



INTEROFFICE MEMORANDUM

DATE: March 16, 2018

FROM: **Lynette Grulke,**
Deputy District Attorney
Rancho Cucamonga Office

TO: **Julie Peterson,**
Chief Deputy District Attorney
Desert-Mountain Division

Gary Roth,
Assistant District Attorney
Desert Division

Michael A. Ramos,
District Attorney

SUBJECT: Officer Involved Shooting (Fatal)

Officers: Deputy Jerred Besheer
San Bernardino County Sheriff's Department

Deputy Nicolas Craig
San Bernardino County Sheriff's Department

Detective Corey LaFever
San Bernardino County Sheriff's Department

**Detective Michael New
San Bernardino County Sheriff's Department**

**Detective Roland Schmiedel
San Bernardino County Sheriff's Department**

**Involved Subject: William Daniel Combs (Deceased)
Date of Birth 05/27/77
Hemet, CA**

Date of Incident: October 10, 2015

**Incident location: 8300 Snow Cap Avenue
Pinon Hills, CA**

DA STAR #: 2016-60800

Investigating Agency: San Bernardino County Sheriff's Department

Case Agent: Detective Scott Stafford

DR #: 071503634

H #: 2015-090

PREAMBLE

This was a fatal officer involved shooting by deputies from the San Bernardino County Sheriff's Department. The shooting was investigated by the San Bernardino County Sheriff's Department. This factual summary is based on a thorough review of all the investigative reports, photographs, video, and audio recordings submitted by the San Bernardino County Sheriff's Department, DR# 071503634 and H# 2015-090.

PRINCIPAL INVOLVED PARTIES

William Daniel Combs, DOB: 05/27/77, of Hemet, California was killed during the incident under review.

Deputy Jerred Besheer of the San Bernardino County Sheriff's Department was a deputy involved in the shooting of William Combs.

Deputy Nicolas Craig of the San Bernardino County Sheriff's Department was a deputy involved in the shooting of William Combs.

Detective Corey LaFever of the San Bernardino County Sheriff's Department was a deputy involved in the shooting of William Combs.

Detective Michael New of the San Bernardino County Sheriff's Department was a deputy involved in the shooting of William Combs.

Detective Roland Schmiedel of the San Bernardino County Sheriff's Department was a deputy involved in the shooting of William Combs.

SCENE

This incident occurred on October 10, 2015, at around 1544 hours. Location of occurrence was 8300 Snow Cap Avenue in the City of Pinon Hills, California.

BACKGROUND INFORMATION

William Combs has no known criminal history.

FACTUAL SUMMARY

On October 10, 2015, Witness #1 was working as a Water Operations Supervisor for the Phelan Pinon Hills Community Services District. On that date, at around 2:37 in the afternoon, Witness #1 received an intrusion alarm at the water reservoir site located at 8300 Snow Cap Avenue in the City of Pinon Hills. Witness #1 responded to the location and found a white male adult, later identified as William Combs, and a silver BMW inside the fenced area. Combs told Witness #1 he was "GOD" and owned the property. Combs also told Witness #1 he had two bombs in his vehicle. Witness #1 tried to enter the property but was unable to because Combs had chained and locked the gate. Witness #1 called 911 and reported the incident.

Deputy Robert Theiss, from the San Bernardino County Sheriff's Department, responded to the location and contacted Combs. Combs rambled about the fact he paid for everything. Deputy Theiss noticed Combs had chains wrapped around his wrist. Combs told Deputy Theiss that he was "GOD" and he had a bomb in his vehicle. Combs started to walk towards his vehicle. Deputy Theiss ordered Combs to get on the ground but Combs refused to comply. Deputy Theiss fired five beanbag rounds from his less lethal shotgun to try and stop Combs from getting inside the vehicle. Combs barricaded himself inside his vehicle. Deputy Theiss backed away from the location and advised dispatch of what had occurred. Deputy Theiss left his patrol vehicle parked blocking the front gate of the water facility.

Additional deputies responded to the scene to assist Deputy Theiss. Personnel from the Specialized Enforcement Division were requested to respond. Combs called dispatch and stated people were trying to kill him outside his vehicle. Deputies made several Public Address (PA) announcements to Combs to exit his vehicle with his hands up. Combs remained in his vehicle with the radio turned up loud. Combs could be seen waving his hands and moving around inside the vehicle.

Snipers from the Specialized Enforcement Division arrived at the location and set up tactical positions to observe Combs. Combs was believed to have a bomb and posed a threat to the deputies at the scene as well as civilians in the nearby homes. Given those circumstances, the snipers' lieutenant ordered Specialized Enforcement Division snipers that Combs' vehicle could not leave the area due to safety concerns for the public and the deputies at the scene. Lieutenant Walker told Sergeant John Ades that Combs needed to be stopped.

At approximately 5:53 in the evening, Combs started revving the engine of his BMW. Combs accelerated his vehicle towards the locked front gate. Detective Roland Schmeidel, Detective Michael New, and Deputy Jerred Besheer believed Combs was trying to leave the facility and fired several rounds at Combs. Deputy Nicolas Craig, who was positioned on the perimeter, also fired at Combs' vehicle when it accelerated towards the gate.

Combs' vehicle struck the gate and became stuck in the loose dirt and sand. The tires to Combs' vehicle were still spinning. Detective Schmeidel, Detective New, Deputy Besheer fired several more rounds and disabled the vehicle's tires and headlights. Detective Cory LaFever also fired his weapon and disabled the passenger side headlight of Combs' vehicle. Combs was not seen moving inside the vehicle. Several more PA announcements were given to Combs to exit his vehicle with his hands up and to see if Combs needed medical attention. There was no response from Combs.

Personnel from the Bomb and Arson division used a robot to clear Combs' vehicle of any explosive devices. No weapons or explosive devices were found on Combs or inside Combs' vehicle. Combs was pronounced deceased at the scene.

WITNESSES AND CORROBORATION

On October 10, 2015, at approximately 10:48 in the evening, **Witness #1** was interviewed by Detective Scott Thies.

On October 10, 2015, Witness #1 was working as a Water Operations Supervisor for the Phelan Pinon Hills Community Services District. Witness #1's job responsibilities were to oversee the water supply for the communities of Phelan and Pinon Hills. On October 10, 2015, Witness #1 was listed as the on-call after hours supervisor. On that date, at approximately 2:37 in the afternoon, Witness #1 received an intrusion alarm at

reservoir site 7B, at 8300 Snow Cap Avenue in the City of Pinon Hills. The site had two large water reservoirs and was surrounded by an eight-foot-tall locked gate. The alarm had been triggered when the locked electrical panel that provided access and control to the reservoir site was opened. Witness #1 responded to the intrusion alarm at around 2:40 in the afternoon.

Witness #1 arrived at the location around 3:15 in the afternoon. Witness #1 saw a newer BMW parked inside the site, behind the locked gate. Witness #1 noticed there was a different lock on the gate. Witness #1 saw a subject, later identified as William Combs, inside the facility walking from the driver side of the BMW.

Combs asked Witness #1, "Do you know who I am?" Combs told Witness #1 he had been testing him to see how fast he would respond. Combs pointed to the sky and said he was "GOD" and spelled the letters "G-O-D." Combs acted nervous, spoke fast, and spelled each word after he said it. Witness #1 told Combs he should not be in the locked water reservoir site. Combs responded by telling Witness #1 he owned the reservoir site as well as the earth. Combs spelled "E-A-R-T-H" and told Witness #1 he had two bombs inside of his vehicle.

Witness #1 became concerned Combs could contaminate the water supply at the site. Witness #1 retreated to his truck and left the scene. As he drove away, Witness #1 looked in his rearview mirror and saw Combs talking to himself and pointing to the sky. Witness #1 parked approximately one block away from the reservoir site and called Sheriff's Dispatch to report the incident.

A uniformed deputy from the San Bernardino County Sheriff's Department arrived at the scene in a marked patrol vehicle. The deputy parked in front of the access gate into the reservoir site. From where he was parked, Witness #1 had a partial view of the location. Witness #1 saw the deputy approach Combs who was still on the other side of the locked gate. Witness #1 saw Combs come into view and approach the deputy. Witness #1 saw the deputy walk backwards and begin to shoot at Combs. Witness #1 heard approximately five shots but was unsure what type of gun the deputy fired.

After the shooting, Combs ran towards the BMW. Witness #1 immediately called his supervisor to advise him of the situation. Another deputy sheriff arrived and asked Witness #1 to assist by blocking traffic headed toward the reservoir site and only allow access to law enforcement personnel. A sheriff's dispatcher called Witness #1 and asked for the physical address for the reservoir site so a search warrant could be secured.

Witness #1 heard approximately twelve to fifteen loud PA announcements from law enforcement personnel. The PA announcements continued for over an hour. Witness #1 heard, "Driver get out of the car with your hands up. Any wrong movements would be considered an aggressive movement and as a threat." A San Bernardino County Sheriff's Department helicopter arrived at the scene and made PA announcements. Witness #1 heard three to five shots after he provided dispatch with the address.

Initially Witness #1 heard six to seven shots and approximately forty-five seconds later he heard an additional four to five shots. As Witness #1 left the scene, Witness #1 heard one to two more shots fired. A deputy then asked Witness #1 to drive to the Phelan Sheriff's station so he could be interviewed.

On October 10, 2015, at approximately 11:46 in the evening, **Deputy Robert Theiss** was interviewed by Detective Mike Flores.¹

On October 10, 2015, Deputy Robert Theiss, from the San Bernardino County Sheriff's Department, was assigned to patrol at the Phelan station. Deputy Theiss was wearing a San Bernardino County Sheriff's Department "Class A" uniform and driving a marked patrol vehicle. On October 10, 2015, Deputy Theiss was going to a call for service when dispatch asked him to respond to a report of trespassing. Dispatch stated that the reporting party from the water company had received a call about an alarm on one of their properties. Dispatch advised Deputy Theiss that when the reporting party went to the location they found the suspect, later identified as William Combs, was locked inside the property and threatened to have a bomb inside of his vehicle.

When Deputy Theiss arrived at the location he saw two water towers inside a closed gated area. Inside the gated area, Deputy Theiss saw Combs standing near the passenger side of a silver BMW. Deputy Theiss pulled his patrol vehicle up to the gate and contacted Combs. When Deputy Theiss got out of his vehicle he saw there was a chain and padlock on the gate. Deputy Theiss also observed a thick chain wrapped around both of Combs' wrists in a figure eight pattern. There were two padlocks on the chain and Combs was holding a padlock in his hand.

Combs identified himself by name and started rambling on making different statements. Combs said he worked for the water company, that he pays for everything at the sheriff's department, and made several statements that Deputy Theiss worked for the gas company. Combs asked Deputy Theiss if their phones still worked, if they still had power, and if they had water. Combs told Deputy Theiss that it was all because of him and that they should thank him.

Combs continued to ramble on. Deputy Theiss asked Combs about the chain on his wrists. Combs told Deputy Theiss that the chain was linked to his BMW and that if the chain was cut or taken off when he was outside of his car, the bomb inside the car would blow up. Deputy Theiss asked Combs again what his name was. Combs told Deputy Theiss he was "GOD." Deputy Theiss was holding his less lethal shotgun in his hands while he spoke to Combs.

Combs turned and started to walk towards his car. Deputy Theiss asked Combs to kneel on the ground. Combs argued with Deputy Theiss and refused to comply. Combs continued to walk towards his vehicle. Deputy Theiss was concerned Combs would

¹ Deputy Theiss' belt recorder was activated during the incident under review. Deputy Theiss reviewed the belt recording prior to being interviewed by Detective Flores.

leave and blow up the vehicle. Deputy Theiss also did not know what other types of weapons Combs may have inside the vehicle. Deputy Theiss ordered Combs to get down on the ground. Combs again refused to comply. Combs was approximately five feet from the driver's door when Deputy Theiss fired his less lethal shotgun. Deputy Theiss fired two rounds at Combs upper body. Deputy Theiss shot the driver's window as Combs opened the car door. Deputy Theiss fired two additional rounds at Combs as Combs got into the vehicle.

Combs put his car into drive and started to pull forward. Deputy Theiss retreated and went north near some trees. Deputy Theiss then went east across the street and put his less lethal shotgun on the ground. Deputy Theiss drew his pistol and pointed it at Combs's vehicle. As Deputy Theiss was retreating, he heard the vehicle accelerating and then some sort of pop. Deputy Theiss was not sure if the pop sound was a gunshot or an explosion but believed he had heard some sort of explosion. Deputy Theiss then waited until Deputy Michael Erwin arrived at the scene. Deputy Theiss retrieved Deputy Erwin's rifle while Deputy Erwin retrieved his shotgun.

Deputy Theiss went to the southeast corner of the intersection and stayed behind a large juniper bush. Deputy Theiss was approximately seventy-five to one hundred yards away from the vehicle. Deputy Theiss could see Combs moving around a lot inside the vehicle. Several more deputies including members of the SWAT team started to arrive at the scene. Deputy Theiss heard somebody say they believed Combs had a gun. Deputy Theiss also heard the SWAT lieutenant over the air give his guys the command that the vehicle was not to leave the property.

The vehicle revved up several times. Deputy Theiss heard several commands being made through the public address (PA) system and the PA on the sheriff's department helicopter. Combs turned up the radio numerous times to drown out the PA announcements. At one point, the vehicle revved up again and lunged forward. Deputy Theiss heard three to four shots fired. Deputy Theiss did not know who fired their weapons. A few minutes passed, the vehicle revved a couple more times and lunged forward again. Deputy Theiss heard a couple more rounds fired. Deputy Theiss believed Combs was trying to ram the gate and get out.

On October 10, 2015, at approximately 11:51 in the evening, **Deputy Michael Erwin** was interviewed by Detective Brendan Motley.

On October 10, 2015, Deputy Michael Erwin, from the San Bernardino County Sheriff's Department, was assigned to patrol at the Victor Valley patrol station. Deputy Erwin heard, over the radio, dispatch assign Deputy Robert Theiss to a trespass call and heard mention of a bomb. The trespass call was located at 8300 Snow Cap Avenue. Deputy Theiss requested Deputy Erwin assist him. While en route to the location, Deputy Erwin heard Deputy Theiss say he had deployed his less lethal shotgun and that there was a muffled explosion from the subject's vehicle.

When Deputy Erwin arrived at the scene, he noticed a male, later identified as William Combs, sitting in the driver seat of a BMW. Deputy Erwin spoke to Deputy Theiss who told him that Combs had chains around his wrists and that Combs said the BMW would blow up if the chains were removed from his wrists.

Deputy Erwin made PA announcements to Combs. During the PA announcements, Deputy Erwin verbally identified the sheriff's department, told Combs to exit the vehicle and told Combs to show his hands. After he made several PA announcements, Deputy Erwin backed his patrol vehicle east onto Cygnet Road, east of Snow Cap Avenue. Deputy Erwin was concerned for his safety because Combs stated he had a bomb in his possession.

Combs ignored Deputy Erwin's commands. Combs stayed inside his vehicle and played loud music while dancing. Combs was moving back and forth from the front seat to the back seat. Deputy Erwin could see Combs moving inside the vehicle but could not see what exactly Combs was doing. Combs appeared to be reaching around in all areas of the car. Combs would randomly honk the horn, flash different types of lights, and acted as if nobody was around.

Additional deputies arrived at the scene. Deputy Erwin maintained his position for approximately one hour. Personnel from the Specialized Enforcement Division also started to arrive. Deputy Erwin saw the BMW slowly roll backwards and then the rear wheels began to spin. The BMW appeared to jerk back after moving forward. Deputy Erwin believed the jerking motion was the result of the BMV being tethered to a hatch in the ground. Deputy Erwin heard other units making PA announcements throughout the incident.

Combs tried to drive the vehicle forward. Combs collided with the chain link gate. The BMW appeared to be accelerating at full throttle and trying to push the gate open. While Combs was ramming the gate, Deputy Erwin heard approximately six to seven gunshots coming from multiple locations. After the shooting, the BMW began to smoke. The BMW briefly stopped moving and came to rest with its front bumper up against the chain link gate. The BMW's rear tires were still spinning. Deputy Erwin heard an unknown deputy give Combs several commands to exit the vehicle to receive medical attention. Combs never got out of the vehicle.

On October 11, 2015, at approximately 3:29 in the morning, **Detective Roland Schmiedel** was interviewed by Detective Brendan Motley and Detective Scott Stafford.

On October 10, 2015, Detective Roland Schmiedel, from the San Bernardino County Sheriff's Department, was assigned to the Specialized Enforcement Division Arson/Bomb unit. Detective Schmiedel was wearing tactical green pants and a green shirt with the Sheriff's Department logo on both arms and word "Sheriff" on the back. On that date, Detective Schmiedel received a call from dispatch regarding an incident involving a person in possession of explosives. Detective Schmiedel called Corporal

Mike McCurley who said a patrol deputies contacted a subject, later identified as William Combs, near a water tower that was secured by a chain link fence. Detective Schmiedel learned that there was an altercation during that contact, a patrol deputy used some sort of less lethal ammunition, and there was some type of explosion. Corporal McCurley advised Detective Schmiedel that Combs told the patrol deputy that he had more explosives and his intention was to blow up anyone that approached his vehicle.

While Detective Schmiedel was on his way to the location, Lieutenant John Walker advised that Combs made more threats, was acting erratically, and requested the assistance of the full SWAT team. When Detective Schmiedel arrived at the scene he received information that Combs had locked himself in the secured area with his own lock and was barricaded inside his vehicle. Detective Schmiedel heard one of the patrol deputies over the radio say they saw something in Combs hand that might have been a weapon. Detective Schmiedel retrieved his sniper rifle and sniper backpack and took a position overlooking the yard and the front part of the vehicle. Detective Schmiedel was approximately sixty-eight yards east of Combs' vehicle.

Lieutenant Walker notified Detective Schmiedel that Combs should not be allowed to leave the area given Combs' threats to blow people up and the reported explosion. Detective Schmiedel could see Combs through the scope of his rifle. Combs appeared to be singing songs and moving his hands around like he was dancing in the car. There were reports there was a clear jug strapped on the back of Combs' vehicle. Deputy Schmiedel had not yet seen the jug but was concerned it may possibly be some sort of improvised explosive device.

Detective Schmiedel could see there were residential homes within one hundred to two hundred yards of the scene. If Combs drove off, Detective Schmiedel believed Combs posed a serious threat to the deputies at the scene and the residents in the nearby community. Eventually other SWAT personnel arrived at the scene, including a second sniper team. The second sniper team positioned themselves north of Detective Schmiedel and east of Combs' vehicle. During this time, Combs would rev his engine and reach down underneath the seats. It appeared as if Combs was getting himself ready to move his vehicle.

Detective Schmiedel saw Combs reach down into the center console area. The car then lunged forward. Detective Schmiedel put out over the radio that Combs was moving. Detective Schmiedel heard two distinct shots from the north of him. Combs' vehicle continued moving forward. Detective Schmiedel believed Combs was trying to break through the barricade and leave the scene. Detective Schmiedel saw Combs duck down and the car continued to race forward. There was dirt kicking up and it appeared Combs was forcefully trying to force the gate open. Detective Schmiedel believed Combs would try to hurt people if he got out.

Detective Schmiedel fired one shot from his rifle at Combs. The wheels on the vehicle were still turning but Combs no longer appeared to be accelerating. Detective

Schmiedel maintained his position and continued to watch Combs' vehicle. After the sun went down, Detective Schmiedel used a night vision scope to try and see inside Combs' vehicle but was unable to see anything because Combs had his headlights turned on. Detective Schmiedel was given permission to shoot the headlights out on Combs' vehicle. Detective Schmiedel fired three rounds at the passenger side headlight. Detective Corey LaFever then fired one to two rounds and disabled the light. Detective Schmiedel fired two additional rounds at the driver side headlight but it remained on. The second sniper team fired one round at the driver side headlight and disabled the light.

The engine in Combs' vehicle continued to run and the condition of Combs was unknown. There were loud PA announcements being made from one of the patrol vehicles. Combs was being told to surrender, to show his hands, to leave all explosives and weapons inside the vehicle, and to exit and notify deputies if he needed medical attention. There was no response from Combs. Members of the Bomb Squad deployed a robot to look inside Combs' vehicle and render any suspicious items safe. No explosives were located outside or inside the vehicle.

On October 11, 2015, at approximately 3:56 in the morning, **Detective Corey LaFever** was interviewed by Detective Jonathan Woods and Detective Daniel Hanke.

On October 10, 2015, Detective Corey LaFever, from the San Bernardino County Sheriff's Department was assigned to the Criminal Intelligence Division. Detective LaFever was wearing an olive-green shirt with a San Bernardino County Sheriff's Department patch and pants. Detective LaFever was also wearing a load bearing vest with San Bernardino County Sheriff's Department patches and the word "Sheriff" on the back. On that date, Detective LaFever received a call regarding a barricaded subject with a bomb in Pinon Hills. Detective LaFever responded to the location.

When Detective LaFever arrived at the location, Deputy Jerred Besheer and Detective Michael New were deploying as snipers. Detective Roland Schmiedel requested a night scope and spotter over the radio. Detective LaFever grabbed his sniper gear and sniper rifle and responded to Detective Schmiedel's position to assist. Detective LaFever heard several shots fired as he was walking to Detective Schmiedel's location. Detective LaFever went west of Snow Cap Road until he determined he was not being shot at. Detective LaFever then continued to Detective Schmiedel's position.

Detective LaFever set up where he would not be seen by the suspect, later identified as William Combs. Detective LaFever saw smoke coming from the engine of Combs' vehicle. Detective LaFever had difficulty seeing inside the vehicle with his night vision scope because the headlights on Combs' vehicle were turned on. The Command Post made the decision to disable the headlights to Combs' vehicle so that the deputies could get a better view of what was going on inside the vehicle.

Detective Schmiedel shot several times towards the vehicle but was unable to hit the headlight. Detective LaFever indicated to Detective Schmiedel he had a good line of sight on the vehicle's headlights. Detective LaFever fired one round at the passenger side and disabled the headlight. Detective LaFever moved to the driver's side and fired one round but was unable to disable that headlight. Detective tried again to disable the driver's side headlight but was also unsuccessful.

Sniper Team 2 indicated they had a better vantage point and were going to try to disable the driver's side headlight. Sniper Team 2 took a shot and successfully disabled the headlight. After the headlights were disabled, Detective LaFever could clearly see Combs' vehicle. Later, the Entry Team told Detective LaFever that they saw two lacerations on Combs' neck and Combs was slumped over. It appeared Combs was deceased. Detective LaFever heard several PA announcements throughout the incident. Deputies told Combs they did not want to hurt Combs. Deputies ordered Combs out of his vehicle and told him to leave any weapons or bombs in the vehicle. Detective LaFever never heard or saw any response from Combs.

On October 11, 2015, at approximately 2:58 in the morning, **Detective Michael New** was interviewed by Detective Jonathan Woods and Detective Daniel Hanke.

On October 10, 2015, Detective Michael New, from the San Bernardino County Sheriff's Department, was assigned to Team 1 of the Specialized Enforcement Division. Detective New was wearing olive green pants and shirt. The shirt had San Bernardino County Sheriff's Department patches on the side of the sleeves and the Sheriff's star on the left breast plate. On that date, Detective New received a call indicating there was a barricaded subject in a vehicle who had made threats to blow up some water tanks. The subject, later identified as William Combs, had been contacted by deputies who then shot Combs with less lethal rounds. Detective New responded to the location.

After Detective New arrived at the location, he and Deputy Jerred Besheer took their sniper rifles and walked up Snow Cap Road. Detective New spoke with one of the deputies from the Bomb and Arson Division who told Detective New that he heard a small blast and had seen smoke coming from where Combs was. Detective New also heard over the radio that Combs was waving a gun at the patrol deputies who were on the perimeter. Detective New and Deputy Besheer walked to higher ground and set up position as Sniper Team 2, approximately one hundred yards northeast of Combs' vehicle.

Detective New could see Combs was behind the steering wheel in the car and leaning to the passenger side. Detective New heard the motor revving several times. The car moved forward and crashed into the gate. Detective New believed Combs posed a serious threat to deputies and residents in the surrounding community given reports that the gate and Combs were possibly rigged with explosives. Detective New fired three rounds at the vehicle. Once the shooting stopped, the vehicle stopped moving. The rear tires were still spinning. Deputy Besheer fired one round into the front driver's side

tire to disable it. Detective New fired one round into the rear driver's side tire to disable it. Minutes later, the car moved forward again. Detective New fired two more shots through the driver's window.

After the shooting, Detective New did not see any more movement from Combs' vehicle. PA announcements were made for Combs to step out of the vehicle to receive medical attention. Combs was also told to leave any weapons or explosives inside the vehicle when he stepped out. There was no response from Combs to the PA announcements.

On October 11, 2015, at approximately 2:59 in the morning, **Deputy Jerred Besheer** was interviewed by Detective Adam Salsberry and Detective Gary Hart.

On October 10, 2015, Deputy Jerred Besheer, from the San Bernardino County Sheriff's Department, was assigned to Team 2 of the Specialized Enforcement Division. Deputy Besheer was wearing a green SWAT uniform and an open-air vest that had Sheriff's Department patches on the front and back. On that date, Deputy Besheer received a call advising there was a barricaded suspect. Deputy Besheer learned the suspect, later identified as William Combs, was making threats near a water facility and that there had been an explosion at the back of the vehicle at the location. Deputy Besheer responded to the location.

When Deputy Besheer arrived at the scene, he saw Detective Michael New. There were reports that Combs' vehicle was either rigged with explosives or Combs was making threats that his vehicle was rigged with explosives so Deputy Besheer and Detective New tried to figure out what was going on. Deputy Besheer and Detective New then collected their gear and self-deployed as a sniper team. Deputy Besheer and Detective New made their way on foot southbound on Snow Cap Avenue. Given the potential threat Combs posed to deputies and residents in the surrounding community, a directive was given to Deputy Besheer and Detective New that they were to stop Combs' vehicle if Combs attempted to leave the area.

Deputy Besheer and Detective New contacted a deputy from the Bomb and Arson Division who told them he had heard a loud noise or some sort of explosion. Deputy Besheer also learned that Combs may have been waving a gun around. As Deputy Besheer and Detective New continued to walk, Deputy Besheer heard that Combs had told deputies that he changed the locks on the gate and the fenced was rigged to explode if deputies tried to enter. There was also mention of a prior incident between Combs and officers from Rialto Police Department. The incident may have involved Combs experiencing some mental health problems and resulted in Combs being tased. Deputy Besheer and Detective New eventually set up their position and tried to see what was going on inside Combs' vehicle.

Deputy Besheer saw Combs repeatedly leaning down in the vehicle. It also appeared that Combs was reaching down for something. Deputy Besheer heard Detective New

say the car was starting to move. Deputy Besheer saw Combs' vehicle move forward. Deputy Besheer believed Combs was armed and that Combs was going to try to detonate whatever explosive device was inside his vehicle. Deputy Besheer was also afraid Combs was going to drive to a more populated area where civilians could be injured or killed. Deputy Besheer fired two rounds at Combs vehicle as it was moving. Deputy Besheer heard Detective New fire his weapon as well.

After the shooting, Combs' vehicle stopped moving but the engine was still running. Deputy Besheer and Detective New decided to disable the vehicle's tires. Deputy Besheer fired at the front driver's side tire and disabled it. Detective New fired at the rear driver's side tire and disabled it. Deputy Besheer heard the car engine rev and then saw it start to move forward again. Deputy Besheer was afraid Combs was still trying to detonate whatever explosive device was inside Combs' vehicle. Deputy Besheer fired two more rounds at Combs' vehicle. Detective New also fired additional rounds at Combs' vehicle. Afterwards, the engine stopped revving and was just idling.

Deputy Besheer did not see any movement inside the vehicle. Deputy Besheer heard deputies making PA announcements to Combs. The deputies told Combs to leave any guns or devices inside the vehicle and to come out with his hands up. Deputies also told Combs to come out of the vehicle if he needed medical attention. Deputy Besheer did not see any response from Combs.

The headlights on Combs' vehicle were turned on. As it got darker, the headlights made it difficult for the deputies to see inside the vehicle. The decision was made to take out the headlights. Sniper Team 1 fired approximately three to four shots at the passenger side headlight before it went out. Sniper Team 1 fired at the driver side headlight but were unable to take out the light. Deputy Besheer fired one round at the driver side headlight and successfully disabled it.

Additional personnel from the Specialized Enforcement Division arrived on scene and started to switch out the patrol deputies. Deputy Besheer heard over the radio that Combs had been struck by gunfire and was laying down in the vehicle. Bomb and Arson sent a robot out to Combs' vehicle and cleared it of any explosives.

On October 10, 2015, at approximately 10:53 in the evening, **Deputy Nicolas Craig** was interviewed by Detective Adam Salsberry and Detective Daniel Hanke.

On October 10, 2015, Deputy Nicolas Craig, from the San Bernardino County Sheriff's Department, was assigned to the Gang Unit at the Victorville City Station. Deputy Craig was wearing a green polo shirt with the word "Sheriff" on the front and back, San Bernardino County Sheriff's Department patches on the shoulders, a cloth sheriff badge, and black pants. On that date, Deputy Craig was at the police station when he read a call on the computer about deputy who contacted a subject who was trespassing who said he had a bomb in his car. There was also a report that there was an explosion

in the car or behind the car. Deputy Craig told his sergeant that he was going to respond to the location.

While en route to the location, Deputy Craig learned that the deputy at the scene fired a beanbag round at the subject, later identified as William Combs, and Combs was now barricaded in his vehicle. Combs had also told the deputy he was "GOD" and that he was going to set off a bomb. After Deputy Craig arrived at the scene, he made his way to the east side of Combs. Combs was inside a gated area with two water towers. Deputy Craig tried to evacuate the resident of a nearby home but the resident refused to leave. Deputy Craig went back to his position east of Combs.

As Deputy Craig watched Combs' vehicle, Deputy Craig heard updated information that Combs had two guns registered to him and that Combs had recently been arrested for some type of incident with officers from Rialto Police Department. Deputy Craig watched Combs through his binoculars. Deputy Craig could see Combs inside his vehicle moving his head back and forth. Combs had the music in his vehicle turned up loud. There was an update from the water company that the lock on the gate was not theirs. A sniper from the Specialized Enforcement Division arrived and set up behind Deputy Craig. At that point, the patrol vehicles were pulled back approximately ten to fifteen yards.

Deputy Craig set up with a Mini 14 rifle near the first patrol unit furthest south and west of Combs. Combs stayed in his parked vehicle for a while listening to music. Deputy Craig saw Combs turn on the vehicle's hazard lights and then turn on the headlights. Deputy Craig next heard the vehicle engine start revving. Deputy Craig was afraid Combs was going to drive his car at the deputies. Deputy Craig believed the locked gate would not stop Combs' vehicle from leaving.

Combs put the vehicle into drive, accelerated forward, and hit the gate. Deputy Craig heard a gunshot. Deputy Craig believed Combs was going to drive through the gate straight at Deputy Craig and the other deputies. Deputy Craig believed Combs would run the deputies over or detonate whatever explosive device was in the vehicle. Deputy Craig fired one round at Combs. Deputy Craig was approximately fifty yards away from Combs when he fired his weapon. After the shooting, there was a small pause and the vehicle started stopping. The gate appeared to be stopping the vehicle from getting out. Deputy Craig heard deputies start making PA announcements telling Combs to exit the vehicle. There was no response from Combs.

On October 10, 2015, at approximately 11:00 in the evening, **Deputy Kevin Kraft** was interviewed by Detective Gary Hart.²

On October 10, 2015, Deputy Kevin Kraft, from the San Bernardino County Sheriff's Department, was assigned to patrol at the Victor Valley station, Lucerne Valley

² Deputy Kraft's belt recorder was activated during the incident under review. Deputy Kraft reviewed the belt recording prior to being interviewed by Detective Hart.

substation. Deputy Kraft was wearing a San Bernardino County Sheriff's Department Class "A" uniform. On October 10, 2015, Deputy Kraft had a civilian rider on a ride-a-long seated in the front passenger seat. On that date, Deputy Kraft heard a dispatch broadcast of a trespassing call for service in the Phelan area. The subject had locked himself into the gated facility on water company property, claimed to have a bomb, and said he was "GOD." Deputy Robert Theiss was assigned to the call. Deputy Kraft responded to assist Deputy Theiss.

While en route, Deputy Kraft heard Deputy Theiss broadcast that he had deployed less lethal rounds at the subject, later identified as William Combs. Deputy Theiss also broadcast that Combs had gotten back into a vehicle and there was a small explosion heard. When he arrived at the location, Deputy Kraft parked and directed his ride-a-long to stay inside the patrol vehicle. Deputy Kraft armed himself with the Mini-14 rifle and made his way to the scene.

Deputy Kraft met with Detective John Clough at his patrol vehicle. Deputy Kraft could see a silver vehicle inside the fenced area with two large water tanks. There was a marked patrol SUV parked in front of the gate on the outside of the fenced area. Deputy Kraft could see the passenger side of Combs' vehicle. Deputy Kraft was told Combs used a chain to attach his vehicle to an in-ground vault door. Deputy Kraft watched Combs through his binoculars.

Combs turned the vehicle's hazard lights on and off. The running lights on the vehicle were turned on shortly thereafter. Combs' behavior appeared erratic; he was waving his arms and hands and moving around inside the vehicle. Combs turned the music up loud and had an unknown object, possibly a weapon, in his hands. Deputy Kraft was unable to determine what the object was.

Deputy Kraft heard Detective Clough make PA announcements to Combs. Detective Clough said they were the San Bernardino County Sheriff's Department, told Combs to exit the vehicle with his hands up, and ordered Combs to leave all weapons inside the vehicle. Combs did not comply. Deputy Kraft saw Specialized Enforcement Division personnel arrive at the scene and heard over the radio that two sniper teams were being deployed.

Deputy Kraft heard an unknown person broadcast that Combs' vehicle was not to leave the fenced area. After the sniper teams were set up, Deputy Kraft saw Combs' vehicle hazard lights were activated and heard the engine "revved" several times. Combs' vehicle backed up and then rapidly accelerated forward the locked gated entry. As the vehicle accelerated forward, Deputy Kraft heard approximately eight to ten gunshots. Combs' vehicle was stopped by the gate. Deputy Kraft continued to hear the motor accelerate and the tires spinning. After the shooting, Detective Clough continued to make PA announcements but received no response from Combs.

On October 10, 2015, at approximately 11:22 in the evening, **Deputy John Gice** was interviewed by Detective Mike Flores.

On October 10, 2015, Deputy John Gice, from the San Bernardino County Sheriff's Department, was assigned to patrol at the Victor Valley station. Deputy Gice heard Deputy Robert Theiss say over the radio that he was struggling with a subject, later identified as William Combs. Deputy Gice heard Deputy Theiss advise he deployed his less lethal shotgun at Combs and that an explosion had occurred near Combs' vehicle. Deputy Gice responded to the scene to assist Deputy Theiss.

When Deputy Gice arrived at the location he took a position on the south perimeter with Detective John Clough. Deputy Gice could see Combs with binoculars. Combs was moving around inside the vehicle. Deputy Gice saw a chain attached to the back of Combs' vehicle that extended to a metal panel located on the ground. Deputy Gice saw Combs start to drive his vehicle forward toward the gate. Immediately after the car started to move, Deputy Gice heard approximately six to nine gunshots being fired. The gunshots appeared to strike the front windshield of Combs' vehicle.

On October 10, 2015, at approximately 11:37 in the evening, **Deputy Joshwan Cobbs** was interviewed by Detective Jonathan Woods.

On October 10, 2015, Deputy Joshwan Cobbs, from the San Bernardino County Sheriff's Department, was assigned to patrol at the Hesperia station. Deputy Cobbs was wearing a San Bernardino County Sheriff's Department Class "A" uniform. On that date, Deputy Cobbs received word of an incident in Pinon Hills where a subject had barricaded himself in a gated area near a water tower. The subject, later identified as William Combs, said he had explosives and a small explosion was heard by the deputies at the scene. Deputy Cobbs and his field training officer, Deputy Jason Dell, responded to the location.

As Deputy Cobbs drove to the location, he read an entry into the call that Combs had a handgun. After he arrived at the scene, Deputy Cobbs saw Combs sitting in a newer model BMW which was parked inside a locked chain-link fence area. There was a marked Sheriff's Department patrol vehicle parked in front of Combs' vehicle on the outside of the chain-link fence.

Deputy Cobbs saw Combs waving his arms around and moving around inside the vehicle. Deputy Cobbs contacted some residents in the nearby homes and told them to evacuate the area. Deputy Cobbs returned to his patrol vehicle and heard an unknown deputy make PA announcements directing Combs to exit the vehicle with his hands up and to leave any weapons or explosives inside the vehicle.

Deputy Cobbs heard the engine of Combs' vehicle start revving and saw the vehicle moving forward. The rear tires of Combs' vehicle were spinning. Deputy Cobbs believed Combs was attempting to crash his vehicle into the gate and ram the patrol

vehicle. Deputy Cobbs heard approximately two to three gunshots. Deputy Cobbs looked towards Combs' vehicle and saw smoke or dust coming from the area. Deputy Cobbs could still hear the engine revving and the tires spinning. Approximately twenty minutes after the first gunshots were fired, Deputy Cobbs heard a second volley of approximately six to seven gunshots.

On October 11, 2015, at approximately 12:25 in the morning, **Detective John Clough** was interviewed by Detective Scott Thies.³

On October 10, 2015, Detective John Clough, from the San Bernardino County Sheriff's Department, was assigned to the High Desert Gangs and Narcotics Division. Detective Clough was wearing black pants and a green sheriff's SMASH polo shirt with San Bernardino County Sheriff's Department patches on the shoulders and a cloth badge. The word "Sheriff" was written on the front and back of the shirt. On that date, Detective Clough overheard on the radio that a patrol deputy had deployed less lethal rounds at a subject, later identified as William Combs. Combs had trespassed and locked himself and his vehicle inside a gated area of a water reservoir site. The patrol deputy requested additional units to assist. Detective Clough read that Combs said he had explosives with him and that an explosion occurred from the trunk of Combs' vehicle. Detective Clough responded to the call.

When Detective Clough arrived at the location he saw a marked patrol vehicle parked near the entrance of the gated area and a BMW parked behind the locked gate. Detective Clough could not see inside Combs' vehicle due to the sun reflecting off the passenger side of the BMW. As the incident progressed, information was broadcast over the radio that there was a possible explosive device in a clear container on the ground behind Combs' BMW.

Detective Clough made several PA announcements to Combs. Detective Clough told Combs to come out of the BMW. As the PA announcements were being given, Combs turned the BMW's radio up loud. Due to the threat of explosives, Detective Clough requested residents to the north of the water reservoir site be evacuated. Dispatch advised over the radio that Combs has two firearms registered to him and was recently contacted by officers from Rialto Police Department. During that unrelated incident, Combs was tased and taken for a 72-hour psychiatric hold evaluation.

Detective Clough could see Combs inside his vehicle as sunset fell. Combs was dancing inside the BMW and acting peculiar. Detective Clough heard units at the scene advise they suspected Combs had a gun inside the vehicle. Specialized Enforcement Division personnel arrived at the scene and set up their positions.

Combs turned on the emergency flashers to the BMW. 40 King, the San Bernardino County Sheriff's Department helicopter, advised there was a metal chain attached to the

³ Detective Clough's belt recorder was activated during the incident under review. Detective Clough reviewed part of the belt recording prior to being interviewed by Detective Thies.

rear of Combs' BMW and secured to a metal door on the ground. Detective Clough heard the BMW's engine revving and saw the BMW moving towards the gate. Detective Clough heard approximately four gunshots fired at the BMW as it moved forward. The BMW hit the fence at a speed of approximately 10 to 15 mph. The BMW's engine continued to rev and its tires were spinning, causing a dust cloud to develop. The gate was moving forward slightly. Detective Clough heard two additional gunshots fired at the BMW after it continued to accelerate.

On October 10, 2015, at approximately 11:40 in the evening, **Deputy Derek Simpson** was interviewed by Detective Scott Thies.

On October 10, 2015, Deputy Derek Simpson, from the San Bernardino County Sheriff's Department, was assigned to the High Desert Gangs and Narcotics Division. Deputy Simpson was wearing black pants and a green sheriff's SMASH polo shirt with San Bernardino County Sheriff's Department patches on the shoulders and a cloth badge. The word "Sheriff" was written on the front and back of the shirt. On that date, Deputy Simpson assigned himself to respond to a call for service in the Pinon Hills area. When reviewing the call details, Deputy Simpson learned a subject, later identified as William Combs, had parked his BMW inside of a locked gated water reservoir site and threatened to have a bomb.

When Deputy Simpson arrived at the location he took a position south of the water reservoir site. Deputy Simpson walked up to where Detective John Clough's patrol vehicle was parked. Approximately fifty yards away, Deputy Simpson saw a silver BMW parked next to two water tanks inside the gated area. Detective Clough began making PA announcements to Combs asking Combs to exit the vehicle and show his hands. Deputy Simpson decided to move to another location. Deputy Simpson took his Mini-14 rifle and walked up a hill east of Snow Cap Avenue.

Deputy Simpson watched Combs for over an hour. Combs was seated inside the driver side of the BMW. After approximately thirty minutes, Deputy Simpson saw what he believed was a chrome or silver semi-automatic handgun in Combs' right hand. Deputy Simpson broadcast over the radio that Combs possibly had a firearm inside the BMW. San Bernardino County Probation Officer Nicholas Trujillo, who was with Deputy Simpson, told Deputy Simpson he had also seen what he believed was a handgun in Combs' hand. Combs moved around a lot in the vehicle, often moving his hands around, while he appeared to talk to himself.

Combs turned on the BMW's right side blinker and headlights. Combs continued to move around inside the BMW. Shortly after the headlights turned on, Combs moved the wheels of the BMW forward and faced them straight ahead, toward the exit on Snow Cap Avenue. The engine began accelerating. As Combs accelerated forward towards the locked gate, Deputy Simpson heard four gunshots. Deputy Simpson saw the front window of the BMW shatter. After the shots were fired, the BMW continued driving

forward approximately four feet and collided with the gate. Shortly after those first shots, Deputy Simpson heard three additional shots fired.

On October 11, 2015, at approximately 12:17 in the morning, **Probation Officer Nicholas Trujillo** was interviewed by Detective Jonathan Woods.

On October 10, 2015, Probation Officer Nicholas Trujillo, from the San Bernardino County Probation Department was assigned to the High Desert Regional Gang Team. Probation Officer Trujillo was wearing black pants, and a green polo shirt with San Bernardino County Probation patches on each shoulder and a probation cloth badge on the left chest. On that date, Probation Officer Trujillo logged onto his computer and saw Detective John Clough was assigned to a call for service in the Pinon Hills area. The call was in regards to a subject, later identified as William Combs, trespassing in a water facility. Combs told the reporting party he had a bomb in his vehicle, he was "GOD" and owned the earth. Probation Officer Trujillo responded to the call for service to assist.

After he arrived at the location, Probation Officer Trujillo and Deputy Derek Simpson walked east, up a hill, southeast of the incident location. Probation Officer Trujillo could see a silver BMW approximately eighty yards away, parked inside a gated water facility. The front of Combs' vehicle was approximately five feet away from a locked entry gate. Probation Officer Trujillo saw a marked sheriff's patrol vehicle parked on the outside of the fenced area, directly in front of Combs' vehicle. Probation Officer Trujillo heard several PA announcements being made telling Combs to exit his vehicle with his hands up and to leave any explosives or weapons inside the vehicle.

Probation Officer Trujillo saw Combs inside the BMW moving his arms around. Deputy Simpson, through binoculars, saw an object, he believed to be a handgun in Combs' hand. Deputy Simpson advised deputies over the radio that he believed Combs had a handgun. Specialized Enforcement Division personnel arrived at the scene and sniper teams were deployed. Probation Officer Trujillo heard Lieutenant John Walker make a radio broadcast that if Combs attempted to leave in his vehicle, snipers would have to "disable" the individual from leaving. This directive was based upon Combs stating he was in possession of an explosive device.

Probation Officer Trujillo heard an unknown deputy broadcast that Combs' vehicle was running with the hazard lights activated. Approximately ten minutes later, Combs activated the vehicle's headlights. Probation Officer Trujillo believed Combs may be preparing to drive through the gate. Approximately fifteen minutes after the vehicle hazard lights turned on, Probation Officer Trujillo saw Combs' vehicle move forward and strike the gate. Probation Officer Trujillo heard a loud noise coming from the rear of Combs' vehicle.

Probation Officer Trujillo heard approximately four gunshots being fired in rapid succession. After the gunshots, Probation Officer Trujillo heard Combs' vehicle

accelerate. Probation Officer Trujillo heard over the radio that snipers were going to try to disable the tires on Combs' vehicle. Shortly after that broadcast, Probation Officer Trujillo heard three more gunshots. Probation Officer Trujillo and Deputy Simpson walked back to their patrol vehicles.

Probation Officer Trujillo could no longer see Combs' vehicle. There was a large cloud of dust around where the vehicle was due to Combs' tires continually spinning. Probation Officer heard another three gunshots. Probation Trujillo remained at his vehicle for approximately another forty-five minutes before he was relieved by Specialized Enforcement Division personnel.

On October 11, 2015, at approximately 12:47 in the morning, **Sergeant Jason Rosenbaum** was interviewed by Detective Daniel Hanke.

On October 10, 2015, Sergeant Jason Rosenbaum, from the San Bernardino County Sheriff's Department, was assigned to the Victorville City Gang Unit. Sergeant Rosenbaum was wearing a San Bernardino County Sheriff's Department "SMASH" uniform. On that date, Sergeant Rosenbaum responded to the Pinon Hills area to assist with a call for service regarding a subject who was barricaded with an explosive device. While en route to the location, Sergeant Rosenbaum learned that the subject, later identified as William Combs, claimed to have a bomb inside his vehicle, deputies had used less lethal force on Combs, Combs placed a chain around the gate and said if anyone touched the chain it would blow up. Sergeant Rosenbaum also heard that the deputies on scene heard an explosion as Combs entered his vehicle.

At the scene, Sergeant Rosenbaum saw Combs' vehicle parked near two water tanks behind a gated fenced enclosure. Combs was inside the vehicle moving around. Sergeant Rosenbaum could hear music coming from the vehicle and it appeared Combs was "bouncing around" and dancing to the music. Combs was not responding to multiple PA announcements being made by Detective John Clough. Detective Clough ordered Combs to exit the vehicle with his hands up.

Sergeant Rosenbaum was at the scene for approximately two hours before Specialized Enforcement Division personnel arrived. Sniper teams were deployed. Sergeant Rosenbaum directed deputies to evacuate the closest neighbors due to the bomb threat. Sergeant Rosenbaum was inside his patrol vehicle when he heard gunshots. After an unknown amount of gunshots were fired, Sergeant Rosenbaum saw Combs' vehicle move towards the gate, contact the gate and push it open. Sergeant Rosenbaum heard additional shots fired and saw the windshield of the vehicle shatter.

On October 11, 2015, at approximately 12:13 in the morning, **Deputy Josh Guerry** was interviewed by Detective Gary Hart.⁴

⁴ Deputy Guerry's belt recorder was activated during the incident under review. Deputy Guerry reviewed the belt recording prior to being interviewed by Detective Hart.

On October 10, 2015, Deputy Josh Guerry, from the San Bernardino County Sheriff's Department was assigned to patrol at the Victorville City station. Deputy Guerry was wearing a San Bernardino County Sheriff's Department Class "D" uniform. On that date, Deputy Guerry responded to the area of Snow Cap Avenue to assist with a call for service regarding a subject trespassing. The call indicated the subject, later identified as William Combs, had explosives near a water tower and that the deputy on scene had deployed beanbag rounds at Combs.

When Deputy Guerry arrived at the scene, he parked his patrol vehicle, took his Mini-14 rifle and walked to the other patrol vehicles located on Cygnet Road. Deputy Guerry could hear someone making PA announcements but could not hear what was being said. Deputy Guerry could see the front of Combs' vehicle. Deputy Guerry saw Combs inside the vehicle moving around from the front to the back seat. On several occasions, Deputy Guerry heard the volume of the radio in Combs' vehicle increase. Deputy Guerry heard radio traffic from an unknown person providing a directive that Combs' vehicle was to be stopped and not allowed to leave the area due to the threat of explosives.

Deputy Guerry saw the vehicle lights come on and then Combs' vehicle accelerated forward towards the gate. The rear of Combs' vehicle was chained to a metal plate on the ground. As the vehicle accelerated forward, Deputy Guerry heard Deputy Nicolas Craig fire one shot and simultaneously heard two additional shots fired from other law enforcement personnel. Combs' vehicle collided into the locked gate causing the gate to bend.

The tires on Combs' vehicle continued spinning and generating a large amount of dust. Within about one to two minutes, Deputy Guerry heard Sniper Team 1 request to shoot out the tires, followed by gunfire. The engine continued to rev as if Combs was attempting to accelerate the vehicle. Deputy Guerry heard three shots fired one right after another. Combs' vehicle continued to run but was no longer accelerating. Deputy Guerry again heard PA announcements being made but saw no response from Combs.

On October 11, 2015, at approximately 4:41 in the morning, **Sergeant John Ades** was interviewed by Detective Troy Mooradian.

On October 10, 2015, Sergeant John Ades, from the San Bernardino County Sheriff's Department was assigned to the Specialized Enforcement Division. On that date, Sergeant Ades received a SWAT call. The call was in regards to a subject, later identified as William Combs, who locked himself in a locked water storage facility and was tampering with an underground vault. Combs said he had a bomb and had rigged the gate to explode and blow up the facility.

At the location, Sergeant Ades saw a sheriff patrol SUV parked in front of a gate and water storage containers but was unable to see Combs' vehicle. Sergeant Ades heard someone over the radio say Combs' vehicle was moving. Sergeant Ades looked

towards the gate and saw Combs' vehicle ram the gate. Simultaneously, Sergeant Ades heard approximately five gunshots come from east of the facility. Sergeant Ades saw debris coming from Combs' windshield and heard a "pop" from the vehicle. Smoke started filling the interior of the vehicle.

Combs' tires were still spinning. Snipers started shooting the vehicle's driver side tires. Combs' vehicle appeared to back up and then move forward, hitting the gate again. Combs appeared to be moving, trying to free the vehicle so he could ram it again. Sergeant Ades heard approximately three more gunshots fired from east of the facility.

On October 11, 2015, at approximately 3:40 in the morning, **Corporal Lloyd Phillips** was interviewed by Detective Troy Mooradian.

On October 10, 2015, Corporal Lloyd Phillips, from the San Bernardino County Sheriff's Department was assigned to the Specialized Enforcement Division, Bomb and Arson detail. On that date, Corporal Phillips was assigned to respond to call regarding a barricaded subject in a vehicle with a bomb. Corporal Phillips responded to the location on Snow Cap Avenue.

When Corporal Phillips arrived at the scene he received information that there was an explosion at the incident location. Corporal Phillips also learned the subject, later identified as William Combs, had two guns registered to him and had been arrested one month earlier and held on a mental evaluation hold. Combs had said he had a bomb on himself and in his vehicle. Perimeter units also saw Combs wave a gun. Corporal Phillips relayed that information to Lieutenant John Walker. Lieutenant Walker told Corporal Phillips that under no circumstances were they to allow Combs to leave the area. Corporal Phillips knew based on training and experience that the safe distance from a vehicle bomb in a car the size of Combs' vehicle was approximately five hundred yards.

As Corporal Phillips was putting on his tactical equipment he heard over the radio that Combs' vehicle started moving. When Corporal Phillips got closer to the scene he saw Combs' vehicle try to drive through a fence. Corporal Phillips heard approximately two rounds fired and saw the windshield on Combs' vehicle break. Corporal Phillips then heard approximately four more rounds fired.

Combs' vehicle appeared to get wedged into the fence. The tires were spinning causing a lot of smoke and dirt in the air. Corporal Phillips heard a popping sound and the cab of Combs' vehicle filled with black smoke. Corporal Phillips heard Lieutenant Walker order Sniper Team 1 to shoot out the headlights. The Specialized Enforcement Division armored vehicle arrived and started relieving patrol personnel. Corporal Phillips used a robot to clear Combs' vehicle of any explosive devices.

On October 11, 2015, at approximately 3:03 in the morning, **Lieutenant John Walker** was interviewed by Detective Mike Flores.

On October 10, 2015, Lieutenant John Walker, from the San Bernardino County Sheriff's Department, was assigned to the Specialized Enforcement Division. On that date, Lieutenant Walker received a call from Desert Dispatch advising him there was an incident regarding a deputy who contacted a subject at the Water Department's property. The deputy fired less lethal rounds at the subject, later identified as William Combs, who then barricaded himself in his vehicle. Desert Dispatch told Lieutenant Walker that SWAT was being requested. Lieutenant Walker spoke to Sergeant Mike McCurley who provided the updated information he had. Lieutenant Walker responded to the scene.

On his way to the scene, Lieutenant Walker learned Combs had told the patrol deputy who responded to the trespassing call that he had explosives and was going to blow up the area. Combs was described as having a chain and lock secured around his wrist. Lieutenant Walker was advised that the patrol deputy fired three less lethal rounds at Combs to try and stop Combs from entering his vehicle. The less lethal rounds struck Combs but Combs was still able to get into his car. Shortly after Combs got into his vehicle, the patrol deputy heard a muffled explosion. Combs was revving the engine of his vehicle and was seen waving a gun inside the vehicle. PA announcements were given to Combs but Combs failed to comply with orders.

Given the circumstances described to him, Lieutenant Walker was concerned about Combs trying to leave the location. Lieutenant Walker feared that if Combs detonated any device near deputies or in a more populated area the situation would be catastrophic. Lieutenant Walker ordered Specialized Enforcement Division snipers that Combs' vehicle could not leave the area due to safety concerns for the public and the deputies at the scene. Lieutenant Walker told Sergeant John Ades that Combs needed to be stopped. Sergeant Ades relayed that information over the radio. Prior to getting to the scene, Lieutenant Walker heard over the radio that Combs' started to drive towards the front gate and rounds were fired.

Weapon

No weapon or explosive device were located on Combs' person or in Combs' vehicle.

Belt Recordings

Detective John Clough was equipped with a belt recorder on the date of the incident under review. The belt recorder was activated and recording for part of the incident under review. The recording is approximately three hours and thirty-six seconds in length. Detective Clough can be heard on the recording giving several PA announcements. Detective Clough identifies himself as the San Bernardino County

Sheriff's Department. Detective Clough tells Combs they need him to come out of the vehicle slowly with his hands up and tells Combs to come speak with deputies. Radio traffic is heard describing Combs' movements inside the vehicle. A deputy is heard on the radio directing the sniper teams to take out the driver if the vehicle tries to leave the area. There is radio traffic that the engine of the vehicle is revving and the vehicle is trying to get out. Detective Clough can be heard saying "He's moving" right before the one hour forty-five-minute mark. Several gunshots can be heard being fired. There are additional gunshots heard and officers on the radio indicate the tires on Combs' vehicle had been disabled.

Deputy Michael Erwin was equipped with a belt recorder on the date of the incident under review. The belt recorder was activated and recording for part of the incident under review. The recording is approximately five minutes and thirty-nine seconds in length. Deputy Erwin can be heard giving several PA announcements. Deputy Erwin identifies himself as the Sheriff's Department. Deputy Erwin tells Combs to exit the car with his hands up. Deputy Erwin tells Combs any sudden movements will be seen as a threat and warns Combs he will be shot.

Deputy John Gice was equipped with a belt recorder on the date of the incident under review. The belt recorder was activated and recording for part of the incident under review. The recording is approximately two hours and thirty-five minutes in length. A deputy can be heard on the recording making several PA announcements. Deputy Gice another deputy can be heard saying "He's moving" a little after the one hour thirty-six-minute mark. Several gunshots can be heard being fired. There is radio traffic about that Combs is no longer moving inside the vehicle. There is also radio traffic about the condition of Combs' vehicle.

Deputy Kevin Kraft was equipped with a belt recorder on the date of the incident under review. The belt recorder was activated and recording for part of the incident under review. The recording is approximately one hour eighteen minutes in length. A deputy can be heard on the recording making several PA announcements. The deputy identifies himself as the San Bernardino County Sheriff's Department. The deputy asks Combs to exit his vehicle with his hands up so they could speak with him. There is radio traffic about Combs' movements inside the vehicle. A deputy is heard on the radio directing the sniper teams to take out the driver if the vehicle tries to leave the area. There is radio traffic that the engine of Combs' vehicle is revving. Deputy Kraft and another deputy can be heard saying, "He's moving" a little after the one hour seven-minute mark. Several gunshots can be heard being fired. There is radio traffic about disabling the tires on Combs' vehicle. Additional gunshots can be heard being fired.

Deputy Robert Theiss was equipped with a belt recorder on the date of the incident under review. The belt recorder was activated and recording for part of the incident under review. The recording is approximately twenty-two minutes in length. Deputy Theiss can be heard contacting Combs. Deputy Theiss asks Combs about why he has chains around his wrist. Combs tells Deputy Theiss he is "GOD" and tells Deputy Theiss he has a bomb in his car. Deputy Theiss orders Combs to the ground and then

can be heard firing several times at Combs. Deputy Theiss advises dispatch he fired less lethal rounds at Combs and Combs is now in his vehicle. Deputy Theiss also advises dispatch he heard an explosion to the rear of Combs' vehicle. Deputy Theiss tells dispatch that Combs said if the chains came off his wrist the bomb would go off.

Death

Combs was pronounced deceased at the scene.

Postmortem Examinations

A Forensic Pathologist for the Coroner Division of the Riverside County Sheriff's Department, conducted the autopsy of William Combs on October 15, 2015. The pathologist noted multiple injuries and gunshot wounds to Combs' body. The pathologist noted the following injuries to Combs' head and neck: graze type wound to the top of Combs' head; graze type wound to Combs' right temple; wound to Combs' right cheek; wound to Combs' left jaw; wound to Combs' left neck. The pathologist noted the following injuries to Combs' trunk and left upper extremity: wound to Combs' left medial arm; wound to Combs' left upper chest; and wound to Combs' left lower and lateral chest. The pathologist determined the cause of death was multiple gunshot wounds.

Toxicology

Urine, Vitreous, and Liver samples were collected from Combs during the autopsy.

Toxicology results for the **Urine** sample were listed as follows:

- Alcohol, ethyl urine
 - 0.01% (W/V)
- Amphetamines detected
 - greater than 50.000 mg/L Methamphetamine
 - 8.890 mg/L Amphetamine

Toxicology results for the **Vitreous** sample were listed as follows:

- Alcohol, ethyl vitreous
 - 0.00% (W/V)
- Amphetamines detected
 - 1.090 mg/L Methamphetamine
 - 0.073 mg/L Amphetamine

Toxicology results for **Liver** sample were listed as follows:

- Alcohol, ethyl liver
 - none detected

- 0.026 mg/Kg Haloperidol
- Amphetamine detected
- Methamphetamine detected

APPLICABLE LEGAL STANDARDS

Laws of Arrest

California Penal Code section 834a

If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such a person to refrain from using force or any weapon to resist such arrest.

California Penal Code section 835

An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subject to such restraint as is reasonable for his arrest and detention.

California Penal Code section 835a

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Laws of Self-Defense

The legal doctrine of self-defense is codified in Penal Code Sections 197 through 199. Those sections state in pertinent part: Where from the nature of an attack a person, as a reasonable person, is justified in believing that his assailant intends to commit a felony upon him, he has a right in defense of his person to use all force necessary to repel the assault; he is not bound to retreat but may stand his ground; and he has a right in defense of his person to repel the assault upon him even to taking the life of his adversary. (People v. Collins (1961) 189 CA 2d 575, 1 Cal Repr. 504).

Justification does not depend on the existence of actual danger but rather depends upon appearances; it is sufficient that the circumstances be such that a reasonable person would be placed in fear for his safety and the defendant act out of that fear (Penal Code Sec. 19; People v. Clark (1982) 130 CA 3d 371, 277, 181 Cal. Repr. 682

California Penal Code section 197 (Summarized in pertinent part)

Homicide is also justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person.

**CAL CRIM 3470 (REVISED JUNE 2007)
RIGHT TO SELF-DEFENSE OR DEFENSE OF ANOTHER**

Self-defense is a defense to the unlawful killing of a Human Being. A person is not guilty of that/those crimes if he/she used force against the other person in lawful self-defense or defense of another. A person acts in lawful self-defense or defense of another if:

1. The person reasonably believed that he/she or someone else was in imminent danger of suffering bodily injury or was in imminent danger of being touched unlawfully;
2. The person reasonably believed that the immediate use of force was necessary to defend against that danger; AND
3. The person used no more force than was reasonably necessary to defend against that danger.

When deciding whether a person's beliefs were reasonable, consider all the circumstances as they were known to and appeared to the person and consider what a reasonable person in a similar situation with similar knowledge would have believed. If The person's beliefs were reasonable, the danger does not need to have actually existed.

The person's belief that he/she or someone else was threatened may be reasonable even if he/she relied on information that was not true. However, the person must actually and reasonably have believed that the information was true.

A defendant is not required to retreat. He or she is entitled to stand his or her ground and defend himself or herself and, if reasonably necessary, to pursue an assailant until the danger of death/bodily injury has passed. This is so even if safety could have been achieved by retreating.

USE OF DEADLY FORCE BY A PEACE OFFICER

Authorization of the use of Deadly Force is analyzed under the Fourth Amendment's "*objective reasonableness*" standard. **Brosseau v. Haugen**, 543 U.S.

194, This question “is governed by the principles enunciated in *Tennessee v. Garner*, (1985) 471 U.S. 1 and *Graham v. Connor* (1989) 490 U.S. 386.

In these decisions, the US Supreme explained “it is unreasonable for an officer to ‘seize an unarmed, non-dangerous suspect by shooting him dead..... However, where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or others, it is not constitutionally unreasonable to prevent escape by using deadly force.” (*Tennessee v. Garner supra*)

Reasonableness is an objective analysis and must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. It is also highly deferential to the police officer's need to protect himself and others. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments-in circumstances that are tense, uncertain, and rapidly evolving-about the amount of force that is necessary. *Graham, 490 U.S. at 396,*. The question is whether the officer's actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” *Id.* at 397.

The US Supreme Court in *Graham* set forth factors that should be considered in determining reasonableness: (1) the severity of the crime at issue, (2) whether the suspect poses an immediate threat to the safety of the officers or others, and (3) whether he is actively resisting arrest or attempting to evade arrest by flight. The question is whether the totality of the circumstances justifies a particular sort of ... seizure. (See also *Billington v. Smith*, (2002 9th Cir) 292 F.3d 1177, 1184.) The most important of these factors is the threat posed by the suspect. *Smith v. City of Hemet*, (9th Cir. 2005) 394 F.3d 689.

Thus, under *Graham*, the high court advised we must avoid substituting our personal notions of proper police procedure for the instantaneous decision of the officer at the scene. “We must never allow the theoretical, sanitized world of our imagination to replace the dangerous and complex world that policemen face every day. What constitutes ‘reasonable’ action may seem quite different to someone facing a possible assailant than to someone analyzing the question at leisure.” (*Smith v. Freland* (6th Cir.1992) 954 F.2d 343, 347.

Reasonableness: The Two Prongs

Section 197(3) requires that one who employs lethal force have a “reasonable ground to apprehend” great bodily injury. Further, section 198 requires that such fear be “sufficient to excite the fears of a reasonable man,” clearly an objective standard. In shorthand, perfect self-defense requires both subjective honesty and objective reasonableness.

When specific conduct is examined under the analytical standard of reasonableness the concepts of apparent necessity and mistake are invariably, and necessarily, discussed,

for they are part of the same equation. “Reasonableness,” after all, implies potential human fallibility. The law recognizes, as to self defense, that what is being put to the test is human reaction to emotionally charged, highly stressful events, not mathematical axioms, scientifically provable and capable of exact duplication.

Justification does not depend upon the existence of actual anger but rather depends on appearances; it is sufficient that the circumstances be such that a reasonable person would be placed in fear for his safety and that the defendant act out of that fear. *[Citation.]* ‘He may act upon such appearances with safety; and if without fault or carelessness he is misled concerning them, and defends himself correctly according to what he supposes the facts to be, his act is justifiable, though the facts were in truth otherwise, and though he was mistaken in his judgment as to such actual necessity at such time and really had no occasion for the use of extreme measures.’ *People v. Clark* (1982) 130 Cal.App.3d 371, 377, 181 Cal.Rptr. 682.

While the test, as mandated by section 198, is objective, “reasonableness is determined from the point of view of a reasonable person in the defendant’s position. “[A] defendant is entitled to have a jury take into consideration all the elements in the case which might be expected to operate on his mind” What is reasonable under the circumstances is judged “from the point of view of a reasonable person in the position of defendant.” “Reasonableness is judged by how the situation appeared to the *defendant*, not the victim.”

Imminence of Perceived Danger

“Imminence is a critical component of both prongs of self-defense.” Response with deadly force must be predicated on a danger that portends imminent death or great bodily injury. Reasonableness and immediacy of threat are intertwined. Self-defense “is based on the reasonable appearance of imminent peril of death of, or serious bodily injury to the party assailed”

In *Aris*, trial court’s clarifying instruction to the jury on the subject was to the point and later cited with approval by the California Supreme Court: “An imminent peril is one that, from appearances, must be instantly dealt with.” *[People v. In re Christian S. (1994) 7 Cal. 4th 768,783]*

The question is whether action was instantly required to avoid death or great bodily injury. In this regard, there is no duty to wait until an injury has been inflicted to be sure that deadly force is indeed appropriate.

Retreat and Avoidance

Under California law one who is faced with an assault that conveys death or great bodily injury may stand his ground and employ lethal force in self-defense. There is no duty to retreat “even though the assailed person might more easily have gained safety by flight

or by withdrawing from the scene.” Indeed, in California the retreat rule has been expanded to encompass a reasonably perceived necessity to pursue an assailant to secure oneself from danger. [See *People v. Holt* (1944) 25 Cal.2d 59, 63 and *People v. Collins* (1961) 189 Cal. App.2d 575, 588]

Nature and Level of Force

“[A]ny right of self-defense is limited to the use of such force as is reasonable under the circumstances.” [See *People v. Gleghorn* (1987) 193 Cal.App.3d 196, 200, *People v. Minifie* (1996) 13 Cal.4th 1055, 1065, *People v. Moody* (1943) 62 Cal.App.2d 476, 482 and *People v. Moody* (1943) 62 Cal.App.2d 18, 22]

Case law does not impose a duty to use less lethal options. “Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety.” [*People v. Collins* (1961) 189 Cal. App.2d 575, 589]

The rationale for vesting the police officer with such discretion was explained:

Requiring officers to find and choose the least intrusive alternative would require them to exercise superhuman judgment. In the heat of battle with lives potentially in the balance, an officer would not be able to rely on training and common sense to decide what would best accomplish his mission. Instead, he would need to ascertain the *least* intrusive alternative (an inherently subjective determination) and choose that option and that option only. Imposing such a requirement would inevitably induce tentativeness by officers, and thus deter police from protecting the public and themselves. It would also entangle the courts in endless second-guessing of police decisions made under stress and subject to the exigencies of the moment.” [*Scott v. Henrich* (1994) 39 F.3d 912, 915]

In summary, an honest and objectively reasonable belief that lethal force is necessary to avoid what appears to be an imminent threat of death or great bodily injury will justify the use of deadly force. This is true even if the person acting in self-defense could have safely withdrawn or had available to him a less lethal means of defense.

ANALYSIS

On October 10, 2015, Witness #1, a Water Operations Supervisor for the Phelan Pinon Hills Community Services District, called 911 to report a trespasser who claimed to have

a bomb. There had been an intrusion alarm triggered at the water reservoir site located at 8300 Snow Cap Avenue in the City of Pinon Hills. When Witness #1 responded to the location he found a white male adult, later identified as William Combs, and a silver BMW locked inside the fenced area near two large water towers. Combs told Witness #1 he was "GOD" and owned the property. Combs also told Witness #1 he had two bombs in his vehicle. Witness #1 was unable to enter the property because Combs had chained and locked the gate.

Deputy Robert Theiss, from the San Bernardino County Sheriff's Department, responded to the call for service and contacted Combs. Inside the gated area, Deputy Theiss saw Combs standing near the passenger side of a silver BMW. When Deputy Theiss got out of his vehicle he saw there was a chain and padlock on the gate. Deputy Theiss also observed a thick chain wrapped around both of Combs' wrists in a figure eight pattern. There were two padlocks on the chain and Combs was holding a padlock in his hand.

Combs identified himself by name and started rambling on making different statements. Combs said he worked for the water company and that he pays for everything at the sheriff's department. Deputy Theiss asked Combs about the chain on his wrists. Combs told Deputy Theiss that the chain was linked to his BMW and that if the chain was cut or taken off when he was outside of his car, the bomb inside the car would blow up. Deputy Theiss asked Combs again what his name was and this time Combs told Deputy Theiss he was "GOD."

Combs turned and started to walk towards his car. Deputy Theiss told Combs to get on the ground. Combs argued with Deputy Theiss and refused to comply. Combs continued to walk towards his vehicle. Deputy Theiss did not know what other types of weapons were inside the vehicle and was afraid Combs would leave and blow up the vehicle. Deputy Theiss ordered Combs to get down on the ground but again Combs refused to comply. When Combs neared the driver's door, Deputy Theiss fired his less lethal shotgun at Combs. Combs barricaded himself in his vehicle. Deputy Theiss heard an explosion near the rear of Combs' vehicle. Deputy Theiss backed away from the scene and notified dispatch about what happened.

Additional deputies responded to the scene to assist Deputy Theiss. Personnel from the Specialized Enforcement Division were requested to respond. Deputies made several PA announcements to Combs to exit his vehicle with his hands up. Combs, however, remained in his vehicle with the radio turned up loud. Combs could be seen waving his hands and moving around inside the vehicle. Snipers from the Specialized Enforcement Division arrived at the location and set up tactical positions to observe Combs. Combs was believed to have a bomb and posed a threat to both the deputies at the scene and civilians in nearby homes. Given those circumstances, Lieutenant Walker ordered Specialized Enforcement Division snipers that Combs' vehicle could not leave the area due to safety concerns for the public and the deputies at the scene. Lieutenant Walker told Sergeant John Ades that Combs needed to be stopped.

At approximately 5:53 in the evening, Combs started revving the engine of his BMW. Combs accelerated his vehicle towards the locked front gate. Detective Schmiedel, Detective New, and Deputy Besheer believed Combs was trying to leave the facility and fired several rounds at Combs. Deputy Nicolas Craig, who was positioned on the perimeter, also fired at Combs' vehicle when it accelerated towards the gate. Combs' vehicle struck the gate and became stuck in the dirt. The tires on Combs' vehicle continued to spin. Detective Schmiedel, Detective New, Deputy Besheer, and Detective LaFever fired several more rounds and disabled the vehicle's tires and headlights. Detective LaFever fired his weapon and disabled the passenger side headlight on Combs' vehicle. Combs was not seen moving inside the vehicle. Several more PA announcements were given to Combs to exit his vehicle with his hands up and to see if Combs needed medical attention. There was no response from Combs.

In this case, Detective Schmiedel, Detective New, Deputy Besheer, and Deputy Craig each had an honest and objectively reasonable belief Combs posed a threat of serious bodily injury or death to themselves, the other deputies at the scene, and the civilians residing in the nearby homes. The information known at the time was that Combs had told both Witness #1 and Deputy Theiss he was "GOD" and had a bomb in his vehicle. Deputy Theiss had seen chains wrapped around Combs' wrists. Deputy Theiss had tried to stop Combs from getting into his vehicle. When Combs refused to comply with Deputy Theiss' commands, Deputy Theiss was forced to fire rounds from his less lethal shotgun. In addition, after the confrontation with Deputy Theiss, an explosion was heard at the rear of Combs' vehicle.

There were several PA announcements given to Combs to exit with his hands up and to leave any explosives and weapons inside the vehicle. Again, Combs refused to comply with law enforcement commands. Instead, Combs turned the volume up on the car radio while the PA announcements were being made. In addition, information was relayed to the deputies that Combs had two firearms registered to him and had a run in with officers from Rialto Police Department that resulted in Combs being tased and taken in for a psychiatric evaluation. Equally important, the deputies knew the safe distance from a vehicle bomb of the size of Combs' vehicle was approximately five hundred yards.

Given the information known to the deputies at the time, it was objectively reasonable for Detective Schmiedel, Detective New, Deputy Besheer, and Deputy Craig to believe Combs intended to carry out his threat to detonate his bomb when he revved the engine to his vehicle and accelerated towards the gate. The threat Combs posed to the deputies and the civilians in the nearby homes was serious and immediate. The damage that could be inflicted by a vehicle bomb exploding was significant. Thus, the deputies knew Combs needed to be stopped before he left the area. Detective Schmiedel, Detective New, Deputy Besheer, and Deputy Craig honestly and reasonably feared for their lives, their partners' lives, and the lives of the civilians in the nearby homes. When Combs accelerated his vehicle towards the gate, Detective Schmiedel, Detective New, Deputy Besheer, and Deputy Craig honestly and reasonably believed their only way to stop Combs from killing anyone was to fire their weapons at Combs.

The deputies knew any hesitation on their part could have catastrophic results. Given those circumstances, the decision by Detective Schmiedel, Detective New, Deputy Besheer, and Deputy Craig to use deadly force was justified.

CONCLUSION

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

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

Based on the facts presented in the reports and the applicable law, this Office concludes there is no evidence to establish criminal liability on the part of Detective LaFever.

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

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

Lynette Grulke
Deputy District Attorney
Rancho Cucamonga Office

Date

Julie Peterson
Chief Deputy District Attorney
Desert-Mountain Division

Date

Gary Roth
Assistant District Attorney
Desert Division

Date