: 08/12/22

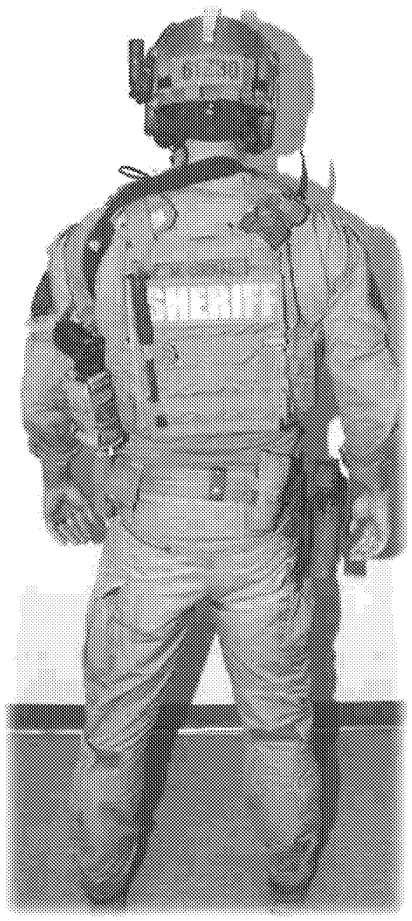
CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

Corral's equipment on the TYR Tactical load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- A green magazine pouch containing two metal rifle magazines and a medical bandage package.
- A green pouch containing a tourniquet.
- A green pouch containing an X2 Taser.
- A green pouch containing a Motorola handheld transmitter (HT) radio.
- A Geissele Automatics MK4 rifle slung across right shoulder.



Corral's equipment on the green nylon belt proceeded clockwise from the (front) center of the belt was:

- A green pouch containing a digital recorder.
- A black thigh rig platform with a green holster attached. The holster held Corral's department-issued Staccato 2011 handgun.
- A green pouch containing a light sound diversionary device (LSDD).
- A brown pouch.
- A green pouch containing a metal rifle magazine.
- A green pouch containing a Staccato 2011 magazine.

Corral had blood stains on his right knee, right boot, and left boot. Oliver collected samples of the blood stains.

The processing was concluded at 0424 hours.

OFFICER INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on a Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

OFFICER INTERVIEW: DETECTIVE MICHAEL CORRAL

On Friday, September 2, 2022, at approximately 0955 hours, San Bernardino County Sheriff's Department (SBCSD) Detectives Ian Gosswiller and Owenn Domon interviewed SBCSD Detective Michael Corral, in the conference room at the Specialized Investigations Division, located at 808 Mill Street, San Bernardino. The interview was audio-recorded. Attorney [redacted] was present for the interview.

The following is a verbatim copy of the interview.

DR# 172209341
H# 2022-100

Interview with Detective Michael Corral

DEL RIO: Good morning, today is Friday, September 2nd, 2022. I am Detective Michelle Del Rio from San Bernardino County Sheriff's Department Specialized Investigation Division. This interview is going to be reference to a lethal force encounter that occurred on August 11, 2022, at [redacted] in the city of Victorville. DR number is 1-7-2-2-0-9-3-4-1, associated case number 2022-100. Location of the interview will take place in the Specialized Investigations conference room. Will everyone else in the room please identify themselves.

GOSSWILLER: Detective Ian Gosswiller, San Bernardino County Sheriff's Homicide Detail.

[redacted]: Attorney Rep. [redacted]

CORRAL: Detective Michael Corral, Specialized Enforcement Division.

DEL RIO: This is a criminal report, and it will be submitted to the district attorney's office. You do not have to speak with me. No discipline can come to you for not speaking with me. Prior to this interview, has anyone ordered you to give a statement other than a public safety statement?

CORRAL: No.

DEL RIO: Has anyone ordered you to speak with me?

CORRAL: No.

DEL RIO: Do you wish to speak with me?

CORRAL: Yes.

DEL RIO: Would you please spell your first and last name?

CORRAL: First name is Michael, M-i-c-h-a-e-l, last name Corral, C-o-r-r-a-l.

DEL RIO: Date of birth?

CORRAL: [redacted]

DEL RIO: Employee number and badge number?

CORRAL: "Edward" 7439, badge number 245.

DEL RIO: Years of service with the Sheriff's Department?

CORRAL: [redacted]

DEL RIO: And what division are you currently assigned to?

CORRAL: Currently assigned to the Specialized Enforcement Division.

DEL RIO: Height and weight?

CORRAL: 5'11, 170.

DEL RIO: Date of hire?

CORRAL: [redacted]

DEL RIO: Date you started patrol?

CORRAL: [redacted]

DEL RIO: Current rank?

CORRAL: Detective.

DEL RIO: Prior to the Sheriff's Department did you have any previous law enforcement experience?

CORRAL: [redacted]

DEL RIO: On the day of the incident August 11, 2022, what shift were you working and what were the times of your shift?

CORRAL: I was working a day shift from 0700 to 1500 hours.

DEL RIO: And what days?

CORRAL: That was Monday through Friday.

DEL RIO: What was your callsign?

CORRAL: 61 "Zebra" 30.

DEL RIO: And your vehicle number?

CORRAL: 0-0-6-6-1-6, it's a white Dodge Ram.

DEL RIO: Did you have a rider or a partner?

CORRAL: We had a team.

DEL RIO: In your vehicle? I mean in your vehicle.

CORRAL: Oh no, no rider no passenger.

DEL RIO: If you could describe the uniform that you were wearing just from top to bottom.

CORRAL: It's called a Tactical Dress uniform also referred to as a TDU. It's a green long sleeve top with green pants. I was wearing an outer loadbearing ballistic vest with the word "Sheriff" on the front and back in yellow bold lettering. I was wearing a ballistic helmet with attached ear protection, and I had a tactical duty belt and a – I was wearing green tactical boots.

DEL RIO: Was your belt recorder activated during the incident?

CORRAL: Yes.

DEL RIO: Does your vehicle have a camera?

CORRAL: No.

DEL RIO: Where you wearing a body worn camera?

CORRAL: No.

DEL RIO: Did you have a chance to review the audio recording of the incident before this interview?

CORRAL: Yes.

DEL RIO: During and after the incident, did you take any photographs?

CORRAL: No.

DEL RIO: Were you injured during the incident?

CORRAL: No.

DEL RIO: Okay, now I like to open it up to you to give a detailed explanation of what took place on August 11th, 2022, and how

you were made aware of the call.

CORRAL: On a Thursday, August 10, my team, which is a desert team associated with Victorville, Hesperia, Apple Valley, Adelanto. We were advised by another desert team, which is Corporal Eugene Mondragon's team, that LAPD was searching for a murder suspect in Victorville, and they could possibly request our help serving a search warrant if the suspect was located. On Friday, when we got into our work, office, we were advised, and we were notified by LAPD that they were in Victorville. And they were doing surveillance at the last known location for the murder suspect at [redacted]

The suspect was identified by their investigators as Byron Hayes, date of birth [redacted] And they asked us to be on standby to possibly serve a search warrant at the location if they were unable to arrest Hayes outside of the house. We were notified around three o'clock that they confirmed Hayes was inside the house. And they were going to request us to serve a search warrant and arrest warrant for Hayes. While we were at our office, we started doing our investigative follow-up with to see if Hayes had a warrant, pictures of Hayes, pictures of the house location, and any other investigative follow-up questions that we had for the LAPD team. During that during that time period, we requested LAPD to authorize a search warrant for the residence in order for us to serve a search warrant for Hayes.

So, we waited for that search warrant to be authored and signed by a judge. During that time period, we were notified by LAPD that a female came to the residence, which LAPD identified that female as Hayes's [redacted] I do not, was not told her name or her information, just that it was his [redacted] She came to the residence, went inside the residence, and then came back out, and LAPD asked us if we wanted the [redacted] stopped for or detained for intel gathering, and we requested that for to for them to do that investigative stop. Once the [redacted] was detained on a traffic stop, she confirmed that the suspect, Hayes was inside the house and that there was a handgun inside the residence. And she did not know where that handgun was inside the residence.

That confirmed all our information that we had with Hayes. He was wanted for murder. The handgun used in the commission of the murder was still outstanding. So, LAPD had told us that Hayes was considered armed and dangerous at all times. And with on top of the information from the [redacted] at the residence with handguns inside the residence. We confirm that Hayes was considered armed and dangerous at all times which elevated the seriousness and the whole situation of serving a search warrant and the need for SED to be able to serve the search warrant.

Once the search warrant was signed, authored, it was reviewed by Corporal Eugene Mondragon and Sergeant Michael Sandlin. They confirmed that the warrant was good and accurate, and we were able to proceed with our operation. We had multiple people

involved for as far from SED, we had Sergeant Michael Sandlin as the overall team leader, Corporal Eugene Mondragon was the case agent and the assistant team leader, Deputy Chris Haas, Deputy Josh Stone, Deputy Jim Musgrave, Deputy Christina Olivas, Deputy Jeff Henry, myself Detective Michael Corral, and Detective Bela Lukacs was assigned as the entry team for this operation. We are – our plan was we were going to arrive, half the personnel we're going to be riding in our armored rescue vehicle the desert Bearcat or referred to as ARBDB and we were going to have a medical extract van, and myself, Deputy Chris Haas and Sergeant Sandlin, we're going to ride to the location in our own vehicles.

The reason for that was myself, and Deputy Chris Haas were also long riflemen, and if we needed to transition to long rifleman or a surround and call out, full call out with the SWAT team that we could transition with and our gear would be readily available. My assignment for the day I was assigned as the medic for the operation. I confirmed with the local Victorville Fire Department of the call and told them to be to be on standby when dispatch calls and notifies them to stage. I came up with the medical plan of if bystanders or civilian was injured or hurt if the suspect was injured or hurt or a law enforcement or SED member was injured or hurt, and I coordinated with the driver of our medical evac van which was Deputy Josh Stone, where to place the vehicle and where he was going to keep his keys during the operation. In the event, we need to medically extract anyone.

When, once everybody was briefed by Corporal Eugene Mondragon at our office at the courthouse at 14455 Civic Drive, we were going to meet up with the LAPD case agent at [redacted] which was around the block from the target location on [redacted] so we caravan over to the park, and we met up with the Los Angeles Police Department investigators. That was more Sergeant Sandlin and Corporal Mondragon. They met up with them they confirmed everything was the same as far as situational updates, no movement at the house, the [redacted] was still detained, and there was no additional information coming from the [redacted] So, once we confirm that there was no change, we are going to proceed with our operation. Our primary plan was we're going to park the ARBDB in the driveway of the location just right of the front door giving us most visual of the door.

LAPD was in charge of blocking off the roadways and securing the perimeter on the [redacted] side of the location, or we're going to refer to that during as the number three side of the house. As we left the park, there was no update, and we're turning now onto the primary street of [redacted] Corporal Mondragon advised over the air on our talk-around channel that LAPD had contact with Hayes. He was trying to exit the residence, and Sergeant Sandlin advised us to proceed with our plan and go to the house. ARBDB parked where we where we wanted it to park right in the driveway of the target location. I parked my vehicle down the street away to clear the roadway of any other emergency

vehicles or medical vehicles that needed to proceed down the primary location.

I ran from my vehicle to the back of the armored rescue vehicle, and that's where I stayed for the duration of the call. I went with Sergeant Michael Sandlin, Deputy Olivas, Deputy Stone, and Deputy Musgrave. We were all behind the armored rescue vehicle, which was driven by Deputy Jeff Henry. To my left, there was a black Ford Explorer, which was determined to be an LAPD vehicle to the left of the Bearcat, and behind that, using it as cover was Corporal Mondragon, Deputy Haas, and Detective Lukacs.

We were joined by two LAPD officers. I believe it was the case agent and then their tactical liaison. I didn't get their names or information, but they were wearing LAPD vests and uniforms. They confirmed that the suspect made contact with their perimeter units but had retreated back inside the house, and they did not have him in custody. And we started to proceed with our public address announcements from the Bearcat. Deputy Henry did the PAs identifying us as the San Bernardino County Sheriff's Department. He identified that we had the location, which was [redacted] and for all occupants inside the house to exit the residence with their hands up, unarmed. He's made several PAs probably for about, on for about five minutes. And finally, we had we observed Hayes in the upstairs right window of the location.

I did not immediately look and identify Hayes, but it was identified by Deputy Henry, Corporal Mondragon, that it was Hayes. And they started to make communication with Hayes from the upstairs bedroom. Hayes from what I could hear from where I was at, wanted to know why we were there. And why we why he had an arrest warrant. Corporal Mondragon took the main communications with Hayes identifying that, hey, we have, but we had an arrest warrant for him, we had a search warrant for the residence, and he needed to come out safely from the residence, unarmed, and we wanted everything to be done safely.

Hayes kind of became argumentative, wanting to know why he had a warrant, and he could continue to ask him what his warrant was for. And he would say I will come out or I will surrender if you just tell me what I'm wanted for. I believe it was Sergeant Sandlin finally told him it was for a death investigation, but from where I was at behind the Bearcat, the Bearcat engine was on, so trying to hear the communication every single communication was kind of difficult. Deputy Henry, from the driver's seat of the Bearcat, identified Hayes had his phone in his hand at one point, his right hand and he kept his left hand at the by his side.

So, my mindset for from the beginning was that Hayes was considered armed and dangerous. We had information there was a gun in the house. So immediately with his being uncooperative,

and not showing hands, I kind of had a feeling that Hayes was armed or had access to a firearm within his immediate reach. But Corporal Mondragon continued dialogue with him. He continued to ask him to come out of the house. Hayes wasn't complying at all with any of our orders or requests. He was real concern about the LAPD officers at the back of his house he said that at one point, I could hear him say if the if they break down my door, I'll shoot them, or I have a loaded gun for them. But it was kind of hard to hear exactly what he was saying, but he continued to tell us to not let LAPD break down his back door.

And then Sergeant Sandlin told us that the LAPD officers identified Hayes wearing his black shirt, red pants, and that he had a semi-automatic with him when he came out the upstairs balcony. So again, with that knowledge or that information, it just made the seriousness and, like, the knowledge of Hayes being armed and dangerous more surreal. We continue to make negotiations with him, I believe Sergeant Sandlin requested our crisis negotiator, Deputy Clarence Harris from Victorville City Police Department, to respond and try to negotiate with Hayes.

Hayes continued to talk to Corporal Mondragon, again, I couldn't exactly hear all the dialogue between them. I could hear Corporal Mondragon repeatedly asking for Hayes to come outside unarmed, we want this to end safely. We didn't want to hurt him we didn't want to destroy his [redacted] house. At one point, I did hear Corporal or Hayes yell that Corporal Mondragon

didn't care, and Corporal Mondragon emphasized that he did care for Hayes and that he didn't want Hayes to get hurt. But he just continued to be uncooperative with our commands. Dispatch came over the air, and fire was on, was staging, but they wanted to know where they were was a better place for them to stage. I identified [redacted] was the closest intersection, and that and we advised them to stage there. It was just one block [redacted] of the house so, and where we had the roadway blocked off that they had a direct route to the location if needed.

Then I can go during this entire time. We had our small unmanned aerial system flying or SUAS flying. And we could observe that Harris was had had things, had his phone in his hand, and he continued to not show his left hand, and then he started drinking with his left hand, so when he said it was alcohol and the way he was acting, probably was alcohol, he was getting real belligerent, not really making sense from what I could hear. Then he said he was going to surrender, but he wanted to call his [redacted] and we didn't, I don't know if he had his [redacted] information at all. And then he got on the phone with his [redacted]

I peeked around the Bearcat a few times, but it wasn't my responsibility to be in direct line of sight of Hayes. I knew that we had multiple people on the left side of me from the black Ford Explorer, and Deputy Stone and Deputy Musgrave are on the right side of the Bearcat, also had a visual of Hayes. Because of the way Hayes was being uncooperative, I asked Deputy Stone

to stage his chemical agent equipment in the event of we were going to deploy chemical agents.

And I started to organize members and equipment, such as with Deputy Musgrave with his breaching equipment, made sure that he had it within reach or it was stage if needed. I knew that we had our less lethal options. There was a 40-millimeter less lethal munitions launcher in the back Bearcat, within arm's reach of me, and Sergeant Sandlin had his less lethal 40-millimeter munitions launcher. It was equipped with the blunt impact projectiles, also known as "BIPS". So, Hayes said that he was going to surrender. So, we all I told Mondragon to keep communications and that he would give commands. That way only one person was giving Hayes commands, and it wasn't conflicting commands. Sergeant Sandlin and myself were going to be the arrest team, Sergeant Sandlin was going to be to be equipped with the less lethal, and we had Deputy Stone equipped with a shield, and Deputy Musgrave was going to be a lethal cover for the shield, and I was going to be the arrest team to handcuff Hayes.

We're --our plan was to have him exit the house we were going to give him commands to walk towards us, and we were going to prone him out on the asphalt near the Bearcat, and we would take them into custody safely. Sergeant Sandlin asked Hayes how much longer he needed on the phone. Hayes said five minutes, and Sergeant Sandlin said, "Okay, you got your five

minutes". During this time, I know that Sergeant Sandlin was in communications with the SWAT commander, Lieutenant Joshua Smith, giving him situational updates. It was hard to hear Hayes talking to his [redacted] and what his brother was saying. I can hear little bits and pieces. Hayes would yell like, "No one cares". It's up, like you have to take care of yourself type thing and it sounded like his phone conversation was just deteriorating with his [redacted] I don't know what his [redacted] was telling him or what the conversation was about. But I could hear Hayes's voice was getting more agitated, and he was getting a little bit more, more angry sounding, and started just talk louder.

So then, Sergeant Sandlin tried to have our negotiator, Harris tried to speak with him. As Harris identified himself as our negotiator, Hayes did not appear to like Deputy Harris, he was more gravitated toward more Corporal Mondragon. And Mondragon continued his dialect with him trying to ask him to still come out and that we wanted this to end safely. While he was a while he was on his phone with his [redacted] Hayes, accidentally knocked out the window screen that he was in. Corporal Mondragon identified it saying it was an accident. It wasn't on purpose. He wasn't throwing anything at us. So that was communicated with over the air with us. When Sergeant Sandlin started asking him, "Hey, your five minutes is up. I need you to just come out of the house." Hayes got real agitated and started yelling back at us. I couldn't really hear what he was saying, and then it seemed like Hayes started to play a little bit of, like, mind

games, he started to request In-N-Out as like a bargaining tool.

So, Deputy Harris tried to try to facilitate that asking him what his order was. And I know that Sergeant Sandlin, at that moment, started to get a phone call from our lieutenant and said that this looks like it's, like deteriorating, and it's going to end up being a long SWAT call. I started to do a headcount of the personnel we had, and at that time, I was talking to Sergeant Sandlin and asking him if he wanted me to transition to a long rifle team position. I would have to go get my gear and set up at a different location, and I could hear Hayes starting to count. I didn't know what was going on in that part of the conversation. I could hear three, two, and then all of a sudden, Deputy Henry, from the driver's seat to the ARVDB, said that Hayes had put had pulled the gun out, and he had a gun to his head.

I peeked over to the right side of the Bearcat; I saw that Hayes did have a gun. It was in his left hand, and it was pointed to his head. Again, if it wasn't my position to stay out behind cover when there was enough people with lethal and less lethal cover on Hayes. And then Deputy Henry advise that, hey, he just pulled the trigger, and then all of a sudden, I heard gunfire. I could hear distinctly there was a weird like pop right before I could hear shooting from the left side and the right side of me. And then it was a short burst of fire. I couldn't tell how many rounds were fired to the left or to the right of me, and I looked to the left I saw that Corporal Mondragon, Corporal -- Detective

Lukacs, and Deputy Haas were still standing. I looked towards my right, and I saw that Deputy Stone and Deputy Musgrave are still standing, and with me was Deputy Olivas, Deputy Harris, and Sergeant Sandlin. No one appeared injured. No one appeared hurt. So, I immediately requested Sergeant Sandlin to transition to a breach team to introduce technology to the house. That plan was orchestrated within approximately 30 seconds. I advised Detective Lukacs to get his robot ready. I advise Deputy Stone to grab his ballistic shield and Deputy Musgrave to grab his breaching equipment. The plan was we're going to go from the back of the Bearcat, the passenger side rear portion, directly towards the garage door, which was directly beneath the window Hayes had last been seen. And then, we're going to approach the front door, breach the front door, and then introduce technology which is the dragon runner robot.

The plan was to clear the bottom portion and then make sure there was no additional subjects inside the house. And then make our way up the stairs with technology, locate Hayes to see if he was lying in wait, like trying to ambush us on an entry, or if he had been, in fact, shot. So once that plan was orchestrated, we moved up to the door. We've probably got up to the door within two minutes of the shots fired. Deputy Musgrave attempted to breach the front door he probably took five to six hits on the front door using a ram and was unsuccessful. So, I call out, “a failed breach”. In the back of my mind, I knew that there -- we had identified a rear glass slider on the backside of

the house where the number three side, and we could easily breach that to make entries.

We made our way back to the Bearcat. I confirmed with Sergeant Sandlin if he wanted us to make entry through the rear glass slider, he affirmed that, and then I had Deputy Musgrave grab our breaching tool, which is known as a bang pole. It's a long metal piece that allows breaching of glass windows at a safe distance. Have him grab that, and then we ended up making another breach team, and we maneuvered from the rear of the Bearcat along the number four side of the house where we met up with two LAPD officers.

Sergeant Sandlin added Corporal Mondragon to this entry team due to just the size of the house. So, for an entry team it was myself, Deputy Stone was equipped with a ballistic shield, Deputy or Detective Lukacs had his technology dragon runner with him. My -- Corporal Mondragon and Sergeant Sandlin was equipped with the less lethal as the entry team. Once we made contact with the two LAPD officers, they backed away from location and we took their spot. Myself, Deputy Stone, Deputy Musgrave went and we breached the rear slider. I believe it took Deputy Musgrave three hits along the glass and he was able to successfully breach the glass and we were able to successfully introduce the dragon runner to start searching the house.

So, we backed off the slider, and we moved back to the three,

four corner in the residence because we still didn't know if Hayes was alive, if he was planning an ambush wanting, or if there's any additional people inside the residence. Back and we're going to go back from the beginning, we were advised from the beginning that Hayes was the only occupant inside the house. But we have, through our experience, that information isn't always true, so we have to take our precautions and our safety into consideration of making sure the house is clear of all additional individuals, whether suspect or uninvolved occupants.

While Detective Lukacs was using his technology, the robot, to search the house. Sergeant Sandlin again asked who was going to do the medical aid. I identified myself based off of the amount of rounds fired, I ran back to the Bearcat and grabbed additional medical supplies, and then met back up with entry-team, and by the time I got back to the entry-team, the dragon runner located the stairs or cleared the bottom floor, located the stairway and then it fell trying to go up the stairs.

At that point, we had to make entry to make sure that there was no additional subjects, and then we're going to make way to Hayes and locate him and provide medical aid if needed. The plan was for the entry team was we're going to search the bottom level first to make sure that was clear and safe and then make our way upstairs clear as many rooms as we needed to in order to get to Hayes. We entered the residence through the backslider, I cleared the living room along with Detective Lukacs.

Corporal Mondragon, Deputy Stone, Sergeant Sandlin cleared the kitchen and the family room portion of the house. Myself, Musgrave, and Lukacs cleared a small bathroom in the garage. And we didn't locate anyone inside the bottom level of the residence, and we proceeded toward the stairway. I was the first person to clear the stairs. Once I got to this first landing, it was like a U-shaped staircase. So, you walked up one way, turn right and then you walk, turn right and go up another set of stairs to the second level the house. I identified that we had multiple rooms up there and requested the ballistic shield to come up.

Knowing that Hayes had a handgun with him. We, I felt that the shield was necessary for the safety of the SED members. So, we had the shield come up. Our plan was we were going to block the room Hayes was last seen with a ballistic shield and then clear the rooms behind us that way, we didn't have anyone kind of sneak up behind us or make sure there was no other people in line of sight of the bullets, the bullets that were fired. So as soon as we got to the top of the stairs, I entered the room to the left, which ended up being the master bedroom. We cleared the master bedroom and the master bath, and there was no additional people inside there.

As we got back to the main hallway of the second level. I saw Hayes laying on the floor of the bedroom he was last seen in, and I can see his chest rising and falling to indicate to me that he was still breathing and he was still alive. So, we approached his

bedroom. Hayes was laying on his back. His feet were towards the window and towards his left side of his body. I saw that there was a handgun, a black handgun laying next to the left side of his body. At that moment, I knew he needed medical attention, and I started to evaluate his injuries. I stepped over him. I stood on the actual gun. I didn't know if Hayes was still lying-in wait or if he was going to try to grab it if he was able to grab it, so at that time, I thought it was best for me just to secure the weapon using the weight of my body, and I stood on it the entire time. I handed off my weapons to Deputy Stone while I was able to start providing medical aid to Hayes. I started to cut off his started to cut off his shirt to look for any chest wounds. As soon as I got his shirt uncut, I didn't see any chest wounds or lower abdomen wounds to him. But I did see that he had multiple bullet wounds to his left and right arm and to his face.

Once his shirt was clear, and those injuries were identified, I applied a tourniquet to his left arm. While Corporal Mondragon applied a tourniquet to his right arm. Once a tourniquet which were applied, I told Deputy Stone to put the information over the radio that Hayes had received multiple gunshot wounds to his right arm and to his left arm, and multiple to his face. From what I can see on his face he had a gunshot wound to his chin, and possibly a graze wound to his right cheek area, and an exit wound at the back of his head. Hayes started like gargle on the blood that was entering his mouth. So, I had to enter a nasopharyngeal, it's spelled N-A-S-O-P-H-A-R-Y-N-G-E-A-L, or

also known as an NPA. I entered the NPA to his left nostril, and I could hear his breathing airway open up so he was no longer choking on his blood.

So, once Corporal Mondragon finished applying his tourniquet, we had to turn Hayes over to make sure that he had no additional or secondary wounds along his backside. We successfully turned him over, we checked for any additional injuries, I did not locate any other injuries to him. So, we put him back on his back where he could breathe easily. And I started to check for wounds on his lower extremities so his legs, so I continued to cut off his pants. And once I checked his lower extremities, I didn't see any additional injuries.

So, once we knew that everything was that safe at that point, I asked the rest of the team, besides Corporal Mondragon, to marshal up the fire and paramedics. And so probably one, probably within two minutes, the paramedics or the fire guys started to come upstairs, and they took over the rest of the medical. The only thing I stayed in place because I knew the hand was there. So, I just continued to stay on the handgun. I actually moved it from where it was originally laying with my foot I pushed it probably a foot, foot and a half away just to give the fire personnel a little bit more room to work because they had we were going to have to put Hayes on a backboard and hook him up to heart monitor and everything.

Once Hayes was, once fire and paramedics were on scene, they continued to evaluate Hayes, I gave them the information of everything that I did. And I know Corporal Mondragon continued to assist with breathing, using a ventilation bag, and then I continued to monitor the blood pressure cuff, and I assisted with removing the rest of his pants. In his right sock, we located a small piece of paper the fire guy handed it to me I opened it up it was just a list of phone numbers, and I laid it back on the ground. And then once they got him secured to the to the backboard, they lifted him up and they asked [inaudible] out of the house.

While they were walking down the stairs, I had Deputy Stone run outside and move his van in order to have the ambulance able to have more room to work with. And then fire took him out and took him out an ambulance. I believe he was airlifted after that, and I had no more communications with fire or medical personnel. Once the body was out, I asked Mondragon, "Hey, do you see any other weapons inside this house or in this room?", Mondragon looked at the bed, the dresser, and I believe he looked in the closet. No other gun was located. The reason why I had Mondragon look for any additional. I remember Hayes yelled at one point that he had a AR 15 and nine-millimeter with him, and I was just seeing if there was anything in plain sight at that point, and that's about it.

DEL RIO: Okay, we're just going to have some questions for you. You mentioned that LAPD provided some information to you guys. Do

you know who the member from personnel, LAPD was?

CORRAL: His first name was Brian, his last name was with a W. Like "Wiced", I believe, or something of that sort.

DEL RIO: Whetsel?

CORRAL: Whetsel, yeah, maybe. I just knew it was with a W and Brian with an "I".

DEL RIO: You refer to the armored rescue vehicle as the armor rescue vehicle, and then you mentioned Bearcat. Is that what you refer to the armored rescue vehicle?

CORRAL: Yes.

DEL RIO: Same vehicle?

CORRAL: Yes.

DEL RIO: Okay. Just wanted to clarify that. At what point was dispatch notified of the situation or when you guys generated a call?

CORRAL: We notified them at 1559 that we were going to be serving a search warrant at the location.

DEL RIO: Was that prior to you guys making your way to the residence?

CORRAL: Correct.

DEL RIO: Were you familiar with the area you guys were in route to?

CORRAL: Yes.

DEL RIO: Okay. What was the area? What kind of area was it?

CORRAL: It's a residential area in Victorville known as [redacted].

DEL RIO: Prior to your arrival during the briefing, was the plan you guys made? Was it established and clearly communicated with everyone?

CORRAL: Yes.

DEL RIO: What was the intended goal of the plan?

CORRAL: To identify Hayes and take him into custody safely.

DEL RIO: What if any, do you remember while en route to the incident location that heightened your senses or cause you concern about the situation you guys were en route to?

CORRAL: Hayes was identified in a murder case. In that case there was a handgun used. The handgun was never recovered, and then again, the information off from the [redacted] being detained by

LAPD that there was a handgun inside the house. That just made it a little bit more serious and made sure that Hayes was really considered armed and dangerous.

DEL RIO: What were the lighting conditions of that day?

CORRAL: Bright skies, natural light, it was hot.

DEL RIO: So, when once you guys arrive at the location, you mentioned that you guys parked the armored rescue vehicle in the driveway facing the residence. Can you describe what the armored vehicle is utilized for?

CORRAL: It's utilized for protection for law enforcement, uninvolved civilians into rescue vehicles, or needs to provide any ballistic cover for anyone, it will do so.

DEL RIO: And when you arrived at the residence, where did you stand? What was the were you assigned a certain position? Or did you take it upon yourself to stand at a certain position?

CORRAL: I was assigned as a medic. So, I was stood behind the armored rescue vehicle for the duration. That's where all the medical supplies were at and that's where I was needed to be.

DEL RIO: You mentioned that you didn't have a direct visual of Hayes during the incident, but you could hear what was being said.

What did you have a visual of during that time?

CORRAL: I watched the pilot of our aerial system while she was flying. I observed the screen she was looking at also to where Hayes was at the window at the location of our personnel and LAPD personnel.

DEL RIO: Aside from law enforcement, did you see anyone else in the area?

CORRAL: There were residents in the neighborhood peeking out windows, some driving through the scene trying to get back to their house.

DEL RIO: From where you were your position, what was the distance between you and Hayes?

CORRAL: Approximately 18 yards.

DEL RIO: You mentioned that Detective Mondragon was in communication with, with Hayes and he had built pretty, you know, pretty good rapport with him they we're communicating, and then there was a point where Hayes began to drink, which I believe was alcohol and he became belligerent. How soon after you guys arrived at the location did you notice he was he became a little bit drunk?

CORRAL: Probably within 15 minutes he started drinking.

DEL RIO: And just the fact that he was drinking, he began to drink alcohol, how did that make you feel? Or what did that make you think?

CORRAL: It could alter his state of mind it could I make him do things a sober person would not do or act in a way a sober person would not do.

DEL RIO: You mentioned that Hayes was on -- he had a cellular phone with him, and he was on the phone with his [redacted]. Could you hear the conversation going on between Hayes and his [redacted]?

CORRAL: Not the total conversation. I would hear little excerpts when Hayes would raise his voice, but I wasn't able to hear the total conversation.

DEL RIO: At any point during the incident, did you see, or did anyone tell you if Hayes attempted or exited the window at any point?

CORRAL: Yes, Corporal Mondragon said that Hayes was hanging halfway out the window. I remember Corporal Mondragon telling him to not jump down because he didn't want to see him break his ankle. Again, I didn't move from the left or right side of the armored rescue vehicle to observe Hayes hanging out this was all just what I heard from Corporal Mondragon.

DEL RIO: Do you recall approximately how much time went by after your team arrived when the negotiator Deputy Harris arrived?

CORRAL: We arrived probably on scene a little bit after 5:30. And then I know Deputy Harris got on scene fairly quickly, I think within 15, maybe 18 minutes, he was on scene trying to negotiate.

DEL RIO: During the initial communication between Detective Mondragon and Hayes, did at that point, did Hayes give any indication he was going to surrender?

CORRAL: Yes. He said multiple times, "I'll come out. I'll come out with my hands up", but it was always with like a caveat. "I want to know why I'm here", or "let me talk to my [redacted] give me five minutes". There was always it was, wasn't complete cooperation.

DEL RIO: You said that there were LAPD personnel at the [redacted] side of the residence at the rear of the residence. Was there any communication between the SED personnel and LAPD?

CORRAL: Not direct communication. It was always through their case agent, Officer Whetsel. He was the one communicating with them and then also communicating with Sergeant Sandlin and myself, asking if his members can move here or there or what would be best for personnel to do.

DEL RIO: You mentioned that there was at one point when I believe you said Deputy Henry said that Hayes had a gun, and he had the gun to his head. What did that make you feel when you heard that?

CORRAL: Well, it confirmed that he was armed, again, dangerous. That I've been in multiple situations where the suspect or an individual tries to lure law enforcement and into shooting them or having quick access to draw a gun on law enforcement if the gun is already out.

DEL RIO: At that point, did you perceive Hayes as a more severe threat than he already was?

CORRAL: Yes.

DEL RIO: Were you concerned for your partners at that point that were not behind the armored vehicle?

CORRAL: Yes.

DEL RIO: From the time when you guys first arrived, to the time when Henry said that he saw Hayes with a handgun. Describe the difference in your stress level?

CORRAL: Well, from the beginning, Hayes was considered armed and dangerous, and then he wasn't cooperating. He was, he wasn't showing both hands out at all times. Deputy Henry indicated multiple times that Hayes continued to look towards his left side. And then, even with our aerial system, we were we weren't able to see Hayes' hands the entire time, which again raises the stress level makes us a little bit more afraid that he is in fact

armed. And then once he presented the weapon system, the not only is he armed, but he's able and capable of hurting one of us, hurting the civility and hurting himself. And it just makes the situation a little bit more serious. With every action or the longer it takes, it's just more and more serious.

DEL RIO: When you heard Henry say that Hayes had the gun to his head, you said you kind of peeked to your right and you saw that Hayes had a gun to his head. Can you describe the gun that Hayes had?

CORRAL: It was a small black handgun.

DEL RIO: And then you describe you mentioned that just prior to you hearing the gunshots fired, you heard some kind of pop sound? Or some kind of sound, can you describe that? A little bit more...

CORRAL: So, I've been around our weapon systems enough to where I am familiar with their fire, they're the sound that they make when they're fired. But before the volley of fire from our personnel, it was just a, it was a different unique sound. I couldn't, couldn't tell if it was a gunshot or if it was a click, but it was not a sound from where we were standing or where any of our personnel were standing. It was just a different unique sound. Very, very faint right before our personnel returned fire.

DEL RIO: When you heard that sound, what went through your mind? Like

how did that make you feel?

CORRAL: Right before that, when Deputy Henry said that he pulled the trigger. I didn't know if it was a rerack, reload, a stovepipe, a misfire of his weapon system, or a malfunction of his weapon system. But it was it definitely made that entire stressful situation just a little bit more stressful and more serious.

DEL RIO: Can you describe how you felt? Or what your mindset was when you heard Hayes? You said he did a countdown of like, three, two, what at that point what's going through your mind?

CORRAL: Because of the – I last known him to be holding the gun to his head, like was he going to try to commit suicide? Was he trying to bait our officers into doing something? It just, it was, it wasn't usual, and it wasn't something someone would do that was going to comply with law enforcement.

DEL RIO: So once your partners returned fire at Hayes, do you remember seeing anyone else in the area during the lethal force encounter aside from law enforcement personnel?

CORRAL: No.

DEL RIO: Describe how you felt during and after the shooting.

CORRAL: I was initially afraid that one of our personnel was injured or hurt,

or shot at. Once I saw that everyone was still standing, no one was hurt, felt a little bit more relieved, and then started to worry if Hayes was injured or if he was going to start an ambush if he did not get shot. He was already agitated once, and now this could make it even worse. So still a stressful situation, still afraid still, at that point, still considered armed and dangerous because we didn't know where he had gone.

DEL RIO: What do you believe may have happened had your partners not returned fire at Hayes?

CORRAL: He would have shot one of them.

DEL RIO: And how did that make you feel?

CORRAL: Makes you scared, makes you fearful, makes you nervous. Don't want to see anyone get hurt in the situation.

DEL RIO: You mentioned once shots were fired. You know, your concern was, okay now we need to see, you know, is he trying to – Is Hayes trying to do an ambush or your concern was, is he hurt? Does he need medical aid? You're concerned basically to get in the residence to render medical aid to Hayes. And you mentioned during the interview that there was an attempt breach at the front door, but it was unsuccessful. How long from the conclusion of the lethal force encounter to the to the point where you actually, your team actually got to Hayes, and you were able

to start rendering medical aid? What can you tell me what the estimated time was?

CORRAL: About 14 minutes, less than 15 minutes, we were rendering aid.

DEL RIO: Had you guys been able to breach the front door as initially planned, you guys may have talked to him a lot sooner?

CORRAL: Yeah, a lot sooner. Still, we're still concerned with our safety, the safety of the house, we just couldn't rush into a situation not knowing there was any additional personnel or uninvolved people or a second suspect or Hayes himself lying in wait for us.

DEL RIO: Do you remember at what point medical aid was authorized? And I'm talking about after the conclusion of the lethal force encounter to respond to the location?

CORRAL: I don't remember who told them to come to the scene. I was still applying medical aid.

DEL RIO: Could you describe your level of fatigue before, during or after the incident?

CORRAL: I wasn't tired before and then just after, yeah, exhausted just because of it was a stressful situation.

DEL RIO: How would you characterize the level of teamwork during the

incident between you and your partners?

CORRAL: There was a high level of teamwork as far as planning, communication, working together, coming up with plans, adjusting to Hayes's actions, and reacting to a lethal force encounter.

DEL RIO: Any questions?

GOSSWILLER: Yeah, a couple small things. So initially, you said you were notified, or you were requested by LAPD to help at around three. Is that 3 pm, so 1500?

CORRAL: Yes.

GOSSWILLER: Okay. And then later, y'all said you arrived at about 5:30, that also PM?

CORRAL: Yes.

GOSSWILLER: 1730, right. When you arrived at the incident location, you mentioned that there was a black SUV that belonged to LAPD and were there any other LAPD vehicles in that area?

CORRAL: There was a dark color van parked into the driveway just [redacted] of our primary location, and we were told that was an undercover vehicle also.

GOSSWILLER: Did you see any lights activated, emergency lights, red, blue detention lights or?

CORRAL: On the van? No, but on the black SUV there was a red and blue lights coming from the front window.

GOSSWILLER: Okay. And then when you guys approached in your vehicles, the Bearcat and then also your other SED vehicles. Did you have your lights or sirens activated?

CORRAL: The Bearcat had its lights and sirens activated.

GOSSWILLER: And do they remain on? Did they turn off? How did that work?

CORRAL: Once we started communicating with Hayes from the window, I had Deputy Henry turn the Bearcat off, so we could hear him better. And I had them turn the lights off because, at that point, Hayes knew we were law enforcement. We had identified ourselves multiple times as law enforcement. And we had announced multiple times that he had a warrant, and we were there for a search warrant.

GOSSWILLER: Okay, when you say turn the Bearcat off, you mean the ignition?

CORRAL: Yes.

GOSSWILLER: And then you previously mentioned that you're communicating

with the PA, or Henry was communicating with the PA, correct? What is PA?

CORRAL: The public addressing announcement.

GOSSWILLER: And how does that work?

CORRAL: It just, it's pretty much a microphone that projects the voice to be heard loud and clear, rather than just a normal yelling voice.

GOSSWILLER: Okay, so it's amplified. It's louder than just your or I talking.

CORRAL: Correct.

GOSSWILLER: And I believe you said that you had the fire department stage at the corner of [redacted] and –

CORRAL: [redacted]

GOSSWILLER: --[redacted] That was your you were the one who had them stage?

CORRAL: Yes.

GOSSWILLER: Approximately what time was that?

CORRAL: About 1740.

GOSSWILLER: And you'd mentioned that you were behind the Bearcat, and UAS operator Olivas, was also with you, and you had seen her screen or the screen for the UAS. Can you describe what you saw on that screen? At any point, if you recall.

CORRAL: I saw Hayes at the window that we had been communicating at. I saw the roof of the residence and then just the exterior layout of the property, and that's it.

GOSSWILLER: Okay. Were you monitoring that the whole time or just glanced at it? How did that work?

CORRAL: Just glanced at it. Just seeing if he was still there. If they, if Corporal Mondragon or Deputy Henry, said that he had come back to the window or left the window, I just confirmed what they are saying through that screen.

GOSSWILLER: Can you describe how Hayes was positioned in the window? What you could observe of his body?

CORRAL: The time that I had, actually myself looked at Hayes. He was standing in the window, and you could see from his waist up, and that's all that I was able to see.

GOSSWILLER: And then you'd mentioned the way he was acting, you believe that he was probably drinking alcohol. Can you go into detail just how he was acting that made you believe it was alcohol that he

was drinking?

CORRAL: Well, he told us he was drinking alcohol, he had a large alcoholic bottle. So, I just inferred there, in fact, wasn't. But his tone, he would get real agitated real quick and then come down and kind of like throw a joke out and then he'd get agitated real again. It wasn't like a cool, calm collective, like conversation with him. It was real agitated, or he would start making jokes to make --so I just didn't think he was acting, or he was acting like he was under the influence.

GOSSWILLER: Okay. And I believe you said that it was about 15 minutes in when he started drinking, did his demeanor and the way he was acting change after you saw him drinking, or was it the same throughout? Can you describe that?

CORRAL: It was consistent throughout. We just had visual confirmation that he was drinking.

GOSSWILLER: How long were you guys on the scene before you -- the gunfire started?

CORRAL: We got on scene at approximately 1734 and believe the lethal force encounter happened 1810.

GOSSWILLER: Okay. And I believe it was a short burst of gunfire you heard how long was it from the start of the gunfire to the end of it?

CORRAL: One second, two seconds.

GOSSWILLER: All right, and I just want to go back you used a term that your partner's, "returned fire". Did you see the suspect fire his gun, or what do you mean when you say returned fire?

CORRAL: I just believe that he pointed a gun at them, and maybe the noise I heard was him pulling the trigger, a pop of the gun. He did something for them to fear for their lives and their own safety, so that's what I assumed.

GOSSWILLER: Okay. Did you ever personally see him fire anything? I know you described that pop or that click, but...

CORRAL: No, I did not see anything.

GOSSWILLER: Okay.

DEL RIO: Okay, at this point, we're going to take a break, it is 1104. Okay, well, we're going back on tape at 1106 hours, and this interview will be concluded at 1106 hours.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DEPUTY JEFFREY HENRY

Deputy Jeffrey Henry

On Friday, August 12, 2022, at approximately 0405 hours, Sheriff's Crime Scene Specialist [redacted] and I met Deputy Jeffrey Henry at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Henry, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Henry did not fire any weapons during the LFE. Henry was photographed to document his uniform presence during the LFE. Henry did not sustain any injuries during the LFE.

UNIFORM:

Henry's uniform consisted of the following:

- A green ballistic helmet with Liberator 2 communication and ear protection. A patch with "61Z31" written in black lettering affixed to the back of the helmet. A patch with "SED SWAT" written in black lettering affixed to right side of helmet. "SED SWAT" was inside a shield with wings on either side.
- A green long sleeve Crye Precision shirt with San Bernardino County Sheriff's Department (SBCSD) cloth patches on either arm. A patch with "SED SBSD SWAT" written in black lettering affixed to right shoulder. Green Crye Precision pants and green Salomon boots.
- A green TYR Tactical load-bearing vest. A patch with "SHERIFF" written in yellow writing affixed to the front center of vest and back of vest. A nametape with "61Z31" written in black lettering affixed to the right shoulder strap of vest.

[redacted]

Reviewed By: Sergeant Michael Warrick MW Date: 2/16/2024 Author: Detective Owenn Domon Author Date: 08/12/22

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

Henry's equipment on the TYR Tactical load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- A green magazine pouch containing two P-Mag rifle magazines and a tourniquet.
- A pair of trauma shears behind the magazine pouch.
- A writing pen and handcuff key attached to the molle of the vest.
- A green pouch containing an X2 Taser.
- A black pry tool attached to the molle on the back of the vest.
- A green pouch.
- A green pouch containing a Motorola handheld transmitter (HT) radio.

Henry's equipment on the green Lead Devil nylon belt proceeded clockwise from the (front) center of the belt was:

- A black thigh rig platform with a green holster attached. The holster held Henry's department-issued Staccato 2011 handgun. A green pouch containing a digital recorder affixed to the thigh rig platform in front of the handgun.
- A green pouch containing a light sound diversionary device (LSDD).
- A green pouch containing a pair of silver handcuffs.
- A green dump pouch.
- A black carabiner affixed to the belt with green and black gloves attached.
- A green pouch containing one metal rifle magazine.
- A green magazine pouch containing two Staccato 2011 magazines.

The processing was concluded at 0406 hours.

Reviewed By: Sergeant Michael Warrick Date: Author: Detective Owenn Domon Author Date: 08/12/22

OFFICER INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on a Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

OFFICER INTERVIEW: DEPUTY JEFFREY HENRY

On Friday, September 2, 2022, at approximately 1127 hours, San Bernardino County Sheriff's Department (SBCSD) Detectives Ian Gosswiller and Owenn Domon interviewed SBCSD Deputy Jeffrey Henry in the conference room at the Specialized Investigations Division, located at 808 Mill Street, San Bernardino. The interview was audio-recorded. Attorney [redacted] was present for the interview.

The following is a verbatim copy of the interview.

DR# 172209341
H# 2022-100

Interview for Deputy Jeffrey Henry

GOSSWILLER: All right, this is Detective Gosswiller, it is Friday, September 2nd, 2022, at 1127 hours, here at the Specialized Investigations conference room. For a lethal force encounter interview for the LFE that occurred on Thursday, August 11, 2022, in Victorville. With the associated DR 1-7-2-2-0-9-3-4-1 and associated "Henry" number 2022-100, and the LFE, location of the LFE was, [redacted] in Victorville. To start us off, if I can just have everyone identify themselves in the room.

DOMON: Detective Owenn Domon.

[redacted] Attorney Rep. [redacted]

HENRY: Deputy Jeffrey Henry.

GOSSWILLER: All right, Deputy Jeffrey Henry before we get started, I'm just going to read this to you. This is a criminal report, and it will be submitted to the district attorney. You do not have to speak with us. No discipline can come to you for not speaking with us. Prior to this interview. Has anyone ordered you to give a statement other than a public safety statement?

HENRY: No.

GOSSWILLER: Has anyone ordered you to speak with us?

HENRY: No.

GOSSWILLER: Do you wish to speak with us?

HENRY: Yes.

GOSSWILLER: Alright. Can you spell your full name please?

HENRY: Jeffrey, J-E-F-F-R-E-Y, Henry, H-E-N-R-Y.

GOSSWILLER: And what is your date of birth?

HENRY: [redacted]

GOSSWILLER: Your employee number?

HENRY: "Frank" 3-0-6-5.

GOSSWILLER: Do you know your badge number?

HENRY: 1793.

GOSSWILLER: How many years of service do you have?

HENRY: Just over [redacted].

GOSSWILLER: And what is your current assignment and station?

HENRY: I am assigned to the Specialized Enforcement Division at the time of this incident. I was assigned to squad three, I am now currently assigned to squad one.

GOSSWILLER: Your height and weight?

HENRY: 6'1,160.

GOSSWILLER: And your date of hire?

HENRY: [redacted]

GOSSWILLER: The date you started patrol?

HENRY: [redacted] I don't remember the exact date.

GOSSWILLER: That's fine. And your current rank you said deputy, right?

HENRY: Yes, sir.

GOSSWILLER: Do you have any previous law enforcement experience?

HENRY: [redacted]

GOSSWILLER: And so, on August 11, what was your assigned shift? Days and then also times?

HENRY: It was, August 11th was Thursday. My normal shift was seven in the morning to 4 pm.

GOSSWILLER: And then, so Thursday was a normal?

HENRY: Normal day.

GOSSWILLER: What days of the week do you normally work?

HENRY: So that was actually my short week. So that was technically my Friday. So, I work Monday through Friday on my long week and then Monday through Thursday on my short week.

GOSSWILLER: Okay, and what was your callsign?

HENRY: 61 "Zebra" 31

GOSSWILLER: And your vehicle number?

HENRY: The vehicle number -- that I drove the armored rescue vehicle desert Bearcat. I don't know the exact vehicle number off the top of my head.

GOSSWILLER: No problem. And so, you drove the Bearcat, who was in the Bearcat with you?

HENRY: It was Corporal Eugene Mondragon, Deputy Christina Olivas,

and Deputy Jim Musgrave.

GOSSWILLER: What uniform were you wearing?

HENRY: From head to toe I'll start from my top I was wearing a green ballistic helmet with ear protection. I was wearing a green tactical dress uniform so shirt and pants with green boots. I was wearing a green ballistic plate carrier vest that had green background with gold patches that said the word "Sheriff" on the front and back and I was wearing ballistic eye protection, clear ballistic eye protection, and green gloves.

GOSSWILLER: And then duty belt or…

HENRY: Also, was wearing a pistol belt that had a handgun, extra magazines, my digital recorder that was department issued, and some medical gear on it.

GOSSWILLER: Okay. Did you activate your digital record?

HENRY: Yes.

GOSSWILLER: At what point did you activate it?

HENRY: So, we met with LAPD at a park down the street, and as soon as we left the park, I activated it on our way to the residence.

GOSSWILLER: Okay, does the Bearcat have any sort of camera system?

HENRY: No.

GOSSWILLER: And were you wearing a body worn camera?

HENRY: No.

GOSSWILLER: And did you have a chance to review the audio from your digital recorder?

HENRY: Yes.

GOSSWILLER: Did you take any photographs?

HENRY: Yes, of the exterior of the residence and that's it.

GOSSWILLER: Okay. So, you took -- after the incident ...

HENRY: After --

GOSSWILLER: A series of photographs?

HENRY: Yes.

GOSSWILLER: And did you fire any weapons or less lethal or lethal?

HENRY: No.

GOSSWILLER: Were you injured during the incident?

HENRY: No.

GOSSWILLER: All right, at this point, I'd like to turn it over to you. If you could just walk us through the information you had from before the call started all the way to conclusion.

HENRY: Okay, so it was Thursday, August 11th, I got to our office in the morning after working out at the gym. Detective or Corporal Eugene Mondragon advised us that LAPD had reached out to him and said that they were going to be doing some surveillance in Victorville at [redacted] reference to a murder suspect Byron Hayes. They were asking for our assistance if needed. Their plan was to apprehend Hayes in a safest way possible. But if for some reason he wasn't leaving the house, they had a search warrant authored for the residence and would like our assistance and conducting a surround and call out to take Hayes into custody. That was only if Hayes wasn't going to leave the residence.

So, Corporal Mondragon notified my team leader at the time, which was Sergeant Sandlin of the information that was given to him by LAPD. Sergeant Sandlin gave that information to our SWAT commander Lieutenant Smith and let him know that it was

possible that we would be needed to help LAPD if they needed the surround and call out and search warrant served. Throughout the day, he kept checking in with the case agent on LAPD side. And they were saying that they were sure that they hadn't seen him, but they were pretty sure that he was inside the residence. And then, at one point, his [redacted] that they identified left the house in a vehicle. They conducted a traffic stop on the vehicle, and they said that they talked to the [redacted] and she said Byron was inside of the house and he was the only one that was inside the house, at that time. She did say that there was a gun inside of the house.

So, we knew that there was a gun inside of the residence. We were able to get a hold of LAPD's ops plan with background information on it, and Hayes was wanted for a murder that happened in LA somewhere, I don't know exactly where. But he did have a warrant for his arrest for the murder, and the murder weapon that was used was outstanding. So, he was believed to be armed with the weapon still. Criminal history, we had information that Hayes had previously been arrested for murder back in I believe was 2014. So, we knew that he was a violent person, and he was wanted for a violent crime right now.

So, LAPD ended up detaining the [redacted] and called us and said, "Hey, can you guys come and do this surround and call out and serve this search warrant at the residence". I was assigned to be the driver of the armored rescue vehicle desert Bearcat, and

inside of the Bearcat, it was going to be Corporal Eugene Mondragon, Deputy Christina Olivas, and Deputy Jim Musgrave with me. Sergeant Sandlin was driving his own vehicle, and we had two other personnel. Actually, two personnel that are assigned to our long rifle team, which was Corporal Michael Corral and Deputy Chris Haas, they were driving their unmarked sheriff's vehicles because if the surround and call out turned into a barricade situation which would activate a full SWAT response. They will be able to step off as a long rifle team and have their gear with them already, and it wouldn't take up room in the armored rescue vehicle.

Detective Bela Lukacs who has a canine drove his vehicle because the canine was in the vehicle and inside of the armored rescue vehicle, it's very hot so we let him drive his vehicle so the canine can stay in the car. Deputy Josh Stone was also with us he drove his unmarked sheriff's Dodge Caravan, and that was our medical extract vehicle in case something were to happen to one of the operators or a citizen we could load them into that van and get them out of there to where the fire department was going to stage at. We notified the fire department of the operation, and we were going to have them stage in case something were to happen they there wouldn't be a long delayed response from the fire department to provide medical care for anybody.

We met LAPD at a it was like a park it was down the street. I don't remember the name of the park, but it was probably like a

two to three minute drive from the actual residence, and that's where they wanted to meet with us real quick. So, we met with them at the park Sergeant Sandlin, and Corporal Mondragon talked to their case agent. I stayed by the Bearcat for obvious reasons. And once they got a brief from them and made sure that nothing else was had changed, then we were going to drive from the park to the residence. We had conducted I believe it was Deputy Olivas wrote an operations plan for us, which is something that we do on every operation that we do. And the primary plan was for me to park the Bearcat in the driveway and angle the front of the Bearcat towards the front door to provide coverage for the people and operators behind me. And as soon as we got into the driveway, the plan was for me to give public address announcements over the PA system on the Bearcat for any occupants inside of the residence to exit the front door on or armed with their hands in the air.

Any occupants that came out of the residence, were going to be detained by the operators that were going to be behind me. I don't know if they had a designated team for that or not. I believe, yeah, I don't think they had a designated team for that it was there was going to be something that they would figure out once we got on scene depending on where personnel were going to be. So, we left the park and drove to the residence. Just before we were getting ready to turn onto the primary street to get to the house. Corporal Mondragon got a phone call from one of the LAPD, I believe is the case agent. It was hard to hear we

had our back doors open for a rapid deployment. So, as I'm driving, it's loud inside of the Bearcat. And I remember Corporal Mondragon saying that they were trying to take Hayes into custody because he like walked out of the residence.

So, I started to slow down because I didn't want to turn on the street and put ourselves in a crossfire situation where we're basically facing each other while they're trying to apprehend a murder suspect. He said that they were trying to take him into custody, and I asked him, "Do I need to slow down?" and he said, "Yeah, slow down for a second". He broadcasted that they were taking him into custody over the radio. And then Mondragon told me, "Hey, go ahead and turn onto the street to see what we can see". So, as I made the turn onto the street, I saw multiple unmarked police vehicles with flashing blue lights and solid forward facing red lights. And then I saw people running, and to me, that meant something was going on, and we didn't know exactly what it was at that time.

So, I told Mondragon I said, "Hey, I see LAPD running. I think he ran". That was my first thought was they didn't get him into custody, and he took off running. So, he told me, "Hey, get into the driveway, and let's start giving PA announcements". So, as I got into the driveway and positioned the Bearcat where it was behind a vehicle that was parked outside of the garage, the garage doors were closed. I parked behind that in case for some reason Byron might have been in the vehicle we couldn't tell,

obviously because we were coming in.

So, I parked right behind that, and then at that time, LAPD notified us that he that Hayes was seen on the backside of the residence, which was on the second story, like on a balcony. And so, they had a perimeter set already for us on every corner of the house. And then I started giving public address announcements on the PA system for anybody inside of the residence we had a search warrant to exit the front of the residence unarmed with their hands in the air. Gave several PA announcements, and then LAPD advises that he went back into the house. So, I continue to give PA announcements, and a few moments later, Hayes appeared on the second story in a window that's right above the garage, it looked like a bedroom.

So, I stopped giving PA announcements because he was trying to communicate and he was yelling, it was hard for me to hear what he was saying because I was inside of the Bearcat, and I had my helmet my ear protection on. So, I couldn't hear what he was yelling at, but I knew Corporal Mondragon was to my left, and he was communicating with him. So, I stopped PA announcements because I didn't want to flood out their conversation with me talking on the PA system. At that point, it was hard for me to see into the window because it was like perfect timing of the sun starting to go down a little bit. So, the sun was completely in my eyes, I couldn't see too much, and I told Sergeant Sandlin that, "I really, hey, I can see like the

silhouette of him in the window but I can't see everything because of the sun". The -- Corporal Mondragon continued to talk to him, and I do remember hearing him say or Hayes say that he was worried that LAPD was coming through his back slider. And if they did, he was going to start shooting at them, and then he was going to come back to this window and start shooting at us.

So, at that point, in my head, I figured he got a gun and that he was going to start shooting at us. So that worried me because I knew that my teammates were outside of the armor, and they were trying to communicate with him. And there were other houses that were surrounding in this little neighborhood that I don't know if there's people inside or if there's people that could come out to see what was going on and be intrigued by him if you started shooting. So that kind of worried me a little bit. They continue to talk a little bit, and then I remember Sergeant Sandlin asking him like, "Hey, we just we just want you to come outside. That's all we want. We want you to surrender peacefully. We're not here to hurt you. We just need you to exit the house". He was asking what the search warrant was for what his arrest warrant was for, and they didn't tell him that it was a warrant for murder, because we didn't want to aggravate him more by saying that.

So, they just said it was for death investigation. I don't remember who said it, I think it was Sergeant Sandlin. I do remember him saying it was for death investigation, that's all it was. They didn't

want to aggravate him more, because he was already like, seemed as tense, and was yelling. Communication between Corporal Mondragon and Hayes, it sounded like it was going well, he was like, "Hey, man, we're not here to hurt you, we just need you to exit the house", type of thing. Hayes said that he was just going to he was drinking a bottle of alcohol. He said it was he was going to finish the bottle of alcohol, and then he was going to come outside. So, we're like, "Okay, go ahead and finish drinking that come on outside. We're not here to hurt you. We have a search warrant for the house". I remember seeing him holding a bottle of liquor that he was drinking out of. He did appear that as time went on, the more he drank, it's appeared that he was intoxicated a little bit. I remember him trying to push on a screen that was on the window, and he like pushed the screen out, and the screen just fell from the second story onto the ground.

He then said he was going to call his [redacted] and then he would come outside, and he gave like a five-minute timeframe. "Give me five minutes. I'm going to finish this, and I'm going to come outside". He was like, it looked like he was might have been Facetiming, his [redacted] when he called him or it was on speakerphone, I couldn't tell. But he had the phone in his left hand, and then he had the bottle of alcohol on his right hand. He was talking to his [redacted] I couldn't really hear what he was saying again, because they're trying to communicate with him, and I'm inside of the Bearcat.

So, I couldn't really hear unless he like started yelling, which he would do at certain points, he would yell because he would get aggravated, and then he would go back to talking to his [redacted] As a little bit of time went on when he was talking to his [redacted] his like demeanor changed a little bit, and he became like, aggressive and started getting mad. He was yelling at his [redacted] He was yelling at Corporal Mondragon, Sergeant Sandlin told them like, "Hey, Byron, like your five-minute timeframe that you gave us is up like, can you just come outside now". And then he started yelling at him too, so to me, he was getting more agitated as time went on. And he kept looking down and to the left of him on the ground. And I didn't know what he was looking at, but I verbalized that to them. I'm like, "Hey he keeps looking down and to the left. I don't know what he's looking at, but he keeps looking at the ground".

At one point, our negotiator, which is Deputy Harris arrived on scene, and he attempted to like talk to Byron was like, announced who he was, and Byron just yelled like, "Shut up", if I remember, right, like this, I'm pretty sure he just said shut up to him, like, wouldn't even let him talk. And then he went back and was trying to talk to Corporal Mondragon because he said he liked him, I'll talk to him type of thing. So, he kept trying to talk to him, like, "Hey, just come outside, please, we're not here to hurt you. We just want you to surrender peacefully. That's all we want". And then, at that point, he finished the bottle of alcohol and threw it out the window and hit the ground. It didn't break,

which I think he wanted it to break because he started laughing a little bit. And then as Deputy Harris was trying to talk to him or he like it was like almost like a light switch changed, and he got like super mad, and then he said, "I've always wanted to try this", and then he reached down to the left side of him and came up with a gun.

And I said, "Hey, he has a gun, and he's racking it", which means he was grabbing the slide, pulling slide back, trying the chamber around into the chamber like he was ready to start shooting. At that time, Deputy Olivas had our small unmanned aerial system overhead. So, she was watching on that camera, and she said like the exact same thing that I did, "Hey he's grabbing the gun, and he's racking it". When he racked it, he dropped to his knees and put the gun to his head with his left hand. He was holding the gun in his left hand, dropped down to his knees to where it was like his upper torso and head was the only thing visible. His right hand dropped down to where I couldn't see it, and then he started demanding In and Out. He was like I want In-N-Out, and was trying to, like say, his order to Deputy Harris, which is our negotiator.

And Harris was telling him like, "Hey, I will try and get you that order, but I need you to put the gun down first". He was holding a gun against his head with his left hand, like pushing the gun into his temple. He was kept spouting his In-N-Out order out and then they were trying to communicate with him to get them to drop the

gun. And then he looked like direct made eye contact with me and said, like you want me to do it. Do you want to see me do it and I started shaking my head no, because I didn't want to see him shoot himself. I didn't want him to get hurt or any of us to get hurt. So, I was shaking my head no. And I watched his left index fingers start squeezing the trigger, and he like squeezed it, and then nothing happened, and he like smiled. And, like right when that happened, I tried to verbalize back to them like, "Hey, he squeezed the trigger, and nothing happened". And before I could even finish saying that sentence, he in a very deliberate, fast movement, he went from the gun against his head to pushing the gun straight out directly in the direction of Corporal Mondragon, and I heard a pop. Which sounded like a gunshot to me.

To me, I thought he shot at us, and before I could even say anything, I heard more gunshots from the left side of me, and then a couple from the right side of me. I want to say it was roughly six to eight gunshots on the left side of the Bearcat and then two to three on the right side of the Bearcat. And as I heard those gunshots, I saw Byron he like turned to his right and then fell out of view underneath the window to where I couldn't see him. I saw a couple rounds impact into the stucco of like the window frame. They verbalized over the radio, "Shots fired", broadcasted it, and then I remember looking into the window, and I could see some blood spatter on the wall that was like behind him.

So, I told them that to Sergeant Sandlin, “Hey, I see blood on the wall, but I can't see him”. So, they tried to get Deputy Olivas to fly the unmanned aerial system a little bit closer to try and get a view into the room with the camera. But the wind was kind of pushing it around to where she couldn't fly it super close. At that point, they made a decision to try and breach the front door and introduce a robot that Bela Lukacs was operating to where they could drive the robot up to him to make sure that he wasn't like lying in wait ready to ambush us.

I couldn't tell if he got hit by the gunfire or if he fell and was just ducking because he was getting shot at. So, in my mind he had already pointed the gun at us, and I believed he shot at us because of what I heard when he pointed the gun, and I was worried that he was like lying in wait waiting to ambush us if we were going to try and move up to the house. So, they ended up grabbing a ballistic shield. I don't remember who it was that was going to breach the front door because I was so focused on the window, trying to watch to make sure that he wasn't going to try and pop up and start shooting at us. And they tried to breach the front door, was unsuccessful. So, they backed out and then made a plan to go around the backside of the house to breach the sliding glass door to introduce the robot. And then -- so when they started to move around the house, I got out of the driver's seat and open the turret on the Bearcat to provide coverage to Deputy Olivas, who was still flying the unmanned aerial system around trying to get a look into the window.

So, she's defenseless at that point, and I wanted to make sure that she had some kind of protection while she was doing that. So, I popped the turret, and then I held coverage onto that window while they moved around to the backside of the house. I heard them say that they breached the glass slider, and that they introduced the robot. They started clearing the bottom floor of the residence with a robot, and then as they advanced the robot up the stairs, the robot tipped over. So, it was inoperable at that point.

I remember that hearing on the radio that they had moved up the stairs they had cleared up to the room where Byron was last seen at, and they had eyes on him. And they could see that his chest was still rising, falling. So, then he was breathing, but he wasn't moving. So, they ended up making entry into that room. At that point, I stopped holding coverage on the window because of crossfire issue between them coming towards me and me pointing my rifle at that window to hold coverage. So, I stopped and got back down, and then I heard him say that they're they immediately began giving medical attention to him because he wasn't responding to them. And he had been shot, so they wanted to provide medical aid to him.

At that point, I got out of the Bearcat, and when fire was notified to come into the scene, I looked around and saw a fired cartridge casings on the ground, and I went into like scene preservation basically. So, when the fire department came in, I made sure

they didn't step on the shell casings. And then, when they loaded Byron up onto a stretcher to get into the ambulance, I made sure again, that didn't step on any of the shell casings, and then when the ambulance left, I made sure that they didn't drive over it, so I was just making sure people weren't stepping on the fire cartridge casings. I never went inside of the house. I – Sergeant Sandlin said -- asked us to take pictures, so I went around the exterior of the residence and took photographs of that. And then I basically just made sure that the scene was secured at that point.

GOSSWILLER: Okay, all right. So, we're going to go back to when you were down here, finished working out, and you were notified that the LAPD had an operation going on. About what time was that when you first learned this?

HENRY: I want to say it was roughly like 10 am, I think close to there, maybe.

GOSSWILLER: Okay. And then, what time was it that you were requested to respond to the desert?

HENRY: It was probably around, oh we were already in the desert, sorry. So, I'm stationed on a team that works in the high desert. So we were at our office, which is in Victorville at the courthouse. So, we were already in the desert at the office, pretty much on standby, waiting to hear from them if they needed us to serve the

search warrant.

GOSSWILLER: Okay, so you were up in the desert already?

HENRY: Already up in the desert, yes. I'm sorry.

GOSSWILLER: No, no, you're good. I just misunderstood. So, 10 o'clock is when you first learned of it. And then I'm sorry, what time was it when they requested? Your callout response –

HENRY: I want to say it was, just after 3 pm, I think.

GOSSWILLER: Okay.

HENRY: Around there.

GOSSWILLER: Okay. So little after 3 pm. Did you guys brief at the office up there? Or did you do --

HENRY: We did our operations planning and briefing at our office, and then when we left from there to meet LAPD at the park, and then we that's when the team leaders got with their case agent and let them know, and they had their little briefing. And then we went from the park to the house.

GOSSWILLER: And by Team leaders, that's Mondragon --

HENRY: Sergeant Sandlin and Corporal Mondragon.

GOSSWILLER: And the liaison or the point of contact from LAPD was relaying the information that they had detained the [redacted] Did you learn that information –

HENRY: From Corporal Mondragon.

GOSSWILLER: And was that before you went to --

HENRY: The park?

GOSSWILLER: Yeah.

HENRY: Yes.

GOSSWILLER: Okay. So, you'd mentioned that you guys had an operation plan that was all discussed and gone over prior to going to park?

HENRY: Correct.

GOSSWILER: Okay. And what was the main objective or the goal of that operation?

HENRY: So, the main goal for that was LAPD was going to be the perimeter to secure the perimeter while we conduct the surround and call out and serve the search warrant. So, the armored

rescue vehicle, which I was in charge of driving was going to pull into the driveway, and we were going to conduct PA announcements. And once all occupants were out of the residence and detained, we were going to introduce the robot or the unmanned aerial system to visually clear the residence. Once that was done, then the operators would move in and physically clear the residence. Once the residence was clear and secure, then they were going to turn that back over to LAPD for their investigation.

GOSSWILLER: And at that briefing, who all was there?

HENRY: It was Sergeant Sandlin, Corporal Mondragon, Corporal Lukacs, Deputy Haas, Deputy Stone, Deputy Olivas, Corporal Corral and myself, and Deputy Musgrave.

GOSSWILLER: And at the time, you guys were initially briefed, was there --what was the situation with the search warrant?

HENRY: The search warrant was signed, and it was sent to Corporal Mondragon for review. At that point, they were waiting to see if Byron Hayes was going to leave the house or not. And he didn't, and that's when the [redacted] left and was in a vehicle, and they conducted a traffic stop.

GOSSWILLER: Okay, so they already had a search warrant signed before you guys briefed?

HENRY: Yes.

GOSSWILLER: And was the plan clearly communicated to everyone there at the briefing? Your entire team?

HENRY: Yes.

GOSSWILLER: All right, so then moving forward, you go to the school, you get a -- well, your team leaders get an update from LAPD.

HENRY: Correct.

GOSSWILLER: Do you know who that was from LAPD?

HENRY: I don't know.

GOSSWILLER: Then, so approximately what time was it that you guys were at that school?

HENRY: It was just after 4 pm I believe.

GOSSWILLER: Okay, and how long were you --

HENRY: Oh, I'm sorry, it was just after 5 pm.

GOSSWILLER: Just after 5 pm?

HENRY: Yeah.

GOSSWILLER: How long were you staged at that school?

HENRY: I'd say less than five minutes.

GOSSWILLER: And then you responded, and while you're responding, you get an update, or Mondragon got notified that he was outside of the house, suspect Byron Hayes, right?

HENRY: Correct.

GOSSWILLER: So, I just want to go back to you said you went on the primary road to get a better view, and when you did, people were running.

HENRY: Correct. So, from what I can see it was, I saw a blue vest that said, "Police," on the back of it, and that's all I saw was the back of the person running towards the house.

GOSSWILLER: Okay.

HENRY: So, after seeing the unmarked police vehicles with their lights on, and that person with a police vest on, did appear to be the same color that I know LAPD wears for their uniforms. They were running back towards the house. That's when I told Corporal Mondragon, "Hey, I see people running".

GOSSWILLER: Okay, so they're running toward the house.

HENRY: Correct.

GOSSWILLER: Where were they running from?

HENRY: The middle of the street towards the front of the house. So, to me, that's why I said, "Hey, I think he ran", and in my mind, I thought he ran back inside the house, which is what happened.

GOSSWILLER: How far away were they from the house?

HENRY: From the front door to the vehicles, then 50 yards, maybe.

GOSSWILLER: Okay. And then the law enforcement officer who was running or the LAPD officer that was running, how far from the house was he or she?

HENRY: I'd say probably 25 yards. He was in between the vehicle that was in the street, where it appeared that they were trying to take Hayes into custody. And then it was facing [redacted] where we were coming in from the [redacted] or from [redacted] to [redacted] the car was facing [redacted] so we had to drive around that car to get into the driveway.

GOSSWILLER: How far away is the school from the incident location where you guys were staged to?

HENRY: It took us I'd say, two to three minute to drive down.

GOSSWILLER: All right, so then when you pulled in, parked behind the car, you weren't sure he was there. How long was it before you learned that he was at the backside of the residence?

HENRY: I'd say within a minute. It was quick because the LAPD officers that were on perimeter, were verbally telling Sergeant Sandlin, "Hey, he's on the three side." So, then he, Sergeant Sandlin, told all of us, "Hey, he's on the three side on the second story on the balcony".

GOSSWILLER: Okay, when you say three side can you explain?

HENRY: I'm sorry. So, we number houses, like predetermined just the sides of the house. So, we all know if somebody says hey, he's on the number one side, which is usually the side of the house that faces the street. So, the front door is the number one side, and then it just goes in a clockwise order. So, then the side that would have been on the [redacted] side would have been the two side the [redacted] side would have been three side, and the [redacted] side would have been the fourth side.

GOSSWILLER: Okay. And how did you learn that he was on three side? How was that communicated to you?

HENRY: Sergeant Sandlin told us over the radio that he was seen on the

three side on the second story on the balcony.

GOSSWILLER: Did you have any direct contact with LAPD?

HENRY: No.

GOSSWILLER: Any radio communication?

HENRY: I did not, no.

GOSSWILLER: So, that information came over the radio from Sergeant Sandlin?

HENRY: Correct.

GOSSWILLER: Do you know how he obtained that?

HENRY: I think it was from the perimeter units, but I'm not 100% sure.

GOSSWILLER: And then you had mentioned that shortly after, approximately how long was it that Hayes came to the front of the house?

HENRY: I'd say one to two minutes. It was pretty quick.

GOSSWILLER: Okay. And then looking through the Bearcat window, the sun was directly in your eyes?

HENRY: Yeah. For part of it, I'd say for like five to 10 minutes. It was to

the point where I couldn't see very well. And I was trying to get myself lower to look into the window so I could watch, but the sun was, it was bad. And then, I'd say five to 10 minutes the sun started to go down a little bit more behind the roof of the house. So, then I had a pretty good picture into the residence, and I could see Byron a lot better than I could.

GOSSWILLER: Okay. So, that was only for five or 10 minutes that the sun was an issue for you?

HENRY: Yeah.

GOSSWILLER: Was there anything else between you and Byron?

HENRY: Just the window.

GOSSWILLER: Okay. And approximately how far away from Byron were you?

HENRY: I would say seven to 10 yards maybe, it was pretty close

GOSSWILLER: Okay. And when you approached where your lights and sirens activated, or --

HENRY: Yes.

GOSSWILLER: -- not. They were?

HENRY: Yeah, the second that I got into the driveway, I activated our overhead emergency lights, and I hit the siren. Once the sirens stopped, I immediately giving began giving PA announcements.

GOSSWILLER: How long did you have siren on for?

HENRY: Five, 10 seconds, and then that's -- I gave the PA announcements. They advised that he was on the backside of the residence, and I didn't want to continue to hit the siren because if they're trying to talk to him on that side, then it would be hard for them to hear what he was saying.

GOSSWILLER: And was the Bearcat on or off?

HENRY: It was on. And then I'd say I couldn't give you an exact time, but I did ask them, "Hey, do you want me to turn the lights and the engine off, so you guys can hear him better when they're talking," and Sergeant Sandlin, I think told Corporal Corral, and then Corporal Corral told me, "Hey, turn the Bearcat off". So, I turn the Bearcat off turn the lights off because if I didn't, it would drain the battery, and then the battery wouldn't be able to start again. At that point, we had already identified ourselves as the police department or Sheriff's Department, we had given all our verbalization the lights were on, I hit the siren in the PA announcements, and he knew that we were the Sheriff's Department based off of the face-to-face communication. So, at that point, I turn the lights and the engine off.

I do remember at one point, after he threw the bottle of alcohol, he started to like climb out of the window and said he was just going to jump out. And I do remember Corporal Mondragon telling him like, "Hey, don't jump out like you're going to get hurt. Like you can break a leg or an ankle". And then he like went back inside. That was before he grabbed the gun. That was like while he was still trying to talk to his [redacted] on the phone.

GOSSWILLER: Okay. And how long was the entire incident before the --from when you guys arrived on scene to when the shots were fired? Approximately how long was that?

HENRY: Just shy of I'd say roughly 30 minutes.

GOSSWILLER: Okay. So how far into that 30 minutes was it that he was starting to climb out the window?

HENRY: From the time that we got on scene to when he started to climb out of the window?

GOSSWILLER: Yes.

HENRY: It was just before he grabbed the gun. So, I would say probably estimating 28, 29 minutes maybe.

GOSSWILLER: Okay. And when he was climbing out of the window, did he ever come all the way out of the window? Can you describe how far

he got?

HENRY: So, the window that he was talking to us in, there was like a little bit of overhang of the roof above the garage. So, he climbed out and was like standing on the overhang and like just above the garage just above the car that was in front of the Bearcat. And then he was just saying he was just going to jump. And that's when Corporal Mondragon told him like, "Hey, don't do that you're going to get hurt. You can break like a leg or an ankle, like don't jump", and then he went right back into the window.

GOSSWILLER: Did he have anything in his hands?

HENRY: A cell phone. That was the only thing I could see.

GOSSWILLER: And I think you kind of touched that you couldn't always hear very well. But were you ever able to hear the other end of the cellphone conversation at all?

HENRY: No.

GOSSWILLER: And then you mentioned he was looking down and toward his left throughout the incident and then reached down to the left and came back with a gun.

HENRY: Mm-hmm.

GOSSWILLER: Can you describe that gun?

HENRY: It was a black, appeared to be like a semi-automatic handgun. When he grabbed it, he was he grabbed this holding it in his left hand, grabbed the slide with his right hand, tried to pull the slide back to appear to be chambering around into the gun, making it ready to fire. And then he pointed the gun to his head with his left hand. His right hand dropped below the windowsill because he dropped to his knees. And he had like an angle to where I could see the bottom of the magazine of the gun. Based on my training experience, it didn't look like a Glock Style magazine. It appeared to be like either like a Sig Sauer or like a Smith and Wesson, but I couldn't tell exactly what type it was.

GOSSWILLER: But it had a magazine --

HENRY: But it had a magazine inserted into the gun.

GOSSWILLER: What's going through your mind when you see Byron with this gun?

HENRY: At that point, due to his agitation I had I didn't know whether he was going to shoot himself or if he was going to point the gun at us. He was like, started he was yelling at that point, there was no like in between it he was just straight yelling at us and demanding the In-N-Out. They were trying to get him to drop the gun told him to drop the gun, and he didn't. And that's when he

made the eye contact with me and said, "You want to see me do it?" I shook my head no because I didn't want to see him shoot himself or get hurt. And I didn't want him to point the gun at us. I was worried because I couldn't see where everyone at was at outside of the Bearcat because I was so focused on the window and the gun. But I knew that they were – I heard Corporal Mondragon and Deputy Haas were to my left, and I didn't know exactly how far out to the left they were. But I knew that if they weren't behind the Bearcat and they were trying to communicate with him, even just to the side of the Bearcat, I knew there was a vehicle that was almost perpendicular to the Bearcat that was within close proximity. I didn't know if they were behind that vehicle, and if they were, they didn't have any protection from gunshots.

So, if they were going to if he was going to start shooting at them, they weren't going to have protection. So, I was worried about them, and then I was worried about any civilians that could be inside of their houses for any bullets that would fly past them and go into a house and hurt somebody. At one point, I do remember a car that -- we had the roads blocked off, LAPD had like position their vehicles to stop traffic for the service of the search warrant. I remember a vehicle drove around one of those, which was just bystanders driving by, which worried me because he has a gun, and they could potentially be hit by gunfire. So yeah…

GOSSWILLER: You have anything else?

HENRY: No.

GOSSWILLER: All right. Okay, so then you'd mentioned that he's holding the gun up toward his head and deliberately points it out toward Mondragon. How long is he holding the gun up to his head before he pointed out? Or [inaudible]?

HENRY: It was pretty quick. Yeah, I would say like 30 seconds, maybe. He was demanding In-N-Out. They were asking him to drop the gun, and then that's when he looked at me, asked if I wanted to see him do it, I said, "No". He started to squeeze the trigger, and then right as I had told them, "Hey, he's squeezed the trigger, but nothing happened". He like deliberately punched it out. It wasn't even within like a second or two of me starting to say that is when he punched the gun out toward Corporal Mondragon, and I heard the gunshot.

GOSSWILLER: Okay. And then you heard what you described as a pop can you go into detail how loud the pop was? If you could tell where it was coming from, if you saw anything while you heard the pop--

HENRY: So, as he pointed the gun out towards Corporal Mondragon, I heard the pop, and it sounded as loud as a gunshot to me, so I believed it was a gunshot. I couldn't see anything from the gun. But it was so quick, but that sound was distinct to me. It sounded

like a gunshot. And then it was a split second after hearing that gunshot, I heard more gunshots.

GOSSWILLER: Okay.

HENRY: That sounded so the gunshot that I heard sounded more like a handgun. And then the second gunshots I heard sounded like coming from a rifle. And there's distinctions on sound. Some are louder than guns. Rifles are generally louder than handguns.

GOSSWILLER: So, when you hear that pop, or what sounded like a handgun shot, did it sound like it was in the area? Could you tell? Or was it…

HENRY: It sounded like it came from his gun. It like, it sounded like it was in front of me instead of were the other gunshots I heard. I could tell were on like, my left and right.

GOSSWILLER: You mentioned that you were going to say something but before we even had a chance to you heard additional gunfire, correct?

HENRY: Yeah.

GOSSWILLER: Okay. How long did the additional gunfire last? From the first sound of it to the end of it?

HENRY: I'd say like five seconds or less. It was quick.

GOSSWILLER: You, did you perceive approximately how many rounds were fired? Or could you tell?

HENRY: It was hard to tell. I would say six to eight were fired on my left and then maybe two to three on my right, but it was hard to tell.

GOSSWILLER: All right, then after shots were fired. You're going or you're still in the Bearcat, but your team's going to breach, and they're unsuccessful. They go around the back, right? And you said you heard them say they breached the back window. How are you hearing them say that?

HENRY: They're broadcasting all of that over the radio. Obviously, they're out of eyesight, but they were using the radio to let everybody know what was going on.

GOSSWILLER: Okay, and then same when you're talking about them locating this suspect inside the house moving throughout the house. Is that all over the radio?

HENRY: Yes.

GOSSWILLER: Okay. Do you have any questions?

DOMON: No.

GOSSWILLER: All right. We're going to take a quick break. The time is 1212

hours. All right, it is 1215 hours we're back on tape inside the Specialized conference room, we're going to be continuing the interview with Deputy Henry. All right, Deputy Henry, we just have a quick question, follow-up question for you. As far as when Hayes has that gun, and he's holding it up toward his head. I know you've mentioned that he's yelling certain things and doing those demands. Can you just cover what he was saying? If you heard anything else or…

HENRY: Besides him demanding the In and Out and then looking at me and saying, "You want to see me do this?" and I shook my head no. Between me shaking my head no and him deliberately pointing the gun out, the gunfire, I didn't hear anything else.

GOSSWILLER: Okay. So, you didn't hear him saying, doing, or yelling anything else? That was the extent of what you heard?

HENRY: Yeah, that's all I heard.

GOSSWILLER: Okay. Do you have anything else?

DOMON: No.

GOSSWILLER: Do you have anything:

[redacted] No

GOSSWILLER: All right, the time is 1216 hours, and we're going to conclude the interview.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DEPUTY CRISTINA OLIVAS

Deputy Cristina Olivas

On Friday, August 12, 2022, at approximately 0402 hours, Sheriff's Crime Scene Specialist [redacted] and I met Deputy Cristina Olivas at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Olivas, who wore the same uniform, equipment, and carried the same firearm she had during the lethal force encounter (LFE). Olivas did not fire any weapons during the LFE. Olivas was photographed to document her uniform presence during the LFE. Olivas did not sustain any injuries during the LFE.

UNIFORM:

Olivas' uniform consisted of the following:

- A green ballistic helmet with Liberator 2 communication and ear protection. An American Flag patch affixed to the left side of the helmet. A patch with "61Z14" written in black lettering affixed to the back of the helmet. A patch with "FORGED SBCSD SWAT SCHOOL" written in black lettering affixed to the back of the helmet above the "61Z14" patch.
- Glasses with yellow lenses.
- A green long sleeve Crye Precision shirt with San Bernardino County Sheriff's Department (SBCSD) cloth patches on either arm. Green, brown, and tan (camo) Mechanix gloves. Green Crye Precision pants and green Salomon boots.
- A green TYR Tactical load-bearing vest. A patch with "SHERIFF" written in yellow writing affixed to the front center of vest and back of vest. A cloth SBCSD badge affixed to the center chest.

[redacted]

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRITPION CONTINUED:

Olivas' equipment on the TYR Tactical load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- A green magazine pouch containing three P-Mag rifle magazines.
- A green pouch attached to the vest.
- A green pouch containing a light sound diversionary device (LSDD).
- A black pry bar tool.
- A Motorola handheld transmitter (HT) radio affixed to the vest.

Olivas' equipment on the green nylon belt proceeded clockwise from the (front) center of the belt was:

- A black thigh rig platform with a green holster attached. The holster held Olivas' department-issued Staccato 2011 handgun.
- A green pouch containing a pair of black handcuffs.
- A green pouch containing a medical kit.
- A green pouch containing a light sound diversionary device (LSDD).
- A green dump pouch.
- A green magazine pouch containing a P-Mag rifle magazine.
- A green magazine pouch containing a one Staccato 2011 magazine.

The processing was concluded at 0404 hours.

Reviewed By: Sergeant Michael Warrick Date: Author: Detective Owenn Domon Author Date: 08/12/22

OFFICER INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on a Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

OFFICER INTERVIEW: DEPUTY CRISTINA OLIVAS

On Thursday, September 1, 2022, at approximately 1505 hours, San Bernardino County Sheriff's Department (SBCSD) Detective Owenn Domon and I interviewed SBCSD Deputy Cristina Olivas in the conference room at the Specialized Investigation Division, located at 808 Mill Street, San Bernardino. The interview was audio-recorded. Attorney [redacted] was present for the interview.

The following is a verbatim copy of the interview.

DR# 172209341
H# 2022-100

Deputy Cristina Olivas Interview:

DOMON: Alright, this is Detective Owenn Domon, the time is 1505 hours on September 1st, 2022. It's gonna be a Thursday. This is going to be an LF and E, LFE interview pertaining to the LFE that occurred on August 11th, 2022, Thursday. DR number is 172209341. Associated Henry number 2022-100. The location of this incident was [redacted] in the City of Victorville. We are inside the conference room at the Specialized Investigations Division office located at 808 Mill Street. Alright, can I have everyone identify themselves in the room please?

DEL RIO: Detective Michelle Del Rio.

[redacted] Attorney Rep. [redacted]

OLIVAS: Deputy Cristina Olivas.

DOMON: Okay, so, this is a criminal report, and it will be submitted to the district attorney. You do not have to speak with me. No discipline can come to you for not speaking with me. Prior to this interview, has anyone-anyone ordered you to give me a statement?

OLIVAS: No.

DOMON: Has anyone ordered you to speak with me?

OLIVAS: No.

DOMON: Do you wish to speak with me?

OLIVAS: Yes.

DOMON: Can you spell your first and last name for me?

OLIVAS: Cristina, C-r-i-s-t-i-n-a, Olivas, O-l-i-v-a-s.

DOMON: And what is your birthday?

OLIVAS: [redacted]

DOMON: And your employee and badge number?

OLIVAS: Frank 7-8-0-5. And I do not know my badge number.

DOMON: Okay, that's fine. And how long have you been employed by the San Bernardino County Sheriff's Department?

OLIVAS: It'll be [redacted] in [redacted]

DOMON: And where are you currently stationed?

OLIVAS: At SED.

DOMON: What is your height and your weight?

OLIVAS: 5'4", and then 120.

DOMON: Do you recall your date of hire?

OLIVAS: [redacted] I believe.

DOMON: [redacted]

OLIVAS: Yes.

DOMON: Do you remember the date you started patrol?

OLIVAS: I want to say in [redacted] in Victorville.

DOMON: Do you remember month by any chance?

OLIVAS: [redacted]

DOMON: [redacted]

OLIVAS: Yes.

DOMON: And your current rank is deputy?

OLIVAS: Yes.

DOMON: Prior to being employed by the San Bernardino County Sheriff's Department, do you have any previous law enforcement experience?

OLIVAS: [redacted]

DOMON: On the date of the incident 8-11 of this year, 2022, what shift did you work and what time did you work?

OLIVAS: 07 to 1600 is our normal day.

DOMON: And what days do you typically work?

OLIVAS: Monday through Friday.

DOMON: Monday through Friday.

OLIVAS: Every other Friday.

DOMON: What was your call sign?

OLIVAS: 61 zebra 14.

DOMON: And what is your unit number?

OLIVAS: 0-0-5-7-8-6.

DOMON: And on the day the incident were you driving your own department issued vehicle?

OLIVAS: No.

DOMON: Did you have a rider or a partner with you?

OLIVAS: In the armored vehicle?

DOMON: Yeah, in the armored vehicle, let's go with that.

OLIVAS: Yes, I did.

DOMON: And we're gonna go over again later, but who was in the armored vehicle with you?

OLIVAS: It was Eugene Mondragon, Jimmy Musgrave, Henry, and I believe that's it. Jeffrey Henry.

DOMON: Can you describe, kind of start from the top go work your way down what uniform you were wearing on that day?

OLIVAS: I was wearing my green Crys and my gun belt and then my load vest, bearing vest with my Sheriff logo on the front and a cloth badge.

DOMON: Can you kind of describe what was on your-your vest?

OLIVAS: Yeah, I have my rifle mags in front. I have a Brocol breaching tool on the back. I have a LSDD on the back, which is a light diversionary device and yeah, that's it on my vest.

DOMON: Alright and what about your, you said your gun belt?

OLIVAS: Yes. I had my 20-11, I have handcuffs, my pistol magazine, a rifle magazine and a another LSDD.

DOMON: Do you carry a belt recorder?

OLIVAS: Yes, I do.

DOMON: Was it activated during the incident?

OLIVAS: Yes.

DOMON: Does your… you are in the armored vehicle. Does the armored vehicle have a camera?

OLIVAS: No.

DOMON: And you aren't wearing a body worn camera?

OLIVAS: No.

DOMON: Prior to this interview, did you have a chance to review the audio recording of the incident?

OLIVAS: Yes, it did.

DOMON: And was that your own audio recording you reviewed?

OLIVAS: Yes, it was.

DOMON: Did you take any photographs either prior during or after the incident?

OLIVAS: No.

DOMON: Were you injured at all during the incident?

OLIVAS: No.

DOMON: Okay, so at this time, I'm just going to kind of open up the floor to you if you just kind of walk us through how everything kind of progressed.

OLIVAS: Dragon got received a phone call from LAPD in regards to a possibly us helping them out with a murder suspect that they were looking for by the name of Byron Hayes. They

were set up at their house in Victorville and the guy had asked him, I'm unsure the detective at LAPD had asked them, hey, if this turns into a barricade, like we just want to give you guys a heads up, we'll need your assistance. So, Mondragon gave us a heads up like hey, for we're needed we're gonna respond to a house in Victorville. Around 2:00 we got the confirmation that allegedly the [redacted] of Hayes had been in there, he confirmed that the suspect which was Hayes was inside the residence at the [redacted] at the [redacted] address and so LAPD was asking for us to come out. Mondragon let them know like hey, we're gonna need a search warrant if you want us to come out there so that we're going to work on that.

So, we started our planning process. We had Stone, Josh Stone doing the gas the chemical agents. We had Michael Corral doing the medic plan. I was in charge of the technology and the operations plan. So, we started working on that. Once we finished that Mondragon went- went ahead and briefed on what the plan was going to be which was like a surround and call out once we get there. Once that happened, we waited we waited for the search warrant we waited a couple hours I want to say one or two for them to get it signed. Once we got it signed, we're all outside the armor was ready to go. Once we got it signed and Mondragon reviewed the search warrant printed it out for them and then we loaded into… me, Mondragon,

Henry and Jimmy loaded into the armored vehicle. We were going to meet with LAPD at the, I forget what it's called. I forget the name of the park we met but it was close to the residence. We were gonna meet there for a brief with LAPD.

Once we got there Mondragon stepped out, he kind of did a face to face with the detective of LAPD. Let him know what we were planning on doing. And then we were we were ready to go. We loaded back into the armored vehicle. And then we made our way there. As we were going there, the LAPD officer he was in a separate vehicle in his unit. And he started we had the back doors of the armored vehicle open. He started trying to make like a communication with Dragon saying, hey, they have they're making contact, they're trying to take the suspect down. At that point, Dragon… that wasn't going over the radio that was just car to car. The guy said that then said oh it was very confusing. Hey, they have him in custody is what we thought so we slowed down. We're like, hey, let them do their thing. We're just gonna wait here. And then it came out that no that he didn't. They didn't have him in custody that he ran as we were pulling up.

We saw like people just pointing like hey, he he's that way. So, we rolled up into the house. Henry parked in the driveway, behind a white vehicle. And that's when I was

told by Sandlin Hey, get the-the USA the UAS up. So, I started on that. I got it up. And I was looking to see where he ran. But later information came out that he had ran back into the house. So, I started making my way around the house to see if I could see him. And that's when he came out on the second floor at that-that window that he had made contact with us. He started asking why we were there I believe and that was the main communication was between Mondragon and Byron. He, Mondragon had informed him like, hey, we have an arrest warrant for you. Uh, he was very like, wanting to know why, what the arrest warrant was for. And then Mondragon was in communication with him, I didn't hear a lot of what was going on because I was trying to focus on the drone.

At that point, he goes back inside. And so, I tried to circle around to see if he's going to come out from any other exits throughout his residence. There were officers on the two-three corner that I was focusing on, just for their safety. And at that point, I see him come out the second floor, rear sliding door, and I see him half out communicating with the officers. Shortly after that, he goes back inside, I communicate that to Sandlin Hey, he's here, this is what he's wearing. He's wearing blue over red. And then he goes back inside. When he goes back inside, he comes out front again to talk to us through the second floor, that window again. At that point Mondragon

has communication with him again, asking him like, hey, come out. We don't want to like hurt you. We want to just take you into custody safely we want to handle this safely, Sandlin does talk to him a little bit as well. Sandlin asked like how long do you need? And he asked for five minutes.

You can see that I could see through the drone that Byron had something in his left hand he was drinking a bottle of I don't know what he later stated it was like "Dom Perignon" or something like that. Then he kind of stumbles and the screen comes out. The window screen comes out, which gave us more visual inside. And he takes a phone call. He takes a phone call. He-he never identified the subject on the phone, but I believe it was his [redacted] He kept saying, [redacted] a lot. And during this phone call, he seems to get like a little agitated. And then he also states like Hey, [redacted] tell like, I want you to cremate my body. He makes that statement. I want you to cremate my body. And then Sandlin at that time Sandlin had said like hey, I already gave you my five your five minutes why don't you step out? You know. And he doesn't of course.

Then Harris Clarence, Clarence Harris, our negotiator gets there, and he starts trying to negotiate with him. Clarence, he didn't like Clarence he like immediate was like "fuck off." Clarence wanted to get some information

from him. And Byron, I remember saying making the statement of Black Lives Matter. So, Clarence, returned, hey, like I'm, I'm not here because I'm black I'm here because I'm the negotiator. But he didn't want to talk to him. He wanted to either talk to Mondragon or Sandlin. After that he got, he got agitated, and then that's when he said my family is going to make a lot of money from this.

And shortly after that, I remember him going to his left side retrieving a gun and he started racking it and at that time, I'm like, "hey, he has a gun." And he brings it up to his head, with his left hand. Brings it up and he starts saying like I've always wanted to do this. Someone-someone get me In-N-Out. So, Clarence at that time starts negotiating like hey, tell me, like you haven't even told me what you want or whatever. And he starts doing a countdown. He starts from five and he starts counting down and he's I want a number two, but he's he starts 5,4,3,2,1. I do not see a pull of the trigger, but I heard Henry voice it out like hey, he just pulled-pulled the trigger, and nothing happened.

And at that point, I'm just mainly focusing on the drone and then I see his hand come forward and that's when I heard shots fire. And he goes down he looks like he-he like diverts back into the room. And I can't see him. I'm trying to maneuver the drone to catch visual if he's either

hiding or what or if he's down. And I'm trying to communicate that with San, Sandlin. Then they get ready, Michael Sandlin, Jimmy Musgrave, I believe Christopher Haas, Mondragon, Bela, they get ready to make entry through the front door. As they approach the front door, I believe there was a failed breach. Jimmy couldn't get through. So, once they came back, I was still maneuvering the drone in order to get visual to see if I could let them know like, Hey, he's still-still in this-this room. And throughout this time, they're asking like, hey, Byron, are you there? We want to get your medical attention.

And they move to the rear sliding door on the three side to make entry. And at that time, I could see something I believed was him due to the shirt he was wearing. And I asked, me and Christopher Haas, were having a conversation like, hey, is that him? Is it him? Because I don't want to give wrong information because that would harm my team. So, we get Clarence to give us a third eye and yeah, we both we all agreed, like, hey, that's him. At that time that's when I let my Sergeant Michael Sandlin know, hey I think I believe I have visual, there's no movement he's in the room. And then I know they made entry and then I once I can see that they entered the room is when I brought the drone down.

DOMON: Alright, so we're just gonna, we'll just kind of take it back to the beginning and we'll break it into small parts and then just go from there, okay?

OLIVAS: Okay.

DOMON: So, you said that Mondragon, he got notified from someone that LAPD reference a suspect that they were looking for?

OLIVAS: That's correct.

DOMON: Did he did he say what the suspect was wanted for?

OLIVAS: Murder.

DOMON: For murder?

OLIVAS: Yes.

DOMON: Do you know any of the circumstances of that murder that LAPD was wanting for?

OLIVAS: I do because I received a Mondragon gave me the operations plans from LA to write on to our operations plan. So, it was a murder that took place in LA. It was Byron's [redacted] that was located in the vehicle in the

passenger front and it she had been shot in the back of her head and she had succumbed to her injuries. Video surveillance had shown that Byron and another subject I believe his name was [redacted] had stepped out, so they were involved in that murder. That weapon hadn't been located yet.

DOMON: The weapon, the weapon used---

OLIVAS: In the commission on the crime.

DOMON: During your, while you were putting your operation plan together, do you know any Byron's criminal history?

OLIVAS: Yes, I do. Robbery, a previous murder, prostitution, shooting into a dwelling, trespassing. I believe that's it.

DOMON: So, Mondragon gets this information, he relays that the LAPD's operational plan to you.

OLIVAS: Yes.

DOMON: And then are you the one that puts together your guys' operations plan?

OLIVAS: Yes, for that that case, yes.

DOMON: And you're just you kind of already said but your guys' plan was basically a surround and call out.

OLIVAS: That is correct.

DOMON: That's how you guys were gonna do it?

OLIVAS: Yes.

DOMON: And then you said Stone, you had Stone on chemical agents. What is that consist of?

OLIVAS: That's a gas plan. Say someone wants a barricade inside the house, it's an option that we have. If we want to take them into custody, we could supply the house with chemical agents.

DOMON: And then you said you were on the technology---

OLIVAS: Yes.

DOMON: ---aspect of it. And then Corral was doing the med plan.

OLIVAS: Yes.

DOMON: Do you recall what the rest of your, the rest of your team was assigned to?

OLIVAS: Yes. Mike Sandlin is the team leader he would have the less lethal on him. And Eugene Mondragon and he's the alternate team leader he would have a less lethal on him as well. Christopher Haas, he was assigned long rifle and Mikey Corral as well he would be assigned a long rifle. Jeff Henry was the driver of our armored vehicle. Jimmy Musgrave was our breacher. Bela Lukacs is our bomb and arsons, but he had the robot, so he was our technology as well.

DOMON: And everyone you just named they were all there for the briefing?

OLIVAS: That is correct.

DOMON: For that you guys had at your just SED personnel?

OLIVAS: Yes.

DOMON: And were they also the ones that went to the [redacted] address?

OLIVAS: Yes, that is correct.

DOMON: Alright, so you guys have your briefing. And do you recall what time you had that secondary briefing with LAPD?

OLIVAS: No, I want to say it was probably around five or six.

DOMON: Around five or six in the evening?

OLIVAS: Yes.

DOMON: And you guys met at some either park or school area?

OLIVAS: Yes.

DOMON: Near the location?

OLIVAS: Yes.

DOMON: How far away from the incident location you think that was?

OLIVAS: Not far at all, I would say maybe anywhere from two to five minutes.

DOMON: Two to five minutes.

OLIVAS: Yeah, it was close.

DOMON: And you said Mondragon, kind of the one communicating with the LAPD detectives that were out there for that briefing?

OLIVAS: Yes. Oh, it's [redacted] sorry.

DOMON: [redacted]?

OLIVAS: Yes, [redacted]

DOMON: Did you, did you get out of the Bearcat during that briefing or was it just Mondragon?

OLIVAS: I got out for a little bit, but mainly the communication was between Mondragon and the LAPD officer.

DOMON: And did they update any kind of new information to you guys at that time?

OLIVAS: At that time, no. It was just like, hey, we're gonna take over at that point.

DOMON: And prior to even going so you guys get that briefing, but prior to that briefing, did LAPD tell you anything pertinent to this case?

OLIVAS: Mondragon had told us what LAPD was referring to him. He had stated that they had taken they had just pulled over [redacted] had stated suspect is inside the house and that he there was a firearm inside the residence.

DOMON: There was with a firearm?

OLIVAS: Yes.

DOMON: So, after the LAPD briefing, how long do, how long did that briefing lasts for?

OLIVAS: It was very short. It was very, hey, we're here, this is what our intentions are. And then we're just gonna go to the house.

DOMON: So then from there, that's when you guys start proceeding to the [redacted] address?

OLIVAS: That is correct.

DOMON: How did you guys how did you guys all get there? Did all 10 of you guys jump in the Bearcat or was there any individual vehicles?

OLIVAS: There was subjects in their, there were people on their own vehicles.

DOMON: You guys' just kind of more-more or less convoyed---

OLIVAS: Yes.

DOMON: ---over there? And I think you already said it, but just so I kind of refresh my memory who was in the Bearcat with

you?

OLIVAS: Jeff Henry, Jimmy Musgrave, Eugene Mondragon, and I want to say that's it.

DOMON: And then yourself?

OLIVAS: Yes.

DOMON: Four of you and then the rest of them drove their own personal vehicle?

OLIVAS: Yeah, not, but they were with other people as well. Not everyone drove their own vehicle.

DOMON: Up to that point, do you have any?

DEL RIO: Yeah. When you guys arrived at the residence, where was the Bearcat positioned?

OLIVAS: It was in the driveway behind a white vehicle. So, on the one side.

DEL RIO: You-you mentioned that Mondragon received some information from LAPD. When did you receive that information? Was it that same day or was…?

OLIVAS: Yes, it was, all the information being passed around was that-that same day.

DOMON: So, you guys are driving to the location you're in the Bearcat doors are open in the back you said and then you said an LAPD officer was trying to either flag you guys down or---

OLIVAS: Yeah, he was like yelling to Mondragon through the back since our doors are open.

DOMON: Could you hear what he was saying or…?

OLIVAS: No, but Eugene Mondragon was repeating what he was saying. Like what like? So, everything he was trying to try to understand like, hey, are you what do you mean, this just happened? He would repeat it so we would hear it in the Bearcat.

DOMON: And that's where the kind of miscommunication you guys thought he was in custody, hey is this guy in custody at that point?

OLIVAS: Yeah, so we slowed down at that point.

DOMON: And then, when did you guys realize that he wasn't in custody? Were you guys still traveling there?

OLIVAS: We were still, yeah, we're still. We were making our way there because like, hey, let's just make sure everything's good with them. And then we'll part we'll part ways. As we were going there, we noticed people were pointing and we're like, okay, that doesn't look normal if he was in custody, so that's when we're like, okay, no, he's not in custody.

DOMON: And just by people like regular citizens?

OLIVAS: It was the LAPD officers that were on containment.

DOMON: And they were pointing towards the house?

OLIVAS: The residence, yes.

DOMON: So, when you guys first pulled up in the Bearcat, what did you see when you first pulled up?

OLIVAS: I immediately was told to put my, the UAS up. So, I just focused on that I was putting up the drone.

DOMON: So, let's go over that. What is what does UAS stand for?

OLIVAS: It's a small, unmanned aviation system.

DOMON: So, it's like a, it's basically a drone?

OLIVAS: That is correct.

DOMON: And I'm not familiar with that. How does, how does that kind of work? How do you how do you operate that?

OLIVAS: The drone itself, its battery operated, and then it's a control that's battery operated as well. And control connects to an app called Alltel Explorer, and then you use your work phone so you can see what the drone is capturing.

DOMON: So, the, what you're seeing…does the drone have cameras on it?

OLIVAS: Yes, it does.

DOMON: So, whatever the drone camera sees is relaying that to your phone?

OLIVAS: That is correct, through the app.

DOMON: So, you're watching the cameras from the drone on your phone?

OLIVAS: Yes.

DOMON: Does it have any…is it just visual or is there audio to it too?

OLIVAS: It's just visual.

DOMON: Just visual. Does it record?

OLIVAS: Yes, it does.

DOMON: So, you guys get there you said that the Bearcat parks basically right in the driveway right in front of the house?

OLIVAS: Yes.

DOMON: Is anything being said at that point when you guys first arrive?

OLIVAS: No, I do not believe. I believe the guys are just setting up at that point.

DOMON: They're setting up?

OLIVAS: They're setting up in different positions, yes.

DOMON: You're, I know you're in the back. Do you know if...does the Bear, does the armored vehicle does it have lights and sirens on it?

OLIVAS: Yes, it does.

DOMON: Do you know if those are activated at all during it?

OLIVAS: Yes, they were.

DOMON: Was it while you guys are driving or when you guys when you guys showed up?

OLIVAS: When we showed up Jeff Henry started public announcements, so he initiated the lights and sirens and then he stood, went into the public announcements.

DOMON: Do you recall what those public announcements were?

OLIVAS: He listed the address and he stated that we had a search warrant for the residence and that any subjects inside needed to come out with their hands up unarmed.

DOMON: Did he... was there any kind of identifier on who you guys were?

OLIVAS: I want to say yes, but I'm not 100% sure.

DOMON: So maybe he said some kind of identifier?

OLIVAS: Typically, we do so but I can't recall what he was saying.

DOMON: That's because you were setting up, you're trying to get

your drone set up?

OLIVAS: Yes, yes.

DOMON: Alright. So, you guys show up, do you hop, you still in the Bearcat getting your drone set up?

OLIVAS: Yeah, I'm taking it out, I'm getting it ready at that time.

DOMON: Is it a very long process to get that thing going?

OLIVAS: No, it's not long.

DOMON: It's pretty quick?

OLIVAS: Yeah.

DOMON: So, once it's set up, are you are you in the Bearcat while you're operating it, or do you step out?

OLIVAS: No, it won't connect if you're in the Bearcat.

DOMON: So, you have to you have to step out of the Bearcat?

OLIVAS: You have to step out and you have to put in a location for it to take off.

DOMON: Okay, so you jump out, you end up setting your drone up and then you end up launching your drone.

OLIVAS: That is correct.

DOMON: So, when you first initially launch it, what do you, what are you kind of doing? Like are you trying to go around the house?

OLIVAS: I'm trying to locate him. I'm trying to locate Byron.

DOMON: Trying to locate him.

OLIVAS: Because at that time we didn't we still hadn't been told if he was still on the run or if he had returned back into the residence.

DOMON: So, are you kind of just checking like the whole surrounding of the house?

OLIVAS: Yeah so, I'm circling around the house. I'm noticing where officers are. I'm trying to see their-their mannerisms to see if hey, is he over here? Because we still weren't getting clear communication from LAPD.

DOMON: On that note, was anybody in communication with LAPD like I mean, was anybody able to like talk to him to your

knowledge?

OLIVAS: Eventually they did circle around and come towards us, but they did have a radio of ours as well.

DOMON: LAPD did?

OLIVAS: Yes, they did.

DOMON: So, you were able to at least or someone was able to communicate to them via radio?

OLIVAS: Yes, they knew what was going on, yeah.

DOMON: So, you're flying your drone around, what...I mean, you said you saw LAPD guys around the house.

OLIVAS: Yes.

DOMON: What else do you see when you're flying it?

OLIVAS: I see the back of the house I'm seeing the openings to provide that information if we need that. Yeah, that's what I'm looking for.

DOMON: And then---

OLIVAS: The residence itself.

DOMON: ---and then at what point you said that Byron ends up coming out of a window?

OLIVAS: Yes, the front window.

DOMON: At what point---

OLIVAS: On the second floor.

DOMON: -----at what point does that happen?

OLIVAS: It's shortly after we, I lift off.

DOMON: So shortly after you guys basically arrive on scene?

OLIVAS: Yes, he comes and starts communication.

DOMON: And which, which window is he is he talking to you guys through?

OLIVAS: He's talking to us; I want to say it's the window right where we're parked right in front of. I don't remember what opening it was.

DOMON: And is there anything is there anything in the window

that's kind of obstructing your view?

OLIVAS: It's the screen.

DOMON: The screen?

OLIVAS: Yes.

DOMON: And when you're flying the drone, are you like are you right up on like the window are you kind of backed off a little bit?

OLIVAS: I'm back behind the armor.

DOMON: No, the drone itself?

OLIVAS: Oh, I'm above the window at this point but the cameras on Byron.

DOMON: On Byron?

OLIVAS: Yes.

DOMON: And how was how was his demeanor? How was he acting?

OLIVAS: At some points during the incident, he was joking around and then at other times he was agitated.

DOMON: He was agitated?

OLIVAS: Yes.

DOMON: You said most of the communication was done between Byron and Mondragon and Sergeant Sandlin would also communicate with him?

OLIVAS: Yes, that's correct.

DOMON: Okay, so they they're talking, at what point does the screen come out?

OLIVAS: He I mean he seemed to me his behavior was indicating that he was intoxicated. Not only was he consuming while he was talking to us, he was holding the bottle. So, at that point, he comes forward with the bottle and that's when the screen comes out. That would, I would say would be halfway through the incident,

DOMON: About halfway through the incident?

OLIVAS: Yeah.

DOMON: Okay, so is he is he holding you said the alcohol bottle, is he when he first initially presents himself is he holding the alcohol bottle.

OLIVAS: Yes.

DOMON: So right from the start---

OLIVAS: He's been holding the, yeah.

DOMON: And you said it appeared he appeared intoxicated?

OLIVAS: Yes.

DOMON: What's that based off of?

OLIVAS: Just the way he was speaking. And then he was drinking as he was doing it. And then his behavior when he almost fell off, fell out of the window. When the screen came off.

DOMON: Did he actually go like out of the window at any point?

OLIVAS: He came forward at some point we believed he was going to fall forward.

DOMON: And during this time when Byron's talking to Mondragon and Sergeant Sandlin, what's kind of been said between them? How's that conversation going?

OLIVAS: Mondragon's letting him know like, hey, you have an arrest warrant. Hey, we don't want to hurt you. We don't

want to we just want to end this safely. We want to take you safely into custody. I know Byron asked if his [redacted] was in in custody, and that was we shared Mondragon replied yes, she, we have your [redacted] we don't want to create any damage to the house or to you. We, basically that Mondragon cared for him. And then Byron stating back like, you don't care for me. Those kinds of things are being exchanged.

DOMON: During this talking or negotiation between Mondragon and Byron, did it ever appear that Byron was going to comply and surrender?

OLIVAS: Initially, yes, we believed I believed he was going to surrender based off of like, hey, when Sandlin asked, like, how much time do you need, and he said, five minutes, like, let me finish my bottle of alcohol. Give me five minutes, and I'll be out. So, we thought I believed he was going to come out and surrender.

DOMON: And then at any point, did he leave? Like, leave that area of the window? And did you ever lose visual of Byron?

OLIVAS: Yeah, he had he had at that, initially, he had talked to us and then he went back outside. And that's when I saw him come out the two, three on the rear sliding door when I seen half and half and he was communicating with the

LAPD officers.

DOMON: And you keep saying two, three corner, can you kind of explain what the two three corner means?

OLIVAS: So, the front of the house, we would number that as the number one side. And then we would move in a clockwise direction. So, 2,3,4 and then come back to one.

DOMON: So, the two side would-would have been the or what direction was the one side facing?

OLIVAS: It was [redacted]

DOMON: [redacted] So, the one side was [redacted] so that means a two side would have been [redacted]?

OLIVAS: Right here, yeah.

DOMON: So, it's two side [redacted] and then three side would be---

OLIVAS: [redacted]

DOMON: --- [redacted] and then the four side would be [redacted] So, when Byron he said he went out to the back balcony?

OLIVAS: Yes.

DOMON: And he was communicating with the LAPD officers back there?

OLIVAS: Yes. They were positioned right here on the two, three corner. So, the two side and the three side were at corners, that would be considered the two-three corner.

DOMON: Two-three corner. Could you hear what that conversation between LAPD and Byron was?

OLIVAS: No, I could not hear it. But it was later relayed to us from Sandlin that he had stated like, if anyone comes through the back of door, they're gonna get shot. If any officers come through the back door, they're gonna get shot.

DOMON: That's what Byron was talking to, saying to the LAPD officers?

OLIVAS: That's what I believe was relayed to them and then Sandlin had told us, that's what was being told.

DOMON: Okay, how did, do you know how Sergeant Sandlin received that information?

OLIVAS: He, it might have been over the radio.

DOMON: It may have been over the radio?

OLIVAS: Yeah, it may have been over the radio.

DOMON: But then Sergeant Sandlin relayed that to you guys?

OLIVAS: Over the radio as well.

DOMON: Over the radio?

OLIVAS: Yeah. Provided that information to Dispatch.

DOMON: And when Byron was out there, on the two-three corner talking to the LAPD officers, could you, could you see him like fully?

OLIVAS: No, it was half, it was just half of him.

DOMON: Just half of him?

OLIVAS: Yeah.

DOMON: Did you could you see what I mean was he holding anything?

OLIVAS: No, I could not see him holding anything.

DOMON: So, after Sergeant Sandlin relayed that what you just said, if anybody comes in here, I'm going to shoot them. What

was what was going through your mind at that point?

OLIVAS: At that point, I was this guy's not gonna surrender. He's, he's about it. He wants he's either gonna cause us harm or he's gonna stay in this house until we have to take action to take him into custody.

DOMON: And how long how long do you if you had to estimate how long do you think Byron was out there talking to the LAPD guys?

OLIVAS: Not long, I want to say, no longer than five minutes, because then he came back to the front and started communicating with us, Dragon and Sandlin again.

DOMON: And then that's when you repositioned the drone back to the front?

OLIVAS: Yes, that is correct.

DOMON: And then once he comes once Byron comes back to the front, does his demeanor change at all?

OLIVAS: It's hard to, yeah, it's hard to say he, he kept bouncing back and forth between joking and then agitated. So...

DOMON: Okay. Up to that point, do you have anything?

DEL RIO: I'm just gonna take it back a little bit. Prior, prior to your arrival, the information you received was that Byron was a violent person, he had committed a murder in LA and then he had committed a previous murder elsewhere that he had been convicted for. And you said that the gun for the murder committed in LA wasn't located. How did that make you feel?

OLIVAS: It makes me feel scared because I know that the subject is armed.

DEL RIO: So, prior to setting up the drone, did you see Byron at all?

OLIVAS: No, my once my sergeant tells me what to do I-I did that immediately.

DEL RIO: Where were you positioned?

OLIVAS: I was on the one side in front of the that's in front of the residence behind the armor.

DEL RIO: So, you mentioned the drone has a-a camera.

OLIVAS: That is correct.

DEL RIO: Can you explain a little bit more? Does that camera give you a 360 view, 180 view or where exactly on the drone is

a camera located?

OLIVAS: The camera's located in the front. I can rotate the drone in order for us to get a view 360 view if I wanted it to. Initially I just had it focused on Byron.

DEL RIO: You mentioned that at one point after Byron has the gun in his hand. Henry said that Byron had pulled the trigger, but nothing happened. What-what did you think had occurred?

OLIVAS: I believe that either he had a malfunction or maybe he didn't...well, that would be considered a malfunction too if he didn't load correctly, so I believed he had a malfunction.

DEL RIO: And then you mentioned after the LFE occurred, you put the drone and you can see Byron inside a bedroom.

OLIVAS: Yes.

DEL RIO: And he was on the floor of the bedroom.

OLIVAS: What I believed was to be him, yes.

DEL RIO: Was to be him. Can you explain what position the body was in?

OLIVAS: So, you can't, I can't give you the full position because I can only have a partial view. But if I believed he was laying down, and it looked like his head was facing this direction, further, further away from the window, and then his feet was closest to the window.

DEL RIO: So, it'd be this maybe his head was facing in a [redacted]---

OLIVAS: That, yes.

DEL RIO: ---direction?

OLIVAS: That's correct.

DEL RIO: Were you able to see the-the firearm that Byron initially held in his hand? Were you able to see that through the drone?

OLIVAS: Yes, I was.

DEL RIO: And how far was it from Byron or where was it?

OLIVAS: It was to his left. I don't know where he pulled it from. But I saw when he pulled it and then he started racking it. And then I saw him holding it to his head. That's when I announced "Hey, he has a gun."

DEL RIO: When you announced he has a gun and you said he retrieved it, do you know where he retrieved it from?

OLIVAS: He I don't know where he retrieved it from it was somewhere on his left side. So, I don't I don't know if he got it from, he put it down somewhere. I don't know where he retrieved it from all I know is all of a sudden, he didn't have it and then he reached over to his left and he had it in his hand.

DEL RIO: And what hand did he have it in?

OLIVAS: His left hand.

DEL RIO: His left hand. Can you describe the gun, the gun that Byron had?

OLIVAS: It looked like a black firearm.

DEL RIO: Was it like a semi-automatic was it like....?

OLIVAS: Yes.

DOMON: So, you said Byron he grabbed the firearm with his left hand it and you said he racked it. What is that....can you kind of describe what racking means?

OLIVAS: Chambering one and like putting a round into the chamber.

DOMON: So, cycling the firearm---

OLIVAS: Yes.

DOMON: ----to engage it?

OLIVAS: Yes.

DOMON: So, he picked he grabbed it with his left hand and then he racks it in any puts it to his head?

OLIVAS: That's correct.

DOMON: How was he holding it to his head?

OLIVAS: He had it basically pointed to his head.

DOMON: So, the way you're kind of saying like is so pointed to the left side is like near his temple?

OLIVAS: That is correct.

DOMON: And then once he does that, what does he say after that?

OLIVAS: I've always wanted to do this.

DOMON: I've always wanted to do this?

OLIVAS: Yes. Like he gets excited. And then he starts demanding that I want, get me In-N-Out, I want In-N-Out right now. And then he mentioned he wants a number two and at that…he mentioned that I want to number two when the countdown had already started. So, he holds the gun up to his head and then he starts a countdown from five to one.

DOMON: In that sometime in that span, he says I want a number two.

OLIVAS: A number two, yes.

DOMON: How was… I know your view is kind of obstructed because the drones above it. How was how was Byron, is he is he standing is he kneeling, is he further back in the room when he's holding the firearm to his head?

OLIVAS: It appeared to me initially as if he was kneeling, but prior to that he was standing. When he grabs a firearm, it appears to me that he kind of went down a little bit so he might have been kneeling, but I can't, I can't say whether he was or not.

DOMON: So, when he grabs the firearm, he's standing and then during that transition he---maybe kneels.

OLIVAS: It looks like it appears that he lowered down a bit, so I don't know if he was kneeling or not.

DOMON: He starts his countdown from five. Is it a fast countdown, is it's kind of a slow countdown?

OLIVAS: Initially starts five, four, and then it grows a little bit like he's building up to do it.

DOMON: Sometime in that he asked for a number two. And then he gets does he get does he make it to one?

OLIVAS: Yeah, I want to say yeah, cuz two was the longest he kind of paused on two and then he got to one and that's when Henry said he pulled the trigger.

DOMON: And so, once he reaches one, Henry says, hey, he pulled the trigger.

OLIVAS: Yes.

DOMON: What happens after that?

OLIVAS: That's when the gun comes forward.

DOMON: Come forward.

OLIVAS: Yeah, towards the officer or my partners.

DOMON: Can you kind of describe that motion he made from his head the gun to his head to out, towards your partners? I mean, he was it was it very fast, was it slow. Could you tell?

OLIVAS: It occurred pretty fast. Because after it was Henry saying like, hey, he just pulled the trigger, it came forward and then all of a sudden it was shot, shots fired happened pretty fast.

DOMON: So, the movement that Byron made from the gun to his head out to your partners, that movement was fast?

OLIVAS: Yes.

DOMON: And how was you, how was he kind of how did he point the gun meaning was like his arm fully extended, was the gun straight up, sideways?

OLIVAS: I want to say it was still coming, like at an angle.

DOMON: Coming down to an angle?

OLIVAS: Yes. It wasn't forward completely yet.

DOMON: Completely before-before you started hearing or ...?

OLIVAS: Before...it went here and went there and then I heard shots fired so.

DOMON: So, you start here, as he was pushing as the gun was coming forward.

OLIVAS: As it was coming forward, yeah, that's when I heard the gunfire.

DOMON: And you said it was pointed in the direction of where your partners would be at.

OLIVAS: My partners were, yes.

DOMON: And as this as this is happening, Byron's pulling the gun out, you start hearing gun is your, is the drone still fixed on---

OLIVAS: Byron.

DOMON: It's still fixed on Byron.

OLIVAS: Yes.

DOMON: Does it ever move or anything like that?

OLIVAS: At that point, no. Because I know Sandlin's, whoever, Sandlin's behind me and then Mikey Corral's behind me. So, I know they're monitoring so my main focus is Byron.

DOMON: And so, your…the gun starts coming out, you start hearing how many how many gunshots do you think you heard?

OLIVAS: I do not know.

DOMON: You don't know?

OLIVAS: No.

DOMON: Was it, I mean if you had to guess number?

OLIVAS: Anywhere from maybe five to ten.

DOMON: About five to ten?

OLIVAS: Yes.

DOMON: Was it, how long do you think the gunshots lasted?

OLIVAS: Not long.

DOMON: I mean, like a---

OLIVAS: One to three seconds.

DOMON: One to three seconds somewhere in there?

OLIVAS: Yeah, and I'm being generous with the three seconds.

DOMON: And during this time what's so you start hearing gunshots gunfire, what happens? What are you seeing on your, on the drone monitor?

OLIVAS: I know that he like it appeared to me that he dove back into the bedroom. And I'm trying to at that, at that time when he drove back into the bedroom, I'm trying to monitor shift the UAS in order to get a view like is he still there or where's he at to capture like, hey, so I could give that information to Sandlin.

DOMON: So, started hearing gunshots then you see Byron kind of diving back into the bedroom.

OLIVAS: Yes, that's correct.

DOMON: So, you kind of you lose sight of Byron at that point?

OLIVAS: Yes.

DOMON: And then after the gunshots cease, are you able to still see in the bedroom? Or is, can you see Byron at that point, or no?

OLIVAS: I do not see Byron for a while I'm trying to maneuver the drone and then I have a battery change as well at that time.

DOMON: And for a battery change, you have to like land the drone?

OLIVAS: It has to be landed, and then I have to physically change the battery and get it back up.

DOMON: How long does that process take?

OLIVAS: It could take anywhere from like a minute and a half, depending on how long it takes the drone to land.

DOMON: So that happens, you have to do a battery change real quick. What's happening, what's the rest of your partner's doing at that point?

OLIVAS: They're getting set up to make an entry into through the front door.

DOMON: So, you switch your battery out. And you relaunch, you relaunch your drone back up?

OLIVAS: That is correct.

DOMON: And then you try to get visual onto Byron?

OLIVAS: Yeah, I'm still yeah, I'm still rotating the drone in order to capture something inside that bedroom.

DOMON: And is your, the rest of your team are they still attempting enter into the front? Or do they move by now?

OLIVAS: Yeah, I can hear that they're make, trying to make entry,

DOMON: So, you're still trying to see Byron in there. At what point are you able to see because at one point you get visual of Byron.

OLIVAS: That is correct.

DOMON: At what point is that?

OLIVAS: That happens when the team diverts to the back because it was a failed breach in the front door.

DOMON: That's when you're able to see Byron?

OLIVAS: Yeah, so once I get a lot closer, bring it down. I'm able to I believe I saw Byron on the front near the window.

DOMON: And does he....is he moving or anything?

OLIVAS: No, there's no movement.

DOMON: No movement. Could you see anything? Was anything around him at that point?

OLIVAS: I could not see that-that much into it.

DOMON: Couldn't see that much?

OLIVAS: Yeah, because the drone itself has anti-collision. So, it won't allow you to get near buildings because it believes it's going to collide. So, that's why it won't allow me to get that close where I can see inside the bedroom.

DOMON: And then once you make once you get a visual of Byron, that's when you relay that---

OLIVAS: Information to my team.

DOMON: To your team. Is that over the radio?

OLIVAS: That is correct.

DOMON: And then you keep visual on him until you said, do you see your team coming up? The rest of your team makes entry into the house, and you see them coming into the room?

OLIVAS: Yeah, I can see them working on Byron.

DOMON: And by working, what were they doing?

OLIVAS: Giving him medical attention.

DOMON: Medical attention. Did you see what kind of medical attention they were giving Byron?

OLIVAS: No, I could not see.

DOMON: Couldn't see that. So, from the time you guys arrived at the location to the times that times basically when the LFE occurred and how long do you think that took?

OLIVAS: Maybe 45 minutes.

DOMON: 45 minutes.

OLIVAS: 45, maybe an hour.

DOMON: And then from the time to LFE occurred to the time that

the rest of your team was able to make contact with Byron inside the house, how long do you think that took?

OLIVAS: I want to say anywhere from 10 to 15 minutes.

DOMON: About 10 to 15 minutes?

OLIVAS: Yeah.

DOMON: And to your knowledge, was there any delay in getting to Byron inside the house?

OLIVAS: No.

DOMON: Any questions?

DEL RIO: Was medical aid staged at any point during the incident?

OLIVAS: Yes ma'am.

DEL RIO: And when was that?

OLIVAS: We ended, we always for every search warrant we stage medical.

DEL RIO: When?

OLIVAS: I want to say it was at the beginning of our call once we are we gonna go into this SWAT call that medical is staged.

DEL RIO: What was the intended goal of the plan?

OLIVAS: To safely take Byron Hayes into custody.

DEL RIO: Would you describe your stress level during the incident?

OLIVAS: It was extremely stressful.

DEL RIO: I know that you were in a high stress situation. Did that prevent you from doing your job at all at any point?

OLIVAS: No, ma'am.

DEL RIO: I know that you're looking through, you know, through the drone what's the lighting like when you're looking you know, through your phone, you know, I guess through the eyes of the drone? Is it is it different compared to you know, if you were looking at Byron through the window directly?

OLIVAS: No, it's the same kind of lighting.

DEL RIO: Same kind of lighting?

OLIVAS: Yes, ma'am.

DEL RIO: Do you remember seeing anyone else in the area during the shooting aside from law enforcement?

OLIVAS: Oh, you mean like neighbors?

DEL RIO: Yes, like civilians.

OLIVAS: Yes, as we were rolling up. I believe that one of the officers said like go inside. So, I remember people coming outside to see what was going on.

DEL RIO: And that's during the shooting?

OLIVAS: It was when we were rolling into the incident.

DEL RIO: What about during the shooting, do you recall?

OLIVAS: No, because I was focused on my drone.

DEL RIO: So, your main focus of attention was on Byron.

OLIVAS: My job, yeah.

DEL RIO: I know you said the lighting is the same as looking at real time. Is there a delay at all through the when you're

watching the video through your phone of the drone?

OLIVAS: There can be a delay if there's a disconnection, but it wasn't disconnected when I was watching it.

DEL RIO: Describe how you felt during and after the shooting.

OLIVAS: During the when I seen the gun come out, when that he had taken the gun out, that's when I was like, oh man, I was more worried for my partners because I knew Mondragon, Haas and Bela were just behind the vehicle. And at any point at least we were behind the armored vehicle, but rounds could get to them, so I was in fear for their lives.

DEL RIO: Because Byron Hayes was an imminent threat?

OLIVAS: Yeah, he's killed before and so I knew that it'd be possible that he could do it again.

DEL RIO: What do you believe may have happened had your partners not fired their weapons at Byron?

OLIVAS: I believe that he would have either harmed or killed my partners.

DEL RIO: How would you describe the communication between you

and your partners during the incident?

OLIVAS: I believe that everything that was needed to be communicated was communicated.

DOMON: Alright, we're gonna take a quick break, the time is 1558 hours.

DOMON: Alright, this is Detective Owenn Domon, we are back on tape the time is 1609 hours. We just have a few follow up questions. I know we; you had mentioned earlier that the drone does have the capability of recording. Was it recording during this incident?

OLIVAS: No.

DOMON: No. Do you guys typically do you typically record any of the incidents are you allowed to?

OLIVAS: No, the department does not allow us to record.

DOMON: And then after the LFE occurred, were you able, was it even impossible to send the drone into the house to make visual verification?

OLIVAS: The drone is an exterior drone. So, it has sensors that is anti-collision so would prevent me from getting near the

house or into the window.

DOMON: So, it's not able to go through windows because of the sensors?

OLIVAS: No.

DOMON: Alright. And when you were kind of flying around the house, either see where Byron was out or while he was talking on the back patio. He was talking to you said LAPD officers in the backyard. How were you able to identify that there those were LAPD officers?

OLIVAS: They were in their uniforms and then I saw their gun belts and they had their weapons, duty weapons on.

DOMON: Do you have any follow up questions? Sir, do you have any?

[redacted]: I have nothing.

DOMON: This is going to end the interview. The time is 1611 hours.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: SERGEANT MICHAEL SANDLIN

Sergeant Michael Sandlin

On Friday, August 12, 2022, at approximately 0425 hours, Sheriff's Crime Scene Specialist [redacted] and I met Sergeant Michael Sandlin at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Sandlin, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Sandlin did not fire any weapons during the LFE. Sandlin was photographed to document his uniform presence during the LFE. Sandlin did not sustain any injuries during the LFE.

[redacted]

UNIFORM:

Sandlin's uniform consisted of the following:

- A green ballistic helmet with Liberator 2 communication and ear protection. A patch with "TL" written in black lettering affixed to left side of helmet. A patch with "SED SWAT" written in black lettering affixed to right side of helmet. "SED SWAT" was inside a shield with wings on either side. A patch with "61S3" written in black lettering affixed to the back of the helmet. A patch with "FORGED SBCSD SWAT SCHOOL" written in black lettering affixed to the back of the helmet above the "61S3" patch.
- Glasses with clear lenses.
- A green long sleeve Crye Precision shirt with San Bernardino County Sheriff's Department (SBCSD) cloth patches on either arm. Green Crye Precision pants and green Salomon boots.
- A green TYR Tactical load-bearing vest. A patch with "SHERIFF" written in yellow writing affixed to front center of vest and back of vest. A patch with "61S3" written in green lettering and a patch with "A+POS" written in green lettering affixed to back of vest.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

Sandlin's equipment on the TYR Tactical load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- A green magazine pouch containing three P-Mag rifle magazines.
- A black carabiner affixed to vest.
- A green pouch containing a retractable collapsible baton (RCB).
- A green pouch containing medical supplies.
- A green pouch.
- A green pouch containing a flashlight.
- A green pouch containing a Motorola handheld transmitter (HT) radio.
- A black 40-millimeter blunt instrument projectile (BIP) single shot launcher slung across left shoulder.
- A Geissele Automatics MK4 rifle slung across right shoulder.

Sandlin's equipment on the nylon belt proceeded clockwise from the (front) center of the belt was:

- A black thigh rig platform with a green holster attached. The holster held Sandlin's department-issued Staccato 2011 handgun. A green pouch containing a digital recorder affixed to the thigh rig platform in front of the handgun. A black plastic sheath containing a fixed blade knife behind the handgun.
- A green thigh rig platform with a green pouch attached containing a gas mask.
- A green pouch containing a light sound diversionary device (LSDD).
- A black carabiner with glow sticks attached.
- A black dump pouch.
- A green magazine pouch containing one P-Mag rifle magazine and one Staccato 2011 magazine.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

- A black carabiner attached to the belt.
- A green pouch.

The processing was concluded at 0426 hours.

OFFICER INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on a Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

OFFICER INTERVIEW: SERGEANT MICHAEL SANDLIN

On Thursday, September 1, 2022, at approximately 1303 hours, San Bernardino County Sheriff's Department (SBCSD) Detective Bryan Sprague and I interviewed SBCSD Sergeant Michael Sandlin in the conference room at the Specialized Investigation Division, located at 808 Mill Street, San Bernardino. The interview was audio-recorded. Attorney [redacted] was present for the interview.

The following is a verbatim copy of the interview.

Reviewed By: **Sergeant Michael Warrick** MW Date: 2/16/2024 Author: **Detective Michelle Del Rio** Author Date: **01/16/2023**

DR# 172209341
H# 2022-100

Interview with Sergeant Michael Sandlin

DEL RIO: Okay. Good afternoon. My name is Detective Michelle Del Rio. Today is September 1st, 2022. It is 1303 hours. 1:03 p.m. This is going to be an interview that took place, interview regarding a lethal force encounter that took place on August 11, 2022, at [redacted] in the city of Victorville. The DR number is 172209341; H #2022-100 and the location of the interview is going to take place in the Specialized Investigations conference room. Will everyone else in the room please identify yourselves?

SPRAGUE: Detective Bryan Sprague from the San Bernardino Sheriff's Department, Specialized Investigations Division.

[redacted] Attorney Rep. [redacted]

SANDLIN: Sergeant Michael Sandlin, assigned to the Specialized Enforcement Division, squad three.

DEL RIO: Okay. Michael, this is a criminal report, and it will be submitted to the district attorney's office. You do not have to speak with me. No discipline can come to you for not speaking with me. Prior to this interview, has anyone ordered you to give a statement other than a public safety statement?

SANDLIN: No.

DEL RIO: Has anyone ordered you to speak with me?

SANDLIN: No.

DEL RIO: Do you wish to speak with me?

SANDLIN: Yes.

DEL RIO: Spell your first and last name, please.

SANDLIN: Michael, M-i-c-h-a-e-l. Sandlin, S-a-n-d-l-i-n.

DEL RIO: Your date of birth?

SANDLIN: [redacted]

DEL RIO: Employee number and badge number.

SANDLIN: "B" as in boy, 7503. Unknown badge number.

DEL RIO: Years of service with the San Bernardino County Sheriff's Department?

SANDLIN: [redacted] in [redacted]

DEL RIO: What station are you currently assigned to?

SANDLIN: Specialized Enforcement Division.

DEL RIO: Height and weight?

SANDLIN: 6'3". 260.

DEL RIO: Date of hire?

SANDLIN: [redacted] I'm sorry. [redacted]

DEL RIO: Date you started patrol?

SANDLIN: Patrol? I think [redacted]

DEL RIO: Current rank?

SANDLIN: Sergeant.

DEL RIO: Any previous law enforcement experience?

SANDLIN: [redacted]

DEL RIO: On the day of the incident, what shift did you work and what were the times of your shift?

SANDLIN: I worked day shift, 0700 to 1600.

DEL RIO: What was your call sign?

SANDLIN: 61-Sam-3.

DEL RIO: What unit number were you assigned? Vehicle number.

SANDLIN: 005155. It's an under, unmarked Ford F150. Silver in color.

DEL RIO: Did you have a rider or a partner?

SANDLIN: No.

DEL RIO: Would you please describe to me from top to bottom the uniform you were wearing that day?

SANDLIN: I was in plain clothes prior to the callout. After the callout, I was in SWAT greens.

DEL RIO: And what does that consist of? Like, what do your SWAT greens look like?

SANDLIN: It's just a green long-sleeve blouse with green BDU. Crye makes, Crye is the maker of the uniform. The blouse has shoulder patches that identify yourself as part, us as San Bernardino County Sheriff's Department and I also have a SED patch and that's it.

DEL RIO: During the incident, was your belt recorder activated?

SANDLIN: Yes.

DEL RIO: Does your assigned vehicle have a camera?

SANDLIN: No.

DEL RIO: Were you wearing a body-worn camera?

SANDLIN: No.

DEL RIO: Did you have a chance to review your audio recording of the incident before this interview?

SANDLIN: Yes.

DEL RIO: During or after the incident, did you take any photographs?

SANDLIN: No.

DEL RIO: How much sleep did you get in the last 24 hours?

SANDLIN: Today?

DEL RIO: No, prior to the incident.

SANDLIN: Over 8. Probably 8 or 9.

DEL RIO: What about in the last 48 hours prior to the incident?

SANDLIN: Same. 8 or 9 hours.

DEL RIO: Were you under a doctor's care or taking prescribed medications that affected your ability to perform at the time of the shooting?

SANDLIN: No.

DEL RIO: Tell me about the weapon that you are assigned or were carrying on the day of the incident.

SANDLIN: The day of the incident, I had my sidearm. It's an STI 2011 9mm handgun. I had my Geissele M4 rifle, and I had a LMT Single 40mm Launcher, Lewis Machine Tool.

DEL RIO: Were you injured during the incident?

SANDLIN: No.

DEL RIO: Have you ever been involved in a lethal force encounter before?

SANDLIN: Yes.

DEL RIO: And when was that?

SANDLIN: I mean, the last few…last year.

DEL RIO: Okay. Now, I'd like to open it up to you. If you could just, you know, give a detail, you know, a summary of what occurred that day, how you were made aware of the call.

SANDLIN: Sure.

DEL RIO: And all of the information that was passed down to you. And just everything in chronological order, all the way to after the incident was concluded.

SANDLIN: Of course. So, I was in my office in High Desert office in Victorville with Team One. Their sergeant was on vacation and their corporal, Eugene Mondragon, was in charge of their team. I would guess around 1400 or 2 o'clock in the afternoon, Mondragon advised me that LAPD was asking our assistance with an apprehension. They were in Victorville City watching a house for a murder suspect and they were there early in the morning. I think he told me 5 o'clock they landed there and started surveillance.

They had information that the suspect was inside the house and how they received that information was the LAPD officers conducted like, a ruse. They called the [redacted] of the suspect and what was explained to me is they were acting like the gas company, and they had a gas leak or something and asked the

[redacted] if anyone was inside the house. The [redacted] said, "Yes," referring to the suspect. He was inside the house and he was asleep. So, they had that information and basically, they were asking us to come and assist them with the surround and callout. Basically, a tactile response because the suspect was wanted for murder, the gun was outstanding for the murder, and he was also convicted of several violent crimes, including murder in the past. So, they're dealing with an extremely violent suspect.

I told Mondragon, "Okay, I'll advise the lieutenant." So, I called Lieutenant Smith and advised him what I had and the circumstances. At that time, they did not have a search warrant for the house, and I asked Mondragon if the corporal or the detective that was the case agent on the Los Angeles side, if he could get a warrant for the house. They did have a warrant for the suspect already. So, I got the detective working on that. I told the Lieutenant that the search warrant was being written and our plan was to take one of my guys and the rest of Squad One to and go help LAPD and he said, "Of course." And that was around 2 o'clock.

So, we were in the office. We all got changed into our SWAT greens. I had, not me, but Mondragon had Deputy Olivas start an ops plan, an operations plan, of the search warrant. We do for all search warrants and all apprehensions, we always do an ops, an operations plan. So, we got that going. We do our own workup on the suspect. So, you know, we learned about his criminal

history and combined with information that we got from LAPD, we checked his criminal history and all that, you know, on our end to corroborate the information that we were getting. So, after all that was done, we were in the office. The operations plan was done. LAPD is still trying to get the search warrant. We briefed the operations plan in our office. Everyone was assigned less lethal, you know, chemical agents, breacher. We were, I assigned Henry to drive the Bearcat, the armored rescue vehicle, Desert Bearcat. You know, just basically making our plan for the surround and callout.

We did not have enough of our personnel in the desert to do an entire surround and callout. So, we asked LAPD if they would be the perimeter and they had something like, 13 people, 13 personnel. So, they definitely had enough folks to help us out with the perimeter. So, Mondragon coordinated that. His contact was Detective Witzel or Whetsel. I'm not sure how you pronounce it and I later met Whetsel. He's, he said it was a "D3." I guess that's their rank detective three, for LAPD Fugitive Apprehension team. So, we're briefing up our plan in the office. Everyone knows their assignments. We have the route to the location on [redacted] and before we landed on [redacted] I wanted to ensure that LAPD knew what we were going to do and knew their role in the callout.

So, we met at a park or a school probably two blocks away from the incident location. I met Whetsel there and another detective.

I don't know what his name is, sorry, before we went to the house and this is around 1700 now, is when we meet 1730, maybe. I'm not exactly sure, but it was later in the evening, and I gave Whetsel one of our radios to make sure he had communications with our side and our dispatch and, you know, especially for the perimeter on the backs of the house that they know what's going on.

Okay. So, after we get that done at the park, everyone, not everyone, but most of the team consolidated into the armored rescue vehicle, Desert Bearcat. I drove my truck and we had a medical emergency van in the plan in case someone was hurt and they need to be evacuated. We used Detective, I'm sorry, Deputy Stone's van, His caravan and… So, we basically got in a line and started to go to the incident location. I'm sorry, I did review the search warrant. I also sent it to the lieutenant and made sure it was good to go. The judge signed it, you know, it was the right address, all that good stuff. The suspect's name and date of birth were correct, all that.

Okay. So, we're en route to the incident location and all of sudden I see the LAPD guys pass us, going a lot faster. I was like, thinking to myself, "Ah man, what's going on?" So, apparently the suspect exited his house and vehicle checked or went and contacted one of the LAPD officers on surveillance and basically, the game was up. So, from my understanding they identified themselves and the suspect ran back inside. And let

me rewind a little bit to because I forgot [redacted] left the house, the location we were going to, she left and was stopped by one of the LAPD cars and she also corroborated information that he was inside. She said that she didn't know if he was armed, I believe and that goes for our situation awareness and all that. That he's alone inside, there's not going to be hostage issues, stuff like that and why we proceeded with the surround and callout.

So, anyways, he came out of the house. He, I don't know, contacted the guy on surveillance, and they could see that there was a pistol on his person somehow. I believe he was grabbing his waist or that maybe he took it out and he ran back inside, but there was information passed that he had a pistol on him. And when I arrived, the Bearcat, armored rescue vehicle, Desert Bearcat, positioned itself where it was supposed to in front of the garage, facing the front door and the garage in plain view. There was the LAPD undercover units also positioned just to the left of the Bearcat and the right of the Bearcat. And then, one of our medical EVAC vans was also positioned behind the LAPD unit.

I parked about three, maybe two houses away down the street from the incident location and then, I saw a couple of neighbors were out and, you know, I saw some folks in harm's way. So, I went contacted some of the neighbors and told them what was going on and that they should just go back in their house and stay there, just stay out of the street so they, you know, they are

out of harm's way. I also contacted Whetsel, Detective Whetsel, from LAPD while I was out contacting the neighbors. He advised me what happened, that the suspect ran out, he had a gun, all that stuff, and that his guys on the backside of the house were in contact with him. He was yelling at him from his second-story patio. And so, they were going back and forth talking to him. We didn't see him yet. So, I walked to the rescue vehicle and all of my personnel were positioned with cover and I'm sorry, Deputy Henry began PA announcements, telling the suspect we were there, we had a search warrant, arrest warrant and to surrender peacefully.

After a couple of PA announcements, the suspect came to the window above the garage and began speaking with Detective Mondragon. Detective Mondragon quickly built a rapport with the suspect. You know, basically told him we had a search warrant for the house and an arrest warrant for him and he was pretty argumentative. He wanted to know why he was being arrested and just, you know, he wasn't complying with our commands at all. He kept asking why was he being arrested and, you know, he made a few threats. If the, he said if he heard the window crash, that he was strapped an basically that he was armed and he was he would shoot whoever came up at him from the backside of the house. You know, Detective Mondragon told him that's not going to happen. Of course, he kept just trying to get him to peacefully surrender during that whole situation.

While that's going on, I wanted Deputy Olivas to deploy the unmanned aerial system or the drone, up, so I can see the whole situation. Where the guys were at, you know, what was going on in the backyard and all that good stuff. Deputy Olivas deployed the UAS, unmanned aerial system, and I could see that I had LAPD officers on basically the wall of the rear of the house, next to the sliding glass door, and also on the other side. And they were, the guys next to the sliding glass door were speaking with the suspect, you know, telling him, "You've got to come down," and basically, just having conversations with him. Whenever he would go to the back door, you know, he would talk to them, and he would come back to our side, and we would talk to him. So, that went on for a couple minutes.

Yeah. So, he, the suspect Byron, he kept saying that he would come down and he was going to surrender and he didn't want to get shot. And then, his mood would change and he would start threatening and he would… "What if I come down and jump out of this window?" So, he would come step one leg out of the window and then, step one back in and all that stuff. And he started drinking alcohol at that time, just becoming more belligerent and he started making finite statements. I know he told his [redacted] that he wanted to be cremated after he was dead and that he 'wasn't going to make it' kind of statements and we just reassured him that no one wants to hurt him. He just needed to surrender peacefully, that we had a search warrant for the house and yeah. He would… He was just not complying.

So, during that, one of our negotiators, Deputy Harris contacted me via radio, and he asked me if I needed him and I said, "Yeah, please come to the scene." So, Harris came to the scene. He was on patrol, at the time in Victorville City. I advised Harris of the situation and what was going on. Harris understood. He basically walked with me to the armored rescue vehicle and began trying to build a rapport with Byron, the suspect, face to face. And as soon as Harris said something, it basically triggered Byron and he said, you know, "Why are you talking to me? Is it because you're black?" and he started going down that road and it basically, wasn't helping the situation. And so, Mondragon picked up the negotiation again and he kept going back and forth like that for a few minutes.

And during this time, I'm checking, you know, kind of the guys' situation in the perimeter, the guys out front, just trying to make sure that the streets were shut down, so the citizens wouldn't be in harm's way. So, I got a couple Victorville City deps to shut down the street. I was, I got in touch with Whetsel, Detective Witzel or Whetsel, from LAPD. I asked him if he could have his guys back away from the house because there was a brick wall between, you know, the house and the next road in the back. So, I had him to exit the yard basically and go back over and watch the street. If Byron could run out, you know, they could obviously be in a better cover situation, out of harm's way.

So, we were continuing negotiations. I was also communicating on the radio, "Hey, this is what he's saying." My lieutenant was monitoring the channel, as well, just in case it did become a barricade and they needed more assets to help us out at the scene. At one point, I told the lieutenant, "Hey, this is, this one might turn into a barricade. It's going to be a long night." And at that time, Byron reached down and retrieved his pistol and put it to his head. And I hear him say, "I always wanted to do this," and I kind of stepped back and looked, and saw a pistol to his head. So, I went back to the Desert rescue vehicle. I went back to cover because, you know, it only takes less than a second to go, you know, holding a pistol to head to pointing it out at one of the guys or, you know, whatever.

And so, I step forward and I looked, just making sure everyone was under cover and that the negotiations were still proceeding, just trying to do anything we could to resolve, you know, the situation peacefully. Obviously, the threat from the suspect was elevated pretty high and the guys, you know, I was worried about their safety, and obviously, the public because he had high ground. And even high ground, even if you're shooting a pistol, is a substantial advantage to folks on the street. So, I was kind of worried about the guys behind the unit to my left. It was only a soft skin, there's no armor on it. A Ford Explorer. So, the guys on my right, they were behind the armored rescue vehicle with me.

So, Byron puts the gun to his head. He says, "I always wanted to do this," and then, he demands that he receives a hamburger. And so, Harris was talking to him at this point, negotiating with him. Harris says, "Well, you know, hey, man. Calm down. We don't even know what you want." You know, and he tries to get, I think he was trying to get his mind off pulling the trigger or shooting somebody on the street. And he started his count down and I wasn't, I was trying to watch him on the drone screen. It's a pretty small screen, maybe a 4x6 screen and I think the next thing I remember is Deputy Henry, who was seated in the driver's seat of the armored rescue vehicle. He turned around and said, "He just pulled the trigger; Nothing happened." And then, probably a second after that, shots were fired.

I didn't see the suspect punch out. I didn't see, you know, the movement of the suspect in relation to why the deputy shot, but I know the last thing I saw was him, he had the gun here. So, shots were fired. I looked to my left. All my guys were okay. No one was hit. I look to my right. No one was hit and I asked, I put over the air, obviously, that shots were fired and the suspect was retreated into the house. So, my next thought was, you know, was the suspect hit? Does he need help? So, I… After assessing my guys and trying to make contact with Byron again, I asked or Michael Corral, Detective Michael Corral, said, "Hey, do you want to put an entry team together?" And I said, "Yeah, we need to get inside and get eyes on the suspect."

So, we put an entry team together. We only had an exterior SUAS, a small unmanned aerial system, which is a drone. We didn't have an interior SUAS at the time and we had a Dragon Runner robot, which Detective Bela Lucas operated. So, our next action was to try to breach the door and get the robot in there while the SUAS is on the outside looking in, trying to find the suspect. And I kept asking if Deputy Olivas, if she could see inside and she could not. And for whatever reason it was, you know, it was still daylight outside, and it was dark inside. There were no lights on inside. So, I believe that had something to do with her not being able to see inside.

Okay. So, we approached the front door and Deputy Musgrave attempted to breach the front door. He hit it a few times and it was a failed breach. We couldn't break the door with the ram. I believe he hit the door three times or four times and it was a double door and it was just flexing, it wasn't breaking. I took the team back to the armor and then around to the north side of the house, or the four side we call it, to make entry into the slider door that was on the backside of the house. While we were going around to the rear of the house, I told Musgrave that I needed a... We call it a flash bang pole, but it also, it could breach glass. It's a lot safer way of breaching glass because the pole is 8' or something like that. 6'. So, I told Musgrave I need that and a ballistic shield. So, we retrieved those tools.

By that time, Deputy Olivas saw that Byron was inside, you know, the room that he was shot in, and he was, he didn't look like his posture was defending himself or he was trying to retrieve his weapon. He was just laying there. So, we breached the sliding glass door. Musgrave breached it with the flashbang pole. We entered the bottom floor. My team cleared the bottom floor, making sure there was nobody else inside on the bottom floor. Then, we proceeded up the stairs to the second floor. As soon as we hit the top of the stairs, I looked to my right, and I could see Byron. I could see that he was laying on his back and his stomach was moving, like he was breathing. He didn't look like he was conscious. He was on his back, not moving at all except for breathing. I had the guys do… I had a couple of the guys secure the rooms behind us and I had the other guys go and secure the room that Byron was in and then, we immediately started to treat Byron for his wounds.

I did not see exactly where he was hit, but I know his arm looked pretty bad like, it was shot and where his back of his head was bleeding pretty profusely. As soon as the medics, I'm sorry, as soon as the house was secure and the medics were beginning their treatment of Byron, I called for the fire paramedics that were staged at the beginning of the call and I went downstairs to try and open the front doors. One of the doors opened easily. The second door was jammed. So, I asked for a hammer, and I used my pry bar and a hammer, and I was able to open the second door for the paramedics. As soon as I did that, the ambulance

paramedics came in with a gurney and I directed them to where Byron was and I just waited downstairs to maintain security, began to direct the deputies that weren't involved in the shooting to secure the scene and contact witnesses at their houses if anyone saw the shooting.

After Byron was transported or was moved from the top, the second story to the ambulance, I contacted the deputies that, and detective, that was involved in the shooting, and we got a public safety statement of how many shots were fired and everything was accounted for. The scene was secured. Obviously, I notified the lieutenant and the captain, and they notified Homicide and Civil Liabilities. I had a couple more Victorville City deputies come for security, and we put up sheriff's crime scene tape so that, you know, people wouldn't come in the scene, and I waited at the scene with Michael Corral and Deputy Henry. As soon as the scene was secure and it was okay, we transported all of the deputies that were involved in the shooting back to our office. It's right behind the courthouse in Victorville City. LAPD was also advised by Homicide to wait over there with us and after that, I was, I just maintained scene security with the dep and the corporal and Homicide rolled up and went from there.

DEL RIO: Okay. Michael, can you explain to me what are the specialty weapons issued to the Specialized Enforcement Division?

SANDLIN: So, a couple of specialized weapons that we have are the M-4 rifle. We also have the 40mm less lethal launchers. I mean, we have long-range rifles, we have large caliber rifles… I think that's it.

DEL RIO: On any of the rifles that you explained, can you explain if there is like, optics scopes?

SANDLIN: Oh, sure. Yeah, the M-4 rifles that we are issued all have optics that assist with… It's just an operator with aiming. On mine personally, I have a Trijicon MRO and that's what's issued to us. We are able to purchase our own optics and magnifiers for those optics and if they are approved, we can attach them to the rifle and operate with them.

DEL RIO: Okay. You mentioned that there was a briefing that was given at the SED office. Was it, you know, prior to going to the residence where the suspect was, was the plan established and clearly communicated with everyone?

SANDLIN: Yes.

DEL RIO: What was the intended goal of the plan?

SANDLIN: To resolve the incident peacefully and safely.

DEL RIO: Were you familiar with the area?

SANDLIN: I would say kind of, sort of. I never patrolled in Victorville City. I grew up in Victorville City, but those houses were built past my time in Victorville.

DEL RIO: You mentioned medical aid was staged prior --

SANDLIN: Yes, ma'am. So, in our --

DEL RIO: -- prior to the incident. Can you explain more about that?

SANDLIN: So, in our operation plan, we… Obviously there's a propensity of someone being injured because of the nature of the call. So, we want medical personnel as close as possible so they can react as quick as possible to, you know, any medical issues that we have. Obviously, they're trained beyond our capabilities and, you know, the propensity to save a life or treat someone that's injured if medical personnel are stage close by is obviously increased. So, that's the reason why we have medical personnel stage. They were probably two blocks away.

DEL RIO: Do you know who called for medical aid to stage?

SANDLIN: I would imagine… I can't say for sure. No, I'm sorry. It's, the medical plan was put into the operation thread and also the operation paperwork. So, I can't remember who sent it. I'm sorry.

DEL RIO: Okay. It's okay. Once you arrived at the scene with your team, describe where you stood --

SANDLIN: Sure.

DEL RIO: -- and why you stood in that position.

SANDLIN: Sure. So, I stood at the rear of the armored rescue vehicle. Obviously, because it's armored, it's a safe place to stand. As well as accomplish my mission as a supervisor on scene to manage my personnel. You know because there's a lot of moving parts when you're conducting a surround and callout. You've got to be aware of the perimeter, you know, just the placement of the BearCat is also critical. So, the reason why I stood there was obviously for cover, and it was the best place where I can manage the scene.

DEL RIO: Tell me more about the PA announcements. First off, what does "PA" stand for?

SANDLIN: "PA" is a public announcement system. It's a speaker fixed to the vehicle. It amplifies your voice. During a surround and callout, obviously if you're in your home and you're sleeping or whatever you're doing, you know, if we stood outside of your house and we were yelling, you might hear a little bit, but you wouldn't hear as clearly as a PA announcement. So, normally when we get to the scene, we turn our red and blue flashers on and start

announcements. Now, I don't remember if the red and blue flashers were on, but our PA announcements clearly state who we are, why we're there. Normally, we'd like to use the suspect's name. I'd have listen to my tape again. I don't know if he uses his name or not, but I'm sure he said, "This is the San Bernardino County Sheriff's Department. We have a search warrant for the residence. Anyone in the residence please come out with your hands up." You know, and something to that effect over and over again until we get a response, normally… Yeah.

DEL RIO: Okay. You mentioned red and blue flashers. Do you mean lights? The red or blue emergency lights that are inside the vehicle?

SANDLIN: Yeah. So, the armored rescue vehicle is equipped with red and blue strobe, flashing lights on the front and the back and the sides.

DEL RIO: What was the distance between you and the suspect?

SANDLIN: I'd say maybe 30 yards. 20 yards, if that. It was the length of the driveway and second story.

DEL RIO: Can you give me a description of the suspect?

SANDLIN: Sure. He's a black male adult, black hair. He had multiple tattoos, he was wearing a black shirt and I did not see his pants.

DEL RIO: You mentioned Detective Mondragon was communicating with the suspect. At what point during the incident did you feel that things were not, or did you feel he wasn't going to cooperate?

SANDLIN: So, I knew he was going to, it was going to be a longer situation when Byron started questioning us about why he was being arrested and after he said he was going to surrender a couple of times and then he didn't. So, I kind of figured that he wouldn't come down peacefully and then, during the negotiations, he was making finite statements. He called somebody on his cell phone and said, you know, "Cremate me," things like that. So, I kind of knew he wasn't going to surrender.

DEL RIO: Okay.

SANDLIN: Peacefully, at least.

DEL RIO: You said he was on the phone with his [redacted] Were you able to hear the conversation between him and his [redacted]?

SANDLIN: So, I don't know if he was on the phone with his [redacted] but he was on the phone with obviously someone that he knew well. I couldn't hear the phone, but I could hear him.

DEL RIO: Okay. So, he wasn't on speaker or anything like that?

SANDLIN: He probably was on speaker, but I just couldn't hear the phone because he was holding the phone out in front of him like he was on Face Time or some type of social media platform.

DEL RIO: How long would you say he was on the phone with whoever he was communicating with?

SANDLIN: A good 15 minutes, at least.

DEL RIO: You mentioned that there was a drone. You called it a…?

SANDLIN: Small Unmanned Aerial System. SUAS.

DEL RIO: SUAS? Okay. Is the SUAS video or audio recorded?

SANDLIN: No.

DEL RIO: How long was Detective Mondragon communicating with the suspect before the negotiator, you said Deputy Harris --

SANDLIN: Mm-hmm. [affirmation]

DEL RIO: -- arrived?

SANDLIN: I would say at least 10 to 20 minutes.

DEL RIO: Describe anything you remember that attracted your attention to Byron or anything else around you.

SANDLIN: So, Byron obviously had my full attention. His, what he was saying and his actions. The negotiations were obviously degrading or going downhill when he began drinking alcohol. He became more belligerent. Someone said he took his penis out, at one point. I think that's when I was trying to manage the perimeter. You know, he was pretty vulgar, calling us names after he was drinking. Another thing that caught my attention was he said he was ready to, you know, "shoot it out," and he was going to shoot whoever was coming inside his house, he's got something for him. Basically, he had a firearm. He was ready. Just his demeanor...

DEL RIO: Okay.

SANDLIN: Yeah, and obviously when he retrieved the fireman and put it to his head, that elevated the situation.

DEL RIO: When he retrieved the firearm and put it to his head, explain to me what was your mindset? What were you feeling or what was going through your mind at that point?

SANDLIN: Like I said, it takes less than a second for someone to take the firearm away from their head and pointing it at an innocent

bystander. So, as soon as he picked the firearm up and put it to his head, you know, it was, it definitely elevated the situation.

DEL RIO: Would you please describe the suspect's firearm?

SANDLIN: From what I saw, it was a black semi-automatic firearm pistol. I can't tell you the make or model or any special markings.

DEL RIO: That's fine. Can you describe a little bit more, you told me that he reached down and retrieved his firearm. Can you be a little bit more specific of which like, which hand he used or which way he turned when he retrieved the firearm?

SANDLIN: So, in my memory from what I remember, he just bent down and retrieved it with his, I think it was his right arm. I could be wrong… I think it was his right arm. As soon as he did that, he came up and I kind of saw like, it was kind of dark. So, I kind of stepped towards the, underneath the cover again and I couldn't really see what he was doing. And then, I was watching the drone for a little bit and then, Henry said that he pulled the trigger and nothing happened. And then, shots were fired. So… I don't remember. Was it his left…? Maybe his left arm. Yeah. That's a good question. I don't know. I can't remember.

DEL RIO: That's okay. When you mentioned that, Henry said that he just pulled the trigger and nothing happened. Did you observe the suspect make these movements?

SANDLIN: No.

DEL RIO: Did Henry specify or give more information to you as far as that?

SANDLIN: Not that I recall. He said nothing happened and then, like I said, it was like, a second or two and shots were fired.

DEL RIO: Okay. You mentioned right before shots were fired, you mentioned, you used the words "punch out." Can you tell me what that means?

SANDLIN: So, when someone takes the weapon and aims the weapon at someone else, that's what I mean by "punch out." I didn't see that at all. I think that's what you're referencing? Yeah. So, I didn't see Byron remove the pistol from his head and aim it at anybody in the street from my vantage point.

DEL RIO: Prior to the lethal force encounter, did you or any members of your team consider any other use of force options?

SANDLIN: Oh, yeah. There's obviously a continuum of lethal force options. So, when you're negotiating with somebody in a barricade situation, obviously, there's no exigency or no… I guess, the threat is really low. When they're talking to you and negotiating, obviously, you have time to speak with them and try to convince them what the best thing to do is, you know. But considering he

was wanted for murder, he had murder in his past, you know, you can't just leave the person there, the suspect there.

There's an enormous threat to the public and law enforcement, you know? So, obviously, if, you know, time went on and he didn't give up, we can use chemical agents, things like that, to try and gain his compliance. You know, sometimes we will break a window or, you know, try to stimulate, you know, compliance, but in this case, the suspect didn't leave us that option. Obviously, you know, the shooting occurred after. I mean from what I understand, he aimed the weapon at the deps and, you know, the deps fired in fear for their life, the public and, you know, each other's safety.

DEL RIO: At any point, and I'm referring to after the suspect had the weapon, the firearm in his hand. Did you believe that there was, that the suspect gave any indication that he was going to surrender?

SANDLIN: On two separate occasions, he said he would come out and surrender and that was actually early on in the scenario, in the incident. He said he would surrender, just to give him a second and, you know? He just didn't want us to shoot him, things like that, but obviously he didn't surrender, so…

DEL RIO: Prior to the suspect putting the gun to his head, and you mentioned that he put like, one foot out of the window --

SANDLIN: Yeah.

DEL RIO: -- at one point. So, was there anything, was there a screen on the window? Was the window open? Can you tell me about that?

SANDLIN: So, he knocked the screen out during the negotiating process. I don't know if he meant to knock it out, but I know, I remember walking to the front door. I saw the bottle of liquor and the screen at the, in the gravel. So, I don't know if he knocked it out with the bottle. I actually didn't see him knock it out, but… I think he was kind of threatening us to jump out the window and Mondragon said, "You'd probably break your ankle. It's not a good idea." So, he was… I don't know, agitating us. I don't know what his intentions were.

DEL RIO: Did you feel that the suspect was a threat to you and your partners?

SANDLIN: Oh, definitely. Yeah. His charges, his past violent history, and his, the probable cause for his arrest. He's definitely a violent individual.

DEL RIO: What is your best estimate of how slow or fast the incident unfolded?

[redacted] Could you be more specific with… Are we talking about any specific part of the incident? Like, the entire incident from the time they got notified or what are we referring to here?

DEL RIO: Yes. From the time you guys got… From the time that you guys arrived and started communicating with him to the shots being fired.

SANDLIN: So, to me it unfolded pretty quickly, as far as the scenario happening. My sense of time, obviously, when the shots were fired to contacting him, it felt a lot faster, but…than it happened in reality, I guess, but… Yeah. I hope that answered your question.

DEL RIO: What is your best estimate of the time of the entire incident?

SANDLIN: We, I remember waiting for that search warrant for a long time, but it was probably over in two or three hours. By the time we got changed, driving over there, briefing, all that stuff.

DEL RIO: Did you hear the suspect say anything just moments prior to the shots being fired?

SANDLIN: The last thing I remember is him counting down. And I don't remember where he started, but I remember, "3, 2, 1…" That's the last thing I remember him saying. I remember Harris trying to get his order for a burger.

DEL RIO: Okay. Tell me more about that.

SANDLIN: Yeah, Harris… Obviously, he had the gun to his head and Harris was like, "Hey, man. What kind of burger do you want? We don't even know what you want. You can't," you know, "Hold on." Kind of just slowed him down by time and then gave a countdown. That was it.

DEL RIO: Do you remember seeing anyone else in the area and aside from law enforcement, at the time of the lethal force encounter?

SANDLIN: At the time of the shooting, no.

DEL RIO: Yes.

SANDLIN: I looked to my left… I remember looking back because there were elderly folks on a patio earlier and they weren't there. And then, I looked to my right, there was a two-story house to my right and there was people in the second story. I think there were, they had their cell phone camera out, but at the time of the shooting, I don't remember if they were still there. I remember kind of waving at him like, "Telling them to go back inside. Go away." And then, obviously, when I approached the incident, I told some folks that were out on their lawn what was going on and they went inside. But at the time of the shooting, I don't remember folks, any of the public standing out, no.

DEL RIO: If you remember, describe how you felt during and after the shooting.

SANDLIN: Obviously, concerned for the safety of my guys and the public when the shooting happened and then, my next thought was, you know, if Byron's hit, he needs help. So, I need to get to him as fast as I can. And so, I, you know, attempted to get in that house pretty fast, but just concern for obviously, the safety of my personnel and the public. And then when suspect was on the on the floor, not answering no more, for the suspect.

DEL RIO: Could you describe your hearing during the shooting? As far as, did you hear anything else aside from the gunshots being fired?

SANDLIN: During the shooting?

DEL RIO: Yes.

SANDLIN: No. I had my Liberator hearing protection on. So, it, when there's a loud noise, it mitigates that electronically. I didn't hear anyone talking or… I just heard shots fired, rifles.

DEL RIO: Do you recall how many shots you heard?

SANDLIN: Probably a dozen, from my memory.

DEL RIO: Were they in a cadence or rapid succession? Or how did you hear them?

SANDLIN: No. I do remember the shots being fired in probably two seconds and they were done. Multiple shots.

DEL RIO: What do you believe would have happened had your partners not fired their weapons?

SANDLIN: If they had not fired? They would probably have been shot at and hit or shot themselves.

DEL RIO: Could you describe your stress level during the incident?

SANDLIN: It was pretty high. Anytime there's, you know, any kind of threat to your life, your stress level goes way up.

DEL RIO: What about your level of fatigue?

SANDLIN: No.

DEL RIO: No?

SANDLIN: I was good to go.

DEL RIO: Do you remember at what point someone gave authorization for medical aid to --

SANDLIN: That was me.

DEL RIO: -- to roll in? Okay. Can you tell me a little more about that?

SANDLIN: Sure. As soon as the house was secure, I heard, I think Corral say that he found the gun next to the suspect and they were... I don't want to say they were beginning treatment. I remember telling them to go tend to him and as soon as that was said, I got on the radio and asked for the paramedics to roll. So, that transitions, it goes through communication center, the dispatch. Dispatch then calls the paramedics in less than a minute.

DEL RIO: I'm just going to back up a bit.

SANDLIN: Sure.

DEL RIO: You mentioned the Dragon Runner robot.

SANDLIN: Yes.

DEL RIO: Can you tell me what you guys usually utilize the Dragon Runner robot for?

SANDLIN: So, the Dragon Runner robots are assigned to the Bomb and Arson team. Currently, all of our tactical robots are not functioning. So, every now and again, when we have situations like this, we'll ask Bomb and Arson if they can come assist us

with their robot and they usually come. They're good guys. So, the Dragon Runner, that's the name of the robot. It's a tract robot system. It... I know it has an arm function, you know, and it's mainly for Bomb and Arson use. But since it was the only tactical robot in our repertoire, that was what I used or tried, I should say.

DEL RIO: Okay.

SANDLIN: We tried... Yeah. I don't know if I said that. We did try to clear the inside with the Dragon Runner robot, but as soon as it started going upstairs, it flipped over. And that's actually when the time, right before that is when Olivas said she's, that she could see the suspect, Byron, down on the ground. So, we entered.

DEL RIO: How much time would you estimate between the shots being fired and medical aid being rendered to the suspect?

SANDLIN: I would say 10 to 20 minutes. It felt like 10 minutes, but it was longer, I think.

DEL RIO: Okay and that was just because of the robot failing and you guys having to --

SANDLIN: Yeah. So, I couldn't see the posture, or I couldn't confirm the posture of the suspect. He was obviously armed and trying to

shoot deputies. So, I will not, and I didn't even know if he was hit or not. So, my thought right there is the guy's not hit, he's inside of his house, and he's waiting for us to come in and he's going to shoot my team. So, I have to enter as tactically and as safely as I can to preserve life, while trying to get to him fast, if he needed help. So, that's why I was trying to get Olivas to see him on the, you know, the SUAS system and our quickest entry would have been the front door, but we couldn't get it open.

DEL RIO: Okay. Were there any communication issues or concerns that affected yours and your team's performance during the incident?

SANDLIN: No, I would say when… So, LAPD, after they chased the suspect, he keyed up and then… I don't think they use the same radio talk that we do. So, he asked for 'road closures, code three' and when our guys here "code three," their situational awareness goes way up because that means lights and sirens, you know, something's really bad. That was the only communication hiccup I would say, but that had nothing to do with the shooting or anything like that. Everyone was on the same page. Everyone knew the mission. You know, obviously, we were there to get him out of there safely, you know, without any force used. But, as I said before, he was a violent suspect. We have to be ready for the worst, you know, so we can handle it.

DEL RIO: Okay. How would you characterize the level of teamwork between you guys, you and your team?

SANDLIN: Oh, absolutely professional.

DEL RIO: Do you have any questions?

SPRAGUE: Yes. I'm going to go back to the beginning, sir, and when Mondragon contacted you about this operation that LAPD was doing, did you have any prior knowledge about what they were, what LAPD was doing over there?

SANDLIN: I think Mondragon advised me they were in the area, and they were surveilling a house, which is not unusual at all. So, I was like, "Okay."

SPRAGUE: Okay, but until you guys, until Mondragon had more information, you guys, you didn't have like, direct knowledge about what was occurring over on Westway?

SANDLIN: No.

SPRAGUE: Okay. You mentioned Byron, the suspect, several times. Do you recall his last name?

SANDLIN: I'm sorry. I'd have to look at the call history.

SPRAGUE: No worries.

SANDLIN: I remember saying, talking to him and telling him, "Hey, Byron," you know, and he was like, "We ain't homies." You know, then I said, "Mr. Byron?" You know?

SPRAGUE: Okay.

SANDLIN: But that's how I remember. It's "Hayes" or something.

SPRAGUE: Possibly "Hayes?"

SANDLIN: Yeah.

SPRAGUE: You mentioned that LAPD was surveilling him because he was wanted on a murder warrant?

SANDLIN: Yes.

SPRAGUE: Do you have any information on the circumstances of that murder investigation?

SANDLIN: Yes. So, and it's interesting to note that he was charged with the murder in New Mexico from what I was told. And in that instance, he shot his girlfriend in the head while they were in a car and the instance in LA, there was a female shot in the head. It was like, the same circumstances. So, that's, I mean that's, so that was the circumstances that I was privileged to.

SPRAGUE: Okay and you were told that the firearm or the gun used in that LAPD murder was outstanding.

SANDLIN: Yes.

SPRAGUE: What were your thoughts when you heard that?

SANDLIN: That he's armed.

SPRAGUE: You thought he would probably still had the gun?

SANDLIN: Yeah.

SPRAGUE: Was there any information on what type of firearm it was?

SANDLIN: I believe it was a 9mm pistol, semi-automatic.

SPRAGUE: And as you discussed, he also had a prior murder before this LAPD case --

SANDLIN: Correct.

SPRAGUE: -- in New Mexico. Do you know anything else about that? You said a [redacted] was shot --

SANDLIN: It was the same circumstances. That's what caught my attention.

SPRAGUE: Okay. Do you know when that occurred or what the outcome of investigation was?

SANDLIN: I was told he was locked up for four years. So, I'm not sure when it occurred. "Locked up" meaning sentenced to prison.

SPRAGUE: You mentioned initially when LAPD contacted you guys for assistance, they had a warrant for Byron. Was that like, an arrest warrant --

SANDLIN: An arrest warrant.

SPRAGUE: -- for his arrest? And that's when you asked him to get a search warrant for the house, as well?

SANDLIN: Yes, sir.

SPRAGUE: During that time, you guys did like, workup as you said on the suspect. Can you describe what that entails exactly?

SANDLIN: Yes. So, using our computer systems, we check several databases, CLETS, we check JIMs, criminal history, associations, anything that have, would assist us with the incident.

SPRAGUE: You mentioned learning about his criminal history. Did you learn anything else notable about him during that work up by your team?

SANDLIN: Just that he was, he had violent history and he was wanted for murder.

SPRAGUE: After you guys began developing your operation plan, you briefed at your office. Who was all present for that briefing?

SANDLIN: By name?

SPRAGUE: Yes, if you don't mind, sir.

SANDLIN: So, it would be the entire team. It would be Mondragon, Musgrave, Olivas, Stone, Henry, myself, Corral... Who am I missing? Stone, Musgrave, myself, Henry, Corral, and Haas.

SPRAGUE: Haas? And were they all present for the briefing at the school, as well --

SANDLIN: Yes.

SPRAGUE: -- with LAPD? And they were present at the scene, as well?

SANDLIN: Yes, sir.

SPRAGUE: We've talked about the Bearcat a little bit, the rescue vehicle. What does that particular vehicle provide you and your team?

SANDLIN: Ballistic cover. It's rated up to 50 BMG.

SPRAGUE: Okay. Is that a common tool that you guys utilize in these set of circumstances?

SANDLIN: Yes. If there's any propensity for firearms or we expect any type of, you know, shooting or anything, we always, well we try to use the equipment that's necessary.

SPRAGUE: You mentioned that there was a briefing with LAPD at a school nearby. Do you recall which school it was or any idea the name of the school?

SANDLIN: I could tell you if I can look at the call history.

SPRAGUE: At the call history?

SANDLIN: Yeah. It was like, two blocks away.

SPRAGUE: So, very close to the scene?

SANDLIN: Yeah.

SPRAGUE: And during that briefing, did you learn anything else from the LAPD investigators about what was going on during their surveillance or their investigation?

SANDLIN: No. By that time, they had [redacted] stopped for a long time. It was basically, all the intel we had was he was there alone, unknown firearms, obviously and that's it. On our way to the incident, obviously, was when Byron came out of the house and then all that went down.

SPRAGUE: And you later learned that. Did you have like, one of their radios or do you later learn that from someone?

SANDLIN: I learned that when I stepped out of my truck. Obviously, they got my attention when the LAPD passed us. That was kind of weird, you know? Usually, we just roll up in kind of a line and then park. So, they were, it caught my attention that they were in a hurry. So, I knew something was happening and I don't know who it was, but they said the suspect came out, he was armed with a pistol. Whetsel told me that.

SPRAGUE: Okay and you mentioned when LAPD passed you guys, when you guys were responding to the scene, what kind of vehicles were they driving?

SANDLIN: Unmarked.

SPRAGUE: Unmarked? And during the investigation, while you guys were at the residence, what kind of uniforms did they wear?

SANDLIN: They had plain clothes with tactical vests, with badging that said they were Police. Identifying themselves as "Police."

SPRAGUE: So, you recognize them as law enforcement?

SANDLIN: Oh, yeah.

SPRAGUE: Do you know what, approximately what time it was when Byron's [redacted] left, and she was stopped?

SANDLIN: I don't know. I couldn't even tell you.

SPRAGUE: Was it like, before the briefing at the school?

SANDLIN: It seemed like a long time before we, while she was stopped, before we served the search warrant. In fact, they're like, you know, "She's, she wants to go. Can we hurry this up?" kind of thing.

SPRAGUE: Okay.

SANDLIN: Just tired of waiting.

SPRAGUE: When you guys got to the [redacted] house, did you see any vehicles in the driveway?

SANDLIN: There was one. I think it was a Jaguar.

SPRAGUE: Any idea on whose car that was or anything like that?

SANDLIN: I have no idea.

SPRAGUE: You mentioned eventually, you did see him in the second-story window. How long was that after your guys' arrival at the residence?

SANDLIN: I would say about a minute --

SPRAGUE: Okay.

SANDLIN: -- maybe two because he was talking to the officers on the back porch, patio.

SPRAGUE: Okay and Henry began PA announcements during that time before you guys even saw him in the window?

SANDLIN: Yeah. As soon as we roll up, the guys jumped out of the ARV, take their spots, wherever they're going and then, the PA announcements start, normally.

SPRAGUE: The PA announcements, were they clear and concise?

SANDLIN: Yes. Very loud and it didn't take many. He was at the… Usually, when we have contact, they stop because you can't hear anything of what they're saying, or they can't hear you if the PA announcements are going on.

SPRAGUE: Because it's so loud?

SANDLIN: Yeah.

SPRAGUE: Okay. You mentioned at some point during kind of the argument that Byron was having with you guys, he mentioned that he was strapped. What does that mean exactly to you?

SANDLIN: So, he had a firearm on his person or nearby.

SPRAGUE: And that was before you saw the firearm? You said that?

SANDLIN: Yes. He made several threats before he actually produced the firearm.

SPRAGUE: Any idea what kind of alcohol he was drinking during this standoff?

SANDLIN: I don't know exactly what it was called. It was in a very fancy bottle. So, I don't know.

SPRAGUE: It appeared to be liquor? Not beer or wine or something like that?

SANDLIN: It was definitely liquor. You know, it might have been wine. It was pretty fancy.

SPRAGUE: It was fancy?

SANDLIN: Yeah. It was like, a pinkish like, I guess you would call it like, a fishnet grid pattern, maybe. I have no idea what it was, though.

SPRAGUE: Any idea on the amount of alcohol he drank?

SANDLIN: I'm assuming that bottle was full. So, all of that. In a very short --

SPRAGUE: You later saw the bottle?

SANDLIN: Yes, it was on the ground.

SPRAGUE: And from what you saw, was the bottle empty or still got some liquid in it?

SANDLIN: It appeared to be empty

SPRAGUE: Okay.

SANDLIN: Or mostly empty.

SPRAGUE: You mentioned during the interview that Byron mentioned that he wanted to be cremated. When you heard that, what did that make you think?

SANDLIN: So, he started making finite statements that he wasn't going to live anymore. It made me, it kind of made me think that he was either going to shoot himself or he was going to shoot it out with us or maybe commit "suicide by cop" type of thing. It just… You know, being in those situations before, when people start talking about the end of their life or making plans after they're… The normal folks don't say stuff like that. So, it obviously raises your stress and your attention and all that stuff, you know?

SPRAGUE: Was he at all receptive to Mondragon or Harris trying to communicate with him?

SANDLIN: Mondragon was more successful speaking with him. He had more, I don't know, of a dialogue, at least when he was, you know, insulting Mondragon. Then, Harris, he didn't even pay attention to. He was like, "You're only talking to me because you're black" kind of thing. "That's not going to make me come down," you know?

SPRAGUE: And when Mondragon was communicating with him, where was his positioned? Where was he standing?

SANDLIN: Mondragon was just to my immediate left. The car that he was behind, he was on the passenger A pillar, just in front of the passenger door. I think he moved a couple of times to the B pillar, too, though.

SPRAGUE: You mentioned at some point Byron said, "I always wanted to do this."

SANDLIN: Yes.

SPRAGUE: What did that make you think when he started talking like that?

SANDLIN: So, it was another finite statement like, it was kind of weird because normally when people demand things, they have a hostage or, you know, something. But when he said, "I always wanted to do this," it was like, okay, you know? And then, he wanted a burger. So, I was like, okay, well, he just wants a burger from the police department to buy him a burger, you know, before he goes to jail? I don't know. He was more finite statements that led me to believe he wanted either to die or commit suicide.

SPRAGUE: How long were you guys on scene before Byron produced the firearm?

SANDLIN: Sheez..

SPRAGUE: It's just an estimate.

SANDLIN: I would say less than an hour.

SPRAGUE: Less than an hour?

SANDLIN: Yeah. It was fast.

SPRAGUE: Talk to me about his positioning a little bit more.

SANDLIN: Sure.

SPRAGUE: You mentioned that he had a substantial advantage due to his elevation. Can you tell me a little bit more about the challenges that your team had with that?

SANDLIN: Yeah. So, whenever someone's elevated above your position, it's harder to get any type of cover. The angles are not in your favor if you're on low ground and it's just finding cover in, I mean, even concealment, is a little bit tougher.

SPRAGUE: Because basically, he's looking down on you guys, right?

SANDLIN: Right. He has the angle, the tactical angle of superiority being on high ground.

SPRAGUE: You talked about his countdown that you heard prior to the lethal force encounter. "3, 2, 1…" At that moment in time, right then and there, what did that make you think that he was doing a countdown?

SANDLIN: Yeah. So, anytime someone counts down and they got their gun to their head, that means they're going to commit suicide, to me. So, he did his countdown and I thought he was going to shoot himself.

SPRAGUE: So, based on his actions of holding the gun to his head, his count down, you thought he was going to kill himself?

SANDLIN: And he's ignoring his order for a burger.

SPRAGUE: During the deputy involved shooting, where did you perceive the sounds of gunfire coming from?

SANDLIN: My left and my right.

SPRAGUE: From your left and right? And where was your visual attention at that time just prior to the shooting?

SANDLIN: I was looking at the drone controller and then when Henry said something I looked up.

SPRAGUE: Okay.

SANDLIN: So, the controller was on the floorboard of the armored rescue vehicle, watching what was going on. So, the drone was up watching what was going on and Henry turned around in the driver's seat and said, "He just pulled the trigger. Nothing happened." And then, the shooting happened.

SPRAGUE: What does that make you think when Henry said, "He pulled the trigger"?

SANDLIN: And.. "Nothing happened"? That the gun was out of battery or did not function or he didn't pull the trigger all the way.

SPRAGUE: Fast forwarding a little bit to when you guys are going to breach the front door. Can you, you mentioned that Musgrave had a ram. Can you describe that piece of equipment just a little bit?

SANDLIN: Yeah. The door ram is basically made of steel. It has two handles. It has a blunt front end. It's made for defeating locks on doors. I mean, it could be used for a lot of stuff, but that's what it's mainly engineered for.

SPRAGUE: Did the failed breach at the front door, was that, did that cause like, an unintended length in time in getting into the house?

SANDLIN: Yes.

SPRAGUE: Had you guys been able to make entry through the front door, would you have been in there even sooner?

SANDLIN: Yes.

SPRAGUE: How much time do you think it added to the, getting to Byron and providing aid?

SANDLIN: I would say five to 10 minutes.

SPRAGUE: Really?

SANDLIN: Yeah.

SPRAGUE: Okay. When you guys did make entry to the house and you're going up the stairs and you saw Byron, where was he at, exactly? Where was he laying?

SANDLIN: He was just underneath the window. His, he was on his back. His head was, I guess that would be [redacted] and his feet were to the [redacted] The gun was to his left side, laying next to him... Yeah.

SPRAGUE: Did you get close enough to see the gun at all or get any further details on it from that perspective?

SANDLIN: Not when I first entered the house, but during the walkthrough with Homicide, I saw it a little bit better. But I didn't like, study it or pay attention.

SPRAGUE: Okay. Who were the medics on your team?

SANDLIN: I believe Mondragon and Michael Corral treated Byron.

SPRAGUE: And do you know what that treatment consisted of?

SANDLIN: We're all trained in in casualty care. It… I'm assuming it consisted of tourniquets and any type of massive, stopping massive bleeding, stuff like that.

SPRAGUE: You weren't present for that too much?

SANDLIN: No.

SPRAUGE: You went and got the fire guys and got them into the scene?

SANDLIN: Yeah. So, as soon as they started tending to Byron, I needed to make an easy entry for paramedics, so they get in there fast.

SPRAGUE: Okay and do you recall, maybe a tough question. Do you recall what department came? As far as Fire, the paramedics.

SANDLIN: Victorville City Fire, AMR paramedic.

SPRAGUE: Okay.

SANDLIN: Or AMR ambulance. I'm not sure if they were paramedics or not. I know Fire has to be paramedic.

SPRAGUE: At the conclusion of getting Byron help, you mentioned that some of your team checked for any witnesses. Do you know if they located any eyewitnesses?

SANDLIN: If they did, they didn't tell me.

SPRAGUE: Okay. That's all I have.

DEL RIO: Okay. I just have a couple more questions.

SANDLIN: Sure.

DEL RIO: The firearm that you initially saw the suspect with, from your position to up on the bedroom window, did that firearm look like the firearm that you saw when you made entry into the residence?

SANDLIN: Yeah, very similar. Yes.

DEL RIO: Did you or anyone else on your team manipulate the firearm?

SANDLIN: I believe Michael Corral moved it and that's the only person that I'm aware of that handled the weapon.

DEL RIO: And can you explain more how he moved it?

SANDLIN: I believe he moved it away from Byron to treat Byron's injuries.

DEL RIO: Did he --

SANDLIN: But he had it in... Well, I don't know if he had it in his hand or...

DEL RIO: Okay.

SANDLIN: Yeah. I think he said he took it off of Byron and put it on the ground.

DEL RIO: Okay. We're going to take a brief break.

SANDLIN: Sure.

DEL RIO: Do you have any questions for us right now?

SANDLIN: No.

DEL RIO: Okay. We'll be taking a break. It is 1431 hours. Okay. We'll be going back on tape at 1439 hours. I am Detective Michelle Del Rio, my partner, Detective Bryan Sprague, Attorney [redacted]

[redacted] [redacted]

DEL RIO: --[redacted] and Sergeant Michael Sandlin. We just have a few, just follow up questions. During the standoff, was the drone ever deployed inside the residence?

SANDLIN: No.

DEL RIO: Okay. Why not?

SANDLIN: The drone that was in use at the time is an exterior drone strictly. There's no protection for the blades and the propensity for injuring someone or crashing the drone is very high. So, they don't, they tell you not to fly those inside at all, inside buildings.

DEL RIO: I know you mentioned earlier that Corral manipulated the gun or he moved it away from the suspect. Did you observe Corral manipulate the suspect's firearm?

SANDLIN: No. Corral let me know that he moved it after the situation was over.

DEL RIO: Okay. This will conclude our interview with Sergeant Michael Sandlin. It is 1441 hours.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DEPUTY CLARENCE HARRIS

Deputy Clarence Harris

On Friday, August 12, 2022, at approximately 0400 hours, Sheriff's Crime Scene Specialist [redacted] and I met Deputy Clarence Harris at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Harris, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Harris did not fire any weapons during the LFE. Harris was photographed to document his uniform presence during the LFE. Harris did not sustain any injuries during the LFE.

UNIFORM:

Harris' uniform consisted of the following:

- A tan long sleeve San Bernardino County Sheriff's Department (SBCSD) "Class A" shirt, green pants, and black boots.
- SBCSD cloth patches affixed to either shoulder.
- A cloth American Flag patch on right front chest.
- A gold colored name plate with "C.HARRIS CITY OF VICTORILLE" written in black lettering.
- A blue pin with "CALIFORNIA 10851" written in silver lettering.
- A SBCSD metal badge was affixed to the left front chest.
- A green and white pin affixed to the left front chest below the SBCSD metal badge.
- A writing pen and handcuff key in the front left pocket.

[redacted]

Reviewed By: Sergeant Michael Warrick MW Date: 8/26/2022 Author: Detective Owenn Domon Author Date: 08/12/22

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

Harris' equipment on his black basketweave Sam-Browne belt proceeded clockwise from the (front) center of the belt was:

- A black basketweave pouch containing a digital audio recorder.
- A black basketweave handcuff case containing handcuffs.
- A black plastic case containing a tourniquet.
- A black basketweave Safari Land holster on right hip. The holster held Harris' department-issued Glock 21 handgun.
- A black basketweave pouch containing oleoresin capsicum (OC) spray.
- A black basketweave pouch containing a Motorola handheld transmitter (HT) radio.
- A black basketweave holster containing a retractable collapsible baton (RCB).
- A black holster containing an X2 Taser.
- A black magazine pouch containing three Glock 21 magazines.

The processing was concluded at 0401 hours.

Reviewed By: Sergeant Michael Warrick Date: Author: Detective Owenn Domon Author Date: 08/12/22

OFFICER INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on a Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

OFFICER INTERVIEW: DEPUTY CLARENCE HARRIS

On Friday, September 2, 2022, at approximately 1448 hours, San Bernardino County Sheriff's Department (SBCSD) Detective Owenn Domon and I interviewed SBCSD Deputy Clarence Harris in the conference room at the Specialized Investigations Division, located at 808 Mill Street, San Bernardino. The interview was audio-recorded. Attorney [redacted] was present for the interview.

The following is a verbatim copy of the interview.

Reviewed By: **Sergeant Michael Warrick** MW Date: 2/16/2024 Author: **Detective Michelle Del Rio** Author Date: **12/12/2022**

DR# 172209341
H# 2022-100

Deputy Clarence Harris Interview:

DOMON: All right, this is Detective Owenn Domon, the time is 1448 hours on Friday, September 2nd, 2022. We will be conducting a officer interview reference the LFE that occurred on August 11th, 2022, at [redacted] in the City of Victorville. The DR number is 172209341. Associated Henry number is 2022-100. We are inside the conference room at the Specialized Investigation Division office, located at 808 Mill Street. Alright at this time can everyone identify themselves in the room?

DEL RIO: Detective Michelle Del Rio assigned to Specialized Investigations Homicide Detail.

[redacted] Attorney Rep. [redacted]

HARRIS: Deputy Clarence Harris assigned to patrol in the city of Victorville.

DOMON: Okay, so start this off I'm gonna read you this little statement here quick, real quick. So, this is a criminal report, and it will be submitted to the district attorney. You do not have to speak with me, no discipline can come to you for not speaking with me. Prior to this interview, has anyone ordered you to give a statement other than a public safety statement?

HARRIS: No.

DOMON: Has anyone ordered you to speak with me?

HARRIS: No.

DOMON: Do you wish to speak with me?

HARRIS: Yes.

DOMON: Alright. Can you spell your first and last name for me?

HARRIS: Yes, it's C-l-a-r-e-n-c-e, last name is H-a-r-r-i-s.

DOMON: And what is your birthday?

HARRIS: [redacted]

DOMON: And your employee number?

HARRIS: George 8-5-8-5.

DOMON: And do you know your badge number by any chance?

HARRIS: 2-8-4-5.

DOMON: And how long have you been employed by the San

Bernardino County Sheriff's Department?

HARRIS: [redacted]?

DOMON: And what station are you currently at?

HARRIS: Victorville.

DOMON: And how much… how tall are you? And how much do you weigh?

HARRIS: 6'3, 280.

DOMON: What is your date of hire?

HARRIS: Do you want me to look at my ID card?

DOMON: Yeah, if want you can take a look at it, that's fine.

HARRIS: The date of hire is [redacted]

DOMON: Do you recall the date you started patrol?

HARRIS: It was [redacted] of [redacted]

DOMON: And what rank are you currently?

HARRIS: Deputy.

DOMON: Prior to being employed by the San Bernardino County Sheriff's Department, do you have any previous law enforcement experience?

HARRIS: [redacted]

DOMON: So, on the date in question, August 11th, 2022, what shift did you work and what time did you work?

HARRIS: I was working the AM One shift. So, I was working from 0700 hours to 1900 hours.

DOMON: And the AM One shift what days does that consist of?

HARRIS: Wednesday, Thursday, Friday, and every other Tuesday.

DOMON: On August 11th, 2022, what was your callsign?

HARRIS: I don't remember what my callsign was.

DOMON: You don't remember?

HARRIS: You know, I think it was 17 Robert 21, but I could be wrong about that.

DOMON: Alright. Do you recall what unit your unit number you were driving?

HARRIS: No.

DOMON: No. Did you have a rider or a partner with you?

HARRIS: No.

DOMON: Can you describe the uniform you were wearing that day?

HARRIS: Yes, so I was wearing our standard Class A uniform with the tan top and green pants.

DOMON: Was there anything on the uniform like on the shirt or anything like that?

HARRIS: On my shirt I have a 10851 pin on one side and a lifesaving award on the other side. And obviously our badge and our two patches on our shoulders.

DOMON: Were you wearing any kind of gun belt at that point?

HARRIS: Yes, I had on my full Sam Browne.

DOMON: And what's included on your Sam Browne?

HARRIS: Taser, pepper spray, I have three magazines, my duty firearm and my department issued recorder and RCB. I'm sorry, I also have a tourniquet on there as well.

DOMON: Was your belt recorder activated during the incident?

HARRIS: Yes.

DOMON: Does your patrol unit does it have a camera?

HARRIS: No.

DOMON: Were you wearing a body worn camera?

HARRIS: No.

DOMON: Prior to this interview, did you have a chance to review the audio recording?

HARRIS: Yes.

DOMON: Was that your audio recording or somebody else's?

HARRIS: It was my audio recording.

DOMON: Did you take any photographs either prior during or after the incident?

HARRIS: No.

DOMON: Were you injured at all during the incident?

HARRIS: No.

DOMON: Okay, so at this time, I'm just going to kind of open up the floor to you, if you just kind of walk me through how that whole day progressed.

HARRIS: Okay, so I started off patrol that morning, I respond to multiple calls during the day. It hit around 5:30ish. Around that time is when SED called for a 33 meaning that they called for only their traffic for any non-emergency traffic to you know, not go over the radio unless it's them. So, when I heard SED call for the 33, I was confused. I'm like, what are they doing? So, I start kind of doing some digging on the MDC to try to figure out where they were and what exactly they were doing.

Earlier that morning, I knew LAPD was out watching a house for looking for a murder suspect. And so, on the board was a Code-5 call. Code-5 is for surveillance-surveillance. So, I went to the Code Five call and noticed that there was an SED call attached to it. So, then I clicked on the SED call and realized that SED was out with LAPD at the Westway Lane house. So, once they call

for the 33, I kind of monitored what they were doing. I monitored for about 10 to 15 minutes. I am one of the crisis negotiators for the Specialized Enforcement Division, so I kind of keep an ear out for incidents like that throughout the desert because I'm already working. I can hear them saying things like they were talking to the suspect through the front window. So, with that in mind, I asked Sergeant Sandlin over the air, I let him know my SED callsign which is 61 Zebra 90, just let him know hey, I'm working right now if you need me to come over, I'll come over and he said yeah, just go ahead and come over. So that was around probably 5:40, 5:45ish.

So, I drove over to the residence took me about like 15, 20 minutes to get there because a lot of traffic. So, when I got to the location, I ended up parking at the intersection that's just [redacted] of the house. So, as you keep going down [redacted] I just parked my unit at that intersection to block traffic. Somebody went over the air and said they needed that street blocked. So, I parked my patrol car there, got out and walked all the way down the street to the house. As I got there, I briefly like saw a few guys, few LAPD guys were there. Kind of like start asking the questions. Hey, where's everybody? They're like all you guys all they would say all you guys are down there. So, all the San Bernardino County guys and SED were down towards the incident location, so I just kind of kept walking

down the street until I got to where kind of like the main incident happened.

So in like the main, I'll say a little area right in front of the house. I remember there being a like a black van that was parked like right in the middle of the street. The Bearcat, which is the big, armored truck for SED was actually parked kind of just outside the driveway of the residence. Sergeant Sandlin was standing at the back of the Bearcat. So, I met with him I talked with him. And I just remember there were three, so like three SWAT operators on each side. So, on probably the back, rear passenger side of the Bearcat, there were three operators there. And then I remember there being another truck that was just, I say that's just [redacted] of the residence and so, there were three operators that were using that truck as cover with guns pointed at Byron who was in the window of the residence.

So, I talked to Sergeant Sandlin for a quick second. Sergeant Sandlin let me know Hey, he's, you know, on a FaceTime call with one of his relatives or something like that, at the time. Kind of gave me a brief on just, you know, he's not really been cooperative kind of thing, but we'll try to talk to him and see what we can do. Now, after I briefly talked with Sergeant Sandlin, he was still on that that FaceTime call. So, I just kind of stood back and let him finish that FaceTime call, try to see what type of you

know information I could gather from listening to what he was saying to the person who was on the phone with. I can tell he was on the phone with some type of family, but I wasn't really able to get much of anything from listening to him in that conversation. But he stayed on the phone for about like another five minutes after I had gotten there. Just talking to somebody like said I still don't remember who exactly it was.

But he...I know Sergeant Sandlin tried to talk to him for a hot second while he was on the phone. He got extremely upset and he was I remember him saying, I'll, I'll finish my phone call and then I'll come downstairs, and we'll handle business. And so that's why I was like I'll just wait for him to finish that phone call. And once he finished that phone call and we figure out what he meant by handle the business. So, he finished the phone call. I remember I don't know what he did with the phone, but I remember him having the phone in his hand and then not having the phone in his hand. As soon as I tried to talk to him, he did not respond to anything I told him. I think immediately, I'd want to try to talk to him. He told me to shut up. Remember him saying fuck you. He didn't want to talk to me at all.

I noticed that he did really take to Sergeant Sandlin. So, I kind of when I noticed people were taking the others a

little bit more than me we're trained to be able to take over as a coach. So even though Sergeant Sandlin isn't necessarily a negotiator, I figured that if he was going to be able to have a rapport with him, and I would just coach Sergeant Sandlin on, you know, how to kind of keep the conversation going. He had a decent rapport with him, where he will respond back and forth with him, but never anything that would actually get him to start trying to cooperate or comply with what we were doing. Or obviously, the goal of trying to get him to come out.

He was drinking alcohol the entire time from and that was another thing that Sergeant Sandlin had told me prior to that he was already drinking before I got there. And he was drinking when I got there too. He had a big bottle of something that looked like a wine bottle almost. So, he had this bottle, he was drinking, he's drinking until it was empty, because he actually threw it out the window later on, and there was no liquid that came out. It was just, you know, fell in like the bush somewhere.

But so, as we as like I said, Sergeant Sandlin tried to have that dialogue with him. He just really got escalated, start yelling and screaming. He actually took his penis out and put it on the windowsill of the house in the window that he was standing in. When I noticed that there was no getting through to him. I knew that somebody said that his [redacted]

was somewhere nearby, and maybe Sergeant Sandlin had told me that that [redacted] was nearby. And so, I figured, okay, well we'll get [redacted] and use her as what's called a TPI, a third-party intermediary. Which basically what that is just a third party to kind of help assist us with our negotiations. That was my plan. I'm like, maybe [redacted] I know he was intoxicated. I'm like [redacted] are good at, you know, getting a hold of people, whether they're intoxicated or not. So, I was like, let me go get [redacted] to, you know, try to calm him down.

So, I remember I turned around, walked away from the back portion of the Bearcat and walked around like that black van I was talking about. There was an LAPD officer there, I briefly talked with him, and I'm like, hey, where's [redacted] and they kind of didn't know where [redacted] was. They were trying to figure out where [redacted] was it took them a hot second, and they figured out she was like around the corner or something. So, I told him initially to get [redacted] over here so we can try to see what we can do, but something like grabbed my attention. I don't know if it was him, yelling and screaming or if it was like a combination of him yelling and SWAT started giving him commands like the SWAT operators start giving him commands, but something kind of got loud. So, I turned around, and I could see him in the windowsill with the gun pointed in the air. So, he had the gun in his left hand, and it was kind of

like pointed in the upward motion almost like I'm armed just in an upward motion.

I took cover behind that black van that was there and kind of crouched down because I'm taller than the van. So, I crouched down a little bit. So, I couldn't see what was going on in that moment. But then he actually called for me he said, hey, mister, mister negotiator can you come back, or mister negotiator come here. So, I said okay, I broke cover from out of that and went to the rear driver side of the Bearcat. And the door was open on the back of the Bearcat, they opened in like an outward motion. So, from where it was open that I was kind of standing offset from that, that way I could still be able to see him, but still had a little bit of cover from the Bearcat. This is probably the only dialogue me and him were able to have. He started talking for a little bit and he I remember him demanding In-N-Out he wanted a burger he wanted In-N-Out.

He was yelling and screaming about the fact that no one was taking him seriously. Then, briefly, he started talking with one of the SWAT operators, I can't remember which one it was. And it was almost as though he liked him for whatever reason. I remember it being he liked him because he had his gun pointed on him. And he didn't like me at the time because I didn't have my gun pointed on

him. And so, we had that brief dialogue back and forth. He started talking to one of the SWAT operators, very brief dialogue back and forth, and then he switched his attention back towards me. I remember I asked him what his order was, he was like, I want to think he said like a number two animal style or something like that. So, he gave me the order that he wanted. And that was like the last moment I was able to have any form of conversation with him. I remember telling him okay, I'll try to work on getting that for you, which is a standard phrase that we always use.

From that moment, or you don't I'm sorry prior to that he already had the gun to his head. So, when he called me when I was behind the van, and he called me out when I had got to the back of the Bearcat that's when he had the gun to his head. So, gun is already to his head in his left hand. So, we're talking. And that's when he gave me the order and things like that. He didn't like the, you know, I'll try to work on that statement. He was not fond of that. So, then he starts talking about he's going to shoot himself in the head. We don't think or, you know, he kept saying, you guys don't think I'm serious, you think I'm playing. So, we're at the point where I can see and we're looking at each other eye to eye. I know he's talking directly to me at this point. And he goes, I'm gonna kill myself, watch. And so, he counts down from five he did an actual

countdown 5,4,3,2,1. And when he got to one, he pulls the trigger to the gun. I can hear when he pulls the trigger. And I can also hear when the firing pin hits the back portion of the gun because there was no round inside the gun.

So that kind of obviously threw me off. I was not expecting that I was obviously expected for the gun to go off. It didn't, but I can tell he knew that it wasn't gonna go off because he laughed. He started laughing as though he knew that the gun was never gonna go off in that moment. From that moment, it was just it seemed like a split second to me where gun went from the side of his head and pointed out and I remember hearing two shots from him. I was still at that portion of the Bearcat so I could see as he's pulling it off of his head and I could hear the shots. And so immediately I took that like a sidestep behind the Bearcat and ducked down. And then that's when the SWAT operators shot back at him. And then everything was kind of done from there.

I stayed back behind the Bearcat. As they kind of formed their plan on what they were going to do once they started you know, kind of getting ready to go make their entry. I was just helping them out by grabbing things out the Bearcat for them. And I handed to them like the RAM and a couple other tools that they needed to try to get in and

breach. They eventually end up breaching from the backside.

From that moment, all I really did was I helped the drone operator out. It was Olivas, Cristina Olivas, she was manning the drone at the time. So, we were trying to figure out how we could be able to see inside the house to be able to confirm that he was actually down inside the house that way they can get in and start rendering medical aid. She did a good job; she was able to get the drone into a position that we were able to actually see him as he laid down on the ground. You couldn't see what he was doing or if he was still breathing or anything like that. You could just see him there. But the quality just wasn't good enough for us to really be able to tell what was going on. But so, after I confirmed she confirmed and also Chris Haas was with us, he confirmed as well then one of those two, we end up letting Sergeant Sandlin know that and then they end up breaching and going in to render, rendering medical aid to Byron.

DOMON: Alright. So, we're just gonna like I said, we're gonna take it back to the beginning and will just break it down into little pieces. Initially, you said you were on patrol, and you were handling a call for service, and then you heard a Code 33 from the Special Enforcement Division on the radio, and you checked your MDC. What does what does

MDC stand for?

HARRIS: I think it stands for mobile digital computer.

DOMON: And what-what is that what is that used for?

HARRIS: That's our computer that we use inside of the patrol car, it has all of our calls for service. It has our CLETS system that we use to be able to run people. Our report writing systems. Basically, everything that we need to kind of function on patrol as a deputy sheriff is on that computer.

DOMON: So, if you're going to calls and stuff it, the calls come up on your computer for you and everything.

HARRIS: Yes.

DOMON: So, you started looking at the call, you said there was a Code Five that LAPD was on that SED had additional call linked to it.

HARRIS: Yes.

DOMON: And then you started looking through their call and you saw they were obviously on barr, possible barricade, barricaded suspect at that point.

HARRIS: Yeah so, we knew LAPD was there. In our briefing that morning, we had talked about, our watch commander that morning had said, hey, LAPD is here, they're going to do a Code-5, there's a Code-5 on the board right now. We knew that LAPD had one of our radios so that way, because obviously their radios don't, they're not synced with our radios, so they're not going to be able to get to us if they're in some type of, you know, troubling situation. So, we gave them one of our radios that way, if they needed anything, they would be able to just have direct contact with this. So that was all spoken about in briefing we knew LAPD was coming out what they were doing, they were doing surveillance waiting to see when the when Byron was going to leave so that way, they could try to get him into custody.

DOMON: And what point did you learn that LAPD was looking for a homicide suspect? Was that during a briefing?

HARRIS: Yes, it was in our briefing that morning when they went over it.

DOMON: Do you remember the location that they were conducting the surveillance at, LAPD was?

HARRIS: It was [redacted]

DOMON: [redacted] So, you-you start looking at the call. You realize, hey, I'm-I'm a crisis negotiator. Obviously, that's part of your duties is that is if a barricaded suspect, you go try to talk him down or get compliance from him, right?

HARRIS: Yes.

DOMON: And then you say you contacted Sergeant Sandlin?

HARRIS: Yes.

DOMON: And was that… how did you contact him?

HARRIS: Over the radio.

DOMON: Over the radio.

HARRIS: So, I just let him know I use, like I said, my-my SED callsign that way he knew who I was. And I just let them know I'm here working patrolling Victorville, if you need me to come over, and he responded back and said, yes, come on over.

DOMON: Come on over. So, you drive over you said you kind of parked your vehicle further away to block the road off. And then you said you saw people kind of standing in the street?

HARRIS: Not in the street as I walked up there were just a lot of different LAPD personnel just kind of scattered on the sidewalks and things like that. And I remember Fire was staged just on the next like the-the very next block over so like, I can't even really give a measurement but just the-the next block over Fire was stage there. That's where I saw a few more LAPD guys were standing by with Fire. Just kind of probably staying back so that way SED can take care of what they were doing up there and they were just going to assist when Fire was ready to go in.

DOMON: How could you tell they were LAPD officers?

HARRIS: They all had some form of LAPD on. So, the majority of them had on like a standard like raid vest where they would have their badge affixed here like their actual metal LAPD badge or a cloth LAPD badge. A lot of them had on like blue shirts that said LAPD on the shoulders. There were a few who look similar to how our SED personnel dress where they had on the blue long sleeve shirt and blue long pants, but all had like some type of LAPD insignia on it.

DOMON: So, you walk past them, you start heading towards Bearcat. Take me back just a little bit. Do you remember what time you went got arrived at that location?

HARRIS: Sometime between like 5:50 and maybe 6pm. Somewhere around there.

DOMON: So, you walk up to the Bearcat and that's when you contact Sergeant Sandlin?

HARRIS: Yes.

DOMON: And I know you've kind of touched on a little bit but what- what kind of conversation did you and Sandlin have? What kind of or what kind of briefing did he give you on the situation?

HARRIS: He just gave me a brief go around of what was going on. I believe he let me know in that moment that it's a murder suspect. There was a brief moment where he just said, hey, you know, he's not really talking to us right now. He's on the phone. That's like when he was on that FaceTime phone call with a relative or something like that. And just let me know he's not he hasn't been cooperative and just made like really basic in that just, you know, he's not cooperative, but you know, kind of come do your thing. You know, right. It really is what the conversation was more like.

DOMON: And at that time, you said that Byron was on the phone. He was having that either FaceTime conversation---

HARRIS: Yes.

DOMON: --- at that, he was on the phone?

HARRIS: Yes.

DOMON: Could you see Byron, at that point?

HARRIS: Yes.

DOMON: Where was where was he at?

HARRIS: He was in the second story window. So, it was probably I can't remember if it was the only window, but it was the biggest window on the front portion of the house. He was leaning almost not out of the window, but he was leaning on the windowsill with his head kind of sticking out like his head and his upper body sticking out of the window.

DOMON: If you had to estimate from your where you were positioned at how far away you think Byron was at that point?

HARRIS: Maybe 15 to 20 feet.

DOMON: 15, 20 feet. Was there anything obstructing your view at all?

HARRIS: No.

DOMON: No?

HARRIS: One thing I did learn later on, or I want to say it was maybe Sergeant Sandlin did tell me at the beginning is that there was a screen on the window originally, but he, Byron actually had knocked it off, like trying to wipe it down. And he knocked the window screen off. So, I had a good clear picture of him in the windowsill.

DOMON: And I know, you said you believe it was maybe his [redacted] that was, or he was Face Timing some-some kind of family member.

HARRIS: It was a family member of some kind.

DOMON: What made you believe that it was a family member?

HARRIS: I, it wasn't I think Sergeant Sandlin actually told me it was either like a [redacted] or [redacted] but he was whoever it was he was extremely comfortable with on the phone. They were you know, just having a regular conversation. I know he kept telling whoever he was talking to on the phone like yeah, they're all out here. And he would flip the camera around and show you know; the guy would never be able to see who was on the phone just because of the

way that he was positioned. But it was somebody that he was comfortable with because he was kind of just telling them yeah, like, well, I'll get this taken care of and kind of making like statements like that like Yeah, I'm okay don't worry about it. And you know, yeah, they're here but I'm not worried about it and that was kind of all the conversation I was able to really get just because of the way that he was talking. I couldn't really hear everything.

DOMON: Could you hear whoever was on the phone? Could you hear what they were saying?

HARRIS: No, I couldn't hear any response from whoever's on the phone.

DOMON: So, Byron's on the phone, he's… how long is he on the phone before he hangs up by time you get there?

HARRIS: A few minutes, maybe. Maybe three minutes.

DOMON: About three minutes.

HARRIS: It was it seemed as though the conversation was already winding down. And then he just kind of naturally got off the phone after about two to three minutes.

DOMON: And that's when you tried to initiate your either dialogue or

conversation with him?

HARRIS: Yes.

DOMON: And how did that dialogue go? How did how did you try to start dialogue with him?

HARRIS: So, it's our standard way, we try to make contact with somebody for negotiations, which is you just introduce yourself and tell them what you're there for. So, I said, "Hey, Byron, my name is Clarence, I'm one of the crisis negotiators I'm here to help." And that's the standard one that we always go with just to kind of break the ice. And as soon as I said, that's when he either replied back with shut up or fuck you at that time. I think it was shut up at that time. And it was kind of with negotiations you just try to throw things out and see what they respond to. So, I remember just kind of asking him, hey, what's going on, or, you know, different things like that every time I would say something to them, he would respond back with like a fuck you or shut up of some kind. I know, he was really fixated on like the fact that I was black. He was like, they sent the black guy out here. And I just responded to him like, no, they didn't just send a black guy, I'm the crisis negotiator. And this is what I do. I'm here to try to help. And he still just was yelling and screaming and wouldn't really respond to anything I tried to throw out to get him to

talk to me.

DOMON: And during this initial dialogue is Byron, is he holding the alcohol bottle that you're talking about?

HARRIS: Yeah, so in the in the initial, he had the phone in one hand, and the alcohol bottle in another hand, I really don't remember which, which, or which. Once he got off the phone, I believe he put the phone down somewhere, or maybe it fell somewhere. And then he ended up just having the bottle in his hand for a brief period of time.

DOMON: And what was his demeanor like?

HARRIS: Extremely agitated. You could tell he was extremely intoxicated. So, he just was not cooperative in any manner. Very argumentative, just yelling and screaming the entire time, and there was no form of cooperation from him during that time.

DOMON: Did he exhibit any other like signs or symptoms of being intoxicated?

HARRIS: Yes, I could definitely----

DOMON: Like either physical or anything like that?

HARRIS: ----hear him slurring his words a lot. He was swaying back and forth. I did skip a moment in my mind, there was a section of me when I tried to dialogue with him where he actually stepped outside of the window. So, the window was a fairly large window, where he actually put one of his legs out of the window. So, one leg was on the tile roofing and the other leg was still inside of the house. And this is where you really can see his intoxication, because he almost slipped, he actually almost fell out of the window. But he was able to grab on to the windowsill and kind of pull himself back inside of the house. But he was very intoxicated from the looks of it from what I could see.

DOMON: And when that's when that incident happened, where he was more or less straddling the windowsill. Was that when you first initially sorry, tried talking to him, or is that later on?

HARRIS: That was later on. It was it was after my initial time of me trying to talk to him, but it was also before me walking away trying to go find where his [redacted] was.

DOMON: Up to this point, do you have any questions for first half?

DEL RIO: Yeah. What were your intentions by bringing his [redacted] to or were you trying to bring his [redacted] what exactly what were you trying to do with his [redacted]?

HARRIS: So, the goal for mom was to try to get somebody else who wasn't in uniform to be able to speak with him and maybe just bring him back to reality. I've watched moms, I mean, in my own personal life and in calls for service and through negotiations, be able to be a very successful help for us. So, I wanted to get [redacted] because I felt like his [redacted] would he I felt like he was so intoxicated, that [redacted] would be able to calm him down and bring him back to reality of what the situation was and kind of help us to get him outside.

DEL RIO: You mentioned that he-he placed his penis on the windowsill.

HARRIS: Yes.

DEL RIO: Did you actually see his penis?

HARRIS: Yes.

DEL RIO: On the windowsill. Could you explain a little bit more about that? What was he trying to do?

HARRIS: So, he---

DEL RIO: I mean, was he trying to urinate on…?

HARRIS: No, he was literally just in in his mind he I think he was doing it like to show some form of dominance, or whatever the case may be, because that's all it was just him yelling and screaming and he made some sexual reference that I couldn't hear because he was yelling to a point to where you couldn't understand what he was saying. But I just remember him saying he was going to do it and then he did it like you could physically see him put his penis on the windowsill briefly for less than a minute or so. And then he kind of backed up from the window, probably put it away.

DEL RIO: You mentioned that SWAT gave him gave him, gave Hayes, Byron commands. Do you recall what the commands were that SWAT gave him?

HARRIS: At what portion?

DEL RIO: At any portion. You just mentioned that they were giving him commands.

HARRIS: So, when I originally got there, he was on that phone call, he would try to talk to. Okay, so let me back up. The only commands I ever really heard them give was when I had when I was trying to go get [redacted] I could hear yelling, but I couldn't hear what was going on. I just heard a lot of yelling. So, my assumption was that they were probably giving him commands because that's when he had the

gun out. But I never actually got to hear like the commands they were giving him because more when I got there more of what was going on was everybody trying to dialogue with him. And that's what I forgot it in the initial of when I tried to talk to him, and he wouldn't talk to me. He kind of had this moment where he-he really liked it was either Chris Haas or Mondragon, Eugene Mondragon. Because he would he briefly and I mean, like seconds with dialogue with it was one of those two. But then immediately it was done. And then he would switch back. So, everybody was more or less trying to talk to him. If he gave somebody the opportunity to talk to them, they would just try to talk to him. It wasn't any commands being given in that moment, except for that one time, like I said, when the gun came out, and I could hear some type of yelling going on, but I can't really make out what-what commands were being given in that time or anything like that.

DEL RIO: Did you hear any of the any of the SED personnel use the public address announcement?

HARRIS: No, that was all done prior to me getting there.

DEL RIO: How are you feeling during that time? When you're out there you're trying to negotiate with-with Hayes? What's-what's going, what's going through your mind? What's

your mindset at that point?

HARRIS: So, my mindset is always like the end goal. The end goal is to try to get him to peacefully come out, peacefully surrender. So, when I get there, I just kind of keep an open mind. That's how I do in all my negotiations, is keep an open mind as I possibly can and then try to start feeling things out as I get go through. One thing that was very alarming to me was the statement that he made on the phone, or it was to Sergeant Sandlin, but it was when he was still on the phone because he said, Yeah, once I get done with this phone call, I'll come downstairs, and we can handle business. That statement to me sounded as though in my mind, I'm like he, he's probably going to come down and he's probably going to shoot when he comes downstairs. It didn't sound like a friendly tone or anything like that. To me, it sounded as though that that his intentions were going to be to come down and try to shoot.

And so, as it kind of progressed, that's where I started wanting to think outside of the box, because I knew he didn't like me. He briefly would like some of them, but then it would go away quickly, like at the drop of a dime, it would just completely stop. So that's where I was, like maybe bringing [redacted] and I'll kind of deescalate the situation a little bit more, because it wasn't working at that

point with us.

DEL RIO: The fact that he mentioned he would come downstairs, and you know, he would handle business, how did that make you feel?

HARRIS: That made me nervous. I was nervous. I... to me, I was like this may not go as peace, peaceful as we wanted to because of the statement that he made.

DEL RIO: Go ahead.

DOMON: Alright, so you're, you come up the plan, you're gonna take it as [redacted] to come over and either to talk to him, maybe talk him down a little bit. How long into when you go on scene, how long until you come up with that idea where you move back to the van and try to contact the [redacted], if you had to guess?

HARRIS: It was very fast. It was probably within like five to seven minutes. Because like I said, I quickly realized that he was not...he didn't want to talk to me. He didn't want to talk to SED personnel. So, it was one of those things where I'm like, let me just keep trying to throw something out to see what we can do to change his mindset, at least slow things down. And so, it was very quick. It was probably within like the first five to seven minutes of me being there

as when I tried to go get [redacted]

DOMON: And then you said you went back to that either dark van or whatever it was.

HARRIS: Yes.

DOMON: How far behind the Bearcat was that?

HARRIS: That was probably about 15 to 20 feet behind the Bearcat. It was a black van.

DOMON: A black van. So, you go back there and that's when you communicate with LAPD trying to figure out where [redacted] at, at that point?

HARRIS: Yes.

DOMON: And then, how long how long have you back there before you start hearing something that catches your attention where you turn back around?

HARRIS: It was about a minute or two because like I said, I remember it…LAPD couldn't remember where [redacted] was or like everybody was kind of confused. So, like, I was letting them kind of sort through that to figure out where they had his [redacted] And then when I gave them the go, I

said, yeah, bring [redacted] over here. Like, let me talk to [redacted] bring her over. It was right in that moment where I could hear like the, like I said, I can hear like yelling, it was just raised voices. And I could also hear him raising his voice as well. And that's when I turned around and I could see that he had the gun. And so that's I turned right back around and told them do not bring, [redacted] just cancel that. And we'll obviously this is different now. So that's what I just took cover behind the van and kind of waited.

DOMON: And let's kind of go over. So, you turn around, you see him holding the gun. Can you kind of describe how he's holding it, like which hand it's in?

HARRIS: Yes.

DOMON: Where it's going?

HARRIS: So, he's actually like, he's standing straight up on the inside of the window. The gun was in his left hand, and he had it pointed in the air, but he was also kind of like, using it to verbalize whatever he was saying in that moment. So, he was talking, but just kind of waving it like side to side almost in the air.

DOMON: And then so then you kind of cover behind the van. And then at what point do you move back up to the Bearcat?

HARRIS: When he actually called for me. So, I took cover behind the van, and I was there for maybe, maybe 15 to 20 seconds. And that's when he actually called for me, he said, Mr. negotiator come here, and I'm okay. So, I went from behind my cover on the van and just to, you know, cover behind the Bearcat but still was out enough to where I can see him, and he can see me.

DOMON: And I should have asked you before. What when you're communicating with Byron, which side, how are you communicating? And by that, I mean, how are you positioned? Like on what side of the Bearcat are you on?

HARRIS: I was on the driver side, but behind like at the back portion of the Bearcat. So, like, where the there are two huge doors on the backside of it that allow for everyone to get in and out of the backside. Where the left door opens up, I was kind of offset from that left door. So probably half of my body was behind the Bearcat the other half was out. So, I can actually be able to see him, and he can see me.

DOMON: So, every time you're talking to Byron, that's where you're at, rear driver's side behind the door.

HARRIS: On the initial time I tried to talk with him, I actually was on, oh wait no, yeah so, every time I tried to talk to him, it was that that rear driver's side on the outside portion of that

door.

DOMON: So, you move up there, and then you try to start a dialogue again, with Byron, and how does that how does that go?

HARRIS: He kind of started that dialogue. So, because he was talking so much that's kind of tried to let him start talking in some type of way. But it was just him yelling and screaming, but the one distinct thing that he did say was, you know, I'm hungry, I want a burger I want to eat. And I'm like, okay, well, what can we do for you? And I'm trying to go that route, what can we do? What do you need from us? And he's like, I want In-N-Out. And so, I said, okay, you know, and so he kind of goes, he would go on like a tangent, where he would start rambling where it was, he would start rambling about people in the back. So, he knew that LAPD personnel was on the back side of the house.

And so, he would say things like, if somebody comes in through the back, I'm going to smack them. I know what he meant by that. He meant that if somebody came in and breached through the back, he was going to shoot at them. So, he would go through these moments where he would start talking about stuff like that, where he was like, if anybody comes through the back, they're gonna get

smacked. And he will yell and scream for a little bit. And then he diverted his attention back to me. And that's when he started complaining almost about all I don't even I haven't even gotten my In-N-Out. And so, my response to him was, well, what do you want? And so, he told me what he wanted, which was like a number two animal style or something to that effect. And I said, I was like, okay, I'll see if I can get that for you. And I remember him, he kind of like chuckled, and he was like, okay, you're gonna see if you'll get that.

And then that's when he kind of switched, everything switched from like, even the laugh it wasn't like a like, I'm laughing because I'm something that was funny. It was just like an irritated laugh almost. And so, when he started laughing, and he was like, he made the statement of something to the effect of like, I'm gonna, oh, you're just reiterating what I said to him, which is I'll see what I can do for you. That's when he says I'm just gonna kill myself. And I'm like, okay, I tried to start back dialogue with him and then he's like, you guys don't think I'm gonna do it. I'm gonna kill myself. That's when he started to count down from five and then went all the way down to one.

DOMON: And at what point did he move you said he moved the firearm and pointed at his head?

HARRIS: Yes.

DOMON: At what point was that?

HARRIS: I… that had to have been when I took cover behind the black van because when I when I originally turned around, he had the gun pointed in the air. I took cover behind that van and like I said, because I'm so tall, I had to duck down behind the van so I could fully be covered. And then when he called me out, and I walked and I approached that backside of the Bearcat, he already had the gun pointed to his head at that point.

DOMON: So, when you reposition to the Bearcat, his gun's already to his head.

HARRIS: Yes.

DOMON: And can you kind of describe how he was holding the gun to his head? Like where on his head he was pointing?

HARRIS: Yeah, so he had it directly to his temple on the left side. You can see we're so close to him that you can see that he had his finger on the trigger. He's fully holding the gun, you know, ready to shoot as soon as he felt like he needed to shoot.

DOMON: And at this point, when the countdown starts, is by, is he standing, is he out of your view, how was he positioned?

HARRIS: He's almost kind of, I couldn't tell if he was kneeling down or if he was like, just that far leaned over the-the windowsill. And also couldn't tell if maybe he had something sitting in in front of the window that he was kneeling on, but he was almost to a point to where he's not gonna almost like if you're using a desk and you're lying down, it was kind of similar to that were he was still almost in an upright position where you could see majority of like his upper torso, but you couldn't see any of his lower extremities. But he had gun to his head on like, against his temple. And his other arm was like using to like rest against the windowsill as he like leaned on the windowsill.

DOMON: So, he's kind of hunched, maybe leaned over at the waist, bent over the waist---

HARRIS: Yes.

DOMON: ---- leaning on the win, on the windowsill?

HARRIS: Yes.

DOMON: And then this countdown, you said, he started from five

and went to one. Was like a fast countdown was a slow countdown?

HARRIS: It was just it was like a, like five seconds. Like literally, you know, he counted down, it wasn't fast or slow. It was just five, four, like a deliberate, you know, three, two, and then as soon as he got to one, and like I said, we were looking at each other. I was looking at him eye to eye when he's doing this countdown, and then he pulls the trigger, I can hear him pull the trigger, then I can hear that firing pin. And then there was kind of like a moment of just for me, I'm not gonna lie, there was a moment of relief because the gun didn't go off. And so, I remember, somebody to the right side of me said something like, the gun didn't go off or something like that was one of the SED personnel who says something to the effect of the gun didn't go off or something like that.

And then like I said, in that moment, it was just seconds almost moments later where it seemed like the gun went from his head because he pulled the trigger, he laughs in the same time of him laughing is when one of the SED personnel said like, you know, the gun didn't go off or something to that effect. I wasn't really paying attention to what they were saying because I was still looking him in his eyes. And he was still looking directly back at me as well. So, it was one of those things where I was so

focused on him that I really didn't pay attention to what they said. But I registered that he pulled the trigger, and it didn't go off. And then like I said, it just seemed like moments later as he's still looking at me, he takes the gun from off his head and fires. Like I said, I heard two shots. I don't know at what point in time from him taking it from his head and pointing it out where those two shots came from. But I heard two shots and stepped behind the Bearcat as soon as I kind of realized what was going on.

DOMON: So, let's take that back just a little bit. So, you said you, you heard, or you knew the firing pin had hit and how, how, what, what sound did you hear that made you think that oh that was the fire pin hitting?

HARRIS: There's like a distinct sound. So, when you pull the trigger it almost like it makes like a click and then for me, I can tell the difference when you hear like the firing pin it kind of smacks up against the back portion of the gun. It makes like a “tink” sound. So, it does come obviously moments after you pull the trigger, but you can actually hear. Because it was so silent right there in that little area, you could hear both of the distinctions. So, I could hear the click of the trigger being pulled and then obviously moments later, you hear the firing pin almost make like, it's not like a little tink like you can hear it smack up against the back of something that's not plastic,

because the firing pin itself was metal.

DOMON: So, it sounded, is it fair to say the sound is like metal hitting metal?

HARRIS: Yes.

DOMON: And based on all your training experience, you know what a firearm can sounds like and how a gun sounds---

HARRIS: Yes.

DOMON: --- when you pull the trigger without anything in it. And so, you hear that, you hear some SED personnel saying, Hey, he.... that didn't fire and then Byron laughs briefly, and then he starts moving the gun. Can you kind of describe the movement from his head to coming out?

HARRIS: It was deliberate. Like it was it was quick. It was a I felt like it was being pointed directly at me because we were still looking at each other. And they went from him laughing and he had a big smile on his face, and he was laughing and then it just went like from head to out here. And like I said, I don't really remember pops in relation to where his hand was because as soon as I saw the gun started to be pointed out, that's when I stepped behind the Bearcat so I can actually take cover and I had to duck

down because I'm taller than the back of the Bearcat. So, it was like I stepped behind the Bearcat and actually ducked down, was to take cover.

DOMON: Now were you behind the Bearcat doors when you started hearing when you heard two gunshots go off, or were you were you still looking at Byron at that point?

HARRIS: I felt like I was I felt like it was one in one. Like I felt like I the first one went off and as the first one was going off, I was already making that transition to step behind the Bearcat. So probably one in my transition to stepping behind and second as I'm behind the Bearcat.

DOMON: And could you tell where those gunshots were coming from?

HARRIS: I…those to me, they sounded like they came from-from Byron.

DOMON: From-from Byron's area?

HARRIS: Yes.

DOMON: Could you see anything coming from the gun?

HARRIS: No.

DOMON: Like did you see any muzzle flashes; did you see anything like that?

HARRIS: No muzzle flashes or anything like that. Like I said, probably because I was already making that transition to get behind the barricade. I wasn't probably looking at him as he fired.

DOMON: And those two gunshots you heard were they like back-to-back, like quick or were they kind of drawn out?

HARRIS: They were quick.

DOMON: They were quick?

HARRIS: Both back-to-back.

DOMON: And if you could tell I mean, can you tell the difference between like a rifle round and a handgun round?

HARRIS: Yes.

DOMON: What-what which one did it sound like?

HARRIS: That one definitely sounded like a like a pistol round. And then shortly thereafter, I could hear the rifle rifles being fired from SED personnel what sounded completely

different from the two that he fired.

DOMON: Can you describe what the gun looked like that Byron was holding?

HARRIS: It almost, it looked very similar to our department issued Glocks. To me, it looked like it was either a Glock or it was a, the Ghost-Ghost Glocks is what they call them. The 80% firearms it looks very similar to one of those.

DOMON: What color was it?

HARRIS: It was black.

DOMON: It was black and similar to a Glock, so a semi-automatic handgun?

HARRIS: Yes.

DOMON: So, you hear the two shots, you're kind of already getting trying to get behind cover at that point. And then you said you heard what you know, as rifle rounds coming from…do you remember where those are coming from?

HARRIS: From both sides of the Bearcat. I was like hunched down behind the Bearcat., but I could almost kind of hear and feel like I'm not sure if it was just like the, you know, it coming off of the gun that's like the air coming out of the

guns as you shoot. But I could kind of feel and hear from both sides of me that rounds were being returned back towards the house.

DOMON: And if you had to estimate how many how many gunshots did you hear?

HARRIS: I couldn't even estimate at all. I kind of I was just tucked behind that thing and then it was a short, like, return of fire like sub probably between three to five seconds and then they it all stopped.

DOMON: So, the gunfire lasted for about three to five seconds?

HARRIS: Yes.

DOMON: Okay, and you're not sure how many you heard. I mean, do you think it was more than like 10 or 20 or?

HARRIS: I really, I feel like I couldn't even give it an actual estimate just because I'm like I wasn't counting as they were going, I was just kind of like…as I was behind the Bearcat, I was kind of making sure I didn't get hit. So, it was more probably more focused on like checking my body and making sure I wasn't hit with anything instead of paying attention to how many rounds actually returned.

DOMON: Okay, alright. So, when you saw Byron up there in that window with a gun, and then you started seeing it coming out, well, how are you feeling? What's your mindset like?

HARRIS: I was scared. I thought he's gonna shoot me. Because we were like I said, we were still looking at each other. From when he did the countdown to him laughing it was all like we were staring right at each other looking at each other directly eye to eye. So, I felt like he personally was trying to shoot directly at me when he moved the gun from his head and start pointing it out.

DOMON: Was there any, was there anybody else close proximity to you also?

HARRIS: The SED personnel were just on the opposite side of the Bearcat. So, I mean it's not huge, probably, for me probably take two steps for me to get from the driver's side to the passenger side of the Bearcat. So, they were on that passenger side of the Bearcat in like sticked up so there were three of them. I remember there being three of them here. So probably five to ten feet away from me to my right side and then to the left side. Those three operators are a little bit further away. So, I'll say maybe they could have been about like 10 to 15 feet away from me on that side.

DOMON: Up to that point, Michelle do you have anything?

DEL RIO: What do you believe may have happened had SED personnel not fired their weapons at Byron?

HARRIS: I believe he would have kept shooting. He would have continued to shoot at me and SED personnel that were there.

DOMON: And then at that point, SED starts doing they're trying to make trying to make entry into there. And you said you were kind of with Deputy Olivas, looking at her drone trying to get visual of Byron.

HARRIS: Yes.

DOMON: How does that work? How does the...I mean I know you're not a drone operator but like, is the screen big? How are you, how are you viewing the cameras on there?

HARRIS: It's a small screen. Sometimes it's a screen like that goes with it and sometimes they're able to use their phones. I can't remember if she had the screen for her for it or for her phone, one of the two. But it's a small camera, regardless, it's either going to be your cell phone, or the screen that goes with it, which is like a small little handheld almost looks like a video game. Like joysticks and stuff. So, but the screen is, is pretty small. But

normally, you get some good picture on it. It's just that once you start trying to zoom in too much, then the quality starts to fade.

DOMON: And you said that the quality was kind of you couldn't really see very clearly on it?

HARRIS: When it was looking at like the whole house in its entirety, you could see everything clear. Because I remember after shots were fired and everything and they started to make their tactical plan, you could see the blood on the windowsill. So, it had such a good camera that you could see the blood on the windowsill right there, which was presumed to be Byron's blood there. But then as we started to try or she started to maneuver it around to where we were wanted that picture of him, it took a minute because the drone itself won't allow you to fly close to a structure. So, it took her a minute to even figure out how we can get it at such an angle that we can even look inside. So, she was able to just fly it higher as what she ultimately did and was able to look inside. But as soon as you started zooming in it just you could tell it was him just based on. I think we were all saying like okay, yeah, you can see that's his shirt right there. And that kind of looks like-like a body like a head there, different things like that. But it was just so fuzzy that you couldn't really tell much of anything as far as what was going on in there.

DOMON: Okay. So, when you guys were looking at it, then who notifies the entry team more or less that you guys located him up there?

HARRIS: It was either Olivas or-or Haas I'm not sure which one of the two actually made the notification and they did it over the radio. But it was one of those two ended up making the notification.

DOMON: So, from the time you got on scene to the time the LFE occurred, how long do you think you were there?

HARRIS: Maybe 10 to 15 minutes.

DOMON: 10 to 15 minutes?

HARRIS: It was short.

DOMON: Do you have any questions? No. Alright. We're going to take a quick break; time is 1441 hours.

DOMON: Alright, this is Detective Owenn Domon we're going to resume the interview, the time is 1445 hours. We didn't have… there's no more follow up questions from us. Michelle, do you have anything?

DEL RIO: No.

DOMON: Sir?

[redacted] I have nothing.

DOMON: Alright that is going to conclude the interview. The time is 1445 hours.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: LIEUTENANT CHARLES BALEY

Lieutenant Charles Baley

On Friday, August 12, 2022, at approximately 0503 hours, Sheriff's Crime Scene Specialist [redacted] and I met Lieutenant Charles Baley at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Baley, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Baley did not fire any weapons during the LFE. Baley was photographed to document his uniform presence during the LFE. Baley did not sustain any injuries during the LFE.

[redacted]

UNIFORM:

Baley's uniform consisted of the following:

- A black ballistic helmet.
- A black load-bearing vest with a silver Los Angeles Police Department (LAPD) cloth badge affixed to the front left chest, and a cloth American Flag patch below the badge. A nametape with "LOS ANGELES POLICE" in white writing affixed to the right chest.
- A nametape with "BALEY" in white writing affixed to the front right chest below the "LOS ANGELES POLICE" nametape.
- A large patch with "POLICE" in white lettering was affixed to the back of the vest.

Baley's equipment on the load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- A black carabiner.
- Two magazine pouches containing two Springfield Armory 1911 magazines.
- Two black pouches.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

Baley's equipment on the belt proceeded clockwise from the (front) center of the belt was:

- A black Kydex holster on right hip. The holster held Baley's personally owned Springfield Armory TRT 1911 handgun.
- Blue Levi jeans.
- Gray, white, black, green, and red Nike shoes.

The processing was concluded at 0504 hours.

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

WITNESS INTERVIEW: LIEUTENANT CHARLES BALEY

On Friday, August 12, 2022, at approximately 0034 hours, Deputy Dylan Gosswiller and I interviewed Los Angeles Police Department (LAPD) Lieutenant Charles Baley in an office at the Specialized Enforcement Division (SED) High Desert Office, Victorville. The interview was recorded with my department-issued digital audio recorder. A copy of the interview was later placed into evidence.

Before the interview, I advised Baley we were conducting a criminal investigation and it would be submitted to the District Attorney's Office. I told Baley he did not have to speak to me, and no discipline could come to him for not talking to me. Baley told me he understood and agreed to talk to me voluntarily.

Officer Information:

Name: Charles Baley

Date of birth: [redacted]

Employer: Los Angeles Police Department (LAPD)

Serial Number: 31153

Years of service: Approximately [redacted]

Rank: Lieutenant

Assignment: LAPD Gang and Narcotics Division

Date of hire: [redacted]

Previous law enforcement experience: [redacted]

Shift: Thursday 0300 hours to 1300 hours

Call sign:

Uniform: Plain clothes with a black LAPD tactical vest and a ballistic helmet.

Belt Recordings or Body-Worn Camera: None

Photographs: None

Injured: No

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

WITNESS INTERVIEW: LIEUTENANT CHARLES BALEY (CONTINUED)

The following is a summary of the interview with Baley:

Note: Two people in the report share the same last name and therefore will be referred to by their first name throughout the report.

Baley oversaw an Federal Bureau of Investigations Fugitive Task Force (FBIFTF) for the LAPD. One of the FBIFTF detectives, Romeo Tamparong, was contacted by LAPD Homicide Detective Dave Vinton. Vinton asked for help in arresting a suspect, later identified as Byron Hayes. Vinton told Tamparong he had an active Ramey arrest warrant for Bryon for PC187(a); Murder.

Bryon was wanted for the murder of his [redacted] in the Hollywood area. Bryon was previously convicted of a similar charge in New Mexico. Baley learned Bryon served four years for accidentally shooting a former [redacted] in New Mexico. Baley believed Bryon's previous conviction and the current charge were very similar and showed a pattern of shooting women in vehicles. Bryon's criminal history included shooting at a vehicle, prostitution, robbery, trespass, and other similar crimes. Baley believed Bryon was a very dangerous person and felt it was necessary to be aware and not become complacent. Baley felt it was an advantage and safer for the public to apprehend Bryon at a residence instead of another location.

Detectives wrote a PING warrant for Bryon's phone and learned he was in the Victorville area. The PINGs provided detectives the general location of Bryon every time he made or received a phone call or a text. Detectives researched computer databases and learned Bryon had connections in the Victorville area. Baley learned [redacted] was Bryon's [redacted] address. Bryon listed [redacted] as his address on his California Driver's License.

On Wednesday, August 10, 2022, FBIFTF Supervising Detective Brian Whetsel contacted the San Bernardino County Sheriff's Department (SBCSD) SED team and notified them of the plan to apprehend Bryon on Thursday, August 11, 2022. FBIFTF worked with SED in the past and notified them of the operation so they would be aware of their presence in San Bernardino County.

On Wednesday, August 10, 2022, an Operational Plan was completed and sent to an LAPD Captain for review. On Wednesday, August 10, 2022, the LAPD Captain approved the operation plan. The objective was to establish surveillance and to locate and apprehend Bryon.

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

WITNESS INTERVIEW: LIEUTENANT CHARLES BALEY (CONTINUED)

On Thursday, August 11, 2022, before 0500 hours, FBIFTF was set up on surveillance at [redacted] Victorville. FBIFTF learned Bryon's phone left [redacted] at approximately 0230 hours.

At approximately 0500 hours, FBIFTF met at a Starbucks in Victorville and briefed the plan for the day. Detective Tamparong provided the briefing, and the following people were present:

Detective Brian Whetsel
Detective Casey Cox
Detective Erbie Phillips
Detective Romero Tamparong
Detective Matthew Stuart
Detective Joseph Ruvalcaba
Detetective Cesar Wences
Detective Elvis Hernandez
Detective Araceli Negrete
Officer Dennis Goynes
Officer Robert Philpott
County Probation Officer [redacted]

During the briefing, Bryon's description, name, date of birth, associated vehicle, a photograph of Bryon, and the operation plan was provided to everyone at the briefing. It was discussed Bryon drove a white Jaguar bearing California license plate [redacted] When FBIFTF set up surveillance Bryon's vehicle was parked in the driveway at [redacted] There was a second suspect related to the case in the Anaheim area. A second LAPD team arrested the second suspect near Anaheim around 0500 hours.

When there was no activity at the residence, Ruvalcaba went to the front door and rang the Ring Doorbell. Bryon's [redacted] spoke to the Ruvalcaba through the Ring Camera. Ruvalcaba told [redacted] he worked with the gas company and was in the area checking for leaks. [redacted] told Ruvalcaba it was fine for him to walk around the exterior of the house to check for leaks. A short time later, Ruvalcaba returned and activated the Ring Camera. A male, believed to be Bryon's [redacted] answered the Ring Camera. The male told Ruvalcaba he was not at the residence, but Bryon was.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		

WITNESS INTERVIEW: LIEUTENANT CHARLES BALEY (CONTINUED)

Sometime in the early afternoon, unknown exact time, after there was no activity at the house for a while, an officer turned off the circuit breaker to the residence. The reason to turn off the circuit breaker was to cause whoever was in the house to come outside and fix the situation. Bryon did not come out of the house. Stuart saw the blinds inside the residence moving. At some point, [redacted] came home and went inside the residence. [redacted] exited the residence and went and talked to a neighbor. [redacted] returned to the residence and turned the circuit breaker back on.

The plan for FBIFTF remained to conduct surveillance on the residence until it was appropriate to conduct a surround and callout. Whetsel contacted a member of SED and briefed them on the circumstances. Whetsel asked an unknown member of SED if FBIFTF did a surround and call out and the situation turned into a barricaded subject, would the SED team take over the call. The SED team told Whetsel they would want to take over if the situation turned into a barricaded subject. SED and Whetsel determined it would be best to have SED conduct the surround and call out so they would be in place if it turned into a barricaded subject.

At that time, FBIFTF had a Ramey warrant for Bryon's arrest, but they did not have a search warrant for [redacted] SED personnel requested FBIFTF obtain a search warrant before a surround and callout was conducted. Detective Romeo Tamparong contacted the LAPD homicide detective and requested he obtain a search warrant for the house. The detective authored a search warrant and a judge signed the warrant.

Tamparong received a digital copy of the search warrant. Tamparong provided the digital copy to a Victorville deputy and requested to have it printed. The Victorville deputy printed the search warrant and delivered it to FBIFTF at the [redacted] parking lot.

Sometime around 1600 and 1630 hours, [redacted] left the residence in a vehicle. Goynes and Philpott conducted a traffic stop on [redacted] told the LAPD officers, Bryon was inside the residence drinking alcohol, and there was a firearm inside the residence. The LAPD officers broadcasted the information over the radio for the entire FBIFTF to hear.

The FBIFTF maintained surveillance while Tamparong, Whetsel, and Baley met with SED personnel at the [redacted] parking lot. Tamparong, Whetsel, and Baley briefed SED on the situation and provided them with a copy of the search warrant. SED personnel, Whetsel, Tamparong, and Baley responded to [redacted]

Stuart was positioned in his vehicle near the front of the house. Stuart broadcasted over the radio Bryon came out of the residence and walked up to Stuart. Stuart identified himself and

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		

WITNESS INTERVIEW: LIEUTENANT CHARLES BALEY (CONTINUED)

Bryon went back inside the residence. Stuart positively identified Bryon as the person they were looking for. The FBIFTF personnel maintained a perimeter as SED approached. SED turned down the street toward the incident location. Baley did not see where SED went after that point.

As soon as Baley turned down Primavera, he saw the SED armored vehicle parked in front of [redacted] SED was parked in the driveway of Bryon's residence approximately 20 to 30 feet away from the house. SED gave commands telling Bryon they had a warrant, to exit the residence with his hands up, and to comply with their commands. SED used their public address (PA) to give commands. Baley believed SED communicated with Bryon outside of the PA, but he was unable to hear what was said. Baley heard someone say Bryon held a gun to his head. Baley did not see Bryon holding a gun to his head, but he heard an unknown deputy say Bryon held the gun to his head.

Baley drove [redacted] on [redacted] and a fire engine parked to the [redacted] of [redacted] on [redacted]. The Fire Department Battalion Chief asked Baley if they were needed. The Battalion Chief wanted to leave the location, but Baley asked him to stay. Baley went back and forth between [redacted] and [redacted] SED arrived at approximately 1730 hours, and fire staged at approximately 1745. Baley did not know who called for medical aid to stage.

There was a white utility truck with a K-9 in the backseat. Baley took a position behind the white utility truck. Baley continued to walk back and forth between the white utility truck and [redacted]. At one point, Baley heard Bryon say he would kill himself if he was not brought In-N-Out. Baley was positioned approximately 100 feet away from where SED was positioned. Baley was too far away to see Bryon's face clearly from where he was.

Approximately 35 minutes after the surround and call-out was initiated, Baley saw Bryon in the second-story window of [redacted] Bryon crouched down and lifted a black semi-automatic pistol and pointed it out the window. Baley heard a single pop, which he believed was a small-caliber gunshot from a handgun. Baley did not see a muzzle flash, but he believed Bryon shot at deputies. Immediately following first gunshot, Baley heard more than 10 gunshots in rapid succession. The volley of gunshots sounded like they were gunshots from rifles and lasted approximately one to two seconds. According to Baley, it sounded like multiple rifles were fired at the same time.

Baley saw what he believed were bullet strikes on the exterior wall below the windowsill. Baley saw debris, dust, and small holes in the stucco below the window.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

WITNESS INTERVIEW: LIEUTENANT CHARLES BALEY (CONTINUED)

Baley believed Bryon would have continued to shoot at deputies if they did not shoot at him. Baley did not see what happened after that.

Baley did not have any further information to provide, and I concluded the interview.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DETECTIVE MATT STUART

Detective Matt Stuart

On Friday, August 12, 2022, at approximately 0452 hours, Sheriff's Crime Scene Specialist [redacted] and I met Detective Matt Stuart at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Stuart, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Stuart did not fire any weapons during the LFE. Stuart was photographed to document his uniform presence during the LFE. Stuart did not sustain any injuries during the LFE.

UNIFORM:

Stuart's uniform consisted of the following:

- A black load-bearing vest with a silver Los Angeles Police Department (LAPD) cloth badge affixed to the front left chest. A nametape with "STUART" in white lettering affixed to the right chest, and a large patch with "POLICE" in white lettering was affixed to the front and back of the vest. Affixed to a black pouch was a patch with "LOS ANGELES POLICE" in white lettering.
- A gray short sleeve button up shirt.
- Stuart's equipment on the load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:
- A black pouch.
- A Motorola handheld transmitter (HT) radio.
- A blue writing pen and black flashlight.
- A black nylon pouch containing a Taser 7.
- A black Armament Systems and Procedures (ASP).

[redacted]

Reviewed By: Sergeant Michael Warrick MW Date: 2/16/2024 Author: Detective Owenn Domon Author Date: 08/12/22

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

Stuart's equipment on the belt proceeded clockwise from the (front) center of the belt was:

- A black holster on his right side. The holster held Stuart's department-issued Glock 45 handgun.
- Blue pants.
- Brown boots.

The processing was concluded at 0454 hours.

Reviewed By: Sergeant Michael Warrick Date: Author: Detective Owenn Domon Author Date: 08/12/22

LOS ANGELES POLICE DEPARTMENT

INVESTIGATIVE ACTION / STATEMENT FORM

Page of

Tape No.		Inc. No.	DR or Bkg. No.
Witness No.	If recording an officer's action, complete shaded areas and statement section only.		

Name	Date/Time of Interview	Location of Interview
Matthew Stuart	08-14-2023 2:00	100 W. 1st St Los Angeles

Residence Address	City	Zip Code	Phone

Business Address	City	Zip Code	Phone

Sex	Descent	Hair	Eyes	Height	Weight	DOB	Age	Driver Lic. No/Other ID	State

Interviewing/Reporting Officer	Serial No.	Division

Officer Completing	Serial No.

MIRANDA ADMONITION

1. You have the right to remain silent.
   Do you understand? _____
2. Anything you say may be used against you in court.
   Do you understand? _____
3. You have the right to the presence of an attorney before and during any questioning.
   Do you understand? _____
4. If you cannot afford an attorney, one will be appointed for you, free of charge, before any questioning if you want.
   Do you understand? _____

   If a waiver is desired:

   Do you want to talk about what happened? _____

Statement: Include who, what, when, where, why, and how.

On August 11, 2022, I was conducting surveillance at [redacted] in Victorville, California. I was on point, parked in my undercover vehicle, four houses [redacted], in front of [redacted] The LAPD / FBI Fugitive Task Force was surveying the location to locate, and arrest murder suspect Byron Hayes related to LAPD murder report number 2206-12597.

At approximately 1730 hours, I observed Byron Hayes walk out of the front porch area of [redacted] Hayes walked [redacted] down the driveway and then [redacted] on [redacted] Hayes walked down the middle of the street looking into the vehicles parked on the street in front of me. When he approached my vehicle, he looked into the front driver's window of my vehicle and continued past. When Hayes got to the back of my vehicle he turned around and began walking back [redacted] He stopped again at the front driver's door and looked into my vehicle. I determined the surveillance was compromised and communicated via the radio to initiate the arrest. San Bernardino SWAT was enroute to the location.

I deployed from my vehicle , along with Task Force Detectives. I was wearing my LAPD department approved tactical vest that clearly identified me as a LAPD Detective. I identified myself verbally as well. Hayes took off running [redacted] on [redacted] towards his house. I observed him run into [redacted] through the front door.

As units deployed on [redacted] I heard via radio that Hayes jumped the rear fence. I then heard that Hayes had jumped back into his yard and then went back inside of the residence.

I, along with Detective Tamparong and Detective Ruvalcaba, assisted with containment on the [redacted] side of his residence. I was able to gain access to the back yard of [redacted] A short time later I observed Hayes exit the second-floor glass sliding door and walk out onto the second-floor balcony of his residence. Hayes appeared belligerent as he spoke to detectives who were engaging him in conversation.

Hayes re-entered his residence then I heard San Bernardino SWAT in the front of the house communicating with Hayes via bullhorn. A short time later, Hayes was back on the second-floor balcony speaking with the same detectives. The Detectives told him several times that deputies were in the front and advised he should just exit the house and comply with Officers. Hayes appeared to be agitated and continued to refuse to cooperate.

The back and forth between the front of the house and rear patio occurred several times. San Bernardino SWAT advised they had Hayes at the front window. A short time later I heard gun fire. Several minutes passed and then I observed SWAT making their way around to the back of the residence. They made entry into the residence through the rear sliding glass door.

When SWAT gave the Code-4 I relinquished my position and went to the front of [redacted] and assisted with holding the perimeter of the scene.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DETECTIVE CASEY COX

Detective Casey Cox

On Friday, August 12, 2022, at approximately 0426 hours, Sheriff's Crime Scene Specialist [redacted] and I met Detective Casey Cox at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Cox, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Cox did not fire any weapons during the LFE. Cox was photographed to document his uniform presence during the LFE. Cox did not sustain any injuries during the LFE.

UNIFORM:

Cox's uniform consisted of the following:

- A black ballistic helmet with "COX" written in white lettering on the back of the helmet and "33720" below. A cloth American Flag patch on the left side of the helmet.
- A black load-bearing vest with a silver Los Angeles Police Department (LAPD) cloth badge affixed to the front left chest. A nametape with "COX" written in white lettering affixed to the center of the chest.
- A large patch with "POLICE" written in white lettering on the back of the vest.

Cox's equipment on the load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- A black pouch containing a medical first aid kit.
- A black carabiner affixed to the vest. Attached to the carabiner was a black door stop.
- A black nylon pouch containing a Taser 7.
- A Motorola handheld transmitter (HT) radio affixed to the vest.

[redacted]

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

- A Colt Defense M4 Carbine AR-15 Rifle slung across Cox's right shoulder.

Cox's equipment on the belt proceeded clockwise from the (front) center of the belt was:

- A black Kydex holster on Cox's right hip. The holster held Cox's personally owned Staccato 2011 handgun.
- Blue jeans.
- Brown boots.

The processing was concluded at 0434 hours.

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: DETECTIVE CASEY COX

On Friday, August 12, 2022, at approximately 0506 hours, I interviewed Los Angeles Police Department (LAPD) Detective Casey Cox inside an office at the San Bernardino County Sheriff's Department (SBCSD) Victorville Specialized Enforcement Division (SED). I recorded the interview on my department-issued digital audio recorder and later submitted the recording as evidence. The following is a summary of the interview with Cox.

Before the interview, I advised Cox we were conducting a criminal investigation and it would be submitted to the District Attorney's Office. I told Cox he did not have to speak to me, and no discipline could come to him for not talking to me. Cox told me he understood and agreed to talk to me voluntarily.

Name:	Casey Cox
Date of birth:	[redacted]
Employee Number:	33720
Years of service:	[redacted]
Height and weight:	6'00" / 240 lbs.
Date of hire:	[redacted]
Date started patrol:	[redacted]
Rank:	Detective Two
Previous experience:	[redacted]
Shift:	0300-1300 hours
Call sign/Vehicle:	5K612 / Gray Dodge Caravan
Partner:	None
Uniform:	Plain clothes with a ballistic helmet and plate carrier
Body-Worn Camera:	N/A
Photographs:	None taken
Injured:	No
Weapon used:	None

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: DETECTIVE CASEY COX (Continued)

Note: People in this report share the same last name, and therefore will be referred to by their first name throughout the report.

On Thursday, August 11, 2022, Cox was assigned as a Detective Supervisor on the LAPD Gangs and Narcotics Division Fugitive Warrant Section (GND). Cox started his shift at 0300 hours and was assigned to meet the GND at the Starbucks at [redacted] at 0500 hours, for a briefing.

At approximately 0500 hours, Detective Romero Tamparong briefed the GND regarding a suspect apprehension. Tamparong told GND the suspect they were going after was Byron Hayes, and Byron was wanted for PC187(a), Murder. There was an active felony arrest warrant for PC187(a); Murder and the associated address was [redacted] Bryon was wanted for the murder of his [redacted] in Los Angeles. Byron previously served a prison sentence for killing a [redacted] in New Mexico. Tamparong provided the address of [redacted] Victorville and gave each person an assignment. Cox was assigned to conduct surveillance to identify Byron's presence at the location. Tamparong provided everyone at the briefing a photograph of Byron.

After the briefing, between 0600-0630 hours, GND responded to the area of [redacted]. Cox positioned himself [redacted] of [redacted] at the [redacted] corner of the [redacted] and [redacted] intersection. Cox remained in his position for the duration of the surveillance except to relieve other GND members to get water or use the restroom.

Sometime before 1200 hours, Detective Joe Ruvalcaba conducted a ruse to get Byron to exit the residence. Ruvalcaba spoke to a few neighbors and advised them he worked for the gas company and was checking for leaks. Ruvalcaba went to [redacted] and rang the Ring doorbell. Byron's [redacted] later identified as [redacted] answered. [redacted] gave Ruvalcaba permission to walk around the yard to check for a gas leak. Ruvalcaba walked around the residence and then went back to the Ring doorbell and rang it. Byron's [redacted], unknown name, answered the Ring doorbell. Byron's [redacted] advised he was not at the residence, but his [redacted] Byron was inside asleep.

Detective Brian Whetsel contacted SBCSD SED and discussed the situation. SED agreed to assist with the situation once a search warrant was signed. GND was already in the process of getting a search warrant signed. Whetsel and Baley met with the SED supervisor and briefed them on Byron and [redacted] returned home and left after approximately 15

WITNESS INTERVIEW

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CODE SECTION	CRIME	CLASSIFICATION
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VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: DETECTIVE CASEY COX (Continued)

to 20 minutes. [redacted] left in her vehicle and a traffic stop was conducted by officers Robert Philpott and Dennis Goynes. Philpott and Goynes broadcasted over the radio that [redacted] advised there was a handgun inside the residence at [redacted]

At one-point, unknown what time it was, an unknown LAPD officer broadcasted over the radio SED was enroute to [redacted] to serve the search warrant. Around the same time, Detective Matthew Stuart broadcasted over the radio with an elevated voice and said something to the effect of "he's right here, he's right here." Cox heard, over the radio, Stuart gave commands of put your hands up. Based on the radio traffic from Stuart, Cox realized Stuart contacted Byron. Cox broadcasted over the radio and said, "bring it in." When GND contacted a suspect and wanted the arrest team to approach, they used the command of "bring it in." Cox drove [redacted] onto [redacted] toward [redacted]. Officers Timothy Pecina and Sam Oh were directly in front of Cox in their marked chase unit. Immediately in front of Pecina and Oh was Tamparong. As Cox drove [redacted] he saw Byron ran [redacted] toward [redacted]. Byron wore red pants or shorts, a gray sweatshirt, and a black cloth on his head. Cox was unable to see if Byron held anything in his hands. Stuart broadcasted over the radio and said, Byron ran toward the house. Cox parked in the roadway in front of [redacted]

Cox got out of his car and went to cover the [redacted] of [redacted]. Detective Erbie Phillips, who was on the [redacted] side of [redacted] broadcasted over the radio and said Byron was in the backyard. Oh and Pecina jumped the fence to the [redacted] of [redacted] As Pecina jumped the fence, one of his pistol magazines fell off of his belt onto the ground. Cox walked to the gate and walked through it. Cox continued to the [redacted] corner of [redacted] and contacted Byron as Byron stuck his head out of the rear sliding glass door. Cox was approximately 15 feet away from Byron and he recognized Byron as the subject in the photograph he was provided during the briefing. Cox told Byron they were the police and Byron needed to step out. Byron went back inside the house. Pecina and Cox maintained a position on the [redacted] corner of [redacted] Oh went back to the [redacted] side of the residence.

Cox heard SED was on scene and gave commands to Byron. Within a few minutes, Byron walked out of [redacted] onto the second story balcony. Byron had a gold or yellow champagne or wine bottle in his left hand. Byron was approximately 15 feet away from Cox and Pecina. Cox said, "police, show us your hands!" Byron asked Cox what he wanted and why he was at the location. Cox told Byron they had a warrant for his arrest and a search warrant for the house. Cox told Byron he needed to come outside. Byron told Cox, Cox was going to shoot him.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	AWD on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

WITNESS INTERVIEW: DETECTIVE CASEY COX (Continued)

Cox told Byron he was not going to shoot him, and he needed to come outside. Byron replied and said, "no I promise you; you're going to shoot me." Byron continued and said, "you've got a semi-automatic, I've got a semi-automatic." The conversation lasted approximately 10 to 12 seconds, and Byron went back inside the house. Cox broadcasted over the radio that Byron said he had a semi-automatic.

Based on what Cox heard taking place in the front of the house, Cox believed Byron went to the front of the house and contacted SED through a second-story window. Cox heard SED give commands, and a similar conversation to the one Cox and Byron had at the back of the house. After approximately 10 to 15 minutes, Byron came back to the balcony on the [redacted] of the residence. Byron put his right hand out of the slider and wiggled his fingers. Byron stood in the threshold of the balcony sliding glass door. Byron's right half of his body was visible, but his left half was inside the house and concealed. Cox gave Byron commands to show his hands, and Byron said Cox could see his hands. Cox plead with Byron to show him his left hand, but Byron did not. Cox believed Byron held a firearm in his left hand. Byron told Cox, SED told him to go out the front of the residence. Cox told Byron he needed to go out the front of the residence if that was what SED told him to do. Byron told Cox if he went out the front, Cox was going to shoot him. Cox told Byron he would not shoot him and would stay right where he was. The conversation lasted for approximately eight seconds before Byron went back inside.

Cox heard Byron talk to SED. Cox heard SED gave commands, asking Byron to come out, come to the front door with your hands up, and said we don't want anyone to get hurt. Phillips broadcasted over the radio and said, Byron had a gun to his head and demanded In-n-Out Burger.

After approximately 10 to 15 minutes, Byron came out onto the balcony a third time. Byron said SED told him to go out front. Cox told Byron he needed to listen and go out front with his hands up. Byron again said, Cox was going to shoot him. Cox told him he was not going to shoot him and would stay where he was. Byron went back inside the residence.

Cox heard SED gave commands at the front of the residence. Whetsel contacted Cox over the radio and advised a plan was developed for Pecina and Cox to move to the [redacted] and leave the area. SED members would meet Cox and Pecina and guide them away from the building. As Cox walked [redacted] and made it to the [redacted] corner, he heard a single gunshot followed immediately by a short volley of rifle fire. It sounded like a flashbang with nine detonations. Cox estimated he heard five to seven gunshots within a second to a second and a half. Cox believed the gunshots were from more than one rifle.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	AWD on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

WITNESS INTERVIEW: DETECTIVE CASEY COX (Continued)

Pecina and Cox stopped and held their position on the [redacted] corner. Cox heard someone broadcasted over the radio for Cox and Pecina to hold their position while SED entered the residence. Cox heard someone broadcasted over the radio SED would go [redacted] on the [redacted] side of the building and relieve Cox and Pecina. SED relieved Cox and Pecina, and Cox and Pecina went into the neighbor's yard to the [redacted]. SED entered [redacted]

Shortly after, Cox heard SED members saying to bring the fire department to the location. Cox saw a deputy waving the fire department in. A fire truck and an ambulance arrived on scene. The medical personnel wheeled a gurney into the residence. A brief time later, medical personnel wheeled the gurney out of the residence and into the back of the ambulance. The ambulance and fire truck drove away, and deputies put up crime scene tape.

Cox was directed to respond to the SED office and wait to be interviewed.

Cox had no additional information, and I concluded the interview.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DETECTIVE ROMEO TAMPARONG

Detective Romeo Tamparong

On Friday, August 12, 2022, at approximately 0441 hours, Sheriff's Crime Scene Specialist [redacted] and I met Detective Romeo Tamparong at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Tamparong, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Tamparong did not fire any weapons during the LFE. Tamparong was photographed to document his uniform presence during the LFE. Tamparong did not sustain any injuries during the LFE.

UNIFORM:

Tamparong's uniform consisted of the following:

- A black ballistic helmet with an American Flag patch with a blue line through the middle affixed to the back of the helmet. A nametape with "TAMPARONG" written in white lettering affixed to the back of the helmet below the flag patch.
- A blue short sleeve shirt.
- A black load-bearing vest with a silver LAPD cloth badge affixed to the front left chest, and a cloth American Flag patch below the badge. A nametape with "LOS ANGELES POLICE" in white writing affixed to the right chest, and a nametape with "TAMPARONG" written in white lettering affixed to right chest.
- A large patch with "POLICE" in white lettering was affixed to the back of the vest.

[redacted]

Reviewed By: Sergeant Michael Warrick MW Date: 8/18/2022 Author: Detective Owenn Domon Author Date: 08/12/22

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

Tamparong's equipment on the load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- Two magazine pouches containing two Glock 21 magazines.
- A black pouch with a Taser 7.
- A black pouch containing an Armament Systems and Procedures (ASP) baton.
- A black pouch containing a flashlight.
- A black pouch containing a Motorola handheld transmitter (HT) radio.
- A black pouch containing a handcuff key and two writing pens.

Tamparong's equipment on the leather belt proceeded clockwise from the (front) center of the belt was:

- A black Kydex holster on his right hip. The holster held Tamparong's personally owned Glock 21.
- Blue jeans.
- Black and white Vans shoes.

The processing concluded at 0443 hours.

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

WITNESS INTERVIEW: DETECTIVE ROMEO TAMPARONG

On Tuesday, August 16, 2022, at approximately 0906 hours, Deputy Dylan Gosswiller and I interviewed Los Angeles Police Department Detective Romeo Tamparong at the San Bernardino County Sheriff's Department (SBCSD) Specialized Investigations office at 808 East Mill Street, San Bernardino. The interview was recorded with my department-issued audio recorder. I later placed a copy of the interview into evidence.

Before the interview, I told Tamparong that investigators were conducting a criminal investigation and the case would be submitted to the San Bernardino County District Attorney's Office. Tamparong understood and agreed to provide a voluntary statement.

Officer Information:

Name: Romeo Tamparong

Date of birth: [redacted]

Employer: Los Angeles Police Department (LAPD)

Years of service: Approximately [redacted]

Rank: Detective 1

Assignment: LAPD Gang and Narcotics Division, FBI Fugitive Task Force (FBIFTF)

Date of hire: [redacted]

Previous law enforcement experience: [redacted]

Shift: Tuesday-Friday from 0500 hours to 1500 hours

Call sign: 5 King 615 (5K615)

Uniform: Plain clothes during surveillance. Black LAPD tactical vest during deployment.

Belt Recordings or Body-Worn Camera: None

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

WITNESS INTERVIEW CONTINUED: DETECTIVE ROMEO TAMPARONG

Photographs: None

Injured: No

The following is a summary of the interview with Tamparong:

Tamparong was a detective for LAPD attached to the FBIFTF. On an unknown date in the beginning of July, Tamparong's supervisor, Detective Brian Whetsel, advised him of a homicide which occurred on Friday, July 1, 2022, in the West Bureau. Tamparong was assigned to be the investigating officer of the apprehension of the suspect. On Wednesday, July 6, 2022, Tamparong contacted West Bureau Homicide Detective Dave Vinton and advised he was going to be leading the investigation for FBIFTF.

Tamparong received the suspect information, who was identified as Byron Hayes, the Ramey warrant for Hayes, and the circumstances of the homicide. Hayes was a Long Beach Crip gang member. In 2014, Hayes committed a homicide in New Mexico on his [redacted] Hayes was in a vehicle with his [redacted] when the firearm in his lap accidently went off and shot his [redacted] Hayes was convicted of involuntary manslaughter and served four years. Hayes moved back to California and had limited criminal history in California.

Tamparong advised Hayes' current homicide case occurred on Friday, July 1, 2022, in Los Angeles. The victim was Hayes' [redacted]. The victim's [redacted] received a text message from her [redacted] and it was out of the ordinary for her. The victim's [redacted] went over to her apartment and asked the manager if she was home. The manager told the victim's [redacted] she lived with her [redacted] and the manager did not think they were home. The victim's [redacted] drove around the area and located her [redacted] vehicle. The victim's [redacted] came back the following day with the key and opened the vehicle. The victim was in the passenger seat slumped over and deceased. Homicide detectives from the West Bureau assumed the investigation. During the course of the investigation, investigators located video surveillance which showed Hayes and another male, identified by LAPD homicide detectives as [redacted] with the victim.

Sometime in the beginning of July 2022, Vinton authored a cellular telephone ping warrant on Hayes cellular telephone. On Thursday, July 7, 2022, Tamparong coordinated an operation to conduct surveillance on Hayes and confirm the cellular telephone pings belonged to Hayes. Tamparong and his surveillance team conducted surveillance in Anaheim where the cellular telephone pings were located and observed a male subject who matched Hayes description.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

WITNESS INTERVIEW CONTINUED: DETECTIVE ROMEO TAMPARONG

On an unknown day, within the week of August 1, 2022, Tamparong received the cellular telephone pings for Hayes' cellular telephone, and it was in the City of Victorville. The cellular telephone pings were very broad, but Hayes had an address listed on his California Driver's License of [redacted] Victorville. Tamparong drove by the home and saw Hayes' white 2005 Jaguar parked in the driveway. Through the homicide investigation, Vinton provided Tamparong with the make, model, and description of Hayes vehicle. Tamparong believed the [redacted] address was a good address for Hayes.

On Thursday, August 11, 2022, Tamparong conducted a briefing on the operation with the FBIFTF team. Tamparong went over the operations plan, Hayes' criminal history, and the current homicide Hayes was wanted for. In conjunction with their operation, a secondary team was in Anaheim conducting an operation for [redacted] was taken into custody on his way to work before 0600 hours. After briefing was concluded, at approximately 0530 hours, Tamparong and his team set up on surveillance at 12678 Westway Lane.

The following is a list of personnel positions on surveillance:

- Tamparong and Whetsel parked [redacted] of the target residence.
- Detective Erbie Phillips and Cesar Wences parked on Cantina Drive, [redacted] of the target residence.
- Detective Sally Negrete and Elvis Hernandez parked [redacted] of the target residence.
- Detective Casey Cox parked [redacted] of the target residence.
- Police Officer Dennis Goynes and Robert Philpott were in a marked patrol vehicle parked in the area but out of sight of the residence.
- Lieutenant CJ Baley was parked out of the area.
- Detective Matt Stuart was on point of the target residence.

At approximately 0800 hours, a black sport utility vehicle (SUV), driven by Hayes' [redacted], backed out of the garage, and left. At approximately 0900 hours, Stuart contacted Tamparong and told him he could not see the residence [redacted] of the target location. Tamparong repositioned his vehicle four residences [redacted] of the target location on [redacted] so he had observation on the [redacted] residence. Multiple hours passed by with no movement from the residence.

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PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

WITNESS INTERVIEW CONTINUED: DETECTIVE ROMEO TAMPARONG

Tamparong was still receiving the cellular telephone pings and the location was within the area of the [redacted] residence. Tamparong believed Hayes was still at the location. An unknown amount of time later, Tamparong contacted Whetsel, and asked if they could perform a "ruse" at the residence to see if it would create activity. Whetsel agreed to the "ruse".

Tamparong contacted Detective Joe Ruvalcaba who was not on surveillance to conduct the "ruse". Tamparong and Ruvalcaba agreed to use the cover of a gas company employee and Ruvalcaba would tell whoever was inside the residence there was a possible gas leak near the rear of the residence. Tamparong had Goynes and Philpott move in closer in case something happened, and Stuart would relay Ruvalcaba's movement and actions.

At approximately 0900 hours, Ruvalcaba walked to the front door of the residence and rang the doorbell. The front doorbell was a Ring camera doorbell. A female voice answered the doorbell notification. Ruvalcaba told the female work was being conducted on the gas lines in the area and it may affect their gas lines. Ruvalcaba asked the female if he could walk around the property to check the lines and the meter.

The female gave Ruvalcaba permission and Ruvalcaba walked around the property. Ruvalcaba was unable to see anything or cause any movement from inside the residence. Ruvalcaba went back to the front door and rang the doorbell again. A male voice answered the doorbell notification this time who Tamparong believed to be Hayes' [redacted] (unknown last). Ruvalcaba told [redacted] he did not smell gas but may be back later to check. Ruvalcaba asked [redacted] if he was home. [redacted] responded he was not at home, but his [redacted] was. Tamparong could not hear the conversations between Ruvalcaba but was briefed on the interactions after the "ruse" was completed. Tamparong briefed Whetsel and advised they believed Hayes would be leaving the residence shortly. Tamparong and his team continued conducting surveillance.

At approximately 1200 hours, Tamparong contacted Whetsel again and asked if they could do another "ruse" to create activity at the residence. Tamparong and Whetsel agreed on another "ruse" to shut off the electricity to the residence. Tamparong relayed the plan to Ruvalcaba. Ruvalcaba went back to the [redacted] residence and turned off the electricity to the residence. After the second "ruse", there was still no activity or movement at the residence. Tamparong advised they would not do any more "ruses" at the residence. At approximately 1230 hours, Tamparong contacted Vinton and advised they needed a search warrant for the [redacted] address in case the incident turned into a barricaded situation. Vinton authored a search warrant for the residence.

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
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PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

WITNESS INTERVIEW CONTINUED: DETECTIVE ROMEO TAMPARONG

At approximately 1600 hours, [redacted] returned to the residence in her black SUV. [redacted] pulled into the driveway, walked around the residence, turned the power back on, and went inside the residence. [redacted] was inside the residence for approximately 20 minutes before she got back into her vehicle and left. A traffic stop was conducted by one of the Metro Chase vehicles on [redacted] after she left the residence. [redacted] told the officers Hayes was inside the residence alone. Tamparong did not receive any further information [redacted] provided because he was busy coordinating his team.

Tamparong and Whetsel agreed to wait for the search warrant to be signed and then serve the warrant at the residence. Whetsel contacted the San Bernardino County Sheriff's Department (SBCSD) Specialized Enforcement Division (SED) to serve the search warrant at the residence. At approximately 1654 hours, Tamparong received the signed search warrant from Vinton.

Whetsel met with SED personnel for a briefing and gave them a copy of the search warrant. Tamparong did not know where the briefing was held but believed it may have been at a school. Tamparong remained on surveillance while SED was briefed. At approximately 1700 hours, SED headed to the [redacted] residence. Tamparong relayed the information to his team and advised they would help with containment around the residence.

At approximately 1705 hours, Hayes exited the residence and walked [redacted] on [redacted]. Tamparong relayed the information to his team. Tamparong described Hayes walked with purpose and determination. Hayes did not look around and walked directly toward where Stuart was parked. Tamparong got a weird feeling about how Hayes walked and drove toward Hayes. Tamparong lost visual of Hayes at the intersection of [redacted] and [redacted]

Tamparong reached the corner of [redacted] and [redacted] and saw Stuart out of his vehicle and giving commands to Hayes. Hayes walked backward away from Stuart as Tamparong parked his vehicle approximately 10 feet away from Hayes. Tamparong exited his patrol vehicle and Hayes turned around and saw him.

Tamparong yelled at Hayes "stop, police, stop!" Hayes did not listen to the commands Tamparong gave him and ran toward the residence. While Hayes ran, he held the front of his waistband. Hayes was not running with his arms swinging back and forth. Hayes' hands remained on his waistband while he ran back to the residence. Tamparong believed Hayes was holding something in his waistband as he ran.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

WITNESS INTERVIEW CONTINUED: DETECTIVE ROMEO TAMPARONG

Hayes ran back into the front door of the residence and closed the door. Tamparong checked the front door, and it was locked. Tamparong and Stuart moved to the [redacted] corner of the residence for containment. The rest of Tamparong's team set up a perimeter around the residence. Approximately one minute after Hayes entered the residence, SED arrived. SED parked their Armored Rescue Vehicle (ARV) in the driveway and faced the residence. SED gave commands toward the residence.

Tamparong, Stuart, and Ruvalcaba positioned themselves in the [redacted] neighbor's yard behind the wall for cover. Tamparong could see the backside of the residence and the [redacted] exterior wall. Hayes exited the second story sliding glass door and communicated with Cox. Hayes asked what they were doing there and what they wanted. Cox replied and told Hayes he was wanted for a warrant, and he needed to exit the front of the residence and comply with the officers' orders. Hayes went back and forth from the front of the residence and the back balcony approximately four times. Tamparong advised he could sometimes see Hayes' hands and sometimes he could not.

Tamparong remained in his position and let SED handle the situation. Tamparong saw a drone device flying around the residence and believed it belonged to SED. Approximately 10 minutes after Tamparong moved to the neighbor's yard, he heard gunfire coming from the front of the residence. Tamparong described the gunfire as rapid and estimated he heard approximately five to six gunshots. An unknown officer broadcasted over the radio of an incident in front of the residence. Based on hearing the gunfire, Tamparong believed an officer involved shooting had occurred.

Tamparong remained in his position and held the perimeter. Approximately 10 minutes later, SED personnel walked around the [redacted] side of the residence to the glass slider on the [redacted] side. SED personnel broke the glass slider and sent a robot into the residence. Once SED personnel entered the residence, Tamparong left his position and walked to the front. Tamparong never entered the residence.

Tamparong did not have any further information to provide, and I concluded the interview.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DETECTIVE JOSEPH RUVALCABA

Detective Joseph Ruvalcaba

On Friday, August 12, 2022, at approximately 0519 hours, Sheriff's Crime Scene Specialist [redacted] and I met Detective Joseph Ruvalcaba at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Ruvalcaba, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Ruvalcaba did not fire any weapons during the LFE. Ruvalcaba was photographed to document his uniform presence during the LFE. Ruvalcaba did not sustain any injuries during the LFE.

UNIFORM:

Ruvalcaba's uniform consisted of the following:

- A black load-bearing vest with a silver Los Angeles Police Department (LAPD) cloth badge affixed to the front left chest, a nametape with "LAPD" and "RUVALCABA" in white writing affixed to the front right chest. A large patch with "POLICE" in white writing on the back of the vest.
- A tan short sleeve button up shirt with a red shirt under.

Ruvalcaba's equipment on the load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- Three black pouches.
- A green pouch containing a tourniquet.
- A Motorola handheld transmitter (HT).
- An Armament Systems and Procedures (ASP) baton.
- A black pouch containing a Motorola HT.
- A green and black 40-millimeter blunt instrument projectile (BIP) single shot launcher slung across his right shoulder.

[redacted]

Reviewed By: Sergeant Michael Warrick MW Date: 2/16/2024 Author: Detective Owenn Domon Author Date: 08/12/22

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

Ruvalcaba's equipment on the belt proceeded clockwise from the (front) center of the belt was:

- A black holster on his right side. The holster held Ruvalcaba's personally owned Glock 21 handgun.
- Gray Dickie pants.
- Black and white Vans shoes.

The processing was concluded at 0522 hours.

Reviewed By: Sergeant Michael Warrick Date: Author: Detective Owenn Domon Author Date: 08/12/22

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: LAPD DETECTIVE I JOSEPH RUVALCABA

On Thursday, August 12, 2022, at approximately 0322 hours, Deputy Curtis Bennington and I interviewed Los Angeles Police Department Detective I Joseph Ruvalcaba at the San Bernardino County Sheriff's Department (SBCSD) Specialized Enforcement Division (SED) office at 14455 Civic Drive, Victorville. The interview was recorded with my department-issued audio recorder.

Before the interview, I told Ruvalcaba that investigators were conducting a criminal investigation and the case would be submitted to the San Bernardino County District Attorney's Office. Ruvalcaba understood and agreed to provide a voluntary statement.

Officer Information:

Name: Joseph Ruvalcaba

Date of birth: [redacted]

Employer: Los Angeles Police Department (LAPD)

Years of service: Approximately [redacted]

Rank: Detective I

Assignment: LAPD Gang and Narcotics Division, FBI Fugitive Task Force (FBIFTF)

Date of hire / Began patrol assignment: [redacted] / [redacted]

Previous law enforcement experience: [redacted]

Shift: Thursday, August 11, 2022 - 0300 to 1300 hours

Call sign: 5-K-618

Vehicle: Black Chrysler Van (unknown model) equipped with Code 3 equipment (undercover vehicle)

Uniform: Plain clothes during surveillance. Black LAPD tactical vest during deployment.

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: LAPD DETECTIVE I JOSEPH RUVALCABA (CONTINUED)

Belt Recordings or Body-Worn Camera: None

Photographs: None

Injured: No

The following is a summary of the interview.

On an unknown day, within the week of August 1, 2022, Ruvalcaba and the FBIFTF were in the High Desert of San Bernardino County for an unrelated investigation. During the unrelated investigation, LAPD Detective II Romeo Tamparong informed the personnel of a murder investigation he conducted. According to Tamparong, the murder occurred on or around Friday, July 1, 2022, and was investigated by LAPD West Bureau Homicide detectives. During the investigation, Byron Hayes was identified as the person who shot a female victim with a handgun. Ruvalcaba believed the decedent was Hayes' [redacted] but did not know her name. The firearm used in the murder was not recovered during the investigation and was outstanding.

Tamparong requested the personnel respond to [redacted] Victorville, to see if Hayes' white 2005 Jaguar was at the residence. Ruvalcaba did not recall the vehicle's license plate but knew the car belonged to Hayes. At an unspecified time, Tamparong drove by the home and saw the Jaguar parked in the driveway. The investigators did not conduct surveillance and merely confirmed the vehicle was present before they left the area. Ruvalcaba did not drive by the residence.

On Thursday, August 11, 2022, at 0500 hours, Ruvalcaba and the FBIFTF conducted an operational briefing in the parking lot of Starbucks at [redacted], Victorville. The briefing was provided by Tamparong and was related to a surveillance operation at [redacted] Victorville. The objective of the surveillance was to locate and arrest Byron Hayes for a Ramey arrest warrant for murder. Ruvalcaba did not recall who the affiant of Hayes' Ramey arrest warrant was or when it was authorized. According to Tamparong, Hayes was believed to be staying at his [redacted] residence at [redacted] Ruvalcaba did not recall Hayes' [redacted] name, which was provided during the briefing. Investigators later identified Hayes' [redacted] as [redacted].

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

WITNESS INTERVIEW: LAPD DETECTIVE I JOSEPH RUVALCABA (CONTINUED)

Investigators discussed Hayes' previous arrests and gang membership. Ruvalcaba recalled hearing Hayes had previously been arrested for murder in New Mexico, where he was incarcerated for four years. Hayes was a Long Beach Crip gang member with the moniker of "Bam." Ruvalcaba had no previous contacts with Hayes. Ruvalcaba was on "high alert" during the operation because Hayes was a murder suspect with a violent criminal history and a gang member.

At an unknown time, an unidentified investigator authored a search warrant for global positioning system (GPS) locations on Hayes' cellular phone. Through electronic surveillance, investigators knew Hayes' cellular telephone was at the residence. Ruvalcaba did not monitor or receive any GPS locations for Hayes' cellular phone.

The plan of the operation was to observe Hayes at the residence, and they would conduct a traffic stop on Hayes when he left home. If Hayes were confirmed to be at the residence and did not leave home, the FBIFTF would contact San Bernardino County Sheriff's Department, Specialized Enforcement Division (SED). SED would surround the residence and call Hayes outside to arrest him. The FBIFTF used an FBI radio frequency to communicate with one another during the investigation.

Present for the Victorville operation and present for the briefing were:

- Lieutenant II CJ Baley / LAPD GND
- Detective III Brian Whetsel / LAPD GND
- Detective II Casey Cox / LAPD GND
- Detective II Erbie Phillips / LAPD GND
- Detective II Romeo Tamparong / LAPD GND
- Detective I Matt Stuart / LAPD GND
- Detective I Joe Ruvalcaba / LAPD GND
- Detective I Cesar Wences / LAPD GND
- Detective I Elvis Hernandez / LAPD GND
- Detective I Sally Negrete / LAPD GND
- Police Officer III Dennis Goynes / LAPD METRO
- Police Officer III Robert Philpott / LAPD METRO
- Deputy Probation Officer [redacted] / Los Angeles County Probation

Ruvalcaba's assignment was to be east of the residence and would identify vehicles that drove away. Ruvalcaba would also assist with Hayes' apprehension when contact was made.

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

WITNESS INTERVIEW: LAPD DETECTIVE I JOSEPH RUVALCABA (CONTINUED)

At approximately 0630 hours, surveillance began at [redacted] Stuart positioned himself in an unknown area where he saw the residence. Stuart broadcast Hayes' white Jaguar was parked in the driveway. Ruvalcaba believed "there was a good possibility" Hayes was at the residence since his vehicle was at the location.

At an unknown time, after daybreak, Stuart broadcast that [redacted] left the residence in a Nissan.

At approximately 0840 hours, Ruvalcaba and Tamparong planned a "ruse" at the residence. Ruvalcaba and Tamparong met at an unspecified gas station. A "ruse" was a tactic used to gain information. In this situation, Hayes' vehicle and phone were at the residence, which led investigators to believe Hayes was present. Without seeing Hayes, the investigators could not positively confirm his presence at the residence. During the ruse, Ruvalcaba would walk to [redacted] and pose as a gas company employee. Ruvalcaba wore plain clothes, a reflective vest and carried a device that made a noise at his discretion to indicate a gas leak. The goal of the ruse was to confirm Hayes was at the residence.

At approximately 0900 hours, Ruvalcaba parked his vehicle on [redacted] of [redacted] Ruvalcaba walked [redacted] on [redacted] as he approached the residence. Ruvalcaba knocked on the front doors of [redacted] and [redacted] for appearances of the ruse in case he was being watched. Ruvalcaba did not contact anyone at either residence and walked to [redacted] Ruvalcaba described [redacted] as a two-story home with tan stucco and white trim, and the numbers [redacted] were affixed to the [redacted] side of the residence. Ruvalcaba's goal was to enter the residence and determine if Hayes was at the residence.

Ruvalcaba pressed the Ring doorbell, which was affixed to the wall near the front door. Ruvalcaba believed Ring cameras were activated by motion or pressing the doorbell button. Ruvalcaba contacted a female through the Ring device, who he assumed to be [redacted] Ruvalcaba told the female he was contracted with the gas company and said the property lot [redacted] of [redacted] was being developed, and the gas lines were tested. During the test, a gas surge was detected, and believed a possible gas leak could affect her residence. The female said, "Well, this is all pretty random," and Ruvalcaba agreed. Ruvalcaba explained that the test occurred in the morning and that he had to respond to the gas leak.

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: LAPD DETECTIVE I JOSEPH RUVALCABA (CONTINUED)

Ruvalcaba asked the female if he could use a "gas detector" around her residence to check for a gas leak. The female said that was fine. Ruvalcaba said the gas line is commonly in the rear yard of a home and asked for her permission to enter her backyard. The female said yeah, that's fine, the gates are open (unlocked). As Ruvalcaba walked [redacted] he saw the gas line was on the [redacted] side of the residence in the home's front yard near the garage door. Ruvalcaba activated the noise on his gas detector device as he stood near the gas line. The device emitted a sound consistent with a screeching noise.

Ruvalcaba walked from the residence and went to [redacted] for appearances of the ruse. Ruvalcaba spoke to a black child of unknown gender, approximately three to four years old, who opened the door to the residence. The child wore a diaper and no shirt. Ruvalcaba asked to speak to the child's parents, but they were sleeping. The child invited Ruvalcaba into the residence, which he declined. Ruvalcaba walked [redacted] away from the residence.

Ruvalcaba contacted Stuart by phone, discussed the ruse, and they determined Ruvalcaba would return to [redacted] Ruvalcaba planned to say he received an abnormal gas leak reading and would ask to enter the residence to conduct more tests.

Ruvalcaba walked back to [redacted] and entered the residence's backyard on the [redacted] through the unlocked wooden gate. Ruvalcaba activated the noise from his handheld gas detector in the backyard. Ruvalcaba saw the backyard was mostly dirt, with a cement patio near the back door to the residence. The back door was a sliding glass door that led to the home. There was a second-story balcony over the patio with a glass sliding door leading to the residence's second floor. A punching bag hung from the balcony. While in the backyard, Ruvalcaba heard the air conditioner running. Ruvalcaba walked along the [redacted] side of the residence, through a chain link fence, and back to the front door. While in the backyard, Ruvalcaba could not see inside the home due to blinds and shutters on the windows.

Ruvalcaba returned to the front door and pressed the Ring doorbell. Ruvalcaba contacted a male voice through the Ring device. The male's voice identified himself as '[redacted]" Ruvalcaba again explained he was from the gas company, walked the home perimeter, and determined there may be a gas leak. [redacted] asked for an explanation. Ruvalcaba said the lot [redacted] of [redacted] was being developed, and the gas lines were tested. During the test, a gas surge was detected, and believed a possible gas leak could affect the residence.

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

WITNESS INTERVIEW: LAPD DETECTIVE I JOSEPH RUVALCABA (CONTINUED)

Ruvalcaba asked to enter the residence to check for any gas leaks. Ruvalcaba asked [redacted] if he had a gas stove and heating which he confirmed. [redacted] became evasive and changed the topic of conversation. Ruvalcaba believed it would appear suspicious if he continued to ask [redacted] to enter the residence. Ruvalcaba told [redacted] he might be forced to turn off the gas and wanted to know if anyone was home at the residence. Devonte said his [redacted] (believed to be Hayes) was asleep inside the residence and would leave for work in an hour.

Ruvalcaba did not enter inside [redacted] and walked [redacted] away from the residence. Ruvalcaba entered Cox's vehicle and was driven back to his vehicle. Ruvalcaba believed Hayes was inside the residence. Ruvalcaba and the other investigators thought Hayes would leave for work, and they would conduct a traffic stop when he left.

At approximately 1100 hours, with no activity from the residence, Tamparong directed Ruvalcaba to return to [redacted] and turn off the electricity at the residence. Ruvalcaba parked [redacted] of the residence on [redacted]. Using his binoculars, Ruvalcaba saw the breaker box near the gas line on the [redacted] side of the residence in the front yard. Ruvalcaba believed the air conditioning would turn off, and Hayes would exit the residence to go to the breaker box. When Hayes walked outside, investigators would positively identify his presence at the residence.

At approximately 1115 hours, Ruvalcaba walked back to [redacted] Ruvalcaba walked to the breaker box and flipped the breaker on the bottom of the panel. Ruvalcaba heard the air conditioning stop and walked back to his van.

Between 1145 to 1200 hours, Stuart broadcast a second-story window opened. Ruvalcaba could not recall which window was opened during Stuart's broadcast. At approximately 1230 hours, Stuart broadcast over the radio that another second-story window was opened, and the blinds were pulled up.

At approximately 1400 to 1430 hours, Ruvalcaba went to a gas station to use the restroom and get food. When Ruvalcaba returned to his vehicle, he heard an unknown investigator broadcast over the radio that [redacted] had returned to the residence and parked in the driveway.

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

WITNESS INTERVIEW: LAPD DETECTIVE I JOSEPH RUVALCABA (CONTINUED)

At an unknown time, between 1400 and 1430 hours, Tamparong broadcast that [redacted] exited the residence's front door and wore a white tank top. [redacted] walked to the breaker box. [redacted] then walked into the [redacted] side of the backyard. Tamparong saw [redacted] exit the [redacted] side of the backyard before she entered the residence through the front door. Ruvalcaba believed [redacted] walked around the perimeter of the backyard.

At approximately 1430 hours, according to radio broadcasts from Tamparong, [redacted] exited the residence and walked to a neighbor's home across the street from her residence (possibly [redacted]). Tamparong said [redacted] spoke to an unknown neighbor. Ruvalcaba thought [redacted] was inquiring about the ruse he performed.

At approximately 1530 hours, [redacted] left the residence in her Nissan sedan. Philpott and Goynes surveilled [redacted] when she left the residence. Philpott and Goynes had issues with their radios, which affected communications and led to Ruvalcaba's inability to hear their radio broadcasts. Through relayed radio broadcasts, Ruvalcaba later learned Philpott and Goynes performed a traffic stop on [redacted]. Ruvalcaba did not know the location of the traffic stop.

An unknown investigator broadcast that [redacted] said Hayes was inside the residence at [redacted] during the traffic stop. [redacted] said no other people were inside the home except Hayes. [redacted] said she had a handgun inside her safe in her bedroom.

At an unknown time, an unknown LAPD West Bureau Homicide detective authored a search warrant for [redacted] At an unknown time, Ruvalcaba learned an unknown Los Angeles County judge signed the search warrant. Investigators planned to have SED perform a surround and callout at the residence to arrest Hayes. At an unknown time, Whetsel met with SED at an unknown nearby elementary school to brief them on the situation before they assumed control of Hayes' apprehension. Shortly after, Whetsel broadcasted that the briefing was completed and that SED would respond to the residence.

At the same time as Whetsel's broadcast, Ruvalcaba heard Stuart broadcast "Break, break, break," which indicated he had priority information. Ruvalcaba knew Stuart was parked on the [redacted] curb of [redacted] approximately four houses [redacted] of [redacted]. Stuart said Hayes exited the residence and walked [redacted] on the [redacted] sidewalk. Stuart said Hayes was close to his undercover vehicle. Stuart asked for investigators to respond to arrest Hayes.

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

WITNESS INTERVIEW: LAPD DETECTIVE I JOSEPH RUVALCABA (CONTINUED)

Ruvalcaba drove [redacted] on [redacted] to assist with Hayes' arrest. Ruvalcaba heard Stuart broadcast that Hayes was running. As Ruvalcaba responded, he saw Hayes sprinting toward his residence. Ruvalcaba saw Hayes from behind, and he wore dark clothing.

Stuart chased after Hayes. Ruvalcaba saw Stuart getting out of his vehicle to pursue Hayes. Stuart wore an LAPD tactical vest with police markings. From inside his vehicle, Ruvalcaba heard Stuart yell at Hayes but could not determine what he said. Ruvalcaba believed Hayes was approximately 40 feet ahead of Stuart as he chased him. Ruvalcaba believed Hayes was not complying and would not submit to arrest. Hayes ran back to the front door of [redacted] and entered the front door.

Ruvalcaba parked in the driveway of [redacted], the neighboring residence [redacted] of [redacted] Ruvalcaba wore his LAPD tactical vest and had a 40-millimeter launcher slung around his upper body. Ruvalcaba saw Cox and Police Officers TJ Pecina and Sam Oh run to the [redacted] side of the residence. Initially, Ruvalcaba, Stuart, and Tamparong were on the [redacted] corner of the residence. Ruvalcaba believed there was a crossfire issue with the officers on the [redacted] side of the residence. Ruvalcaba, Stuart, and Tamparong moved back toward the front of the residence to avoid any crossfire issues with the other officers.

Tamparong contacted a female resident of [redacted] The female resident provided Tamparong with a key to access her backyard. Tamparong used the key to access the backyard of the residence. Ruvalcaba, Stuart, and Tamparong entered the backyard of the home. Ruvalcaba, Stuart, and Tamparong stood aligned with the [redacted] corner of [redacted] Ruvalcaba saw Cox, Pecina, and Oh stood at the [redacted] corner of [redacted].

Approximately five minutes later, Hayes exited the residence to the second-floor balcony overlooking the backyard. Ruvalcaba heard Hayes yell profanities at Cox but did not know what he said. Hayes' right hand was visible, but he held his left hand within the residence, which was not visible to officers. Ruvalcaba felt Hayes was taunting Cox. Ruvalcaba heard Cox tell Hayes to return to the front of the residence and surrender. Hayes re-entered the residence out of Ruvalcaba's sight, and the sliding door on the balcony remained open.

Ruvalcaba saw SED parked the Ballistic Engineered Armor Response Counter Assault Truck (BEARCAT) at the driveway's apron behind the Jaguar and faced the residence. SED wore green uniforms, helmets, and carried rifles. Ruvalcaba saw approximately five SED investigators stood near the rear of the BEARCAT.

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

WITNESS INTERVIEW: LAPD DETECTIVE I JOSEPH RUVALCABA (CONTINUED)

Ruvalcaba knew Hayes returned to the front second-floor window because he heard Hayes yell at SED. Ruvalcaba did not know what Hayes said but heard SED speak with Hayes. The SED investigator told Hayes he had a warrant for his arrest. Hayes asked what the warrant was regarding. The SED investigator told Hayes to exit the residence, and they would discuss the warrant.

Hayes returned to the balcony for approximately 20 seconds. Hayes yelled at Cox and returned inside the residence. Ruvalcaba believed Hayes was "casing," which meant he was surveilling where the investigators were located. Ruvalcaba said Wences, Phillips, Hernandez, and Negrete were positioned behind the residence's wall, on the street behind the home, later determined to be Cantina Drive. Ruvalcaba believed Hayes could see the officers from his elevated position on the balcony.

Approximately 15 minutes into the standoff, Ruvalcaba heard a loud "bang" followed by additional "bangs." Initially, Ruvalcaba believed the "bangs" were less-lethal deployments or the deployment of chemical agents. Ruvalcaba thought the first "bang," later determined to be gunfire, came from the front of the residence. Within a second, Ruvalcaba heard additional gunfire. The second volley of gunfire lasted a half of a second. Ruvalcaba could not determine how many gunshots were fired because they were in rapid succession.

Tamparong asked via radio if less-lethal munitions were deployed. An unknown LAPD investigator replied by saying, "No." Ruvalcaba had his radio volume turned down, preventing him from monitoring the radio broadcasts.

Ruvalcaba later learned the bangs he heard were gunfire. Ruvalcaba saw SED approach the backdoor of [redacted]. Approximately five minutes or less after the gunfire, Ruvalcaba saw SED break the glass sliding door with a metal object believed to be a breaching tool.

Once SED entered the residence, Ruvalcaba, Stuart, and Tamparong walked out of the backyard of [redacted] to the front yard of the residence. Ruvalcaba saw the BEARCAT still parked in the driveway of the residence. Ruvalcaba saw Cox's unmarked vehicle was parked facing the residence with its emergency lights activated. Ruvalcaba saw Whetsel standing behind the BEARCAT.

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

WITNESS INTERVIEW: LAPD DETECTIVE I JOSEPH RUVALCABA (CONTINUED)

Approximately five minutes after the gunfire, Ruvalcaba saw an unknown fire department approach the residence. Ruvalcaba believed the scene was safe after he saw the fire department respond to the home. The fire personnel entered the residence through the front door. Ruvalcaba walked to [redacted] and ensured the scene was preserved by conducting traffic control.

Ruvalcaba had no further information, and the interview was concluded.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DETECTIVE BRIAN WHETSEL

Detective Brian Whetsel

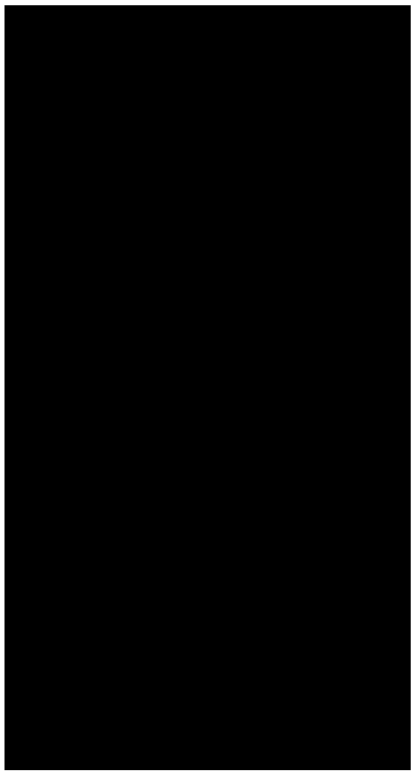
On Friday, August 12, 2022, at approximately 0505 hours, Sheriff's Crime Scene Specialist [redacted] and I met Detective Brian Whetsel at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Whetsel, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Whetsel did not fire any weapons during the LFE. Whetsel was photographed to document his uniform presence during the LFE. Whetsel did not sustain any injuries during the LFE.

UNIFORM:

Whetsel's uniform consisted of the following:

- A black ballistic helmet with "WHETSEL" written in white lettering on the back of the helmet and a patch with "LOS ANGELES POLICE" written in white lettering on the right side of the helmet.
- A patch of an American Flag on the left side of the helmet.
- A tactical light attached to the right side of the helmet below the "LOS ANGELES POLICE" patch.
- A blue short sleeve shirt with Los Angeles Police Department (LAPD) patches on both shoulders.
- A black load-bearing vest with a silver LAPD cloth badge affixed to the front right chest. A nametape with "LOS ANGELES POLICE" and "WHETSE" in white writing affixed to the center of the chest. A large patch with "POLICE" in white lettering was affixed to the back of the vest.



Reviewed By: Sergeant Michael Warrick MW Date: 8/16/2022 Author: Detective Owenn Domon Author Date: 08/12/22

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
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CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

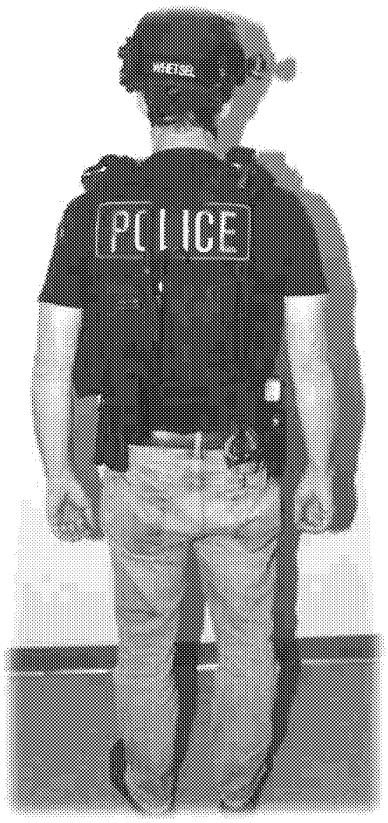
Whetsel's equipment on the load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- A black pouch containing an Armament Systems and Procedures (ASP) baton.
- Two black magazine pouches containing Glock magazines.
- A black pouch.
- A black handheld transmitter (HT) radio holder containing a HT radio.
- A black pouch.
- A black HT holder containing a Motorola radio.

Whetsel's equipment on the black leather belt proceeded clockwise from the (front) center of the belt was:

- A metal LAPD badge affixed to belt on front right hip.
- A black Kydex holster on right hip. The holster held Whetsel's personally owned Glock 21 handgun.
- A leather handcuff case containing a pair of silver handcuffs.
- A leather magazine pouch containing a Glock 21 magazine.
- A black cellular telephone belt attachment case containing a black cellular telephone.
- Blue jeans.
- Black leather shoes.

The processing was concluded at 0518 hours.



Reviewed By: Sergeant Michael Warrick Date: Author: Detective Owenn Domon Author Date: 08/12/22

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: LAPD DETECTIVE III BRIAN WHETSEL

On Thursday, August 12, 2022, at approximately 0038 hours, I interviewed Los Angeles Police Department Detective III Brian Whetsel at the San Bernardino County Sheriff's Department (SBCSD) Specialized Enforcement Division (SED) office at 14455 Civic Drive, Victorville. The interview was recorded with my department-issued audio recorder.

Before the interview, I told Whetsel that investigators were conducting a criminal investigation and the case would be submitted to the San Bernardino County District Attorney's Office. Whetsel understood and agreed to provide a voluntary statement.

Officer Information:

Name: Brian Whetsel

Date of birth: [redacted]

Employer: Los Angeles Police Department (LAPD)

Years of service: Approximately [redacted]

Rank: Detective III (Detective Supervisor)

Assignment: LAPD Gang and Narcotics Division, Supervisor FBI Fugitive Task Force

Date of hire / Began patrol assignment: [redacted] / [redacted]

Previous law enforcement experience: [redacted]

Shift: Thursday, 0300 to 1300 hours

Call sign: 5-King-610

Vehicle: Silver 2021 GMC Terrain equipped with Code 3 equipment (Undercover vehicle)

Uniform: Plain clothes during surveillance. Black LAPD tactical vest during deployment.

Belt Recordings or Body-Worn Camera: None

Photographs: None

Injured: No

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: LAPD DETECTIVE III BRIAN WHETSEL (CONTINUED)

The following is a summary of the interview.

Whetsel was an LAPD Detective III and assigned to the Gang and Narcotics Division (GND). For the past [redacted] years, Whetsel was the supervisor of the LAPD's GND FBI Fugitive Task Force (FBIFTF).

On Friday, July 1, 2022, LAPD West Bureau Homicide detectives investigated the murder of a female in Hollywood, California. The deceased female victim was discovered in a vehicle and was partially decomposed. During the coroner's examination, the female victim was found to have sustained a gunshot wound, and a homicide investigation was initiated. The handgun used in the homicide was not recovered during the investigation. LAPD West Bureau Homicide Detective Dave Vinton was the investigating officer.

On an unknown date in July 2022, West Bureau Homicide detectives identified two suspects responsible for the murder, Byron Hayes and [redacted] Hayes and [redacted] were identified through video surveillance recordings, witness statements, and electronic surveillance. Whetsel assigned LAPD Detective II Romeo Tamparong to coordinate with homicide detectives and organize the apprehension.

On an unknown date, an unknown detective authored a search warrant for a cellular telephone number believed to belong to Hayes. On an unknown date in July 2022, LAPD detectives surveilled the GPS location from the cellular telephone number in Orange County, California (either Anaheim or Buena Park). During the surveillance, investigators determined Hayes possessed the target telephone. Whetsel did not participate in the surveillance operation, and Tamparong informed him of their findings.

Hayes was a Black male adult, 5'08", 150 pounds, with black hair and brown eyes. Hayes' date of birth was [redacted] During their investigation, Hayes was discovered to be a Long Beach Crip gang member. Hayes' criminal history included:

- 2014 / Arrested for Murder in New Mexico / Four-year sentence
- 2014 / Arrested for shooting at a vehicle / Unspecified jurisdiction/sentence
- 2011 / Arrested for prostitution / Unspecified jurisdiction/sentence
- 2003 / Arrested for robbery / Unspecified jurisdiction/sentence
- 2003 / Arrested for burglary / Unspecified jurisdiction/sentence
- 2002 / Arrested for trespassing in Washington / Unspecified sentence

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

WITNESS INTERVIEW: LAPD DETECTIVE III BRIAN WHETSEL (CONTINUED)

On Wednesday, August 10, 2022, Vinton authored a Ramey arrest warrant to arrest Hayes for murder. Hayes' Ramey arrest warrant was reviewed and signed by the Honorable Judge Katherine Mader from Los Angeles Superior Court, Central Judicial District.

On Wednesday, August 10, 2022, Whetsel contacted SBCSD SED Detective Eugene Mondragon via telephone. Whetsel told Mondragon that on Thursday, August 11, 2022, his team would be in Victorville to conduct an operation to arrest Hayes. Whetsel sent Mondragon a copy of their operations plan. Whetsel told Mondragon if Hayes did not leave the residence, Whetsel would request SBCSD SED to respond to the home to surround and call Hayes outside.

On Thursday, August 11, 2022, at 0500 hours, Whetsel and the FBIFTF conducted an operational briefing in the parking lot of [redacted] Victorville. The briefing was related to the surveillance operation at [redacted] Victorville. The objective was to arrest Byron Hayes for the Ramey arrest warrant for murder. Through electronic surveillance, investigators knew Hayes' cellular telephone was at the residence. The investigators used an FBI radio frequency to communicate during the operation. The radio channel was HRT3 and was encrypted and not recorded. LAPD investigators notified the Victorville City Sheriff's Station Watch Commander of their operation at [redacted]

Simultaneously, a different squad from the FBIFTF performed an apprehension operation in Anaheim, California, to arrest Hamilton. At approximately 0530 hours, Hamilton was arrested without incident.

Present for the Victorville operation and present for the briefing were:

- Lieutenant II CJ Baley / LAPD GND
- Detective III Brian Whetsel / LAPD GND
- Detective II Casey Cox / LAPD GND
- Detective II Erbie Phillips / LAPD GND
- Detective II Romeo Tamparong / LAPD GND
- Detective I Matt Stuart / LAPD GND
- Detective I Joe Ruvalcaba / LAPD GND
- Detective I Cesar Wences / LAPD GND
- Detective I Elvis Hernandez / LAPD GND
- Detective I Sally Negrete / LAPD GND

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WITNESS INTERVIEW: LAPD DETECTIVE III BRIAN WHETSEL (CONTINUED)

- Police Officer III Dennis Goynes / LAPD METRO
- Police Officer III Robert Philpott / LAPD METRO
- Deputy Probation Officer [redacted] / Los Angeles County Probation

FBI Special Agent Mike Alker was not present for the Victorville operation but was involved in the investigation and assisted remotely.

When Hayes was contacted, Whetsel directed Phillips, Wences, Negrete, and Hernandez to contain the rear of [redacted] The investigators assigned to the rear containment would establish a perimeter around the residence from Cantina Drive.

At approximately 0530 hours, investigators established covert surveillance at [redacted] Victorville. Stuart established observation of the residence. At approximately 0545 hours, Stuart's view of the residence became limited. Tamparong parked his vehicle in an area where he saw the residence. Whetsel was unsure where Stuart and Tamparong were parked because they determined a location at their discretion.

A 2005 Jaguar XJ, California license plate [redacted] was parked in the residence's driveway. Whetsel believed the vehicle was registered to Hayes. No other vehicles were observed at the onset of surveillance.

At approximately 0730 hours, according to radio traffic broadcasts, the garage door to the residence opened. A silver Nissan Pathfinder with California license plate [redacted] exited the garage. Investigators saw the female occupant who drove the vehicle. The female was believed to be Hayes' [redacted] drove toward [redacted] and left the area. After the vehicle left, investigators determined through electronic surveillance that Hayes' cellular phone was still at the residence.

At approximately 0930 hours, investigators conducted a ruse at [redacted] A ruse was a common tactic used to identify if a person was inside a residence and gain additional information. The goal of the ruse was to determine who was inside [redacted] The plan involved Ruvalcaba acting in an undercover capacity and posed as an employee from a gas company. Ruvalcaba wore construction-style clothing. Ruvalcaba would check the residence for any gas leak.

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Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: LAPD DETECTIVE III BRIAN WHETSEL (CONTINUED)

Whetsel was not present for the ruse but learned what occurred after the plan was completed. Ruvalcaba approached the residence and rang the Ring doorbell at [redacted]. A female voice answered the Ring doorbell. Ruvalcaba spoke to the female and explained he was from the gas company and wanted to check her residence for any gas leaks. The female consented to Ruvalcaba walking around the perimeter of the home. Whetsel did not know Ruvalcaba's exact path of travel but believed he had entered the residence's backyard.

Ruvalcaba returned to the Ring doorbell and contacted a male voice. The male voice identified himself as [redacted] said he was not at the residence. Ruvalcaba asked [redacted] if anyone was home at the residence. [redacted] said his [redacted] (believed to be Hayes) was at the residence but did not specify his [redacted] name. According to Ruvalcaba, he thought the communication occurred remotely.

At approximately 1000 hours, at Whetsel's direction, Police Officers III TJ Pecina and Sam Oh arrived in Victorville to assist with the operation. Pecina and Oh responded from Anaheim, where Hamilton was arrested. Pecina and Oh were uniformed officers and would help with Hayes' arrest.

At an unknown time, during the late morning hours and according to radio traffic broadcasts, investigators saw window and blinds move on a second-floor window on the [redacted] (front) side of the residence. Whetsel believed there was a person inside the residence.

At approximately 1345 hours, Whetsel updated Mondragon about their observations during the day. Whetsel believed Hayes was inside and discussed the lack of activity at the residence. Whetsel and Mondragon discussed stopping [redacted] if she left the residence to gain intelligence and confirm if Hayes was inside the residence. Whetsel would have Vinton author a search warrant for the residence. Once the search warrant was signed, Whetsel requested SBCSD SED surround the residence and call Hayes outside. Mondragon agreed to the plan.

At approximately 1435 hours, according to radio traffic broadcasts, [redacted] returned to the residence and drove around the neighborhood multiple times. Phillips and Negrete broadcast over the radio that [redacted] took photographs of the investigator's vehicles as she drove around the area. Based on Whetsel's experience, it appeared that [redacted] conducted counter-surveillance techniques. Whetsel believed [redacted] photographing investigators' vehicles and driving around the neighborhood multiple times compromised the covert surveillance. [redacted] eventually parked her vehicle in the driveway of her residence.

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Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: LAPD DETECTIVE III BRIAN WHETSEL (CONTINUED)

At approximately 1530 hours, [redacted] left the residence in her vehicle. Whetsel told Philpott and Goynes to surveil [redacted] and conduct a traffic stop on her. Philpott and Goynes performed a traffic stop on [redacted] at [redacted] and [redacted] for failing to stop at a red light.

Whetsel drove to the traffic stop and spoke to Philpott and Goynes. According to Philpott and Goynes, [redacted] said Hayes was inside the residence at [redacted] said no other people were inside the home except Hayes. [redacted] said she had a handgun inside the residence in her allegedly locked bedroom.

Whetsel contacted Vinton and told him they believed Hayes was inside the residence, and he planned to utilize SBCSD SED to perform a surround and callout to arrest Hayes. Whetsel asked Vinton to author a search warrant for the residence at [redacted] Victorville. Vinton wrote a search warrant for the residence and it was signed by the Honorable Judge Katherine Mader at 1612 hours. Whetsel received an electronic copy of the residential search warrant, which he forwarded to Mondragon.

At approximately 1720 hours, Whetsel met with SBCSD SED personnel in the parking lot of [redacted] at [redacted] Victorville. Whetsel briefed SBCSD SED personnel about the circumstances of the investigation. Whetsel relayed [redacted] information to SBCSD SED.

At approximately 1730 hours, as Whetsel concluded the briefing, he heard Stuart broadcast over the radio that Hayes had exited the residence and walked [redacted]. Whetsel told investigators to contact and arrest Hayes when they determined it was possible. According to Stuart, Hayes approached Stuart's vehicle and looked inside. Stuart believed the covert surveillance was compromised and attempted to contact and arrest Hayes.

According to radio broadcasts, as investigators attempted to arrest Hayes, he ran [redacted] back into [redacted] Through the radio broadcasts, Whetsel heard Hayes ran through the residence to the backyard and jumped the [redacted] wall onto [redacted] The investigators on [redacted] ordered Hayes to surrender, but he refused. Hayes jumped the [redacted] wall into the backyard of [redacted] and entered his residence. Cox and Pecina took a position on the [redacted] side of the home, while Stuart and Tamparong took a post on the [redacted] side of the residence.

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VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: LAPD DETECTIVE III BRIAN WHETSEL (CONTINUED)

Whetsel responded to the residence and drove behind SBCSD SED. Whetsel called Mondragon and told him Hayes exited the home, and LAPD investigators attempted to arrest him. During the attempted arrest, Hayes fled and was now barricaded inside the residence. Approximately one minute after Hayes ran from investigators, SBCSD SED and Whetsel arrived at the residence.

Whetsel planned to stay with SBCSD SED investigators after they deployed to maintain communications between LAPD and SBCSD. As SBCSD SED deployed at the residence, Whetsel remained near the rear of the SBCSD Ballistic Engineered Armor Response Counter Assault Truck (BEARCAT). The BEARCAT faced the residence while two unmarked vehicles were parked near the BEARCAT. SED wore green tactical uniforms with Sheriff markings. An unknown SBCSD SED investigator used a public address (PA) system to speak to Hayes. The deputy who utilized the PA gave multiple commands and ordered all occupants of [redacted] to exit the residence with their hands up and to comply with officers.

Whetsel heard a radio broadcast from Cox, who said Hayes exited the residence on the rear, second-story balcony and yelled at officers. Cox said they gave Hayes orders to surrender. Within a minute, Hayes retreated into the residence.

Approximately one minute later, Hayes appeared in a second-story window that overlooked the residence's driveway. Hayes yelled incoherently at SED personnel from the window. Whetsel saw Hayes in the window and confirmed his identification. When Hayes appeared in the window, SED discontinued the use of the PA and directly spoke to Hayes.

At an unknown time, Whetsel heard Hayes yell that he would kill himself if he were not given In-N-Out Burger. Hayes would disappear from the window, go to the back balcony, and yell at officers on the rear perimeter. Hayes returned to the window, which overlooked the driveway, and demanded to know what the law enforcement personnel were doing at the residence. Hayes said he had already done four years (in prison) and wanted to know what the investigation was regarding.

During the barricade, Hayes kicked out the screen to the second-floor window and climbed onto the roof before returning to the second-floor room. Initially, Whetsel did not see Hayes armed with a weapon. Based on Whetsel's observations, Hayes displayed no indications that he would comply and submit to arrest.

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VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: LAPD DETECTIVE III BRIAN WHETSEL (CONTINUED)

At an unknown time, SED personnel broadcast over the radio that Hayes had a handgun pointed at his head. Whetsel looked to the second-story window and saw Hayes kneeling near the window's interior. Whetsel saw Hayes holding a semi-automatic pistol to his head. Whetsel was unsure which hand Hayes held the gun with.

An unknown SBCSD Crisis Negotiator arrived and attempted to speak with Hayes. The Negotiator was later identified as Deputy Clarence Harris. Harris wore a standard SBCSD uniform. When Harris arrived, Whetsel moved around the area to move his vehicle and briefed Baley. Whetsel did not hear Harris' attempts to communicate with Hayes.

Whetsel saw an unknown fire department staged in the area as negotiations continued. According to radio broadcasts, an unspecified LAPD investigator had [redacted] call Hayes, but he did not answer the phone call. Approximately 40 minutes after Hayes barricaded himself inside the residence, Whetsel returned behind the BEARCAT.

At an unknown time, while Whetsel stood behind the BEARCAT, he heard a single, small caliber gunshot. Whetsel was familiar with firearms through his on-the-job training and his experience. Whetsel was not looking at the second-floor window when the gunshot was fired. Based on the sound, Whetsel believed the gunshot came from the residence because it did not come from around the BEARCAT. Whetsel thought Hayes shot at either SED or LAPD investigators. Whetsel feared Hayes would shoot either SED or LAPD investigators.

Within a second of the gunshot, Whetsel heard multiple gunshots near the BEARCAT, to his left and right. Whetsel believed the gunfire was from SED. Whetsel heard approximately 8 to 10 gunshots during the volley. Whetsel thought the gunfire sounded as if it were shot from a rifle. Whetsel estimated the gunfire lasted for one second before the gunfire ended.

After the gunfire, Whetsel looked toward the window. Whetsel could not see Hayes in the second-floor window but saw blood on the window's frame. Whetsel broadcast to have all LAPD investigators stay in position and verified no one was injured.

SED attempted to fly a drone into the residence. Whetsel did not know what was observed during the drone flight. Approximately two to three minutes after the gunfire, SED attempted to breach the residence's front door with a metal battering ram but were unsuccessful. SED then moved along the [redacted] side of the residence and entered the residence after they broke a glass slider in the residence's backyard. Whetsel remained near the BEARCAT.

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VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: LAPD DETECTIVE III BRIAN WHETSEL (CONTINUED)

Approximately three to four minutes after SED entered the residence, an unknown fire department arrived at the residence. Whetsel assisted by placing crime scene tape around the scene to preserve evidence. Whetsel later saw Hayes on a gurney and taken to an ambulance. The ambulance personnel transported Hayes to an undisclosed hospital. Whetsel never entered the residence.

Whetsel had no further information, and the interview was concluded.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	ADW on Peace Officer	LFE

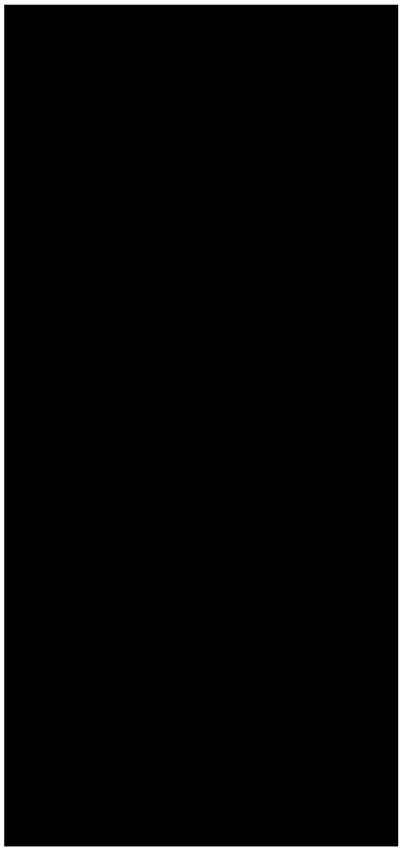
VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		

OFFICER PROCESSING: OFFICER SAM OH

Officer Sam Oh

On Friday, August 12, 2022, at approximately 0500 hours, Sheriff's Crime Scene Specialist [redacted] and I met Officer Sam Oh at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Oh, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Oh did not fire any weapons during the LFE. Oh was photographed to document his uniform presence during the LFE. Oh did not sustain any injuries during the LFE.



UNIFORM:

Oh's uniform consisted of the following:

- A black ballistic helmet.
- A Crye Precision long sleeve blue shirt with Los Angeles Police Department (LAPD) patches on both shoulders.
- A black load-bearing vest with a "LOS ANGELES POLICE" written in white lettering on a nametape affixed to the front left chest. A cloth patch with "METROPOLITAN DIVISION 114 EST. 1933" affixed to the front right chest.
- A large patch with "POLICE" in white lettering was affixed to the back of the vest.

Oh's equipment on the load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- Two nylon rifle magazines holding two P-Mag magazines.
- An AXON body-worn camera affixed to his right chest.
- A black pouch containing a Motorola handheld transmitter (HT) radio.

CRIME REPORT

OFFICER PROCESSING

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Mondragon	Eugene		

UNIFORM DESCRIPTION CONTINUED:

- A black pouch containing a leather man tool.

Oh's equipment on the nylon duty belt proceeded clockwise from the (front) center of the belt was:

- A black plastic holder containing a flashlight.
- A black carabiner with keys and black gloves attached.
- A metal LAPD badge affixed to the belt.
- A black thigh holster on his right side. The holster held Oh's personally owned Staccato 2011 handgun. Attached to the thigh holster was a tourniquet.
- A black folding knife.
- A black nylon pouch.
- A black Maxpedition dump pouch.
- Two magazine pouches containing two Staccato 2011 magazines.
- A metal key holder holding keys and handcuff key.
- A black holster containing a Taser 7.
- Blue Crye Precision pants.
- Black boots.

The processing was concluded at 0502 hours.

Reviewed By: Sergeant Michael Warrick Date: Author: Detective Owenn Domon Author Date: 08/12/22

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

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Mondragon	**Eugene**		

WITNESS INTERVIEW: OFFICER SAM OH

On Friday, August 12, 2022, at approximately 0238 hours, Deputy Dylan Gosswiller and I interviewed Los Angeles Police Department (LAPD) Officer Sam Oh in an office at the Specialized Enforcement Division (SED) High Desert Office, Victorville. The interview was recorded with my department-issued digital audio recorder. A copy of the interview was later placed into evidence.

Before the interview, I advised Oh we were conducting a criminal investigation and it would be submitted to the District Attorney's Office. I told Oh he did not have to speak to us, and no discipline could come to him for not talking to us. Oh told me he understood and agreed to talk to me voluntarily.

Officer Information:

Name: Sam Oh

Date of birth: [redacted]

Employer: Los Angeles Police Department (LAPD)

Serial Number: [redacted]

Years of service: [redacted]

Rank: Police Officer 3

Assignment: Metropolitan Division

Date of hire: [redacted]

Previous law enforcement experience: [redacted]

Shift: Thursday 0430 hours to 1430 hours

Uniform: LAPD Utility Uniform and Tactical Vest

Call Sign: 5K619

Body-Worn Camera: Activated during the encounter with Byron Hayes

Photographs: None

Injured: No

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VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		

WITNESS INTERVIEW: OFFICER SAM OH (CONTINUED)

The following is a summary of the interview with Oh:

Note: Two people in the report share the same last name and therefore will be referred to by their first name throughout the report.

On Thursday, August 11, 2022, at approximately 0430 hours, Oh met LAPD officers in Anaheim to apprehend [redacted] was identified as a suspect with Byron Hayes in a murder investigation.

Oh and his partner, Officer Timothy Pecina, were briefed on the circumstances of the call by Detective Vinton (unknown first name). Oh and Pecina were told on July 1, 2022, LAPD Hollywood units received a call for service for a dead body. The victim (unknown name) was shot in the back of the head. LAPD detectives conducted an investigation and determined two males, Byron and [redacted] traveled with the victim at the time of the murder. [redacted] lived in Anaheim at [redacted] Byron lived in Victorville at [redacted]

Oh and Pecina were assigned the role of chase car. As the chase car, Oh and Pecina were uniformed police officers able to assist in the detention and arrest of [redacted]. At approximately 0545 hours, [redacted] was observed in Anaheim where Oh and Pecina detained and arrested him. Oh and Pecina transported [redacted] to the LAPD Olympic Division and turned him over to homicide detectives.

Detective Romero Tamparong requested Oh and Pecina respond to Victorville to assist in arresting Byron. At approximately 0930 hours, Oh and Pecina arrived in the Victorville area and met with Tamparong at an AmPm. Tamparong met with Oh and Pecina and briefed them on the circumstances. Tamparong provided the same information Oh and Pecina received in the first briefing. Oh was told Byron was previously arrested and convicted of shooting a [redacted]. The victim related to the case Byron was wanted for was also Byron's [redacted] Tamparong provided Oh and Pecina a photograph of Byron and told them Byron was a Black male adult, weighed approximately 150 lbs, and was approximately 5'8" tall. Tamparong assigned Oh and Pecina as a chase car. Oh and Pecina's role was to provide uniform presence and assist in the detention and arrest of Byron at [redacted] Victorville.

When Oh and Pecina arrived, detectives already had a perimeter set around [redacted] Oh and Pecina positioned themselves [redacted] of [redacted] on [redacted] Oh was unable to see [redacted] from where they were parked. Oh's role was to remain near by in order to respond and arrest Byron if he exited [redacted]

WITNESS INTERVIEW

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WITNESS INTERVIEW: OFFICER SAM OH (CONTINUED)

An unknown member of the LAPD contacted San Bernardino County Sheriff's Department (SBCSD) Specialized Enforcement Division (SED) and requested their assistance in the event the situation turned into a barricaded subject.

Oh received radio broadcast updates while waiting. An unknown LAPD officer broadcasted over the radio Byron's [redacted], walked up to several of the unmarked detectives in the area and appeared to conduct counter-surveillance.

Oh and Pecina waited for Byron to exit [redacted] At approximately 1200 hours, LAPD officers deployed ruses to get Byron to exit the residence. Oh was not involved in the ruses but he learned from broadcasts over the radio that LAPD officers attempted to get Byron to exit the residence by telling the occupants of [redacted] there was a gas leak in the area. Oh heard a broadcast over the radio indicating the ruse was unsuccessful and LAPD officers did not make contact with anyone inside the residence. LAPD officers contacted Byron's [redacted] through a Ring doorbell camera and were told Byron was inside the residence. At approximately 1400 hours, LAPD conducted a second ruse. The second ruse was to turn off the electricity to [redacted] at the panel. The goal was to get Byron to exit the residence to turn the electricity back on. The ruses were ineffective and Byron did not exit [redacted] Oh did not know who decided to conduct the ruses and only learned about them from the broadcasts over the radio. Oh believed either Tamparong or Detective Matthew Stuart made the radio broadcasts.

At approximately 1730 hours, Oh and Pecina were alerted, by a broadcast over the radio by unspecified LAPD detectives, that Byron exited the residence. Oh and Pecina were told to respond to the location. Oh saw Byron approximately two to three houses [redacted] of [redacted] Byron ran away from officers toward the front door of [redacted] Oh and Pecina tried to detain Byron, but they were unsuccessful and Byron continued and ran into his residence. Byron ran through the front door, out the backdoor, and tried to jump over the dividing wall behind [redacted] Oh did not see Byron attempt to escape out the back of the residence, but he heard other unknown officers yell Byron was attempting to escape at the rear of the building.

Oh, Pecina, and Detective Casey Cox positioned themselves to the rear of [redacted] Oh, Pecina, and Cox's goal was to prevent Byron from escaping out the rear of the residence. Pecina and Cox stayed at the rear of [redacted] and Oh went to the front door to make sure Byron did not escape out the front.

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

WITNESS INTERVIEW: OFFICER SAM OH (CONTINUED)

As Oh reached the front of the residence, he saw SED arrive in their armored vehicle. The armored vehicle was parked in front of [redacted] The SED personnel were clearly marked as law enforcement and arrived in a law enforcement armored vehicle. Oh repositioned himself in the street behind the armored vehicle. Oh's role changed because the situation turned into a barricaded subject and SED took over control of the scene. Oh provided radio broadcast updates to Detective Brian Whetsel. After approximately 10 to 15 minutes, an SBCSD negotiator arrived at the location.

Byron stood in the second-story window of [redacted] and communicated with SED. Oh recognized Byron as the same person who was in the photograph he was provided during the briefing. SED gave Byron commands to give up and come downstairs. SED gave commands with and without a public address (PA). Byron gave no indication he intended to comply with law enforcement. Byron appeared to drink an alcoholic beverage and held a glass bottle in his hand. Approximately two or three times, Byron went inside the residence out of Oh's view. A short time after Byron went inside the residence, he returned to the second-story window.

Approximately 30 minutes after SED arrived, Oh heard approximately 8 to 10 gunshots in rapid succession. The gunshots lasted less than two seconds. Oh did not know who shot and was unable to see where Byron was when shots were fired. Oh was behind the armored vehicle and unable to see what led to the shots being fired. Oh did not see Byron with a firearm, but after the gunfire stopped, an unknown SED member broadcasted over the radio and said Byron pointed a firearm at them. Oh did not hear the radio broadcast through his radio, he heard it through an unknown SED member's radio.

Oh made a phone call to officers Dennis Goynes and Robert Philpott and updated the situation. Approximately 5 to 10 minutes after the shots were fired, medical aid arrived on scene. Oh did not see what medical did. Oh responded to the roadway and directed traffic.

Oh did not have any further information to provide, and I concluded the interview.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: OFFICER DENNIS GOYNES

Officer Dennis Goynes

On Friday, August 12, 2022, at approximately 0439 hours, Sheriff's Crime Scene Specialist [redacted] and I met Officer Dennis Goynes at the Specialized Enforcement Division High Desert Office, Victorville.

In my presence, [redacted] photographed Goynes, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Goynes did not fire any weapons during the LFE. Goynes was photographed to document his uniform presence during the LFE. Goynes did not sustain any injuries during the LFE.

UNIFORM:

Goynes' uniform consisted of the following:

- A black ballistic helmet with a patch on the back of the helmet with "38798" written in white lettering.
- A blue short sleeve shirt with Los Angeles Police Department (LAPD) patches on both shoulders
- A black load-bearing vest with a large patch on the back with "POLICE" written in white lettering.

Goynes' equipment on the load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- An AXON body-worn camera.
- Three magazine pouches containing three metal rifle magazines.
- A black pouch containing a Motorola handheld transmitter (HT) radio.
- A black pouch containing a tourniquet.

[redacted]

Reviewed By: Sergeant Michael Warrick MW Date: 2/16/2024 Author: Detective Owenn Domon Author Date: 08/12/22

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

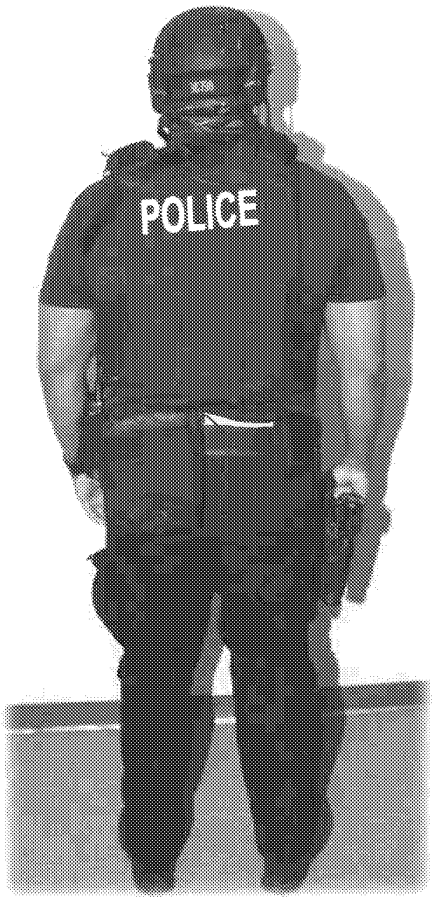
VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

Goynes' equipment on the nylon duty belt proceeded clockwise from the (front) center of the belt was:

- Metal key ring with keys attached.
- A metal LAPD badge affixed to the belt.
- A black thigh holster on his right leg. The holster held Goynes' department-issued Glock 40.
- A black nylon handcuff case.
- A black dump pouch.
- A black baton ring holder.
- A black pouch containing a Motorola HT radio.
- A black nylon magazine pouch containing two Glock 40 magazines.

The processing was concluded at 0440 hours.



Reviewed By: Sergeant Michael Warrick Date: Author: Detective Owenn Domon Author Date: 08/12/22

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600	CASE NUMBER 172209341
	REPORTING AREA VC5

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Mondragon, Eugene (SBCSD)

ADDRESS	PHONE NUMBER

WITNESS INTERVIEW: LAPD OFFICER DENNIS GOYNES

Note: Some subjects found in this report shared the same last name and will be referred to by their first name throughout the report.

On Friday, August 12, 2022, at about 0523 hours, Detective Bryan Sprague and I interviewed Los Angeles Police Department Police Officer III Dennis Goynes, at the San Bernardino County Sheriff's Department (SBCSD) Specialized Enforcement Division (SED) Office at 14455 Civic Drive, Victorville. The interview was recorded with my department-issued audio recorder.

Before the interview, Sprague told Goynes investigators were conducting a criminal investigation and the case would be submitted to the San Bernardino County District Attorney's Office. Goynes understood and agreed to provide a voluntary statement.

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
C. Bennington	F8945	7/3/2023	AZW			

FURTHER ACTION:	COPIES TO:	☐ SD/PD	☐ Other	REMARKS:
☐ YES ☐ NO	☐ Detectives	☐ CII		
15-15184-401 Revised 1/83 (CR2)	☐ District Attorney	☐ Patrol		

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600	CASE NUMBER 172209341
	REPORTING AREA VC5

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Mondragon, Eugene (SBCSD)

ADDRESS	PHONE NUMBER

WITNESS INTERVIEW: LAPD OFFICER DENNIS GOYNES (cont)

Officer Information

Name: Dennis Goynes

Date of Birth: [redacted]

Employer: Los Angeles Police Department (LAPD)

Employee number: 38798

Years of service: Approximately [redacted]

Rank: Police Officer III

Assignment: LAPD Metro Division (C-Platoon)

Date of hire / began patrol assignment: [redacted] / [redacted]

Previous law enforcement experience: [redacted]

Shift: August 11, 2022- 0300-1300 hours

Call sign: 5-K-19

Vehicle: 2012 black Crown Victoria equipped with Code 3 equipment (undercover vehicle)

Uniform: Blue tactical pants, black LAPD Metro t-shirt with a "Police" insignia, police belt, tactical belt, black tactical vest with magazine pouches with a cloth police badge and "Police" labeled on the back.

Recorder: Body worn camera (BWC)

Injured: No

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
C. Bennington	F8945	7/3/2023				

FURTHER ACTION:	COPIES TO:			REMARKS:
☐ YES ☐ NO	☐ Detectives	☐ SD/PD	☐ Other	
15-15184-401 Revised 1/83 (CR2)	☐ District Attorney	☐ CII	☐ Patrol	

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600	CASE NUMBER 172209341
	REPORTING AREA VC5

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Mondragon, Eugene (SBCSD)

ADDRESS	PHONE NUMBER

WITNESS INTERVIEW: LAPD OFFICER DENNIS GOYNES (cont)

The following is a summary of the interview:

On Thursday, August 11, 2022, Goynes attended a briefing at 0500 hours, in Victorville for a murder suspect identified by LAPD Homicide Detectives as Byron Hayes, who resided at [redacted] Victorville. The briefing was held at the Starbucks near [redacted] and the [redacted] Present for the Victorville operation and present for briefing were:

- Lieutenant II Charles Baley/ LAPD
- Detective III Brian Whetsel/ LAPD
- Detective II Casey Cox/ LAPD
- Detective II Erbie Phillips/ LAPD
- Detective Romeo Tamparong/ LAPD
- Detective I Matt Stuart/ LAPD
- Detective I Cesar Wences/ LAPD
- Detective I Elvis Hernandez/ LAPD
- Detective I Sally Negrete/ LAPD
- Police Officer III Robert Philpott/ LAPD

Goynes learned Byron was wanted in the shooting death of an unknown female in the Hollywood area and the firearm used was not located. Goynes learned an arrest warrant was issued for Byron. After the briefing, Goynes' assignment was to conduct in-person surveillance of Byron's residence. At about 0545 hours, Goynes was on scene and conducted surveillance. Goynes was assigned to a "chase car" which Goynes clarified as a takedown vehicle. If Byron left his residence in a vehicle, Goynes would use his vehicle to conduct an enforcement stop and attempt to arrest Byron safely away from the residence. Goynes and his partner Officer Robert Philpot were staged in their vehicle near [redacted] and [redacted] Victorville, until about 1000 hours. Once Goynes noticed his undercover vehicle stood out, he moved to [redacted] and [redacted] Victorville.

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
C. Bennington	F8945	7/3/2023				

FURTHER ACTION:	COPIES TO:	☐ SD/PD	☐ Other	REMARKS:
☐ YES ☐ NO	☐ Detectives	☐ CII		
15-15184-401 Revised 1/83 (CR2)	☐ District Attorney	☐ Patrol		

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600	CASE NUMBER 172209341 REPORTING AREA VC5

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Mondragon, Eugene (SBCSD)

ADDRESS | PHONE NUMBER

WITNESS INTERVIEW: LAPD OFFICER DENNIS GOYNES (cont)

According to Goynes, there was no contact with Byron until about 1600-1700 hours. Goynes learned via radio communication that Byron's [redacted] left the residence several times. As [redacted] drove slowly through the neighborhood, she took pictures of vehicles parked on the street. Sometime between 1400-1500 hours, Goynes was informed by LAPD task force and detectives to conduct an enforcement stop the vehicle [redacted] drove. [redacted] failed to stop at a posted stop sign. Goynes was unsure of the intersection but knew it was near an elementary school, near [redacted] and [redacted] Goynes conducted an enforcement stop for California Vehicle Code (CVC) violation 22450(a) and contacted [redacted] who was seated in the driver's seat. [redacted] drove a black Nissan unknown model sedan.

Goynes advised [redacted] of the reason for the stop. Goynes asked [redacted] where she lived, which [redacted] confirmed was at [redacted] Victorville. [redacted] informed Goynes she had a [redacted] in the residence. When Goynes asked who the [redacted] was, [redacted] replied, "The one you're looking for." Goynes informed [redacted] investigators would be serving a search warrant at her residence in an attempt to arrest her [redacted] Byron. During the enforcement stop, [redacted] was cooperative, and informed Goynes her [redacted] Byron was inside her residence, did not permanently reside there, and was only visiting. [redacted] provided Goynes with information on her home's floor plan, and stated Byron was the only person who should be inside her residence. [redacted] said there was a handgun in the home, and it was locked away in her bedroom. [redacted] was unsure of what type of handgun or caliber. Goynes relayed the information [redacted] to Detective Whetsel via radio. At the conclusion of the enforcement stop, Goynes informed [redacted] she was free to leave, and LAPD personnel were going to proceed with the search warrant of her residence at [redacted], Victorville. [redacted] advised Goynes she would like to stand by and observe the search warrant, which Goynes allowed her to do.

Goynes and [redacted] traveled toward [redacted] Victorville, and stopped near the intersection of [redacted] and [redacted] Victorville, to keep [redacted] away from the residence while the search warrant was being served.

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
C. Bennington	F8945	7/3/2023				

FURTHER ACTION:	COPIES TO:	☐ SD/PD	☐ Other	REMARKS:
YES ☐ NO	☐ Detectives	☐ CII		
15-15184-401 Revised 1/83 (CR2)	☐ District Attorney	☐ Patrol		

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600	CASE NUMBER 172209341 REPORTING AREA VC5

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Mondragon, Eugene (SBCSD)

ADDRESS | PHONE NUMBER

WITNESS INTERVIEW: LAPD OFFICER DENNIS GOYNES (cont)

Goynes made that decision because he overheard on the police radio that investigators who were at [redacted] observed Byron and a small foot pursuit ensued, however, Byron ran back into the residence. Goynes wanted to keep [redacted] safe and away from the residence.

Goynes learned of a "ruse" via radio communication where two detectives knocked on residences and acted as they were with an electrical company. Goynes was unsure of who the detectives were and unsure of what time the ruse was conducted. Goynes was unsure if the ruse was successful or if Byron was ever identified. Goynes had a problem with his radio communication due to the location and believed he missed about 60-70% of the radio communication throughout the operation.

Goynes heard via radio Byron exited the residence and ran back into the residence and the San Bernardino County Sheriff's Department Specialized Enforcement Division (SED) was enroute. Goynes was unable to see the residence on [redacted] SED was already on scene when Goynes arrived at [redacted] and [redacted]. Not more than 15 seconds after arriving at [redacted] and [redacted]. Goynes heard a "volley" of gunfire. Goynes heard what he believed were 15 gunshots fired. Goynes was unsure if it was gunfire coming from Byron or from the SED units. Goynes remained at [redacted] and [redacted] and escorted medical ambulances to the incident location. Goynes was asked if he had any other involvement in the incident that we did not already discuss and Goynes said no. The interview was concluded at 0618 hours.

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
C. Bennington	F8945	7/3/2023				

FURTHER ACTION:	COPIES TO:	☐ SD/PD	☐ Other	REMARKS:
YES ☐ NO	☐ Detectives	☐ CII		
15-15184-401 Revised 1/83 (CR2)	☐ District Attorney	☐ Patrol		

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: OFFICER ROBERT PHILPOTT

Officer Robert Philpott

On Friday, August 12, 2022, at approximately 0447 hours, Sheriff's Crime Scene Specialist [redacted] and I met Officer Robert Philpott at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Philpott, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Philpott did not fire any weapons during the LFE. Philpott was photographed to document his uniform presence during the LFE. Philpott did not sustain any injuries during the LFE.

UNIFORM:

Philpott's uniform consisted of the following:

- A black ballistic helmet with "PHILPOTT" written in white lettering on the back of the helmet.
- A patch with "LOS ANGELES POLICE" written in white lettering on the left side of the helmet.
- An American Flag patch with "LAPD METRO-114" underneath on the left side of the helmet.
- A blue short sleeve shirt with Los Angeles Police Department (LAPD) patches on both shoulders.
- A patch with "LOS ANGELES POLICE" written in white lettering affixed to the left chest.
- A patch with " TACTICAL RESPONSE TEAM 114 PLATOON" written in white lettering affixed to center of chest.
- A large patch with "POLICE" written in white lettering on the back of the vest.

[redacted]

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

Philpott's equipment on the load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- A black magazine pouch containing two Glock 17 magazines.
- A black pouch containing a P-Mag rifle magazine.
- An AXON body-worn camera.
- A black pouch containing a tourniquet.
- A black pouch.
- A black handheld transmitter (HT) holder.
- A pair of black gloves.
- A nylon pouch containing a Taser 7.

Philpott's equipment on the nylon duty belt proceeded clockwise from the (front) center of the belt was:

- A metal LAPD badge affixed to the belt.
- A black thigh holster on his right side. The holster held Phillpott's personally owned Glock 17 handgun. Attached to the thigh holster was a tourniquet.
- A black nylon handcuff case.
- A black carabiner with keys attached.
- A nylon magazine pouch containing two Glock 17 magazines.
- Blue BDU pants.
- Black boots.

The processing was concluded at 0451 hours.

Reviewed By: Sergeant Michael Warrick Date: Author: Detective Owenn Domon Author Date: 08/12/22

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: POLICE OFFICER ROBERT PHILPOTT

On Tuesday, August 16, 2022, at approximately 0736 hours, I interviewed Los Angeles Police Department (LAPD) Officer Robert Philpott inside the San Bernardino County Sheriff's Department (SBCSD) Homicide Conference Room. I recorded the interview on my department-issued digital audio recorder and later submitted the recording as evidence. The following is a summary of the interview with Philpott.

Before the interview, I advised Philpott we were conducting a criminal investigation and it would be submitted to the District Attorney's Office. I told Philpott he did not have to speak to me, and no discipline could come to him for not talking to me. Philpott told me he understood and agreed to talk to me voluntarily.

Name:	Robert Philpott
Date of birth:	[redacted]
Employee Number:	16907
Years of service:	Approximately [redacted]
Height and weight:	5'10" / 195 lbs.
Date of hire:	[redacted]
Date started patrol:	[redacted]
Rank:	Police Officer 3
Previous experience:	[redacted]
Shift:	0400-1400 hours
Call sign/Vehicle:	5K619 / Blue Unmarked Crown Victoria
Partner:	Officer Dennis Goynes
Uniform:	LAPD Utility Style Unform
Body-Worn Camera:	Activated during traffic stop
Photographs:	None taken
Injured:	No
Weapon used:	None

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	AWD on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

WITNESS INTERVIEW: POLICE OFFICER ROBERT PHILPOTT (Continued)

Note: People in this report share the same last name and will be referred to by their first name throughout the report.

On Thursday, August 11, 2022, Philpott and Goynes were assigned to the LAPD Metropolitan Division. Philpott and Goynes were assigned to work with the Fugitive Task Force. At 0500 hours, Philpott and Goynes attended a briefing at a Starbucks in Victorville. The briefing was conducted by the investigating officer Detective Romeo Tamparong and Detective Brian Whetsel. Philpott and Goynes were assigned as a chase car to apprehend a suspect, later identified as Byron Hayes, who was wanted for PC187(a); Murder. A chase car consisted of uniformed personnel with tactical equipment and a patrol vehicle, clearly identified as police officers. The chase car had to be close enough to respond quickly but far enough away to not be noticed by a suspect. Once detectives located and identified Byron, Philpott and Goynes were going to respond and arrest him.

During the briefing, Philpott was provided a copy of the tactical operation plan and a photograph of Byron. The tactical operation plan listed the details of the operation. The goal was to arrest Byron for his active arrest warrant. After Byron was arrested, he was going to be taken to the LAPD's 77th Division. At approximately 0600 hours, the Fugitive Task Force deployed in the area of 12678 Westway Lane, Victorville. The detectives drove unmarked vehicles which were designed to blend in. Philpott and Goynes parked around the block on [redacted] and [redacted]

Sometime between 1200 and 1400 hours, Byron's [redacted] arrived home. When [redacted] arrived home, detectives broadcasted over the radio notifying Philpott and Goynes [redacted] was home. Philpott and Goynes relocated their position to [redacted] and [redacted] outside of the community where [redacted] was. Philpott and Goynes were unable to see [redacted] from their location.

At approximately 1500 hours, [redacted] left her residence. [redacted] left the neighborhood on [redacted] and made a lefthand turn onto [redacted] committed a stop-sign violation, and Goynes and Philpott activated their vehicle's overhead lights, which included a red detention light, and initiated a traffic stop for VC22450(a); failure to stop at a stop sign. Goynes contacted [redacted] and advised her the reason for the stop. Philpott completed a field identification card with [redacted] information. After Philpott completed the traffic stop and field identification card, he turned off his detention lights.

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: POLICE OFFICER ROBERT PHILPOTT (Continued)

Goynes and Philpott talked with [redacted] and advised her there were law enforcement officers all around her house to arrest Byron. Philpott and Goynes asked [redacted] if there were any weapons in her house. [redacted] told Philpott and Goynes there was a handgun in her bedroom, but Byron did not have access to it because her bedroom door was locked.

Philpott and Goynes stayed with [redacted] for approximately two hours, while on [redacted]. [redacted] was not detained and was free to leave. [redacted] told Phillpott and Goynes she was willing to cooperate with the operation. At one point, [redacted] called Byron and spoke to him without letting him know about the operation. [redacted] turned the phone on speaker and Philpott could hear the conversation between [redacted] and Byron. Byron told [redacted] he was at [redacted] After [redacted] ended the phone call with Byron, [redacted] told Philpott she believed Byron was intoxicated based on the way he talked during their phone call. [redacted] did not talk to Byron about law enforcement during the phone call. [redacted] was told she was free to leave, but she would not be able to go back to her house at that time due to the operation. At some point during the time Philpott and Goynes were stopped with [redacted] Whetsel arrived. Philpott briefed Whetsel on the information he obtained from [redacted]

Philpott learned SBCSD Specialized Enforcement Division (SED) was being briefed for a search warrant at [redacted]. Sometime between 1600 and 1800 hours, Officer Sam Oh, who was at [redacted] called Philpott and requested he and [redacted] be in the area in case [redacted] was needed to get Byron to exit the residence. Philpott and Goynes repositioned themselves on [redacted] and [redacted] Philpott could see down the road toward [redacted] followed Philpott and Goynes to the location on her own. Goynes and Philpott walked toward [redacted], but an unknown officer told them to standby at their location.

Philpott was on [redacted] for less than two minutes, when he heard gunshots. Philpott estimated he heard between two and nine gunshots. Philpott heard one volley of gunfire which lasted approximately one to two seconds. Immediately after Philpott heard the gunshots, [redacted] became hysterical, screamed, and tried to run toward her house. Philpott and Goynes prevented [redacted] from running down the street toward the residence. Philpott prevented [redacted] from running down the street because it would have been unsafe for her to be in the area during an active situation. Philpott and Goynes remained at the location and prevented uninvolved people from going down [redacted] toward [redacted].

Philpott had no additional information, and I concluded the interview.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: OFFICER TIMOTHY PECINA

Officer Timothy Pecina

On Friday, August 12, 2022, at approximately 0458 hours, Sheriff's Crime Scene Specialist [redacted] and I met Officer Timothy Pecina at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Pecina, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Pecina did not fire any weapons during the LFE. Pecina was photographed to document his uniform presence during the LFE. Pecina did not sustain any injuries during the LFE.

[redacted]

UNIFORM:

Pecina's uniform consisted of the following:

- A blue short sleeve shirt with Los Angeles Police Department (LAPD) patches on both shoulders.
- A black load-bearing vest with an American Flag patch with "LAPD METRO-14" written in silver lettering under the flag affixed to the front left chest.
- A patch with "LOS ANGELES POLICE" written in white lettering affixed to center of chest.
- A patch with "O+ POSITIVE" written in silver lettering affixed to right chest.
- A large patch with "POLICE" in white lettering was affixed to the back of the vest.

Pecina's equipment on the load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- An AXON body-worn camera.
- A black pouch containing a tourniquet.
- A silver carabiner.
- A black pouch containing a Taser 7.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

- A black pouch containing a Motorola handheld transmitter (HT) radio.

Pecina's equipment on the nylon duty belt proceeded clockwise from the (front) center of the belt was:

- A metal LAPD badge affixed to the belt.
- A black thigh holster on his right leg. The holster held Pecina's personally owned Glock 17 handgun.
- A black nylon handcuff case.
- A black Maxpedition dump pouch.
- A metal key holder with keys attached.
- A nylon HT holder.
- Two nylon magazine pouches with one Glock 17 magazine.
- Blue BDU pants.
- Black boots.

The processing was concluded at 0459 hours.

Reviewed By: Sergeant Michael Warrick Date: Author: Detective Owenn Domon Author Date: 08/12/22

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: POLICE OFFICER TIMOTHY PECINA

On Friday, August 12, 2022, at approximately 0347 hours, Detective Ian Gosswiller and I interviewed Los Angeles Police Department (LAPD) Officer Timothy Pecina inside an office at the Victorville Specialized Enforcement Division (SED) Office, at 14455 Civic Drive, Victorville. I recorded the interview on my department-issued digital audio recorder and later submitted the recording as evidence. The following is a summary of the interview with Pecina.

Before the interview, I advised Pecina we were conducting a criminal investigation and it would be submitted to the District Attorney's Office. I told Pecina he did not have to speak to me, and no discipline could come to him for not talking to me. Pecina told me he understood and agreed to talk to me voluntarily.

Name:	Timothy Pecina
Date of birth:	[redacted]
Employee Number:	39722
Years of service:	Approximately [redacted]
Height and weight:	5'06" / 175 lbs.
Date of hire:	[redacted]
Date started patrol:	[redacted]
Rank:	Police Officer 3
Previous experience:	[redacted]
Shift:	0300-1300 hours
Call sign/Vehicle:	5K619 / Unmarked Unit
Partner:	Officer Sam Oh
Uniform:	LAPD Utility Style Unform
Body-Worn Camera:	Activated
Photographs:	None taken
Injured:	No
Weapon used:	None

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: POLICE OFFICER TIMOTHY PECINA (Continued)

Note: People in this report share the same last name, and therefore will be referred to by their first name throughout the report.

On Thursday, August 11, 2022, Pecina and his partner, Officer Sam Oh, were assigned to the Metropolitan Division working with the Gang and Narcotic Division. Pecina and Oh drove a uniformed chase vehicle. According to Pecina, a uniformed chase vehicle was an unmarked patrol vehicle with officers wearing full uniform distinctly identifying them as police officers. The chase units were used to handcuff and transport arrested suspects. The remainder of the Gang and Narcotic team were in unmarked vehicles and wore plain clothes. At the beginning of Pecina's shift, he was provided a tactical plan. The tactical plan's objective was for LAPD surveillance officers to identify Byron Hayes and uniformed officers to arrest him for his outstanding Ramey warrant for PC187(a); Murder. The tactical plan contained a picture of Byron and provided Byron's physical description. According to Pecina, the tactical plan described Byron as a Black male adult, in his early 30's, and with tattoos. Pecina did not recall any other identifying information in the tactical plan.

At approximately 0530 hours, Pecina and Oh assisted with arresting a suspect believed to be associated with Byron. Byron and the other subject were suspects in a murder case in Los Angeles County. Both Byron and the other subject had Ramey warrants issued for their arrest. The subject was apprehended without incident in Anaheim. According to Pecina, Byron was wanted for murdering his [redacted] in Los Angeles County. Additionally, Byron had a similar case in New Mexico where he accidentally shot his [redacted] in the head and killed her. Byron was incarcerated in New Mexico for Manslaughter. During the incident, Pecina communicated with his team through an encrypted radio frequency.

At approximately 0900 hours, Pecina and Oh met with Detective Romeo Tamparong at a gas station in the Victorville area to brief the service of Byron's Ramey warrant. Pecina and Oh rode in an unmarked Ford Explorer patrol vehicle and were assigned to arrest and transport Byron once he was contacted. Pecina and Oh were assigned as the [redacted] chase vehicle. At approximately 0930 hours, Pecina and Oh parked their vehicle on [redacted] of [redacted], Victorville. The house where Byron was suspected of residing at was located at [redacted], Victorville.

At approximately 1030 hours, Detective Joseph Ruvalcaba posed as a gas company employee and attempted to confirm Byron was inside the residence. Ruvalcaba relayed the information over their secured radio frequency. Ruvalcaba wore clothing that resembled a utility worker and carried a handheld device. Ruvalcaba knocked on the front door and rang a Ring video doorbell.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	AWD on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

WITNESS INTERVIEW: POLICE OFFICER TIMOTHY PECINA (Continued)

A female answered the video doorbell and gave Ruvalcaba permission to check the outside of the residence for a gas leak. Ruvalcaba walked around the residence and returned to the front door. Ruvalcaba rang the Ring video doorbell and an unknown male answered. The unidentified male told Ruvalcaba his [redacted] was inside the residence sleeping and would leave for work soon. Ruvalcaba returned to his vehicle, and they were unable to determine if Byron was inside the residence.

Between 1100 and 1200 hours, Ruvalcaba returned to the residence and attempted to get Byron out of the residence. Ruvalcaba went to the house's electrical breaker panel and turned off some electrical breakers. Ruvalcaba relayed his actions over the radio, but the traffic was broken and Pecina did not know exactly what happened.

Between 1300 and 1400 hours, unknown officers broadcast over the secure radio that Byron's [redacted] later determined to be [redacted], circled the neighborhood in her vehicle and returned to the residence. As [redacted] circled the neighborhood, Pecina heard officers broadcast someone moved the curtains inside the residence. Pecina saw [redacted] pass the house and complete a U-turn, then park at the residence. Pecina heard officers broadcast [redacted] walked around the house, turned the circuit breaker back on, and went into the residence. A short time later, [redacted] exited the residence and drove away. A second unmarked chase vehicle followed [redacted] observed a traffic violation, and completed a traffic stop.

According to Pecina, there was a search warrant authored for the residence by the LAPD Homicide Detail. San Bernardino County Sheriff Department SED was contacted to assist with the apprehension of the suspect and service of the search warrant. SED was briefed on the incident. Once SED arrived, Pecina and Oh's responsibilities shifted to traffic control.

At approximately 1800 hours, as SED was enroute to the location, an unidentified officer broadcast over the radio that Byron exited the residence and walked [redacted] toward a parked surveillance vehicle. The officer requested the chase vehicles with the uniformed officers respond to contact Byron. The officer broadcast over the radio the subject who exited the residence was positively identified as Byron. Pecina drove [redacted] on [redacted] toward Byron's residence. Pecina activated his body worn camera. As Pecina approached the residence, he saw Byron run toward his residence with his right hand on his waistband. As Byron ran toward his residence, he looked at Pecina and they made eye contact. Byron ran into the residence and closed the door. Pecina recognized Byron as the same subject he observed in the original tactical plan he was given earlier in the day. Pecina exited his vehicle and chased Byron to the residence. The front door of the residence was locked and Pecina was unable to enter.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	AWD on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

WITNESS INTERVIEW: POLICE OFFICER TIMOTHY PECINA (Continued)

Pecina and Oh went to the [redacted] side of the residence and jumped a fence to gain entry into the backyard. Detective Casey Cox followed behind Pecina and Oh into the backyard. Pecina and Cox remained near the [redacted] corner of the residence and Oh returned to the front of the house to ensure there was containment on the front of the residence. Pecina carried his department issued handgun and Cox carried a rifle.

At approximately 1804 hours, Pecina heard the loud engine of SED's armored vehicle arrive in front of the residence. Byron opened the first-floor rear sliding door of the residence and stuck his head outside. Byron looked at Pecina and Cox. Pecina gave Byron commands to put his hands up and go outside. Byron went back inside the residence and closed the door. Pecina did not see if Byron had anything in his hands when he looked out the door. Cox broadcast over the radio that they contacted Byron at the rear door. At approximately 1805 hours, Byron exited the second floor sliding door and stepped onto a balcony. Byron paced back and forth and held a pink bottle of an alcoholic beverage in his left hand. Byron asked Pecina and Cox why the officers were at the residence, why he was being arrested, and what the warrant was for. Pecina told Byron they had a search warrant and a warrant for his arrest. Byron told Pecina he would not exit the residence. As Pecina spoke with Byron, he heard SED use a public announcement system (PA) and demand all occupants to exit the residence. Pecina told Byron law enforcement would not leave and if he refused to come out, SED would go in and get him. Byron refused to exit the residence. Pecina tried to appeal to Byron and asked him if he really wanted his [redacted] house to get gassed. Byron told Pecina and Cox twice, law enforcement was going to kill him. Byron said he promised law enforcement was going to kill him. Byron told Pecina, "I have semi-automatics too, see what happens," and went back inside the residence.

Pecina heard SED members say over the PA, "This is the San Bernardino County Sheriff's, exit the building (or house), unarmed, with your hands up!" Pecina heard Byron speaking with SED members at the front of the residence. Pecina did not recall exactly what Byron said but recalled hearing him speak with SED members.

Byron again approached the second story balcony and stuck the right side of his body out the sliding glass door. Byron appeared to be hiding his left hand inside the residence. Byron held his right hand in the air to show he did not carry anything, but kept his left hand inside the residence. Since Byron had a history of firearm possession, and saying he had "semi-automatics," Pecina believed Byron was holding a firearm in his left hand. Pecina was scared Byron was going to shoot at him and his fellow officers. Cox ordered Byron to show both of his hands and exit the residence. Byron made a leaning motion into the residence and appeared to set something down. Byron stepped onto the balcony and showed Pecina and Cox both his empty hands.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: POLICE OFFICER TIMOTHY PECINA (Continued)

Cox told Pecina to go outside and exit through the front door. Byron told Cox he intended to walk out the front door. Byron returned to the front of the house and communicated with SED members. Byron returned to the back balcony, showed Pecina and Cox his empty hands and told them he was going to go to the front and turn himself in. Pecina heard Byron speak with SED members at the front of the residence.

Pecina heard an unknown officer broadcast over the radio that Byron was standing with a gun pointed at his head. Pecina heard Byron demand In-n-Out food, or he was going to shoot himself. Pecina heard an SED member say he would see what he could do to help him. Pecina and Cox were instructed by Detective Brian Whetsel to exit the backyard to avoid any crossfire situations. Pecina and Cox walked toward the [redacted] side of the residence. As they rounded the [redacted] corner, Pecina heard one gunshot, followed by approximately 8-12 additional shots. The first gunshot was quieter than the 8 to 12 additional shots. Pecina and Cox used the [redacted] wall of the residence as cover. Approximately two minutes after the gunshots, SED members relieved Pecina and Cox from their location. Pecina and Cox walked on the [redacted] side of the residence to the front of the house. SED entered the residence to contact Byron. Pecina heard an SED member request a medical kit. At one point while Byron spoke with SED he began to count. Pecina did not know why Byron counted. SED attempted to call Byron out of the house by his first name.

While Pecina was in the back yard, he worried Byron would come out of the balcony with a firearm and shoot him or Cox. Pecina was unsure what sort of mental state Byron was in after being suspected of killing his [redacted] Pecina did not think Byron would shoot at the heavily armed deputies and officers in front of the residence. Pecina thought if Byron was going to try and escape, he would do it in the back yard where there were only two officers. The situation caused stress and fear for Pecina.

As Pecina left the backyard, he heard someone say the fire department was cleared in to evaluate Byron. Pecina saw SED personally guide a firefighter into the residence and an ambulance arrived shortly later. Approximately 10 to 15 minutes after the shooting occurred, Byron was transported by ambulance. Pecina had no additional information related to the investigation, and I concluded the interview.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DETECTIVE ARACELI NEGRETE

Detective Araceli Negrete

On Friday, August 12, 2022, at approximately 0435 hours, Sheriff's Crime Scene Specialist [redacted] and I met Detective Araceli Negrete at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Negrete, who wore the same uniform, equipment, and carried the same firearm she had during the lethal force encounter (LFE). Negrete did not fire any weapons during the LFE. Negrete was photographed to document her uniform presence during the LFE. Negrete did not sustain any injuries during the LFE.

[redacted]

UNIFORM:

Negrete's uniform consisted of the following:

- A black load-bearing vest with a silver LAPD cloth badge affixed to the front left chest, and a cloth American Flag patch below the badge. A nametape with "LOS ANGELES POLICE" in white writing affixed to the right chest, and a nametape with "NEGRETE" below.
- A large patch with "POLICE" in white lettering was affixed to the back of the vest.
- A black long sleeve shirt.

Negrete's equipment on the load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- A silver folding knife.
- Black magazine pouches containing three Glock 17 magazines.
- Two black pouches.
- A black pouch containing a flashlight.
- Two black handcuff pouches on the back of the vest.

Reviewed By: Sergeant Michael Warrick MW Date: 9/14/2022 Author: Detective Owenn Domon Author Date: 08/12/22

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

Negrete's equipment on the nylon belt proceeded clockwise from the (front) center of the belt was:

- A black thigh holster on her right leg. The holster held Negrete's personally owned Glock 17 handgun.
- A black thigh nylon holster on her left leg. The holster held a Taser 7.
- Blue Levi jeans.
- Pink and white New Balance shoes.

The processing was concluded at 0436 hours.

LOS ANGELES POLICE DEPARTMENT

EMPLOYEE'S REPORT

15.07.00 (04/62) DR

SUBJECT
[redacted] OIS

DATE & TIME OCCURRED	LOCATION OF OCCURRENCE	DIVISION OF OCCURRENCE
08-11-22 1730	[redacted] Victorville, CA	N/A

TO: (Rank, Name, Assignment, Division)	DATE & TIME REPORTED
SGT Michael Warrick SBCSD	09-07-22 0800

DETAILS: (IF MORE SPACE IS NEEDED GO TO NEXT PAGE)

On August 11, 2022, I was conducting surveillance to the rear of [redacted] in Victorville, California. We were surveilling the location to locate and arrest murder suspect Byron Hayes. (DR #2206-12597).

At approximately 1730 hours, the LAPD detective sitting on point, relayed via radio, that Hayes exited his residence and was walking [redacted] on [redacted] Point advised the team to initiate a take down. Upon initiation, Detective Hernandez, Serial No. [redacted], and I deployed on [redacted] and [redacted] Our responsibility was rear containment of the target property.

As units deployed on suspect Hayes, I heard via radio that Hayes was running back to his residence. I observed Hayes jump the rear concrete wall onto [redacted] When suspect Hayes landed on the sidewalk, his shorts fell down past his knees. When I announced our presence, Hayes immediately jumped back into his rear yard. I then heard, over the radio, that Hayes had entered his residence. Shortly after, I observed Hayes exit the second floor sliding door and walk onto the patio. Hayes spoke to detectives who were standing in the rear yard. Hayes entered his residence again and I continued to hear detectives communicating with Hayes but I was unable to hear exactly what was being said. A short time later, Hayes exited the 2nd floor sliding door and continued to speak with detectives in the rear yard. I heard Detectives talking to Hayes and advising him that deputies were in the front of the residence. Detectives advised Hayes he should exit the house and speak with them. Hayes refused to cooperate. At one point, Hayes entered his residence and San Bernardino SWAT advised, over the radio, that they had Hayes at the front window with a gun to his own head. Shortly after, I heard gunshots. I then heard, over the radio, SWAT's plan to enter the residence to locate Hayes. SWAT entered the residence, located Hayes, and rendered aid.

DATE & TIME TYPED	DIVN. RPTG.	CLERK	EMPLOYEE(S) REPORTING	SERIAL NO.	DIVN.
			A. Negrete	33348	GND/FWS

SUPERVISOR APPROVING	SERIAL NO.
M. WARRICK	D2695

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DETECTIVE ELVIS HERNANDEZ

Detective Elvis Hernandez

On Friday, August 12, 2022, at approximately 0436 hours, Sheriff's Crime Scene Specialist [redacted] and I met Detective Elvis Hernandez at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Hernandez, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Hernandez did not fire any weapons during the LFE. Hernandez was photographed to document his uniform presence during the LFE. Hernandez did not sustain any injuries during the LFE.

UNIFORM:

Hernandez' uniform consisted of the following:

- A blue long sleeve button up Dickie shirt.
- A black load-bearing vest with a silver LAPD cloth badge affixed to the front left chest, and a cloth American Flag patch below the badge. A nametape with "LOS ANGELES POLICE" in white writing affixed to the right chest, and a nametape with "HERNANDEZ" written in white lettering affixed to the right chest.
- A large patch with "POLICE" in white lettering was affixed to the back of the vest.

[redacted]

Reviewed By: Sergeant Michael Warrick MW Date: 8/26/2022 Author: Detective Owenn Domon Author Date: 08/12/22

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRITPION CONTINUED:

Hernandez' equipment on the load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- A silver folding knife.
- A black magazine pouch containing two Glock 34 magazines.
- A black pouch containing a flashlight.
- Three black pouches.
- Two black handcuff pouches on back of vest.
- A black pouch containing a Motorola handheld transmitter (HT) radio.
- Blue jeans.
- Brown boots.

Hernandez' equipment on the belt proceeded clockwise from the (front) center of the belt was:

- A black thigh holster on his right leg. The holster held Hernandez' personally owned Glock 34.

The processing was concluded at 0438 hours.

Reviewed By: Sergeant Michael Warrick Date: Author: Detective Owenn Domon Author Date: 08/12/22

LOS ANGELES POLICE DEPARTMENT

EMPLOYEE'S REPORT

15.07.00 (04/62) DR

SUBJECT		
12678 Westway Lane OIS		
DATE & TIME OCCURRED	LOCATION OF OCCURRENCE	DIVISION OF OCCURRENCE
08-11-22 1730	12678 Westway Lane, Victorville, CA	N/A
TO: (Rank, Name, Assignment, Division)		DATE & TIME REPORTED
Sgt. Michael Warrick, SBCSD		

DETAILS: (IF MORE SPACE IS NEEDED GO TO NEXT PAGE)

Detective I Elvis Hernandez

Employee No. 31662

Fugitive Warrant Section / Central Bureau

Gang and Narcotics Division

On August 11, 2022, I was conducting surveillance at [redacted] in Victorville, California. We were surveilling the location to locate and arrest murder suspect Byron Hayes, related to LAPD report number 2206-12597.

At approximately 1730 hours, our detective sitting on point surveilling the front door, relayed via radio, that Hayes exited his residence and was walking [redacted] on [redacted] Point advised the team to initiate a take down. Upon initiation, Detective Negrete and I deployed on [redacted] and [redacted] which is the [redacted] and [redacted] of [redacted] Our responsibility was rear containment of the target property.

As units deployed on Hayes, I heard via radio that he was running back to his residence. I observed Hayes jump the rear concrete wall onto [redacted] As Hayes landed on the sidewalk, I observed his shorts fall to past his knees. We announced our presence which caused Hayes to immediately jump back into his rear yard.

I heard units advised that Hayes ran into his residence. A short time later, I observed Hayes exit the second-floor glass sliding door and walk out onto the raised patio. Hayes appeared to be talking to the detectives that were positioned to the rear back yard, but I was unable to hear what was being said between Hayes and the detectives in the back yard.

Hayes re-entered his residence and a short time later, Hayes was back on the back patio speaking with the same detectives in the rear yard. They advised him several times that deputies were in the front and advised he should just exit the house and speak with them. Hayes refused to cooperate.

Hayes continued to go back and forth between the front of the house and rear patio for several minutes. San Bernardino SWAT advised they had Hayes at the front window with a gun pointed to his own head and was demanding In-N-Out. A few minutes later, I heard gunshots. I heard SWAT's plan via radio to immediately enter the residence to locate Hayes and render aid if necessary. SWAT entered the rear of residence on the first floor. SWAT advised they located Hayes and were rendering aid.

DATE & TIME TYPED	DIVN. RPTG.	CLERK	EMPLOYEE(S) REPORTING	SERIAL NO.	DIVN.
			Hernandez, E.	31662	GND/FWS
SUPERVISOR APPROVING		SERIAL NO.			
M. WARRICK		D2685			

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DETECTIVE ERBIE PHILLIPS

Detective Erbie Phillips

On Friday, August 12, 2022, at approximately 0444 hours, Sheriff's Crime Scene Specialist [redacted] and I met Detective Erbie Phillips at the Specialized Enforcement Division High Desert Office, Victorville.

In my presence, [redacted] photographed Phillips, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Phillips did not fire any weapons during the LFE. Phillips was photographed to document his uniform presence during the LFE. Phillips did not sustain any injuries during the LFE.

UNIFORM:

Phillips' uniform consisted of the following:

- A black ballistic helmet.
- A patch with "TEAM WENDY WE INNOVATE TO PROTECT" written in red lettering on the left side of the helmet. The middle of the patch had a large "W".
- A patch with "EXFIL BALLISTIC DESIGNED IN CLEVELAND MADE IN USA" written in black and white lettering on the right side of the helmet.
- A blue short sleeve shirt with Los Angeles Police Department (LAPD) patches on both shoulders.
- A black ballistic load-bearing vest with a silver Los Angeles Police Department (LAPD) cloth badge affixed to the center of the chest.
- An American Flag cloth patch with a blue line in the middle affixed on the front right chest.
- A large patch with "POLICE" written in white lettering on the back of the vest.
- A blue ballistic vest worn under the black ballistic vest.

[redacted]

Reviewed By: Sergeant Michael Warrick MW Date: 3/16/2024 Author: Detective Owenn Domon Author Date: 08/12/22

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

Phillips' equipment on the load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:

- A black pouch containing a flashlight. A pair of glasses with maroon lenses were attached to the pouch.
- A green pouch containing a tourniquet.
- A black pouch.
- Two black pouches.
- A black pouch which contained a Motorola handheld transmitter (HT) radio.
- A black pouch containing a medical kit attached to the vest.
- A black pouch containing a Taser 7.
- A Motorola HT radio.

Phillips' equipment on the nylon duty belt proceeded clockwise from the (front) center of the belt was:

- A black Kydex holster on his right hip. The holster held Phillips' personally owned Staccato 2011 handgun.
- Blue jeans.
- Brown boots.
- A black Benelli M4 shotgun slung across right shoulder.

The processing was concluded at 0446 hours.

Detective II Erbie Phillips

Employee No. 35277

LAPD / FBI Fugitive Task Force

Gang and Narcotics Division

On August 11, 2022, I was conducting surveillance at [redacted] in Victorville, California. We were surveying the location to locate, and arrest murder suspect Byron Hayes related to LAPD report number 2206-12597.

At approximately 1730 hours, our detective sitting on point (Stuart) surveying the front door, relayed via radio, that Hayes exited his residence and was walking [redacted] on [redacted] Point advised the team to initiate a take down. Upon initiation, Detective Wences and I deployed on [redacted] which is the [redacted] street [redacted] of [redacted] Our responsibility was rear containment of the target property.

As units deployed on Hayes, I heard via radio that he was running back to his residence. I observed Hayes jump his residence's rear concrete fence onto [redacted] As Hayes landed on the sidewalk, I observed his shorts fall to past his knees and it appeared something heavy was inside his right pocket. We announced our presence which caused Hayes to immediately jump back into his rear yard.

I heard units advise Hayes ran into his residence. A short time later I observed Hayes exit the second-floor glass sliding door and walk out onto the raised patio. Hayes appeared belligerent as he spoke to detectives who were standing in the rear yard. I heard Hayes mention something about a gun.

Hayes re-entered his residence then I heard units in the front of the house communicating with Hayes via bullhorn. A short time later, Hayes was back on the back patio speaking with the same detectives in the rear yard. They advised him several times that deputies were in the front and advised he should just exit the house and speak with them. Hayes appeared to be agitated and continued to refuse to cooperate.

The back and forth between the front of the house and rear patio occurred several times. San Bernardino SWAT advised they had Hayes at the front window with a gun to his head and was demanding In-N-Out. I'm not sure how much time transpired after the gun to the head update before I heard a short volley of gun fire. SWAT advised Hayes pointed a gun at them then retreated into the house.

I heard SWAT's plan via radio to immediately enter the residence to locate Hayes and render aid if necessary. SWAT entered the rear of the residence on the first floor. A short time later, the drone pilot advised they located Hayes just inside the window seal laying on the floor. SWAT advised they located Hayes and were rendering aid.

CRIME REPORT

OFFICER PROCESSING

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

OFFICER PROCESSING: DETECTIVE CESAR WENCES

Detective Cesar Wences

On Friday, August 12, 2022, at approximately 0455 hours, Sheriff's Crime Scene Specialist [redacted] and I met Detective Cesar Wences at the Specialized Enforcement Detail High Desert Office, Victorville.

In my presence, [redacted] photographed Wences, who wore the same uniform, equipment, and carried the same firearm he had during the lethal force encounter (LFE). Wences did not fire any weapons during the LFE. Wences was photographed to document his uniform presence during the LFE. Wences did not sustain any injuries during the LFE.

UNIFORM:

Wences' uniform consisted of the following:

- A black ballistic helmet with "WENCES" written in white lettering on the front and "36067" on the back of the helmet.
- A blue short sleeve shirt with Los Angeles Police Department (LAPD) patches on both shoulders.
- A black load-bearing vest with a silver LAPD cloth badge affixed to the front left chest, and a cloth American Flag patch below the badge. A nametape with "LOS ANGELES POLICE" in white writing affixed to the right chest, and a large patch with "POLICE" in white lettering was affixed to the back of the vest.
- Wences' equipment on the load-bearing ballistic vest proceeded clockwise from the (front) center of the carrier was:
- Three magazine pouches with Beretta magazines.
- Black pouch containing a Taser.

[redacted]

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		

UNIFORM DESCRIPTION CONTINUED:

- A black pouch containing a handheld transmitter (HT) radio. Affixed to the black pouch was a patch with an angel and shield on it.

Wences' equipment on the leather belt proceeded clockwise from the (front) center of the belt was:

- A black leather holster on his right side. The holster held Wences' department-issued Beretta Vertec handgun.
- A metal LAPD badge affixed to Wences' belt on his front right hip.
- Blue Levi jeans.
- Blue and black Vans shoes.

The processing was concluded at 0457 hours.

On August 11, 2022, I, Detective Cesar Wences #36067 was assigned to LAPD Gang Narcotics Division. On this date we responded to the city of Victorville to conduct a surveillance and arrest operation. The suspect (Hayes, Bryon) was wanted for murder and was residing at [redacted] Victorville, CA. Prior to the operation, our unit met at a predesignated location and held a briefing to discuss the Tactical Operation Plan and receive assignments.

My partner Detective Phillips, E #35277 and I were tasked to monitor the rear of the target location. We positioned our unmarked police vehicle on the vacant lot along [redacted] just [redacted] of [redacted] While conducting surveillance, the suspect was observed exiting the front of his residence and began walking [redacted] Chase units were advised to initiate a takedown on the suspect. Chase units deployed on the suspect and made contact with him. The suspect fled on foot through his rear yard. My partner drove our vehicle closer to the rear of the suspect's residence on [redacted] and exited our vehicle. My partner and I were both wearing ballistic helmets and tactical vests clearly marked with "Police" insignia. The suspect scaled the rear cinder block wall of his residence onto the [redacted] sidewalk of [redacted] I identified myself verbally as a police officer and ordered the suspect to get on the ground. The suspect quickly looked in a [redacted] and [redacted] direction, then scaled the cinder block wall of his residence once again (climbing back into his rear yard).

My partner and I held our position in containment mode. During this time, I observed the suspect step out, onto the rear upstairs balcony of the residence. The suspect was given commands by Officers in the rear yard of the residence. The suspect was non-compliant and walked back into his residence out of view. The suspect later stepped back onto the rear upstairs balcony holding a large glass bottle. Officers in the rear yard once again gave the suspect commands to surrender. The suspect ignored the commands and walked back inside the residence out of view.

From the rear of the residence, I could hear the suspect being given commands by San Bernardino SWAT over a PA system. Several minutes later, I heard several consecutive gun-shots. By monitoring radio communications, it was discovered that the suspect had been shot. Officers made entry into the residence to render aid. I did not witness the Officer Involved Shooting (OIS) and cannot provide any information pertaining to the OIS.

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600	CASE NUMBER 172209341
	REPORTING AREA VC5

DE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on peace officer	LFE

VICTIM'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Mondragon, Eugene (SBCSD)

ADDRESS	PHONE NUMBER

WITNESS INTERVIEW: VICTORVILLE FIRE ENGINEER [redacted]

On Monday, July 3, 2023, at about 1435 hours, I interviewed Victorville City Fire Department (VCFD) Engineer [redacted] inside Victorville City Fire Station 315, located at 12820 Eucalyptus Street in Victorville. I audio recorded the interview, and the audio was uploaded to the Command-VAULT system at the Victorville Station. The following is a summary of my interview with [redacted]

[redacted] was employed by the VCFD as a firefighter/ engineer assigned to Fire Station 315. On August 11, 2022, at about 1900 hours, [redacted] was unsure of the exact time) [redacted] was dispatched to a radio call of a "Sheriff's request" to stage near [redacted] in Victorville. [redacted] worked in the capacity of a firefighter/ engineer assigned to Medic Engine (ME) 315 along with [redacted] and Firefighter Paramedic [redacted] responded from Fire Station 315 to a safe location near [redacted] was unsure how long the drive was from the fire station to the staging point, [redacted] was unsure of the exact staging location, however, [redacted] was unable to see the residence.

Once [redacted] arrived on scene, he observed several marked and unmarked police vehicles on [redacted] Once [redacted] was cleared "safe" and arrived on scene he observed numerous police and sheriffs personnel. [redacted] retrieved his medical bags from the engine and as he approached the residence, he was told to watch where he stepped due to the evidence. As [redacted] walked into the residence at [redacted] he observed a broken upstairs window.

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
C. Bennington	F8945	7/3/2023	M. WARREN			8/14/2024

FURTHER ACTION:	COPIES TO:			REMARKS:
☐ YES ☐ NO	☐ Detectives	☐ SD/PD	☐ Other	
5184-401 Revised 1/83 (CR2)	☐ District Attorney	☐ CII	☐ Patrol	

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600	CASE NUMBER 172209341
	REPORTING AREA VC5

DE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on peace officer	LFE

VICTIM'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Mondragon, Eugene (SBCSD)

ADDRESS | PHONE NUMBER

WITNESS INTERVIEW: VICTORVILLE FIRE ENGINEER [redacted] (cont)

Once [redacted] walked upstairs, he observed a black male adult, later identified as Byron Hayes lying on the floor near the broken window. Two unknown sheriff's deputies stood near Byron, and another unknown paramedic working on Byron. [redacted] believed Byron's clothing was already removed before [redacted] made contact with Byron. Byron was still conscious and speaking to the deputies, [redacted] asked one of the sheriff's deputies (unknown who) to assist them with supplying air to Byron through a "Bag-valve-mask" (BVM) [redacted] was a secondary unit to respond to the location. [redacted] remembered seeing Byron's arms angulated and losing a lot of blood but does not remember any other wounds. [redacted] prepared his medical equipment for his paramedic; however, once the medic squad personnel arrived on scene, they took over with the medical equipment and expedited Byron to a nearby school to be flown to a trauma center. Once the paramedics arrived, [redacted] left the upstairs room to place his medical bags back into the Medic Engine. [redacted] was unsure of the medical treatment performed on Byron as he was no longer needed. [redacted] did not hear any spontaneous statements from any witnesses or involved parties while at the scene. [redacted] did remember seeing an ambulance from American Medical Response (AMR) arrive at the scene to transport Byron, but [redacted] was unsure of which AMR personnel arrived at the scene. [redacted] had no further information to provide and I concluded my interview with him at 1446 hours.

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
C. Bennington	F8945	7/3/2023				

FURTHER ACTION:	COPIES TO:	☐ SD/PD	☐ Other	REMARKS:
☐ YES ☐ NO	☐ Detectives	☐ CII		
5184-401 Revised 1/83 (CR2)	☐ District Attorney	☐ Patrol		

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600	CASE NUMBER 172209341
	REPORTING AREA VC5

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Mondragon, Eugene (SBCSD)

ADDRESS	PHONE NUMBER

WITNESS INTERVIEW: FIREFIGHTER/ PARAMEDIC [redacted]

On Monday, July 3, 2023, at about 1330 hours, I interviewed Victorville City Fire Department (VCFD) Firefighter/ Paramedic [redacted] inside Fire Station 311 in Victorville. I audio recorded the interview, and the audio recording was placed into the Command-VAULT system at the Victorville Police Department. The following is a summary of my interview with Vansuch.

On August 11, 2022, [redacted] was employed with the VCFD as a firefighter/ paramedic assigned to Medic Squad (MS) 311 and partnered with [redacted] On August 11, 2022, at about 1705 hours, MS 311 was requested to respond and stage near [redacted] in Victorville, per the request of the Sheriff's Department. [redacted] responded from Fire Station 311, located at Desert Knoll Street and Seventh Street.

[redacted] informed me he was a "secondary resource" and drove the MS to the staging point near [redacted] which took approximately 10–15-minutes drive time. As [redacted] arrived on scene, he observed several Special Weapons and Tactics (SWAT) vehicles, marked police vehicles, and numerous law enforcement personnel. [redacted] also observed fired cartridge casings on the ground near the SWAT vehicles.

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
C. Bennington	F8945	7/3/2023	M. WARREN			2/16/2024

FURTHER ACTION:	COPIES TO:			REMARKS:
☐ YES ☐ NO	☐ Detectives	☐ SD/PD	☐ Other	
5184-401 Revised 1/83 (CR2)	☐ District Attorney	☐ CII	☐ Patrol	

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600	CASE NUMBER 172209341
	REPORTING AREA VC5

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Mondragon, Eugene (SBCSD)

ADDRESS | PHONE NUMBER

WITNESS INTERVIEW: FIREFIGHTER/ PARAMEDIC [redacted] (cont)

[redacted] and [redacted] were escorted upstairs where [redacted] observed and black male adult, later identified as Byron Hayes, on the floor of the upstairs bedroom with medical personnel performing medical treatment on Byron. When asked what type of medical treatment, [redacted] was unsure. [redacted] was requested to help place Hayes onto a backboard and carry him to the gurney to be placed into the ambulance. While in the upstairs room, [redacted] observed a handgun on the floor. [redacted] was unsure of the make and model of the handgun. [redacted] was unsure if the handgun on the floor belonged to one of the deputies or if it was Byron's. [redacted] observed Byron to have numerous gunshot wounds to his body and was not "doing well" and losing blood. Byron was not conscious or alert as [redacted] placed him onto the backboard. [redacted] placed Byron onto the Gurney where the EMT's with American Medical Response took over and placed Byron into an ambulance. [redacted] was unsure of the other fire department personnel on scene or who the EMT's were who worked on the ambulance. The EMT's transported Byron to a landing zone. [redacted] was asked several clarification questions but was unable to answer during my interview with him. [redacted] had no further information and I concluded my interview with him at 1326 hours.

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
C. Bennington	F8945	7/3/2023				

FURTHER ACTION:	COPIES TO:			REMARKS:
☐ YES ☐ NO	☐ Detectives	☐ SD/PD	☐ Other	
	☐ District Attorney	☐ CII		
5184-401 Revised 1/83 (CR2)		☐ Patrol		

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600	CASE NUMBER 172209341 REPORTING AREA

ODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Mondragon, Eugene (SBCSD)

ADDRESS	PHONE NUMBER

WITNESS INTERVIEW: AMERICAN MEDICAL RESPONSE TECHNICIAN [redacted]

On Wednesday, July 5, 2023, at about 1403 hours, I interviewed American Medical Response (AMR) Technician [redacted] via telephone. The interview was captured with my department-issued PUMA recorder. I uploaded a copy of the audio to the Command-VAULT system at the Victorville Police Station. The following is a summary of my interview with Cecil.

On August 11, 2022, [redacted] worked as an Emergency Medical Technician (EMT) for AMR and partnered with EMT [redacted] At about 1700 hours, [redacted] and [redacted] responded "Code 3" to a radio call for the sheriff's department who requested them to stage near [redacted] in Victorville. [redacted] drove to the requested staging area; however, was cleared in by the sheriff's department prior to arriving at their staging assignment. [redacted] was unsure where he responded from but remembered it took about 5-10 minutes to arrive at the location.

Once on scene, [redacted] observed numerous marked and unmarked police vehicles on Westway Lane to include a Special Weapons and Tactics (SWAT) armored vehicle, known as the "Bearcat." [redacted] observed several Law Enforcement personnel equipped with tactical vests. [redacted] exited the ambulance and retrieved a "backboard" while [redacted] retrieved medical bags. An unknown sheriff's department personnel escorted [redacted] into the scene and informed [redacted] to watch where he stepped due to the evidence in the street. [redacted] observed an unknown number of fired cartridge casings on the ground as he walked past sheriff's vehicles and into the residence at [redacted]

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
C. Bennington	F8945	7/3/2023	AZ689			

FURTHER ACTION:	COPIES TO:	☐ SD/PD	☐ Other	REMARKS:
☐ YES ☐ NO	☐ Detectives	☐ CII		
5-15184-401 Revised 1/83 (CR2)	☐ District Attorney	☐ Patrol		

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600	CASE NUMBER 172209341 REPORTING AREA

DE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Mondragon, Eugene (SBCSD)

ADDRESS | PHONE NUMBER

WITNESS INTERVIEW: AMERICAN MEDICAL RESPONSE TECHNICIAN [redacted] (cont)

Sheriff's personnel escorted [redacted] into the residence to an upstairs bedroom. Once in the bedroom, [redacted] observed a black male, later identified as Byron Hayes, lying in the supine position on the floor of the bedroom. Byron had his clothes on when [redacted] walked into the bedroom, however Byron's clothing was removed, [redacted] was unsure by who. There was a torniquet applied to one of Byron's arms by an unknown sheriff's deputy. [redacted] observed Byron's arms angulated, bleeding and suffering from gunshots wounds. Hayes was unconscious as [redacted] placed Hayes onto the medical backboard. [redacted] described not seeing any other evidence in the bedroom but did reiterate that he did not spend much time in the bedroom because medical personnel were rushing to get Byron into an ambulance and to the landing zone.

[redacted] asked fire personnel to assist him with lifting Byron onto the backboard and gurney in order to place Byron in the ambulance. [redacted] could not describe what medical treatment was being performed due to how fast the events unfolded. Once [redacted] placed Byron into the ambulance, he responded "Code 3" to the landing zone for transport. [redacted] described the landing zone to be at a nearby park but was unsure of the name. Prior to arriving at the landing zone, [redacted] was diverted to [redacted] where he responded, "Code 3", due to Cardiopulmonary resuscitation (CPR) in progress. [redacted] arrived at the hospital between 5-10 mins from being diverted from the landing zone and rushed Byron into the emergency department of [redacted] Again, [redacted] reiterated he could not remember a lot due to the fast-changing events on scene. [redacted] had no further information to provide and I concluded my interview with him at 1414 hours.

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
C. Bennington	F8945	7/3/2023				

FURTHER ACTION:	COPIES TO:			REMARKS:
☐ YES ☐ NO	☐ Detectives	☐ SD/PD	☐ Other	
	☐ District Attorney	☐ CII		
15184-401 Revised 1/83 (CR2)		☐ Patrol		

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600	CASE NUMBER 172209341
	REPORTING AREA VC5

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Mondragon, Eugene (SBCSD)

ADDRESS | PHONE NUMBER

WITNESS INTERVIEW: AMERICAN RESPONSE PARAMEDIC [redacted]

On Friday, July 7, 2023, at about 1335 hours, I interviewed American Medical Response (AMR) Paramedic [redacted], via telephone at the Victorville Police Station. I audio recorded the interview, and the audio was placed into the Command-VAULT system at the Victorville Police Station. The following is a summary of my interview with [redacted]

On August 11, 2022, [redacted] was employed with AMR assigned to Ambulance #VC158 and partnered with Emergency Medical Technician (EMT) [redacted] On August 11, 2022, at about 1814 hours, [redacted] and [redacted] were dispatched via radio dispatch and their LOJIS system (Mobile Docking Terminal) to stage in the area near [redacted] as a request from the Sheriff's Department. [redacted] arrived in the area at 1827 hours, however, [redacted] and [redacted] were immediately requested to the residence at [redacted] at 1830 hours.

When [redacted] was staged, she observed numerous under cover and marked sheriff's vehicles, a Special Weapons and Tactics "SWAT" truck, known as the bearcat, and several law enforcement personnel on the roofs of nearby homes. Once she was cleared in and walked up to [redacted] she observed shattered glass on the ground from a broken upstairs bedroom. [redacted] noticed fired cartridge casings on the ground. [redacted] entered the residence with her medical bags while [redacted] prepared the backboard. [redacted] walked into an upstairs bedroom where she observed the shattered

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
C. Bennington	F8945	7/3/2023	M. WARREN			3/16/2024

FURTHER ACTION:	COPIES TO:			REMARKS:
☐ YES ☐ NO	☐ Detectives	☐ SD/PD	☐ Other	
	☐ District Attorney	☐ CII		
5184-401 Revised 1/83 (CR2)		☐ Patrol		

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600	CASE NUMBER 172209341
	REPORTING AREA VC5

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Mondragon, Eugene (SBCSD)

ADDRESS | PHONE NUMBER

WITNESS INTERVIEW: AMERICAN RESPONSE PARAMEDIC [redacted] (cont)

window, shattered glass on the floor, a male patient, identified as Byron Hayes' lying on his back on the floor.

[redacted] remembered his feet were positioned closest to the shattered window and his head closer to the bedroom wall. [redacted] described Byron's position as if he stood in front of the window when he was shot.

There was a pool of blood around Byron and [redacted] noticed two tourniquets applied to both of Byron's arms. [redacted] also described seeing a "couple shell casings" in the bedroom where Byron was located. [redacted] was unsure if the shell casings were live bullets or already fired casings. A black firearm (unknown make and model) was on the floor in the same bedroom Byron was located. Byron's shirt was cut prior to [redacted] entering the room; however, his underwear was still on. [redacted] indicated the fire department was on scene with Byron for about two minutes prior to [redacted] arriving to the scene.

[redacted] remembered Byron was unresponsive with shallow breathing but breathed on his own. The fire department provided Byron Oxygen through a bag-valve-mask (BVM.) [redacted] observed Byron's arms angulated and remembered Byron sustained a bullet wound to his cheek, and through

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
C. Bennington	F8945	7/3/2023				

FURTHER ACTION:	COPIES TO:			REMARKS:
☐ YES ☐ NO	☐ Detectives	☐ SD/PD	☐ Other	
	☐ District Attorney	☐ CII		
15184-401 Revised 1/83 (CR2)		☐ Patrol		

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600	CASE NUMBER 172209341
	REPORTING AREA VC5

DE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	ADW on Peace Officer	LFE

VICTIM'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Mondragon, Eugene (SBCSD)

ADDRESS	PHONE NUMBER

WITNESS INTERVIEW: AMERICAN RESPONSE PARAMEDIC [redacted] (cont)

both forearms. [redacted] observed a paramedic with the fire department apply an intraosseous infusion (IO) on Byron's left leg.

[redacted] assisted by placing Byron onto the backboard and quickly took him to the ambulance for transport. [redacted] arrived with Byron at the landing zone, where care levels changed and the flight crew from the air ambulance intubated Byron prior to transporting him "code 3" by ground to [redacted] was seated in the rear of the ambulance with Byron and a firefighter/ paramedic. [redacted] said cardiopulmonary resuscitation (CPR) began at 1903 hours, and she assisted by providing breaths through the BVM. The firefighter/ paramedic administered medication through Byron's IO. [redacted] provided me with times via the call notes of specific times medication was administered. At 1905 hours, the first dose of epinephrine was administered via the IO. At 1910 hours, the second dose of epinephrine was administered. [redacted] noted that as CPR was being performed, she observed brain matter coming through a wound Byron sustained to the back of his head. At 1920 hours, [redacted] arrived at [redacted] Emergency Room Department. At 1922 hours, Byron was placed into a room in the emergency room where doctors and nurse staff assumed control over treatment.

[redacted] had no further information to provide, and I concluded my interview with her at 1353 hours.

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
C. Bennington	F8945	7/3/2023				

FURTHER ACTION:	COPIES TO:	☐ SD/PD	☐ Other	REMARKS:
☐ YES ☐ NO	☐ Detectives	☐ CII		
5184-401 Revised 1/83 (CR2)	☐ District Attorney	☐ Patrol		

VIDEO ANALYSIS

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

VIDEO ANALYSIS: [redacted] **Victorville**

On Thursday, August 11, 2022, at approximately 2240 hours, I spoke with [redacted] lived at [redacted] Victorville. [redacted] had multiple Ring security cameras on the exterior of her residence. [redacted] provide me with 16 video recordings related to the incident.

The recordings captured both video and audio. The quality of the recordings were poor and the pictures were grainy and difficult to decipher. The time stamp on the videos were the actual time but difficult to read.

The following are the file names provided by [redacted]

Video (2).mov
Video (5).mov
Video (6).mov
Video (7).mov
Video.mov
Video_1 (1).mov
Video_1.mov
Video_2 (1).mov
Video_2 (2).mov
Video_2.mov
Video_3 (1).mov
Video_3 (2).mov
Video_3 (3).mov
Video_3.mov
Video_4 (1).mov
Video_4.mov

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	AWD on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

VIDEO ANALYSIS: [redacted] **Victorville (Continued)**

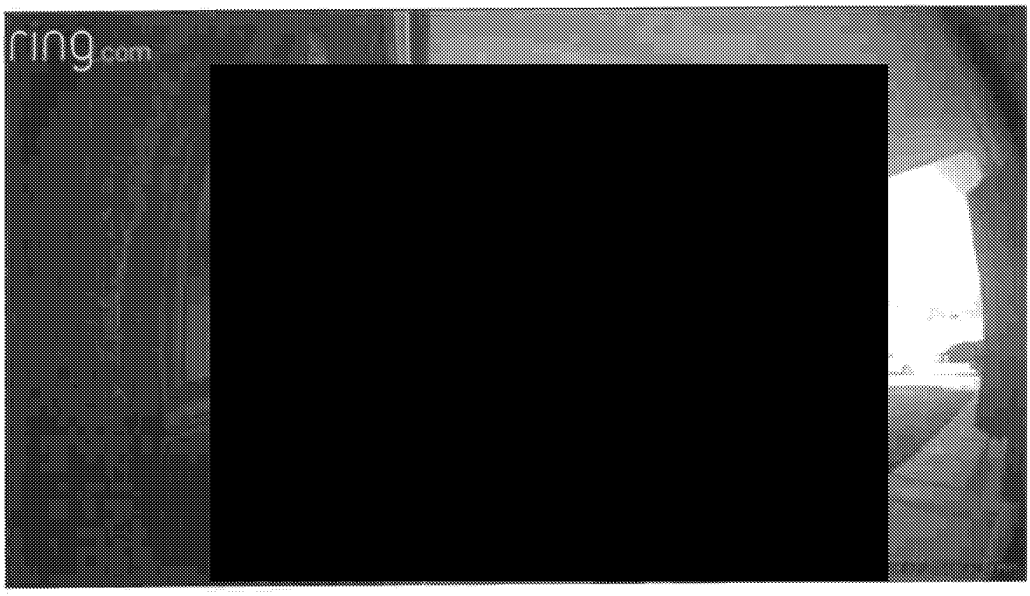
Video (6).mov

The frame rate for the recording was 568x320 and the frame rates were 14.34 frames per second. The video recording was 30 seconds long. The Ring camera faced [redacted] on an exterior wall near the front door. The following is a summary of the video recording.

The video had poor video and audio quality. There was a time stamp visible on the recording but due to the poor quality, I was unable to decipher the time stamp.

The video recorded an unknown White male adult knock on [redacted] front door. [redacted] answered the front door and spoke briefly with the male.

I did not observe any relevant information on the recording.



CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	AWD on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

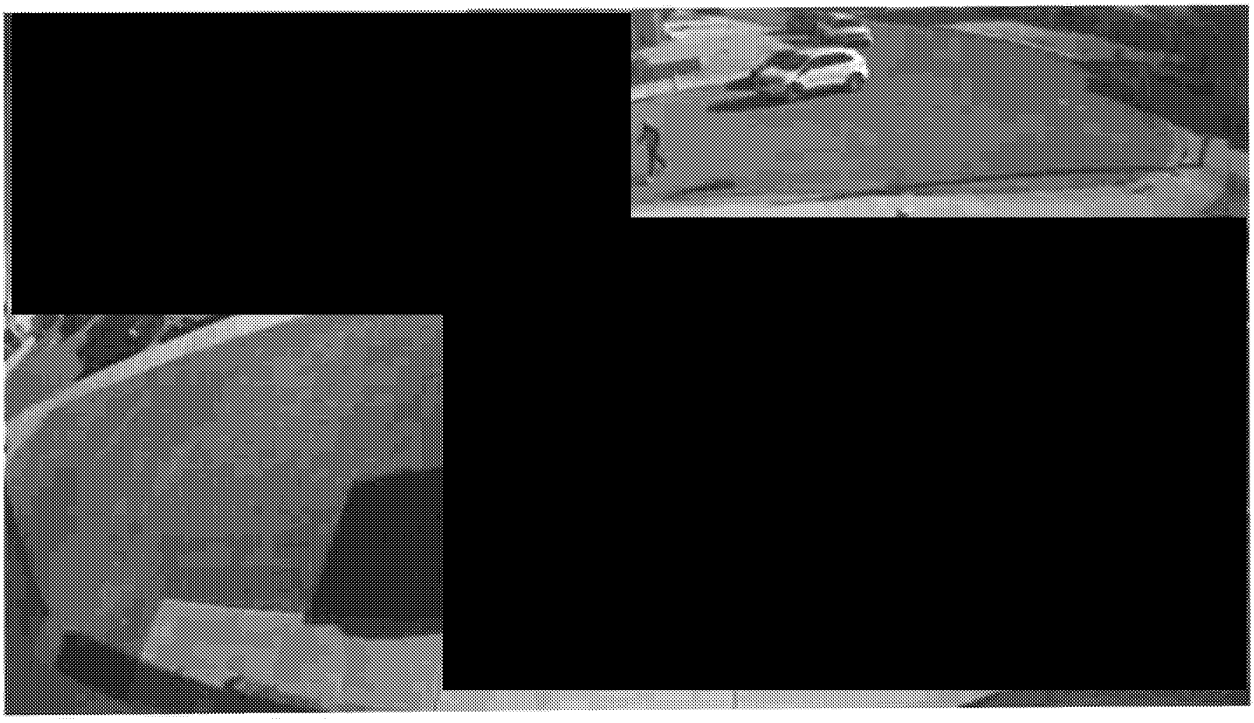
VIDEO ANALYSIS: [redacted] **Victorville (Continued)**

Video_1 (1).mov

The frame rate for the recording was 480x272 and the frame rates were 6.86 frames per second. The video recording was one minute, four seconds long. The Ring camera faced [redacted] toward the roadway and was mounted on the exterior of the residence above the garage. The following is a summary of the video recording.

The video had poor video and audio quality. There was a time stamp visible on the recording but due to the poor quality, I was unable to decipher the time stamp.

At 00:00, a Black male adult, later identified as Byron Hayes, walked east on [redacted] toward a dark gray unmarked Ford F150. At 00:18, the video and audio froze, and short moments of audio were heard. Two subjects were heard in the audio, but I was unable to understand what was said.



CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

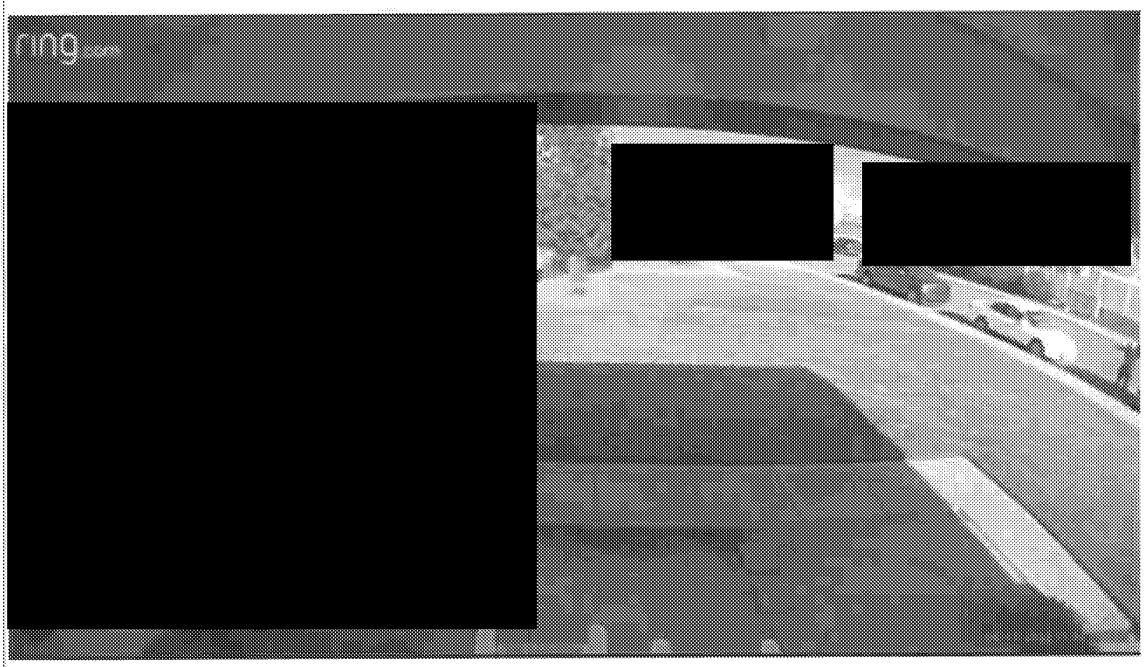
VIDEO ANALYSIS: [redacted] **Victorville (Continued)**

Video_1.mov

The frame rate for the recording was 480x272 and the frame rates were 6.86 frames per second. The video recording was one minute, four seconds long. The Ring camera faced [redacted] and was mounted on an exterior wall near the front door. The following is a summary of the video recording.

The video had poor video and audio quality. There was a time stamp visible on the recording but due to the poor quality, I was unable to decipher the time stamp.

At 00:20, Hayes walked [redacted] on [redacted] and approached the dark gray Ford F150. The unknown White male adult, watched from [redacted] front porch.



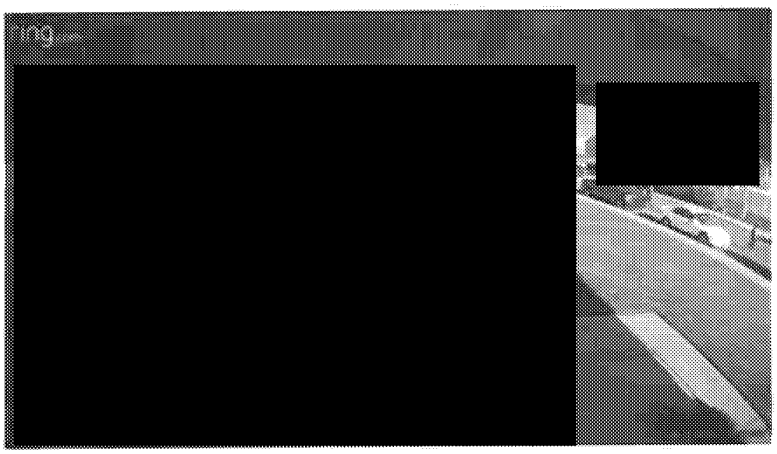
Video_2 (1).mov, Video_3 (3).mov, and **Video_2 (2).mov** were duplicates of Video_1.mov.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

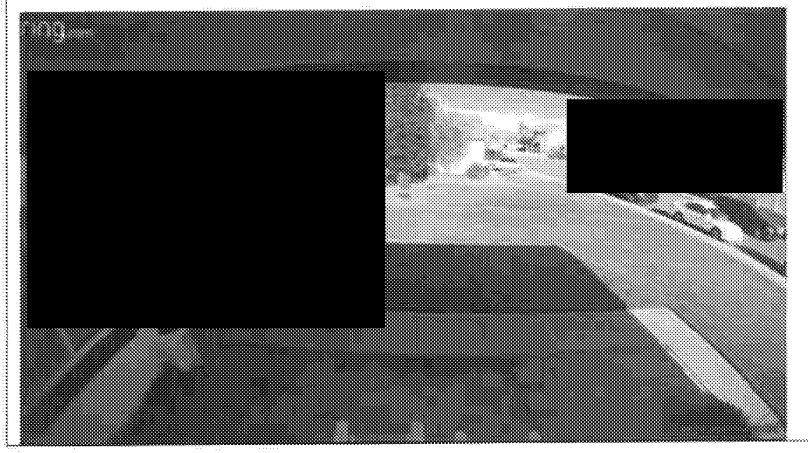
VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

VIDEO ANALYSIS: [redacted] **Victorville (Continued)**

At 00:40, Hayes walked to the driver side of the F150. Hayes' left hand was near his left pant pocket. Hayes walked away from the F150 toward his residence. An unknown subject got out of the driver seat of the F150 and told Hayes, "Get your fucking hand out of you pockets, got your hand in your pocket, Get your fucking hand out of your pocket." The subject pointed both his hands in front of him and appeared to point a firearm at Hayes. The subject said, "Right behind you, right behind you mother fucker." Both subjects walked [redacted] on [redacted] out of the recording.



At 00:54, a dark colored minivan approached at high speeds on [redacted]



CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	AWD on Peace Officer	LFE

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	Eugene		SBCSD

VIDEO ANALYSIS: [redacted] **Victorville (Continued)**

Video_3 (1).mov

The frame rate for the recording was 480x272 and the frame rates were 9.94 frames per second. The video recording was 1 minute, 12 seconds long. The Ring camera faced [redacted] toward the roadway and was mounted on the exterior of the residence above the garage. The following is a summary of the video recording.

The video had poor video and audio quality. There was a time stamp visible on the recording but due to the poor quality, I was unable to decipher the time stamp.

The video did not have relevant information for the case.

Video_3 (2).mov

The frame rate for the recording was 568x320 and the frame rates were 14.90 frames per second. The video recording was 30 seconds long. The Ring camera faced [redacted] on an exterior wall near the front door. The following is a summary of the video recording.

The video had poor video and audio quality. There was a time stamp visible on the recording but due to the poor quality, I was unable to decipher the time stamp.

At 00:00, an officer walked from the Ford F150 and yelled at Hayes telling him to show his hands.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

VIDEO ANALYSIS: [redacted] **Victorville (Continued)**

Video_4.mov

The frame rate for the recording was 480x272 and the frame rates were 19.84 frames per second. The video recording was one minute, two seconds long. The Ring camera faced [redacted] and was mounted on an exterior wall near the front door. The following is a summary of the video recording.

The video had poor video and audio quality. There was a time stamp visible on the recording but due to the poor quality, I was unable to decipher the time stamp.

At 00:43, the armored SED vehicle and several unmarked vehicles arrived on scene.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

VIDEO ANALYSIS: [redacted] **Victorville (Continued)**

Video (2).mov

The frame rate for the recording was 480x272 and the frame rates were 9.93 frames per second. The video recording was one minute, eight seconds long. The Ring camera pointed [redacted] toward the roadway and was mounted on the exterior of the residence above the garage. The following is a summary of the video recording.

The video had poor video and audio quality. There was a time stamp visible on the recording but due to the poor quality, I was unable to decipher the time stamp.

A subject, suspected to be Byron Hayes, yelled inaudible words throughout the recording. Several officers in tactical vests took cover behind a tactical vehicle and several unmarked patrol vehicles.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

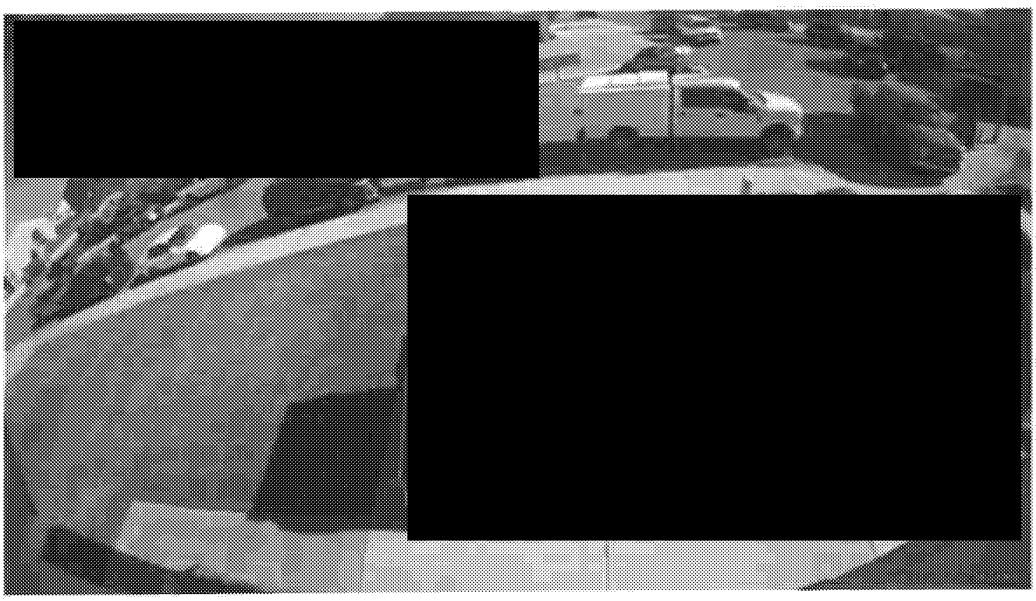
VIDEO ANALYSIS: [redacted] **Victorville (Continued)**

Video (5).mov

The frame rate for the recording was 480x272 and the frame rates were 2.67 frames per second. The video recording was one minute long. The Ring camera pointed [redacted] toward the roadway and was mounted on the exterior of the residence above the garage. The following is a summary of the video recording.

The video had poor video and audio quality. There was a time stamp visible on the recording but due to the poor quality, I was unable to decipher the time stamp.

At 00:01, and white pickup truck stopped in the roadway in front of the residence. Unknown subjects spoke throughout the video but due to the poor audio quality it was difficult to understand what was said. Several subjects gathered behind the armored vehicle in front of the residence. At 00:56, an unknown subject was heard speaking over an amplified device. The audio recording was poor quality, and I was unable to hear what was said.



Video_4 (1).mov was duplicate of Video (5).mov.

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

VIDEO ANALYSIS: [redacted] **Victorville (Continued)**

Video (7).mov

The frame rate for the recording was 480x272 and the frame rates were 9.97 frames per second. The video recording was 1 minute 56 seconds long. The Ring camera faced [redacted] toward the roadway and was mounted on the exterior of the residence above the garage. The following is a summary of the video recording.

The video had poor video and audio quality. There was a time stamp visible on the recording but due to the poor quality, I was unable to decipher the time stamp.

At 00:04, Hayes mentioned "In-n-out," and asked for a burger and fries. At 00:34 Hayes said something about "negotiator back." At 00:57, It was unclear what Hayes said, but he mentioned a "trigger." At 01:20, Hayes said, "you sound like my daddy or something." At 01:24, Hayes said, "I want a number two, animal style." At 01:30, Hayes counted down from five. At 01:47, multiple gunshots were heard. The volley of gunshots lasted approximately three seconds and was followed by a car alarm going off.

VIDEO ANALYSIS

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

VIDEO ANALYSIS: [redacted] **Victorville (Continued)**

Video.mov

The frame rate for the recording was 480x272 and the frame rates were 1.70 frames per second. The video recording was 12 minutes long. The Ring camera faced [redacted] toward the roadway and was mounted on the exterior of the residence above the garage. The following is a summary of the video recording.

The video had poor video and audio quality. There was a time stamp visible on the recording but due to the poor quality, I was unable to decipher the time stamp.

The beginning of the video showed both video and audio. At 02:02, the video froze, and the recording went to audio only. Nothing of significance was observed or heard on the recording.

VIDEO ANALYSIS

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**AWD on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

VIDEO ANALYSIS: [redacted] **Victorville (Continued)**

Video_2.mov

The frame rate for the recording was 480x272 and the frame rates were 19.88 frames per second. The video recording was one minute, two seconds long. The Ring camera faced [redacted] and was mounted on an exterior wall near the front door. The following is a summary of the video recording.

The video had poor video and audio quality. There was a time stamp visible on the recording but due to the poor quality, I was unable to decipher the time stamp.

Throughout the recording deputies made Public Announcements (PA) to Hayes. The audio was muffled, and it was unclear from the recording what was said.

Video_3.mov

The frame rate for the recording was 480x272 and the frame rates were 9.93 frames per second. The video recording was one minute, four seconds long. The Ring camera faced [redacted] and was mounted on an exterior wall near the front door. The following is a summary of the video recording.

The video had poor video and audio quality. There was a time stamp visible on the recording but due to the poor quality, I was unable to decipher the time stamp.

The video did not show anything relevant for the investigation.

This concluded the video recording analysis.

BODY WORN CAMERA REVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

BODY WORN CAMERA VIDEO REVIEW: LAPD Officer Timothy Pecina

On Monday, July 31, 2023, at approximately 1100 hours, I reviewed and summarized Los Angeles Police Department (LAPD) Officer Timothy Pecina's recorded body-worn camera (BWC) footage. Pecina's recorded BWC footage captured the suspect, Byron Hayes, other LAPD officers, and incidents that took place before, during, and after the lethal force encounter (LFE) involving the San Bernardino County Sheriff's Department (SBCSD) Specialized Enforcement Division (SED) personnel, which occurred on Thursday, August 11, 2022. I obtained Pecina's recorded BWC footage from our digital case file, and it was titled [redacted]

According to Pecina's recorded BWC footage, the camera which captured the incident was an AXON BODY 3. Based on the recording and officer processing, I determined the camera was affixed to Pecina's load-bearing ballistic vest at the right center of his chest below the "LOS ANGELES POLICE" patch. During multiple instances on the recording, both of Pecina's arms were extended out in front of him, and his hands held a black handgun, which helped me establish the position of the BWC.

The video date stamp was accurate, and the timestamp was set to pacific standard time. Pecina's recorded BWC footage lasted 50 minutes and 53 seconds. The timestamp on the VideoLAN (VLC) media player was used when summarizing Pecina's recorded BWC footage. The video was reviewed in individual frames at a 30.01-frame rate per second, with a 1280 x 720 pixels video resolution.

The following is a summary of Pecina's recorded BWC footage.

00:00 – Pecina was parked in a residential area under a large tree. Pecina sat in the driver's seat, and his partner LAPD Detective Casey Cox, sat in the front passenger seat. Cox held a handheld transmitter (HT) in his right hand. The area was sunny, and the recording did not have audio for the first two minutes of the video, which is a standard function for AXON BODY 3.

01:19 – Pecina placed the vehicle in drive and turned the steering wheel to the left with his left hand. With both hands on the steering wheel, Pecina drove forward slowly. Pecina turned right onto an unknown street, and the vehicle accelerated.

02:00 – Pecina pressed a button on the BWC which activated the audio function. A radio broadcast was heard in the background of a male's voice saying, "He's running, he's running. He's running back inside. He's running back inside."

BODY WORN CAMERA REVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

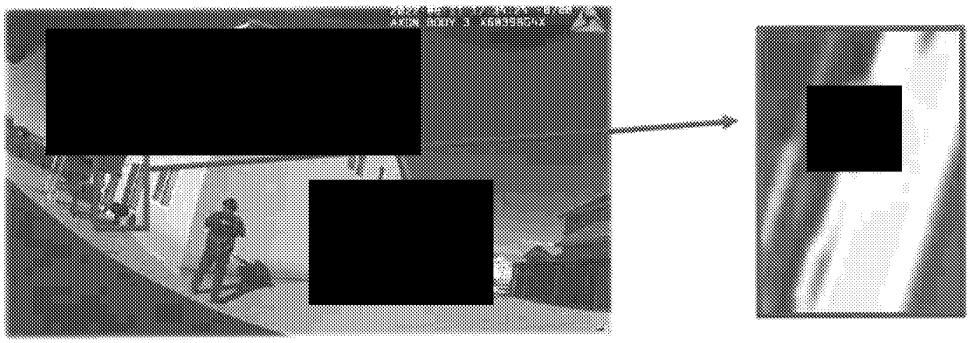
BODY WORN CAMERA VIDEO REVIEW: LAPD Officer Timothy Pecina

02:06 - Pecina stopped the vehicle, placed the gear in park, and quickly exited through the driver's door. Pecina ran to the front door of [redacted] Victorville (Hayes' residence), retrieved his black handgun from the holster, and kicked the double front door to the residence with his right foot. LAPD Detective Romeo Tamparong appeared in camera view to Pecina's right and said, "Hold it hold it hold it." Tamparong walked toward the driveway out of camera view. Pecina told Tamparong he had the door.

02:22 - A male's voice was heard in the background saying, "In the back, in the back." Pecina ran toward the [redacted] corner of the property, jumped the chain-link fence onto the backyard of Hayes' residence, and ran to the [redacted] corner. Pecina faced the rear of the residence.

02:43 - Cox appeared in Pecina's recording as he entered the backyard through a chain link pedestrian door just [redacted] where Pecina jumped the fence. LAPD Officer Sam Oh jumped the gate at the same location as Pecina. Pecina stood at the [redacted] corner of the backyard, and Cox held a rifle at the [redacted] corner of the residence. Pecina and Cox faced a northern direction toward a back sliding door and upstairs balcony located on the [redacted] side of the residence. The view of the residence became obstructed by Pecina's arm.

03:35 - Pecina announced he had movement at the door. Pecina told Cox, "He's coming out." Pecina pointed his handgun toward the downstairs sliding glass door and shouted, "Let me see your hands. Get your fucken hands up!" "Come out with your hands up."



04:06 - Pecina confirmed with Cox the suspect in the residence was Hayes.

BODY WORN CAMERA REVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

BODY WORN CAMERA VIDEO REVIEW: LAPD Officer Timothy Pecina

04:24 - SBCSD SED Deputy Jeffrey Henry began announcements with a public announcement (PA) system and said, "Occupants at [redacted] Victorville. This is the San Bernardino County Sheriff's Department. We have a search warrant for the location. All occupants of the residence come through the front door, unarmed, with your hands in the air."

04:44 - Oh called Pecina and Cox toward the front of the residence.

05:03 - As Pecina walked toward Cox, Hayes exited the sliding door to the balcony. Cox and Pecina told Hayes to put his hands up. Hayes placed his hands above his head and held a bottle in his left hand. Hayes wore dark clothing and a light-colored baseball-style cap on his head. Cox told Hayes he had a warrant for his arrest. Hayes repeatedly asked, "For what?" Hayes asked what he was being arrested for. Pecina told Hayes he was being arrested on a warrant. Hayes stood at the southwest corner of the balcony and spoke with Pecina and Cox. Cox used his HT and broadcasted his contact with Hayes. Cox asked Hayes to go to the front of the residence, but Hayes refused and said, "I'm not coming to the front door. You not finna shoot me neither. I'm not gonna let you neither, and I have a semi-automatic, so we're gonna figure this out right now!" Cox broadcasted Hayes' statements. Hayes re-entered the residence through the sliding door.

07:13 - SBCSD SED announcements continued in the background. Hayes was heard in the background as he communicated with SED at the front of the residence. Pecina and Cox maintained their position in the backyard of the residence. Several voices were heard talking from a distance.

BODY WORN CAMERA REVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

BODY WORN CAMERA VIDEO REVIEW: LAPD Officer Timothy Pecina

12:38 - Hayes walked back outside to the balcony. Cox told Hayes to show him his hands. Cox told Hayes to go back to the front of the residence and communicate with the officers. Hayes walked back inside the residence and continued to communicate with SED at the front of the residence. Hayes and SED personnel were heard talking in the background.

16:04 - Hayes returned to the rear balcony. Cox told Hayes, "Go out the front door. I heard them tell you that." Hayes left the rear of the residence, and Cox no longer communicated with him. Pecina's BWC faced toward the [redacted] fence and [redacted] Hayes' voice was heard in the background, but I could not determine what was said.

Between 16:30 and 38:33 - Pecina's BWC faced toward the [redacted] fence and [redacted] Hayes' voice was heard in the background, but I was unable to make out what was said. Dogs were sporadically heard barking in the background.

38:34 - Cox told Pecina to follow him [redacted] across the backyard of the residence.

38:46 - As Cox and Pecina reached the [redacted] side of the backyard, several gunshots were heard in rapid succession. Pecina stood at the [redacted] corner of the residence in the backyard and faced [redacted] with his handgun pointed in a [redacted] direction.

40:41 - Cox broadcasted on his HT his and Pecina's location was the "3-4 corner."

41:38 - Loud banging sounds were heard in the background. Cox confirmed on the HT that SED personnel attempted entry into the residence.

44:10 - Cox advised Pecina SED personnel approached from behind. SED personnel appeared in the BWC video and walked toward the rear sliding door of the residence. Cox and Pecina exited the backyard through a gate on the [redacted] side of the residence. Cox and Pecina walked behind vehicles parked in the driveway [redacted] of Hayes' residence at [redacted] and stood by the front porch.

45:19 - LAPD Detectives Matt Stuart, Tamparong, and Joseph Ruvalcaba walked [redacted] on the driveway and stood with Cox and Pecina until the end of the recording.

End of the BWC video at 50:53.

BODY WORN CAMERA REVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

BODY WORN CAMERA VIDEO REVIEW: LAPD Officer Sam Oh

On Monday, August 7, 2023, at approximately 1445 hours, I reviewed and summarized Los Angeles Police Department (LAPD) Officer Sam Oh's recorded body-worn camera (BWC) footage. Oh's recorded BWC footage captured the suspect, Byron Hayes, other LAPD officers, and incidents that took place before, during, and after the lethal force encounter (LFE) involving the San Bernardino County Sheriff's Department (SBCSD) Specialized Enforcement Division (SED) personnel, which occurred on Thursday, August 11, 2022. I obtained Oh's recorded BWC footage from our digital case file, and it was titled [redacted]

According to Oh's recorded BWC footage, the camera which captured the incident was an AXON BODY 3. Based on the recording and officer processing, I determined the camera was affixed to Oh's load-bearing ballistic vest on the right side of his chest above his Handheld transmitter (HT).

The video date stamp was accurate, and the timestamp was set to pacific standard time. Oh's recorded BWC footage lasted 48 minutes and 07 seconds. The timestamp on the VideoLAN (VLC) media player was used when summarizing Oh's recorded BWC footage. The video was reviewed in individual frames at a 30.01-frame rate per second, with a 1280 x 720 pixels video resolution.

The following is a summary of Oh's recorded BWC footage.

00:00 – Oh stood in the roadway behind (east of) a black LAPD unmarked sports utility vehicle (SUV) and spoke with SBCSD Deputy Clarence Harris, SBCSD SED Sergeant Michael Sandlin, and LAPD Detective Brian Whetsel. Oh pointed in various directions as he spoke with Whetsel. The area was sunny, and the recording did not have audio for the first two minutes of the video, which is a standard function for AXON BODY 3.

02:00 – Oh pressed a button on the BWC which activated the audio function. Radio traffic was heard in the background. Oh communicated with LAPD Officer Dennis Goynes over the cellular phone. Oh instructed Goynes to stage on [redacted]

03:02 – Oh walked to the rear of the black SUV. Southwest of Oh and on the passenger side of a black LAPD Ford Explorer were SBCSD SED Detective Eugene Mondragon and Deputy Chris Haas. [redacted] of Oh were several SBCSD SED personnel at the rear of a SBCSD SED armored vehicle (Bearcat).

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

BODY WORN CAMERA VIDEO REVIEW: LAPD Officer Sam Oh (Continued)

03:08 - In the background, Clarence communicated with the suspect, Byron Hayes, and advised Hayes he was a negotiator. Oh approached Sandlin and advised him the LAPD officers posted in the backyard of Hayes' residence would head [redacted] through the backyard and exit the property. Oh walked back to the [redacted] side behind the black SUV. Hayes' was continually heard in the background as he cursed at SED personnel.

05:14 - Oh walked [redacted] across the roadway to Whetsel and LAPD Lieutenant Charles Baley, who stood behind a white utility truck. Oh informed Baley of his advisal to Sandlin about the LAPD officer in Hayes' backyard. Oh walked back across the roadway with Whetsel to the black SUV.

05:54 - Whetsel and Oh spoke with Harris. Harris asked Oh to have the LAPD officers staged at [redacted] head to the incident location. Seconds later, Harris turned around and told Oh to have the LAPD officers stand by. Hayes was heard in the background communicating with SED personnel.

07:22 - Whetsel approached SBCSD SED Detective Michael Corral and asked for permission to have Detectives Casy Cox and Pecina move [redacted] through the backyard and exit the property. Hayes was heard in the background. Hayes requested a meal from the In-N-Out restaurant. Hayes started to count down from five.

08:07 - A volley of several gunshots was heard, followed by a vehicle alarm in the background. Oh and Whetsel stood behind SED personnel during the gunfire. SED personnel communicated with each other as Oh maintained his position behind them.

09:40 - Whetsel reapproached Corral and asked for permission to have Cox and Pecina move [redacted] through the backyard and exit the property. Corral told Whetsel to have the LAPD officers in the backyard hold their position.

10:27 - Oh called Phillpot and Goynes and told them Hayes pointed a gun at SED personnel. Oh ended his conversation with Phillpot and Goynes. SED personnel was heard in the background attempting to communicate with Hayes and told him they wanted to help him. SED's unmanned aerial system (drone) was heard in the background.

12:15 - Whetsel advised SED personnel there were four LAPD officers in the backyard. SED Corporal Bela Lukacs remote-controlled the robot near Whetsel and Oh.

BODY WORN CAMERA REVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

BODY WORN CAMERA VIDEO REVIEW: LAPD Officer Sam Oh (Continued)

13:20 – Whetsel broadcasted to the LAPD officers in the backyard SED personnel was enroute to enter the backyard from the north side of the property.

Between 13:39 and 20:41 – The drone flew above Oh and other law enforcement personnel at the front of the residence. Oh maintained his position on the front passenger side of the black SUV.

20:42 – Oh walked [redacted] on [redacted] to an LAPD unmarked silver GMC SUV parked in the roadway faced [redacted] Oh remained at the location and conducted traffic control until the end of the recording.

End of the BWC video at 48:07.

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: [redacted]

On Thursday, August 11, 2022, at approximately 2202 hours, I interviewed [redacted] at his residence in the [redacted] block of [redacted] Victorville. I recorded the interview with my department-issued digital audio recorder. The following is a summary of my recorded contact with [redacted]

On Thursday, August 11, 2022, at approximately 1530 hours, [redacted] looked out his front door through a mesh screen door and saw a tactical vehicle in the driveway of the residence at [redacted] saw several police vehicles in the area. [redacted] described the police vehicles as black Chrysler vans. [redacted] believed the Chrysler vans were police vehicles because he saw police officers getting in and out of the Chrysler vans. [redacted] did not see any emergency lights or hear any sirens. [redacted] knew they were police officers because they wore helmets, black vests that said police on the back, and they had handguns on their hips. [redacted] believed he saw one of the police officers with a rifle, but he was not certain.

[redacted] saw a male, later identified as Byron Hayes, leaning out the second-story window at [redacted] heard Hayes say he was going to kill himself. Hayes was in the upstairs window in the middle of the building. Hayes held a gun in his hand and talked to the law enforcement personnel who were in the driveway. Hayes laughed and joked and progressively became louder.

[redacted] heard Hayes countdown from approximately four to one. After Hayes said "one," [redacted] heard a single gunshot, a slight pause that lasted for less than a second, followed by multiple gunshots. According to [redacted] it appeared Hayes fired a round at law enforcement and they fired back. It sounded like five separate guns were fired. The gunfire stopped almost immediately.

[redacted] did not hear or see anything unusual before he looked out and saw law enforcement in the road. Law enforcement was on scene for approximately two and a half to three hours before [redacted] heard gunfire.

At approximately 1630 hours, [redacted] heard a siren from a fire truck. A fire truck pulled up and three paramedics went inside the house. A short time after, an ambulance arrived. Two paramedics got out of the ambulance and entered [redacted]. Two additional paramedics got out of the ambulance, grabbed a gurney, and went inside [redacted] never saw the gurney exit [redacted] At approximately 1900 hours, the ambulance left.

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: [redacted] (CONTINUED)

[redacted] lived at the location for approximately one month and did not know many of the neighbors around. [redacted] never talked to the residents at [redacted] did not know Hayes and would not recognize him if he saw him on the street.

[redacted] had a camera on his residence. The camera was motion activated and recorded [redacted] to the [redacted] of [redacted] provided me access to the camera recording and there were no recordings of the incident. [redacted] allowed me to save a copy of the motion-activated video. I saved a copy of the video recording, and it was later submitted as evidence.

[redacted] had no additional information, and I concluded the interview.

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: [redacted]

On Thursday, August 11, 2022, at approximately 2151 hours, I interviewed [redacted] at his residence in the [redacted] block of [redacted], Victorville. I recorded the interview with my department-issued digital audio recorder. The following is a summary of my recorded contact with [redacted]

On Thursday, August 11, 2022, [redacted] was at home by himself. [redacted] arrived home around 1500 hours. At approximately 1800 hours, [redacted] was in his living room watching television when he heard what he thought was the sound of a plastic garbage can being slammed shut. Kim's blinds, doors, and windows were all closed. [redacted] heard the sound twice and described it as "pop pop." [redacted] dogs briefly barked and then stopped. [redacted] looked outside and saw a law enforcement SWAT team on the road. [redacted] resumed watching television and didn't bother to check out the situation further.

The only neighbor [redacted] knew, was the Army Recruiter to his [redacted] never interacted with any of the neighbors. [redacted] had a camera on his house, but he did not pay the subscription fee and it did not record. [redacted] had no idea why law enforcement was on his road and did not know what happened.

[redacted] had no additional information, and I concluded the interview.

MW
Reviewed By: **Sergeant Michael Warrick** Date: 2/16/2024 Author: **Detective Ian Gosswiller** Author Date: **01/09/2023**

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: [redacted]

On Thursday, August 11, 2022, at approximately 2246 hours, I interviewed [redacted] at her residence in the [redacted] block of [redacted] Victorville. I recorded the interview with my department-issued digital audio recorder. The recording was later submitted as evidence. The following is a summary of my recorded interview with [redacted]

On Thursday, August 11, 2022, at approximately 0930 hours, a male wearing a neon orange construction vest came to [redacted] house and said he was from the gas company. The male looked like a meter reader, but he did not have any insignias from the gas company. The male in the orange vest told [redacted] he was going to be working on the gas line because they were going to build houses behind her house. The male in the orange vest told [redacted] he wanted her to be aware there could be some of his coworkers in the area and he did not want her to be alarmed. [redacted] neighbor to the [redacted] unknown last name, told [redacted] land developers planned on building behind [redacted] house, so [redacted] did not think it was unusual at the time.

At approximately 1000 hours, [redacted] left her house. [redacted] took her child to an appointment in Fontana, and she did not return home until approximately 1630 hours. [redacted] did not notice anything unusual when she returned home.

Shortly after [redacted] arrived home, she looked out her window and saw approximately two law enforcement officers in the backyard of [redacted], three in her side yard, and four next to the armored vehicle. The officers wore equipment and vests consistent with what [redacted] believed a Special Weapons and Tactics (SWAT) team would wear. The officers gave commands saying, "we have a search warrant," and "come out with your hands up!"

[redacted] and her [redacted] sat on the floor in the upstairs bedroom to be out of the way if something happened. [redacted] and her [redacted] did not have a visual of the situation. An officer knocked on [redacted] door and asked if she had a key to the black gate which led to the backyard of her residence. [redacted] gave the officer the gate key.

[redacted] called her [redacted] who was supposed to come home, and told him he was not going to be able to come home at that time. [redacted] called [redacted] and [redacted] told her there was someone in the window at [redacted] who refused to come out of the house. [redacted] told [redacted] she heard law enforcement call for a negotiator.

[redacted] heard law enforcement give commands for approximately one hour before she heard approximately three or four gunshots in rapid succession. [redacted] could not tell if the gunshots were from one or multiple guns. [redacted] dropped to the ground inside her house and waited.

MW
Reviewed By: **Sergeant Michael Warrick** Date: 2/16/2024 Author: **Detective Ian Gosswiller** Author Date: **01/25/2023**

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: [redacted] (CONTINUED)

The gunshots stopped, and a short time later an ambulance arrived at the location. [redacted] read on Facebook the male from [redacted] was picked up by a helicopter at the [redacted]

[redacted] previously spoke with the adult female who lived at [redacted] but she did not know her name. [redacted] believed the female lived by herself. [redacted] never saw anything unusual at [redacted] had Ring Video cameras that were motion activated. The cameras did not face [redacted] and did not capture the incident.

[redacted] had no additional information, and I concluded the interview.

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
P.C. 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: [redacted]

On Thursday, August 11, 2022, at approximately 2234 hours, I interviewed [redacted] at his residence in the [redacted] block of [redacted] Victorville. I recorded the interview with my department-issued digital audio recorder. The following is a summary of my recorded interview with [redacted]

[redacted] lived at his residence on [redacted] for approximately [redacted] On Thursday, August 11, 2022, at an unknown time after noon, [redacted] was home with his [redacted] and his [redacted] when he heard what he thought was the police saying, "come out with your hands up!" [redacted] was familiar with law enforcement giving commands and believed whomever the police were talking to, heard the commands from law enforcement. [redacted] was inside with the windows and doors closed and he clearly heard the commands. [redacted] was downstairs with his [redacted] fixing them food.

[redacted] heard what he recognized as gunshots. [redacted] heard approximately five to six gunshots in rapid succession. [redacted] grew up in Los Angeles so he was familiar with the sound of gunshots. [redacted] was not sure where the gunshots came from. [redacted] focused on protecting the [redacted] inside his house.

[redacted] learned the police were talking to someone inside [redacted] Chapman did not know the people who lived at [redacted] and had never talked to them.

Approximately 10 to 15 minutes after [redacted] heard the gunshots, an ambulance arrived at the location. [redacted] did not see what the ambulance personnel did after they arrived. [redacted] did not see who shot and was inside his house with his [redacted] for the entirety of the incident. According to [redacted] was a quiet street and there was never any commotion.

[redacted] had no additional information, and I concluded the interview.

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: [redacted]

On Thursday, August 11, 2022, at approximately 2336 hours, I interviewed [redacted] in the front yard of her residence at [redacted] Victorville. I recorded the interview on my department-issued digital audio recorder, and the recording was later submitted as evidence. The following is a summary of my interview with [redacted]

[redacted] lived in her residence [redacted] did not know the subjects that lived at [redacted], Victorville. On Thursday, August 11, 2022, at approximately 1145 hours, [redacted] left her residence. [redacted] noticed a vehicle parked on the street in front of her residence. [redacted] believed the vehicle belonged to law enforcement and was doing surveillance of the neighborhood.

At approximately 1530 hours, [redacted] drove [redacted] on [redacted] and pulled in her driveway. [redacted] observed approximately 10 officers wearing tactical gear. [redacted] was approximately 200 yards away from the officers and could not tell if there was any law enforcement insignia on their tactical gear. There was an armored vehicle in the roadway in front of the residence. A Black male adult, identified Byron Hayes, stood in a second-story window facing the officers. Hayes yelled multiple things at the officers including, "You are going to ruin my life," "What are you doing to me," "I am not going to come out," and "I don't need to come out." [redacted] heard the officers tell Hayes to "come out with your hands up," and "come out unarmed."

[redacted] went into her residence and checked on her two [redacted]. From inside her residence, [redacted] heard law enforcement give commands to Hayes. [redacted] walls muffled the sound, and she could not hear what specific commands were given to Hayes. [redacted] believed the commands sounded like they were coming from an amplified device.

At approximately 1545 hours, [redacted] was in the back of her residence and heard multiple gunshots. There were several gunshots in rapid succession. [redacted] dogs began to bark and she tried to look out a window and see what happened down the street. [redacted] did not have a clear view of the incident from her windows. [redacted] heard something banging and believed the sound was law enforcement trying to get in the front door of Hayes' residence. [redacted] saw firefighters arrive and escort a subject wearing a white shirt into an ambulance.

[redacted] did not provide any additional information, and I concluded my interview with her.

MW
Reviewed By: **Sergeant Michael Warrick** Date: 2/16/2024 Author: **Deputy Dylan Gosswiller** Author Date: **01/20/2023**

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: [redacted]

On Thursday, August 11, 2022, at approximately 2152 hours, I interviewed [redacted] in the dining room of [redacted] Victorville. I recorded the interview on my department-issued digital audio recorder, and the recording was later submitted as evidence. The following is a summary of my interview with [redacted]

[redacted] lived at the residence with her [redacted] was familiar with the family that lived at [redacted] Victorville. According to [redacted] A Black female adult lived at the residence with her approximately [redacted] female [redacted] The Black female adult lived in the residence when [redacted] moved into her [redacted]. Sometime during the Covid-19 pandemic, a Black male adult moved into the residence with the [redacted] and [redacted] The Black male frequently drove expensive vehicles. One week the Black male drove a Maserati, the next week he drove a Jaguar, and at one point he drove a McClaren. [redacted] spoke with the male subject in passing several times but did not know his name. According to [redacted] the white Jaguar in the driveway belonged to the male.

On Thursday, August 11, 2022, at approximately 0700 hours, [redacted] noticed a black truck with its engine running parked on the [redacted] side on [redacted] in front of her residence. At approximately 1530 hours, [redacted] walked south on [redacted] and observed a second vehicle parked on the side of the roadway with its engine running. The vehicle had a sunscreen blocking the windshield. [redacted] assumed the vehicles belonged to law enforcement and they were watching something in the neighborhood.

At approximately 1730 hours, a White male adult arrived at [redacted] residence to pick up some paperwork. [redacted] did not know the name of the White male adult. [redacted] met with the White male adult at the front door and provided him with the paperwork. [redacted] returned inside the residence and told [redacted] there were guns outside and to get on the floor. [redacted] and [redacted] looked out the front window of their residence and saw approximately 12 vehicles drive [redacted] toward [redacted] and [redacted] remained in hiding for approximately one hour. At approximately 1745 hours, [redacted] heard law enforcement announce over the Public Announcement (PA) system for the neighboring residents to stay in their houses. [redacted] heard law enforcement speaking with each other but could not hear what was said.

At approximately 1750 hours, [redacted] looked out the front window of their residence and saw the suspect, Byron Hayes, looking out a second story window of [redacted] heard Hayes yell from his window and say, "You're not my father" or "You're not my daddy." [redacted] heard an unknown subject request for a negotiator and heard an unknown subject count down from five to zero.

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: [redacted] (Continued)

There was a pause in the speaking. At approximately 1805 hours, [redacted] heard approximately five gunshots. The gunshots continued for several seconds then stopped.

[redacted] looked at her Ring camera system to see where the gunshots were coming from. At approximately 1810 hours, through the Ring camera, [redacted] saw deputies approach the residence on foot. [redacted] heard several loud bangs she assumed were deputies entering the residence. At approximately 1820 hours, a fire truck from an unknown department arrived in front of Hayes' residence.

[redacted] gave me permission to view her Ring camera footage but told me I needed to speak with [redacted] to obtain the recordings.

[redacted] did not provide any additional information, and I concluded my interview with her.

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: [redacted]

On Thursday, August 11, 2022, at approximately 2240 hours, I interviewed [redacted] in the dining room of [redacted] Victorville. I recorded the interview on my department-issued digital audio recorder, and the recording was later submitted as evidence. The following is a summary of my interview with [redacted]

[redacted] lived at [redacted] Victorville, with her [redacted] lived at the residence for approximately [redacted] was not familiar with the subjects who lived at [redacted] Victorville. [redacted] did not know the names of the subjects but had observed three people living at the residence. [redacted] saw an approximately [redacted] female, an autistic [redacted] female, and a male approximately in his [redacted]. The male was a Black male adult, thin, approximately 6' tall, with short hair. The family was known to drive expensive vehicles. The subjects kept to themselves and did not cause disturbances in the neighborhood.

On Thursday, August 11, 2022, at approximately 0815 hours, [redacted] woke up and went outside to receive delivery of a large trash can. [redacted] had intentions to spend the day cleaning her residence. [redacted] noticed a gray pickup truck parked in front of her residence with the engine running. [redacted] thought it was odd for a vehicle to be parked in front of her residence. At approximately 1730 hours, an unidentified subject went to [redacted] residence to pick up a check. As [redacted] spoke with the subject, [redacted] noticed the truck remained parked in front of her residence. As [redacted] spoke with the subject in front of her residence, A Black male adult, later identified as Byron Hayes, walked away from the gray truck. A subject who wore a T-shirt, jeans, and black tactical vest exited the truck. [redacted] was unable to see if the tactical vest had any writing on it. Hayes appeared to be the subject that lived at [redacted] The subject yelled at Hayes and instructed Hayes to get his hands out of his pockets, and told Hayes he was behind him and had a gun. The subject held a pistol with both his hands and pointed it at Hayes. [redacted] was unable to see if Hayes held anything or had his hands in his pockets.

[redacted] closed her front door and ran into her residence. [redacted] left the subject who was picking up the check on her front porch. As [redacted] ran into her residence, she tripped and fell to the ground. [redacted] told [redacted] the subjects outside had firearms and instructed her to take cover. [redacted] slowly worked her way to the front door and spoke with the subject who was picking up the check. The subject picking the check told [redacted] everything was fine, and Hayes jumped over a fence. [redacted] and [redacted] remained in hiding for approximately one hour. [redacted] heard a commotion outside but was unsure what happened. [redacted] heard people talking, possibly over a public announcement (PA) speaker, but was unable to hear what was said.

MW
Reviewed By: **Sergeant Michael Warrick** Date: 2/16/2024 Author: **Deputy Dylan Gosswiller** Author Date: **01/06/2023**

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: [redacted] **(Continued)**

[redacted] observed an armored vehicle and multiple unmarked vehicles approach the residence from [redacted] and [redacted] watched the incident through their Ring cameras and through their front window.

At approximately 1750 hours, [redacted] went outside her residence and saw Hayes standing in second story window of the residence located at [redacted] walked into her front yard and saw several officers using vehicles for cover. The officers had handguns, rifles, and wore tactical vests. Some of the officers had patches on their shoulders and some of the tactical vests had "Police" printed on them. [redacted] heard Hayes say he needed to take a "number two" and asked for a negotiator.

[redacted] went back into her house and continued to watch the incident on her Ring cameras. At approximately 1809 hours, Hayes told law enforcement he was not coming out of the residence. [redacted] heard someone count down from four, three, two, then heard approximately four to five gunshots. The gunshots lasted approximately two seconds. After the gunshots, [redacted] heard some banging at [redacted] After approximately 15 minutes of silence, several law enforcements officers moved away from the incident location. A fire engine responded and loaded an unknown subject into an ambulance.

[redacted] had several cameras located outside her residence. [redacted] agreed to email me copies of the video surveillance.

[redacted] did not provide any additional information, and I concluded my interview with her.

WITNESS INTERVIEW

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 172209341
H# 2022-100

CODE SECTION	CRIME	CLASSIFICATION
PC 245(D)(2)	**ADW on Peace Officer**	**LFE**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Mondragon	**Eugene**		**SBCSD**

WITNESS INTERVIEW: [redacted]

On Thursday, August 11, 2022, at approximately 2137 hours, I interviewed [redacted] in the roadway of [redacted] Victorville. I recorded the interview on my department-issued digital audio recorder, and the recording was later submitted as evidence. The following is a summary of my interview with [redacted]

[redacted] arrived at the location with several of his family members. [redacted] claimed to be the [redacted] of Byron Hayes. According to [redacted] and his [redacted] owned the residence located at [redacted] Victorville. [redacted] did not live at the residence. [redacted] demanded to know the reason law enforcement contacted Byron. I advised [redacted] we were investigating the incident and had limited information to provide at the time of our contact. [redacted] refused to provide a statement until he knew why law enforcement was at the location.

[redacted] refused to provide any additional information and walked away from me.

Reviewed By: **Sergeant Michael Warrick** MW Date: 2/16/2024 Author: **Deputy Dylan Gosswiller** Author Date: **01/26/2023**