



C A L I F O R N I A

DEPARTMENT OF JUSTICE

**Report on the Investigation into the Death of
Anthony and Savannah Graziano on September 27, 2022**

San Bernardino County AB 1506

March 2025

TABLE OF CONTENTS

BACKGROUND – AB 1506	1
PRIVACY STATEMENT	2
INTRODUCTION	3
SUMMARY OF INCIDENT²	4
September 26 – Shooting of Tracy Martinez	4
September 27 – The OIS Incident	8
INVESTIGATION	22
DOJ Response	22
Evidence Reviewed	23
Description of Scenes	23
Evidence Recovery	28
Coroner’s Response	39
Coroner’s Investigation	40
Scientific Analysis	40
Processing of Involved Officers	41
Interviews of Police Officers	55
Interviews of Fire Department Responders	59
Interviews of Civilian Witnesses	60
APPLICABLE LEGAL STANDARDS	70
LEGAL ANALYSIS	73
CONCLUSION	75



INVESTIGATION OF OFFICER INVOLVED SHOOTING

BACKGROUND – AB 1506

Pursuant to California Assembly Bill 1506 (“AB 1506”), the California Department of Justice (“the Department” or “DOJ”) is required to investigate all incidents of an officer-involved shooting resulting in the death of an unarmed civilian in the state. Historically, these critical incidents in California have been handled primarily by local law enforcement agencies and the state’s 58 district attorneys.

AB 1506, signed into law on September 30, 2020, and effective July 1, 2021, provides the California Department of Justice (DOJ) with an important tool to directly help build and maintain trust between law enforcement and the communities they serve by creating a mandate for an independent, statewide prosecutor to investigate and review officer-involved shootings of unarmed civilians across California. DOJ investigates and reviews, for potential criminal liability, all such incidents covered under AB 1506, as enacted in California Government Code section 12525.3. Where criminal charges are not appropriate, DOJ is required to prepare and make public a written report, like this one, communicating:

- A statement of facts, as discovered by the investigation;
- An analysis of those facts in light of applicable law;
- An explanation of why it was determined that criminal charges were not appropriate; and
- Where applicable, recommendations to modify the policies and practices of the involved law enforcement agency.

Recommendations to modify policies and practices of the involved law enforcement agency will be based on the facts of the incident, any known policies and practices of the relevant law enforcement agency, and the experience and expertise developed by DOJ personnel.

PRIVACY STATEMENT

This report includes redactions of the names and other identifying information of witnesses and family members of the decedent. The public interest in such information is limited as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure clearly outweighs any public interest in disclosure.

For reasons related to privacy, as well as readability of this report, the witnesses, family members and key locations will be indexed as follows:

- Witness 1 (“W-1”), driver of Honda Odyssey on September 26, 2022
- Witness 2 (“W-2”), manager of the Pilot Travel Center
- Witness 3 (“W-3”), customer at the Pilot Travel Center
- Witness 4 (“W-4”), driver on Highway 395
- Witness 5 (“W-5”), driver on Interstate 15
- Witness 6 (“W-6”), driver on Bear Valley Road overpass
- Witness 7 (“W-7”), driver on Interstate 15
- Witness 8 (“W-8”), employee of Golden Corral Restaurant
- Witness 9 (“W-9”), volunteer chaplain for San Bernardino Sheriff’s Department
- Family Member 1 (“F-1”), Anthony Graziano’s son
- Family Member 2 (“F-2”), Anthony Graziano’s son
- Family Member 3 (“F-3”), mother of Tracy Martinez

INTRODUCTION

On September 26, 2022, Anthony Graziano shot and killed his wife, Tracy Martinez, on a public street in Fontana, California as Ms. Martinez attempted to flee from Mr. Graziano's white Nissan Frontier pickup truck. Their daughter, 15-year-old Savannah Graziano¹, was in the Nissan Frontier when her mother was shot. Mr. Graziano drove off with Savannah after Ms. Martinez's shooting. An Amber Alert was issued for Savannah. On September 27, 2022, witnesses called 911 and reported seeing the Nissan Frontier and Savannah Graziano in San Bernardino County. The Nissan Frontier was then spotted by San Bernardino Sheriff's Department deputies, and a 41-mile pursuit ensued on southbound Interstate 15. During the last 34 miles of the pursuit, as Mr. Graziano drove the vehicle, numerous rounds were fired at pursuing deputies from the rear and passenger-side windows of the Nissan Frontier. Mr. Graziano ultimately drove off the freeway and up an embankment. Rounds continued to be fired at deputies, and 21 deputies returned fire. Savannah Graziano got out of the front passenger seat of the Nissan Frontier wearing a tactical helmet. While she initially lay on the ground, she then got up and moved towards a deputy; at that time, she was shot and killed. Mr. Graziano was found dead in the driver's seat of the Nissan Frontier.

The Department of Justice (DOJ) investigated and reviewed the Officer-Involved Shooting (OIS) pursuant to Government Code section 12525.3 (enacted by Assembly Bill 1506 [2019-2020 Reg. Sess.]). This report is the final step in DOJ's review of the fatal OIS of Anthony and Savannah Graziano and is limited solely to determining whether criminal charges should be brought against the involved officers, and offering possible policy and practice recommendations, as required by Government Code section 12525.3, subdivision (b)(2)(B)(iii). The review does not encompass or comment on any potential administrative or civil actions. Upon thorough examination, and as discussed in detail below, we have determined that there is insufficient evidence to support the filing of criminal charges against any of the involved officers.

CAUTION: The images and information contained in this report may be graphic and disturbing. Therefore, reader discretion is advised, especially for young children and sensitive individuals.

¹ For purposes of clarity, Savannah Graziano will be referred to either by her full name or as "Savannah" throughout this report. No disrespect is intended by such reference.

SUMMARY OF INCIDENT²

September 26 – Shooting of Tracy Martinez

On Monday, September 26, 2022, at approximately 7:30 AM, Anthony Graziano argued with his wife, Tracy Melinda Martinez, in front of Cypress Elementary School in Fontana. The argument took place inside a white 2017 Nissan Frontier pickup truck, California license plate 44305G2. Witnesses saw Mr. Graziano punching Ms. Martinez during the argument. Ms. Martinez was in the front passenger seat, and their 15-year-old daughter, Savannah Graziano was in the back seat. Ms. Martinez attempted to get out of the Nissan Frontier but was restrained by Mr. Graziano. Video captured Ms. Martinez opening the front passenger door and putting her feet outside of the truck; it appeared that Mr. Graziano was holding her to prevent her escape. The same video showed Savannah Graziano getting out of the Nissan Frontier's back seat, closing her mother's door and returning to the back seat of the truck. Ms. Martinez was heard on the video repeatedly screaming, "no, no."



Savannah Graziano closing her mother's door

During the argument, Mr. Graziano backed the Nissan Frontier into a Honda Odyssey driven by W-1 with his nine-year-old son as a passenger. After hitting the Honda Odyssey, Mr. Graziano drove quickly away. W-1 pursued him. Mr. Graziano stopped the Nissan Frontier, got out, brandished a black semiautomatic handgun, and fired twice towards W-1 and his son, striking their Honda Odyssey.

² This report generally includes information about facts and circumstances leading up to the OIS, even if some of the information was unknown to the deputies, in order to explain and give context to the entire incident.



Mr. Graziano (circled in red) firing at W-1 (circled in blue) as a child walks nearby on his way to school. Captured on home security video.



W-1's SUV after it was struck by the Nissan Frontier and shot into by Mr. Graziano

While Mr. Graziano was firing at W-1, Ms. Martinez ran from the Nissan Frontier. Mr. Graziano turned towards her and fired his handgun in her direction. Ms. Martinez was struck by the gunshots and fell to the ground. Mr. Graziano got back into his Nissan Frontier and fled the scene with Savannah Graziano still in the car. Fontana Police Department (FPD) officers arrived, and Ms. Martinez identified Mr. Graziano as the person who had shot her. She was transported to the hospital where she subsequently died of her injuries. FPD officers secured a warrant for Mr. Graziano’s arrest. The CHP activated the Amber Alert System and issued the following bulletin which was widely disseminated across California by broadcast, print and social media:

CALIFORNIA HIGHWAY PATROL

AMBER ALERT

CHILD ABDUCTED/TAKEN

ARMED & DANGEROUS

SUSPECT



Name: Anthony Graziano
Age: 45 Years Old
Height: 5' 4"
Weight: 150 Pounds
Hair: Brown
Eyes: Brown
Clothing: White shirt, dark shorts

VICTIM



Name: Savannah Graziano
Age: 15 Years Old
Height: 5' 2"
Weight: 110 Pounds
Hair: Brown
Eyes: Brown
Clothing: Unknown





Vehicle:

2017 Nissan Frontier White
CA Plate 44305G2

THIS AMBER ALERT HAS BEEN ACTIVATED BY THE CHP ON BEHALF OF THE FONTANA POLICE DEPARTMENT.

SAVANNAH GRAZIANO WAS LAST SEEN WITH HER FATHER, ANTHONY GRAZIANO, ON SEPTEMBER 26, 2022, AT APPROXIMATELY 0734 HOURS, IN FONTANA, SAN BERNARDINO COUNTY.

IF SEEN CALL 9-1-1

CHP Amber Alert issued for Savannah Graziano

The Fontana Police Department also published the Amber Alert on social media:

City of Fontana Police Department ✓
September 26, 2022 · 🌐

MORE INFORMATION WILL BE RELEASED AT 4PM BY THE SHERIFF'S DEPT ***Update: As of this morning, both have NOT been located.
Please continue to share with friends and help get the word out***

On Monday, September 26th, 2022, at approximately 07:30 am, Officers were dispatched to a shots fired call in the area of Cypress Avenue / Mallory Drive. Officers arrived and found an adult female suffering from multiple gunshot wounds. The female was transported to a local trauma center, where she was pronounced deceased.

During the incident, Cypress elementary school was temporarily placed on lockdown as a precaution.

This was a domestic violence incident. The suspect, 45-year-old Anthony John Graziano, is considered armed and dangerous. It is believed he is with his 15-year-old daughter Savanna Graziano.

Anthony is driving a White 2017 Nissan Frontier with California plates 44305G2. The Nissan has an overlanding rack over the bed of the truck. It also has a distinct "Pro-4X" "animal" sticker on the rear quarter panel.

If you see this vehicle, Please call 911 immediately.

INVESTIGATION UPDATE
HOMICIDE SUSPECT WANTED

ANTHONY GRAZIANO
45 YEARS OLD

Savanna Graziano
15 years old

Fontana Police Department Social Media Post

FPD officers spoke with Mr. Graziano's sons F-1 and F-2. They learned that Mr. Graziano had called each of his sons a short time after he had killed their mother; he told them he had killed their mother², intimated that he would kill himself, and hung up. F-2 and F-1 each tried to call their father back many times, but Mr. Graziano had turned off his phone. Savannah Graziano answered one phone call and said they "had to go." Additional calls went unanswered.

FPD investigators were told by F-1 and F-2 that Mr. Graziano had a storage unit in Fontana. They obtained a search warrant for the storage unit and conducted a search. The officers found six rifles, three handguns, two rifle lower receivers, over ten thousand rounds of ammunition, 14 smoke cannisters, 20 rifle and handgun magazines, a night scope, and a bulletproof vest.

September 27 – The OIS Incident

On Tuesday, September 27, 2022, at 10:15 AM, W-2, the manager of the Pilot Travel Center in Boron, saw Savannah Graziano walk into the station's mini mart. She bought two sodas and paid for gas. W-3, another customer, told the manager that he recognized Savannah Graziano from the Amber Alert.

W-2 saw Savannah Graziano enter the Nissan Frontier and saw the vehicle drive north on U.S. Highway 395 in the direction of Highway 58; he called 911 to report his observations.

At 10:25 AM, W-4 saw a white Nissan Frontier matching the vehicle described in the Amber Alert at Highway 395 and Highway 58. He called 911 and reported seeing the Nissan Frontier; he described the license plate as 443G2. The information about the sightings of the Nissan Frontier was given to San Bernardino Sheriff's Department ("SBSD") dispatch at 10:34 AM and was broadcast to deputies assigned to the Apple Valley and Barstow stations. At 10:37 AM, SBSB Sergeant Darren Gilmore was dispatched to the call and air support (a police helicopter) was requested.

At 10:45 AM, Sergeant Gilmore and SBSB Canine Detective Michael Chavez saw the white Nissan Frontier, California license plate 44305G2, traveling eastbound on Highway 58. They attempted to catch up with the Nissan Frontier, which entered Interstate 15 (I-15) southbound. Deputies David Johnson and Kimberly Kabluyen were three quarters of a mile behind Sergeant Gilmore.

Sergeant Gilmore continued following the Nissan Frontier and broadcast that he was passing the Lenwood Road exit. Detective Chavez broadcast that he was near the Outlet Center Drive exit. At 10:52 AM, Sergeant Gilmore broadcast that he was attempting to catch up with the Nissan Frontier, and that their speed was over 113 miles per hour.

At 10:53 AM, Sergeant Gilmore broadcast, "shots fired, shots fired, taking rounds, shots fired." He was wearing an audio recording device (a "belt recorder") that captured his communications, including the sounds of impacts on his patrol vehicle.³ Upon later inspection, Sergeant Gilmore's patrol vehicle had two bullet holes in its upper right windshield.

² Tracy Martinez was F-2's stepmother. During his interview, F-2 told investigators he considered her his mother and referred to her in that way.

³ At the time of these events, SBSB did not use body-worn cameras.



Sergeant Gilmore's patrol vehicle showing bullet holes in front window

Sergeant Gilmore broadcast, "watch out, watch out, watch out." He then broadcast (addressing Detective Chavez), "K-9 are you okay?" and broadcast, "I'm going to check on K-9, he's off in the desert." Detective Chavez broadcast, "K-9-5, shots fired. I'm Code 4."⁴ The sound of gunfire was captured on Detective Chavez's belt recording. Detective Chavez fired rounds at the Nissan Frontier; it is not known whether any of his rounds struck the Nissan Frontier.

Detective Chavez's vehicle was later examined; it had three bullet holes in the bumper and radiator. The vehicle was disabled on the I-15 south, a quarter of a mile south of the Outlet Center Drive on-ramp in Barstow.



Bullet strikes to Detective Chavez's patrol vehicle

⁴ In police jargon, "Code 4" means that a situation is safe and under control.

Sergeant Gilmore pulled off the I-15 freeway to check on Detective Chavez. Detective Chavez left his disabled vehicle and got into Sergeant Gilmore's front passenger seat. As they approached the Hodge Road exit on the I-15, Detective Chavez broadcast, "the suspect is shooting out the back window, through the open back window."⁵ He asked dispatch to notify the SBSD Victorville Station that the suspect was heading towards them and requested that Apple Valley Station deputies respond to the I-15 freeway perimeter. At 11:57 AM, Deputy Johnson reported that the Nissan was passing vehicles on the right shoulder. Sergeant Gilmore broadcast, "just for info, two rounds impacted my front windshield, but we're still in." Deputies in the SBSD airship asked, "can we confirm if the child was in the car?" Sergeant Gilmore responded, "two people in the vehicle." SBSD dispatch advised medics to stage and to respond upon confirmation that someone was wounded by gunfire.

At approximately 11:01 AM, California Highway Patrol (CHP) officers in the CHP Airship (helicopter) H-82 saw the Nissan Frontier and broadcast that they were overhead, recording audio and video. The Nissan Frontier was on the I-15 South, four-tenths of a mile north of the Dale Evans exit. At the same time, Deputy David Johnson broadcast, "the suspect is continuing to fire out of the back windshield" and "multiple shots fired, coming up on the right shoulder, continuing to fire." He further stated, "There is [sic] at least two occupants and they're continuing to fire out the back window."

At 11:02 AM, Deputy Johnson broadcast, "I believe he might have shot my vehicle once or twice." His patrol vehicle was later found to have a bullet hole in the passenger side of the windshield. Deputy Johnson also requested an airship with lethal coverage.



Bullet strike to Deputy Johnson's patrol vehicle's windshield

⁵ Throughout the incident and as a result of the shooting of Ms. Martinez and the Amber Alert, Mr. Graziano is described as the "suspect."

At 11:03 AM, Deputy Kent Watson, who was in pursuit of the Nissan and was partnered with Deputy Daniel Gonzalez, broadcast, “suspect vehicle is in the number one lane, southbound 15, just fired a shot out the passenger window.” The Nissan Frontier was on the I-15 South, three-tenths of a mile south of the Stoddard Wells Road exit. At 11:04 AM, Deputy Kabluyen, also in pursuit, reported a possible disturbance inside the Nissan. The SBSB helicopter broadcast that it was “prepared for lethal force.” Sergeant Gilmore also stated that the suspect was “actively firing.” Deputy Torey Arlotti reported seeing “a passenger in the [suspect] vehicle,” and that there were “two occupants.”

W-5 was travelling on the I-15 South when he noticed the vehicle pursuit coming up behind him. He recorded the pursuit on his cell phone. The video showed W-5 driving in the number two lane (second lane to the right of the center median) with the Nissan Frontier in front of him near the “Nisqualli Road one mile” exit sign. Two SBSB marked vehicles, a Chevrolet Tahoe and a Dodge Charger, with their lights and sirens activated, passed the witness on his left. W-5 saw a rifle pointed out of the front passenger window of the Nissan Frontier, and it “opened fire.” He heard approximately 20 gunshots. Although W-5 could not tell if the shots were fired from the Nissan or by deputies, the two SBSB vehicles swerved as the shots were fired. Nine additional SBSB Ford Explorers, lights and sirens activated, followed behind in pursuit of the Nissan Frontier. During the incident, W-5’s truck was hit by a bullet which caused radiator fluid to leak from its engine block.

At 11:08 AM, Deputy Johnson broadcast, “I’m taking rounds. My vehicle is disabled.” His belt recorder captured the sound of his patrol vehicle being hit by bullets. He then broadcast, “I have rounds through the front windshield, I believe I have a round through my engine.” His patrol vehicle was later examined; it had a bullet hole in the right windshield which continued through the front passenger headrest. A second bullet was found in the vehicle’s grille. Deputy Johnson was later treated at the Arrowhead Regional Medical Center for an eye injury.



Bullet strike to the radiator of Deputy Johnson’s patrol vehicle



Bullet strike to the front passenger door of Deputy Johnson's patrol vehicle

At 11:08 AM, immediately after Deputy Johnson's broadcast, Deputy Dashaun Jones broadcast, "17-MET-2, we just took rounds from the on-ramp at the Nisqualli exit," and that the suspect was using a rifle. The sound of gunshots could be heard on his belt recording. At that time, the Nissan Frontier was on the I-15 south, three-tenths of a mile south of the Nisqualli Road exit, driving under an overpass.

At 11:09 AM, as the Nissan Frontier was six-tenths of a mile south of the Bear Valley Road exit, Deputy Kabluyen broadcast, "taking rounds." The sounds of gunshots were captured on Deputy Jones's belt recorder. Deputy Kent Watson broadcast, "just took a round through the windshield." The sound of a bullet strike to his windshield can be heard on both Deputy Watson's and Deputy Gonzalez's belt recordings. Later examination found a bullet strike to the passenger side of their windshield. Deputy Watson sustained gunshot wounds to his right bicep and to fingers on both of his hands. Deputy Gonzalez was not injured.



Bullet strike to the windshield of Deputies Watson's and Gonzalez's patrol vehicle

As the pursuit went past the Bear Valley Road exit, W-6 was driving eastbound on the overpass. She saw the pursuit on the freeway and heard gunshots. When she stopped to make a turn, her car was hit by a bullet above the passenger side door. The bullet ricocheted, hit her lip, and came to rest on the rear floorboard.

At 11:10 AM, SBSA Airship 40-King-4 arrived overhead and began recording the pursuit as the SBSA patrol vehicles approached Main Street in the City of Hesperia.

W-7 entered Interstate 15 at Bear Valley Road and was driving south in the number two lane, when the Nissan Frontier sped past him on the left in the number one lane. The witness later told investigators that the driver of the Nissan Frontier was a man with short hair. The witness did not see anyone else in the Nissan Frontier. The rear window and the rear passenger-side window of the Nissan Frontier were shattered. The witness heard a gunshot from the Nissan Frontier, and saw shattered glass fly out of the already-shattered rear window of the Nissan. A second gunshot was fired from the Nissan Frontier approximately one second after the first. The witness was not sure whether the shots were directed at him or at the police who were behind him. W-7 activated his dashboard camera, which recorded smoke coming from the shattered rear window of the Nissan Frontier. Another gunshot was heard, and the Nissan Frontier turned to the right and cut across the number two and three lanes of the freeway, as it approached the Main Street overpass.

W-7 veered to the right shoulder just past the Main Street Bridge and stopped as the sheriffs arrived at W-7's location. The Nissan drove off the freeway and up the on-ramp.



Image from W-7's video of Nissan driving up the on-ramp (against traffic)

The first sheriff's vehicle drove off the freeway shoulder to the right; the deputy "jumped out of the car and hid behind a car." The deputy crouched under his driver's side door with his pistol raised as gunshots were fired. W-7 described his reaction to seeing the deputy's actions: "And then I'm just like, oh shit. Like that's when I'm like, am I in danger? Because he's hiding behind a car, what should I be doing?"



Image from W-7's video showing deputy sheltering behind patrol car – Nissan Frontier shown in upper right

A second sheriff's vehicle arrived at W-7's location and slowed. W-7 wanted to leave, because the suspect was starting to "come down the dirt side of the on-ramp." As he started to drive off, the deputy stopped her patrol vehicle and W-7 moved forward and tapped the back of her patrol vehicle. W-7 put his car in reverse, "Because I seen [sic] him coming and there was gunshots, so I was like, best thing to get the fuck out of the way." He described the sound as "just continuous gunshots the whole time." He could not tell who was shooting, but "[t]here was multiple different calibers for sure.

It wasn't all the same caliber." W-7 estimated that he heard 20 to 30 rounds fired before he started to pull out. W-7 wanted to drive around the deputy. "The bullets were coming, so it's just instant panic. So, I didn't know whether to get out and hide behind her car, but I didn't want anything to happen to me getting out. So that's when I just put it in reverse." The deputy came around her car with her gun drawn and waved at W-7 to keep going.



Image from W-7's video showing deputy motioning for W-7 to drive away from scene

As he drove past the deputy, W-7 saw three patrol vehicles driving up the on-ramp, and more patrol units stopping traffic under the Main Street bridge. Once he passed the deputy and continued forward, W-7 heard what "sounded like at least 100 rounds. It was insane." W-7 "just took off down the freeway," going as fast as he could.

At 11:11 AM, Deputy Johnson broadcast, "he's weaving in and out of traffic, actively firing," as the Nissan Frontier drove under the Main Street overpass on the I-15 in Hesperia. The Nissan Frontier drove across the west shoulder of the freeway, over a dirt embankment and made a U-turn onto the I-15 South on-ramp at Main Street. The Nissan Frontier then drove off the I-15 South on-ramp, down a dirt embankment, and then drove up a second embankment leading to the eastbound lanes of Main Street. Deputies were positioned at the top of the I-15 South on-ramp and along Main Street's south curb line. The SBSA airship reported that it was "set up for lethal force."

At 11:11:43⁶, the CHP airship recorded the Nissan Frontier passing under the Main Street overpass on Interstate 15.

⁶ The CHP and SBSA airships were both overhead at this point in the pursuit, and both recorded these events. There was an approximately five-minute discrepancy in the times recorded on the airships' videos. The times noted in this report have been reconciled and are believed to be accurate, as they correspond to the events reported by SBSA's dispatcher.

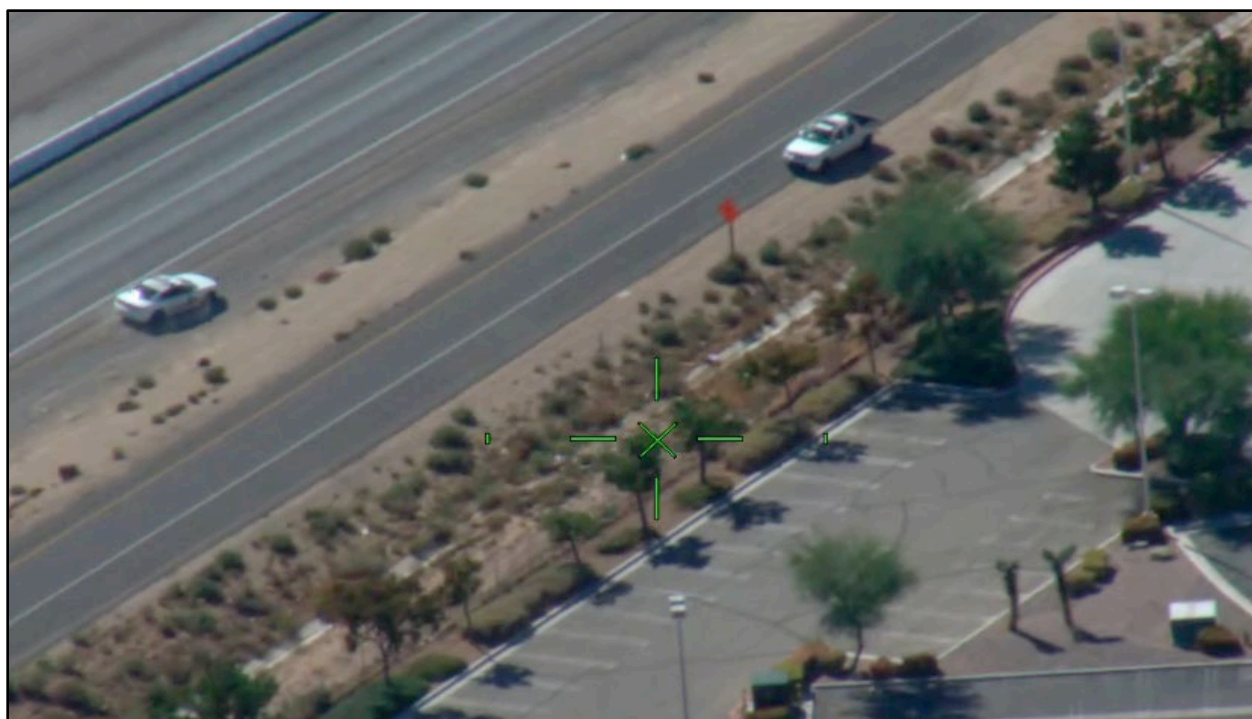
At 11:11:54, the CHP airship recorded the Nissan Frontier driving onto the dirt shoulder of Interstate 15.

At 11:11:56, the CHP airship recorded the Nissan Frontier driving over the dirt shoulder of Interstate 15 and onto the southbound freeway on-ramp.



The Nissan Frontier driving over the dirt shoulder of I-15 and onto the southbound on-ramp

At 11:11:58, the CHP airship recorded the Nissan Frontier driving the wrong way on the southbound freeway on-ramp.



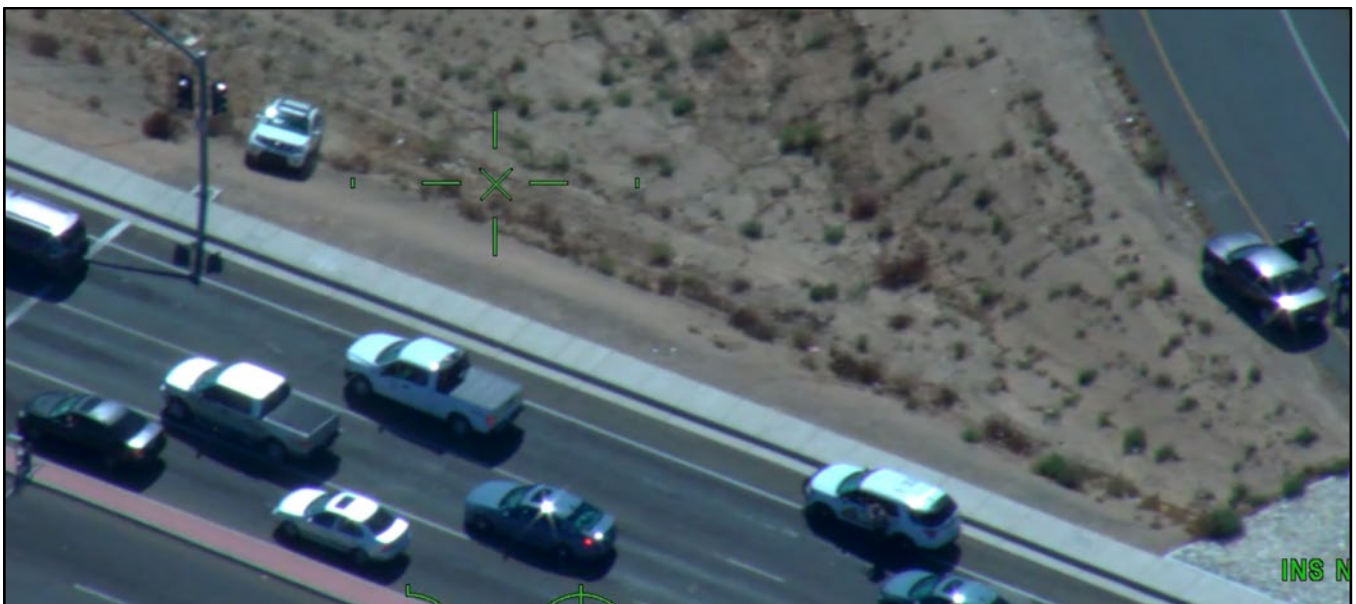
The Nissan Frontier driving northbound on the southbound on-ramp

At 11:12:08 the CHP airship recorded the Nissan Frontier driving onto the dirt embankment between Main Street, the southbound freeway on-ramp, and Interstate 15.



The Nissan Frontier driving onto the embankment leading to Main Street

At 11:12:10 the CHP airship recorded the Nissan Frontier driving fully onto the dirt embankment leading uphill to Main Street. SBS Technical Flight Officer Jonathan Holt saw shots fired from the Nissan Frontier. At this point, deputies from various vehicles returned fire toward the Nissan Frontier, which continued until the conclusion of the incident.



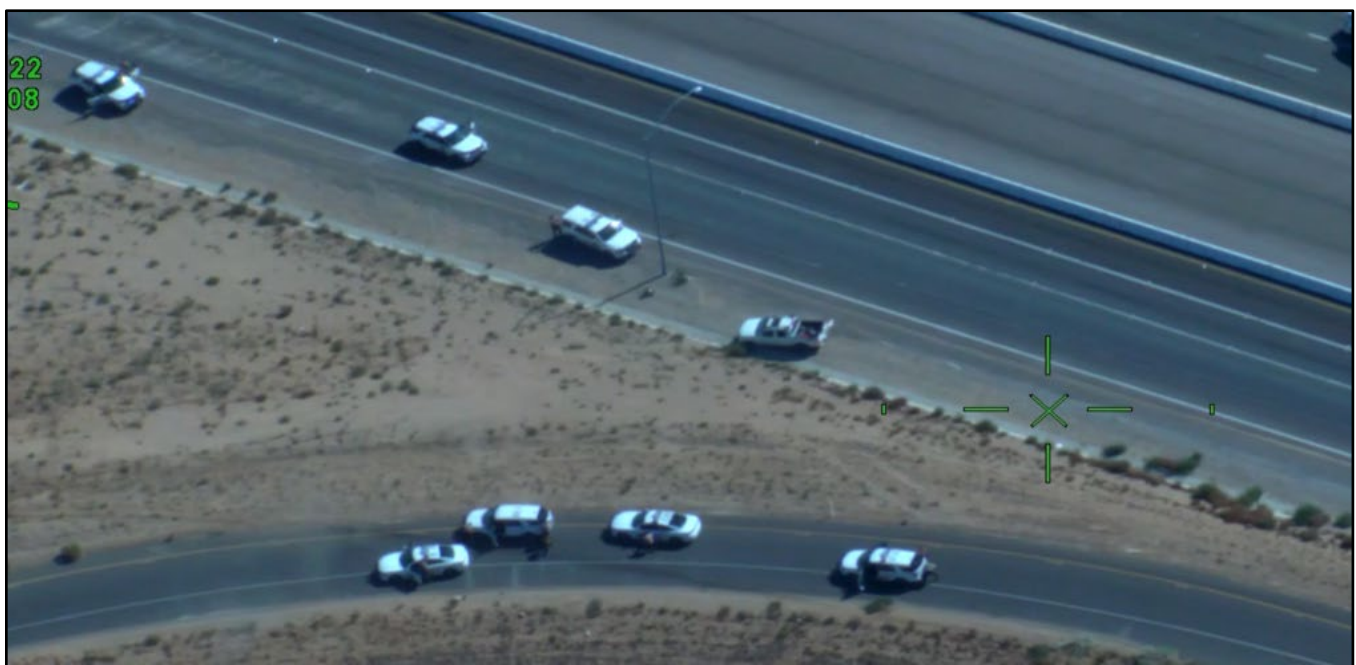
The Nissan Frontier driving up the steepest part of the embankment towards the Main Street overpass

At 11:12:18, the Nissan Frontier failed to drive onto the Main Street overpass and reversed back down the embankment towards Interstate 15. Shots continued to be fired from the Nissan Frontier. Bullets fired by deputies struck the ground around the Nissan Frontier as it rolled to a stop on the I-15 South's west dirt shoulder.



CHP video of the Nissan Frontier backing down the embankment

At 11:12:38, the Nissan Frontier reversed onto the shoulder of Interstate 15, facing against traffic and towards SBSD patrol vehicles



The Nissan Frontier on the I-15 shoulder facing against freeway traffic

At 11:12:40, the Nissan Frontier stopped moving in reverse.

At 11:12:45, the Nissan Frontier drove towards the deputies who were parked on Interstate 15. Bullets fired by deputies struck the ground around the Nissan Frontier as it rolled to a stop on the I-15 South's west dirt shoulder. The SBSD airship deputies broadcast, "shots are fired, shots are fired, he's continuing to shoot at the deputies." Deputy Johnson's patrol vehicle was parked on the west dirt shoulder of the I-15 South. It was located just north of the Nissan Frontier and was the closest vehicle to Nissan Frontier. As Deputy Johnson crouched behind the left front wheel of his patrol vehicle, his belt recording captured the sound of gunfire and his voice saying, "Passenger get out, passenger get out, get out, get out, get out, passenger get out, get out." The other deputies' belt recordings did not capture Deputy Johnson's words, which were obscured by the noise of the two airships overhead and by multiple gunshots.

At 11:12:46, Savannah Graziano got out of the front passenger door of the Nissan Frontier. She wore a sweatshirt, tactical vest, and tactical helmet.



Savannah Graziano getting out of the front passenger door of the Nissan Frontier

Between 11:12:46 and 11:12:48 Savannah moved towards the deputies, put her hands and knees on the ground, and crouched.



Savannah Graziano on the ground

Deputy Johnson is heard on his belt recorder saying, “Hey, hey, hey, come here, come to me, come to me, come to me, come, come, come, walk, walk, walk.” As indicated in further detail below, Deputy Johnson’s words were either inaudible or unintelligible on the belt recordings of other deputies.

At 11:12:59, Savannah Graziano rose and began to move towards Deputy Johnson.

11:13:01, as Savannah Graziano moved directly towards Deputy Johnson and raised her right hand, deputies fired gunshots, and bullet strikes hit the ground around her. Deputy Johnson’s belt recorder captured him saying, “Hey, stop, stop shooting her, he’s in the car. Stop, she’s okay, he’s in the car, stop.” These statements were also not audible on the other deputies’ belt recordings.



Savannah Graziano moving towards the deputies



Savannah Graziano moving toward deputies and raising her right arm.

Savannah Graziano fell to the ground. At 11:13:04, she appeared to attempt to rise, and a bullet strike landed near her lower left leg. She stopped moving and remained on the ground in a prone position.



Bullet strike (black cloud) near Savannah Graziano’s leg



Savannah Graziano fallen to the ground

Approximately one minute and ten seconds had elapsed from the time the Nissan Freeway drove past Main Street and left the freeway until Savannah Graziano fell. During that time, approximately 199 rounds were fired by 21 SBSB deputies.⁷ Deputies, including Deputy Johnson, approached the Nissan

⁷ This total is based on the number of fired cartridge casings recovered at the scene of the OIS; the actual number of fired rounds may be higher if some rounds were not recovered during the search for evidence.

Frontier to clear it. Deputy Johnson reached into the right front passenger side of the Nissan Frontier and recovered a Daniel Defense rifle. He placed the rifle on the ground and said that Mr. Graziano was dead.



The Daniel Defense rifle recovered from the right front passenger side of the Nissan Frontier

At 11:13 AM, Deputy Jones broadcast to start medical aid. After the Nissan Frontier was cleared, several deputies performed life-saving measures on Savannah Graziano. One of the deputies exclaimed, “she has a plate carrier (tactical body armor), I don’t know what she has underneath.” Deputy Johnson responded, “she has a knife on her,” and a folding knife was recovered.

At 11:15 AM, Deputy Johnson broadcast that they were attempting life-saving measures for Savannah Graziano and that Mr. Graziano was dead.

At 11:16 AM, Hesperia Fire Department personnel arrived and took over life-saving measures.

At 11:25 AM, Sergeant Tony Romero broadcast that Savannah Graziano was going to be transported to Desert Valley Medical Center (DVMC). At 11:41 AM, the ambulance transporting Savannah arrived at DVMC, where she was pronounced dead at 11:52 AM.

INVESTIGATION

DOJ Response

The OIS occurred on September 27, 2022, at approximately 11:12 AM. SBSB’s Specialized Investigations Division assumed control of the investigation at 11:30 AM. The following day at 2:30 PM, SBSB notified DOJ of the shooting. Shortly thereafter, SBSB Captain Rob Trostle provided DOJ agents with an overview of the incident, including that there had been 22 shooting officers and six witnessing officers. By the time DOJ was notified, SBSB had processed the OIS scene, recovered evidence, obtained video surveillance, canvassed for and interviewed witnesses and processed involved deputies and their weapons, including round counts. SBSB thereafter conducted an extensive investigation into this OIS and provided evidence and analysis to DOJ’s Bureau of Forensic Services (BFS). The

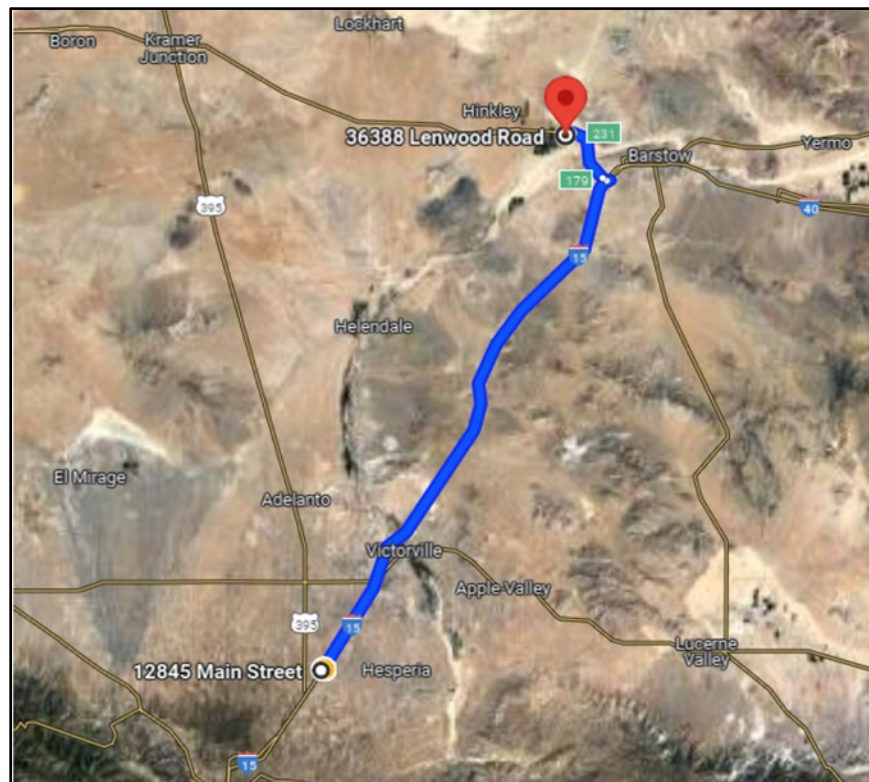
investigation produced a five-volume investigative report which was given to DOJ on March 28, 2024, and which DOJ thoroughly reviewed and analyzed.

Evidence Reviewed

Evidence was collected at the OIS scene by SBSB personnel. This evidence included scene photographs, searches of the vehicles at the scene, fired cartridge casings, bullet fragments and shotgun shells, swabs for DNA and gunshot residue, a Daniel Defense rifle taken from the Nissan Frontier driven by Mr. Graziano, other firearms recovered from Mr. Graziano, a military-style helmet and a plate carrier (ballistic vest) worn by Savannah Graziano, several knives, and a ballistic vest recovered from Mr. Graziano. The collected evidence has, over the course of the investigation, been turned over the DOJ's Bureau of Forensic Services (BFS). Analysis of gunshot residue taken from Anthony and Savannah Graziano was conducted by the SBSB Scientific Analysis Section and turned over to DOJ.

Description of Scenes

The SBSB pursuit of Mr. Graziano's white Nissan Frontier began near Lenwood Road in Hinkley, California (northwest of Barstow) and continued on southbound Interstate 15 until it terminated just past the Main Street overpass in Hesperia, a distance of 41 miles. Shots were fired at SBSB deputies from the Nissan Frontier for 34 miles – starting at Outlet Center Drive in Barstow and ending at Main Street in Hesperia.



Path of the pursuit

Scene One

Crime Scene One, where Detective Chavez's patrol vehicle was disabled, was located on Interstate 15 (I-15) South, approximately one-quarter mile south of the Outlet Center Drive on-ramp in Barstow. It was parked six feet west of the roadway edge of the I-15 South.



Unmarked SBSB Patrol Utility Vehicle found parked six feet west of the I-15 South roadway. Vehicle disabled due to broken front axle with fluid drained from under the engine.

A nine-millimeter fired cartridge casing was found on the driver's side front floorboard. Four additional fired cartridge casings were found near the unmarked patrol SUV. Two additional fired cartridge casings were found, one on the east and one on the west asphalt shoulder of the I-15 South.

Scenes Two and Three

Scenes Two and Three are in the area where the OIS terminated and where the Nissan Frontier drove under the Main Street overpass of the I-15, drove off the freeway and onto the entrance ramp against traffic, attempted to drive up the dirt embankment leading to Main Street, reversed down the embankment, and eventually stopped on the dirt shoulder of the I-15 facing against traffic.



Aerial view of final OIS scene (encompassing Scenes Two and Three). Graziano vehicle circled in red.

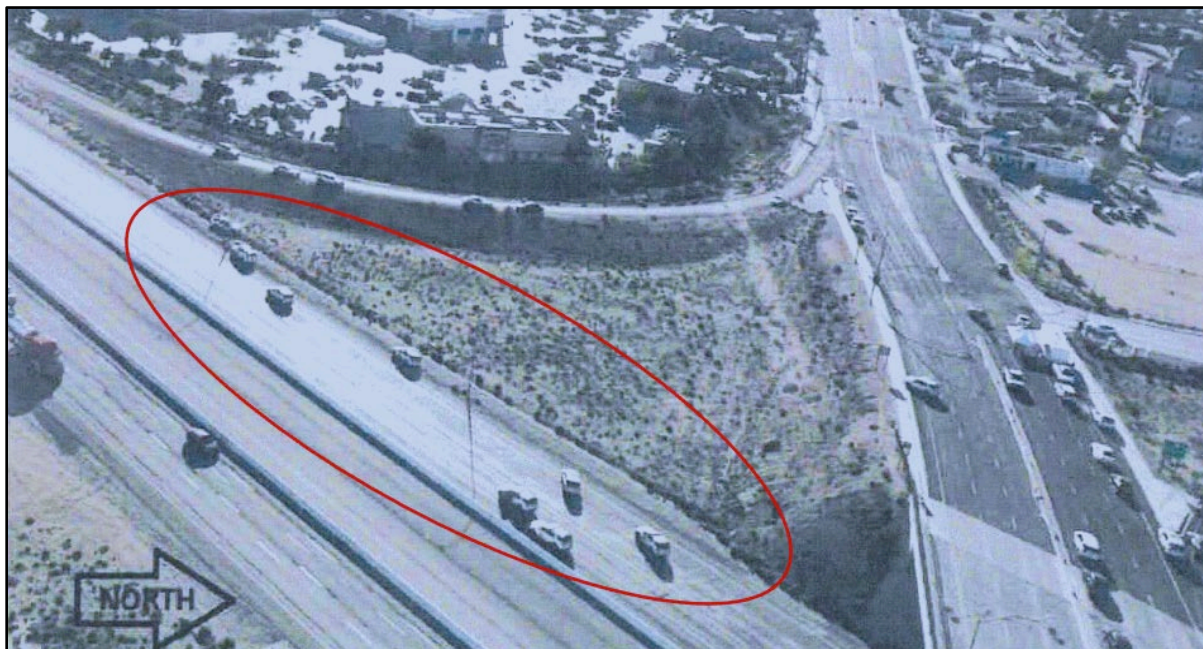
The following FARO scan also depicts the Nissan truck and the SBSD vehicles that were located at Scenes Two and Three:



FARO scan showing the approximate locations of vehicles at the OIS scene.

Scene Two

The investigation of Scene Two took place on September 27, 2022, at approximately 3:45 PM. Crime Scene Two was located on the southbound I-15 freeway near the Main Street on-ramp. An aerial photograph of Crime Scene Two is below.



Scene Two

Seven SBSD marked patrol SUVs were found at Crime Scene Two. Cartridge casings were found in and around the vehicles. Unit 18-10, Deputy Kent Watson's vehicle, had a gunshot hole in the windshield near the spotlight. Unit 8-17, Deputy David Johnson's vehicle, had a bullet entry strike near the passenger side of the windshield, an exit strike on the front passenger headrest, and an entry and exit strike to the Plexiglass barrier separating the front and rear passenger compartments.

Scene Three



Scene Three

The investigation of Scene Three took place on September 27, 2022, at 5:50 PM. This crime scene consisted of three locations:

1. Main Street in Hesperia, a roadway with three eastbound lanes. The third eastbound lane turned into the southbound I-15 entrance at Main Street. Main Street had an overpass which crossed over the I-15 freeway.
2. The eastbound Main Street entrance to the I-15 southbound. This on-ramp curved south and merged into the number three lane of the I-15. A dirt embankment divided the freeway entrance and the on-ramp.
3. The Golden Corral restaurant located on Main Street in Hesperia in the High Desert Gateway Shopping Mall.

Ten SBSD vehicles were found within Scene Three. Fired cartridge casings were found in and around the vehicles.

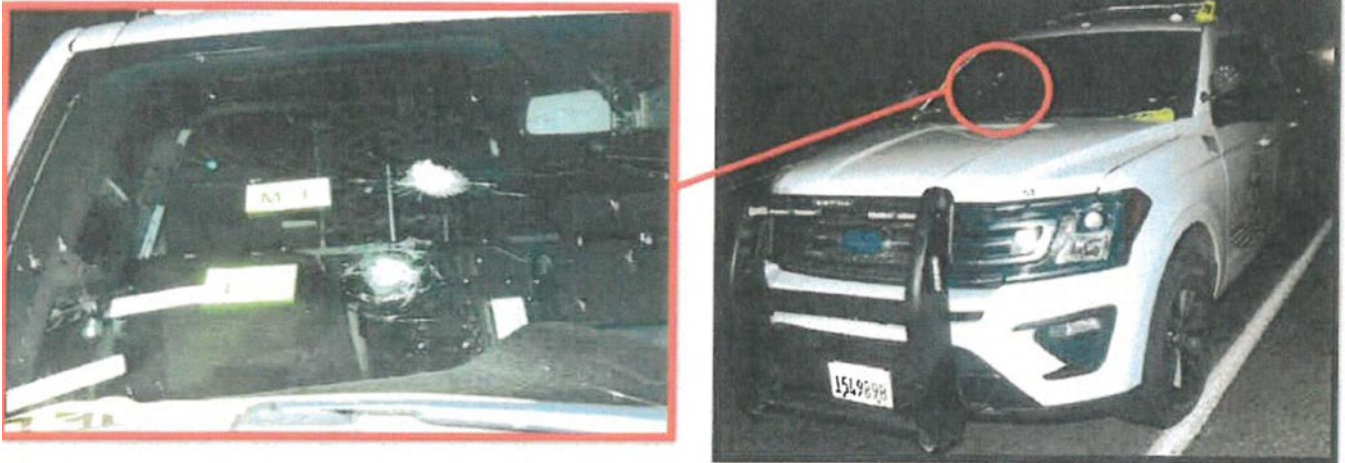
Unit 17-11, Deputy Alyssa Gutierrez's vehicle, had a fired bullet strike on the driver's side front headlight, and a bullet entry hole in the driver's side engine hood. A fired bullet entry hole was found in the center of the hood.

Unit 17X2, a Dodge Charger patrol vehicle #14015, had a bullet entry on the driver's side of the engine hood, with its exit found on the center of the engine hood.

Unit 24-7, Deputy Jame Lee's vehicle, had a bullet strike on the passenger side hood. The front passenger window had a bullet hole and was shattered but still intact.

Unit 19-15. Dodge Charger patrol vehicle 14039 was parked facing north on the southbound I-15's Main Street onramp with the engine and emergency lights off.

Unit 08-S1, Sergeant Darren Gilmore's vehicle, had two bullet strikes on the front passenger side of the patrol vehicle.



Sergeant Gilmore's vehicle showing bullet strikes

In addition to the above evidence located in and around sheriffs' vehicles, multiple 5.56-millimeter fired cartridge casings were found on Main Street, as were three 12-gauge shotgun shells and one nine-millimeter fired cartridge casing. Two fired bullet fragments were found on Main Street's southbound I-15 on-ramp.

A fired bullet entry and exit was also found in a decorative window of the Golden Corral restaurant. There was drywall behind the window. The bullet entered the east wall of the restaurant and exited the interior east wall into the attic area above the dish room. The bullet was not recovered.

On September 30, 2022, at 9:00 AM, an additional search was conducted in the area near the Main Street entrance to the southbound I-15. Twenty-four additional 5.56-millimeter fired cartridge casings, as well as four additional nine-millimeter fired cartridge casings were recovered.



Area of the September 30, 2022, search

Evidence Recovery

Surveillance Video and Cell Phone Video

Surveillance videos and cell phone videos were recovered and are discussed above in the Summary of Incident.

Communications

A copy of the SBSB Computer Aided Dispatch printout and recordings of communications between SBSB deputies and dispatch generated during this series of events were recovered, reviewed, and incorporated throughout this report.

Scenes Two and Three

At Scene Two, the tan tactical vest and the black tactical helmet worn by Savannah, as well as the closed black pocketknife found near Savannah,⁸ were recovered. No plates were recovered from the vest, which appeared to have two holes in it. A second pocket knife was recovered from the pocket of Savannah's skirt and booked into evidence.



The tactical vest

⁸ Deputy Johnson told other deputies who were providing medical aid to Savannah that she had a knife on her; it is not known whether he was referring to the black pocket knife or to a second knife which was later recovered from the pocket of her skirt.



The tactical helmet



The knife

The White Nissan Truck – Recovery and Processing

The white four-door Nissan Frontier pickup truck bearing CA license plate 44305G2 was found facing northwest near the I-15's west dirt shoulder, partially over a concrete drainage ditch. The front passenger door was open, and all four tires were flat. The Nissan Frontier's side and rear windows were shattered, exposing the entire passenger compartment. There was blood on the steering wheel and center console.

Decedent Anthony Graziano was in the driver's seat of the Nissan Frontier. He was slumped over towards the center console with his face covered in blood. There was broken vehicle glass on his lap and on the seat behind him. The driver and front passenger seats were reclined towards the backseats. The white Nissan was towed to the SBSB Crime Lab.



Front and rear views of the Nissan Frontier



Side views of the Nissan Frontier

Five fired cartridge casings head stamped "WIN USA 5.56MM" were found in the vicinity of the Nissan Frontier.

On October 11, 2022, at 7:00 AM the Nissan Frontier was processed at the SBSB Crime Lab. The vehicle was registered to Ms. Martinez.

There were 145 bullet strikes and bullet entry and exit holes found throughout the vehicle. All of the windows except the front windshield were shattered.

The windshield had several bullet entry holes and bullet strikes. Four pieces of KT tape were affixed to the inside of the windshield on the passenger side covering bullet strikes. The dashboard had shattered glass and blood throughout. Inside the glove box were a flash bang and three boxes of 5.56-millimeter cartridges. A total of approximately 65 fired cartridge casings were found in the Nissan Frontier.⁹ A sample of five of these fired casings were examined and found to have been fired from the Daniel Defense rifle.

Front Seating Area

The driver's seat was reclined, and the headrest had been removed. There was blood and shattered glass throughout the seat. Seven cartridges, two bullet fragments, a glass vial containing white powder residue, and a lighter were found on the seat.

The left front floorboard had blood and shattered glass throughout. One fired cartridge casing and three cartridges were recovered, along with a 30-round capacity magazine loaded with seven cartridges, and a set of keys. Blood and shattered window pieces were found on the left front door panel.

The right front (passenger side) seat was reclined, and the headrest had been removed. There was blood and shattered glass throughout the seat. Seven fired cartridge casings and one cartridge were recovered from the seat. A black plastic bag was recovered, containing four fully loaded magazines (two nine-millimeter magazines and two .22-caliber magazines). The right front seat also contained a Verizon cell phone, a green pill case, and a flashlight.

The right front floorboard had blood and shattered glass throughout. The following items were found on the right front floorboard:

- Five fired cartridge casings
- 42 cartridges
- 30-round capacity magazine containing 21 cartridges
- A light brown satin bag containing a fully loaded 30-round Glock nine-millimeter magazine
- Empty PMAG 30-round capacity magazine
- Flash bang canister
- Fired bullet fragment
- Clear plastic vial with a substance resembling methamphetamine inside. The substance was later tested and found to contain methamphetamine.

⁹ Unless otherwise indicated, all fired casings and unfired cartridges recovered in the Nissan were either .223-caliber or 5.56-millimeter, both of which can be fired by the recovered Daniels Defense rifle.

- A beige leather backpack with flower stitching containing:
 - Flash bang canister
 - Two smoke canisters
 - Two-page letter addressed to Jesus, signed by “Anthony” and dated MAR60297;
 - Inhaler
 - Pair of black and white socks
 - Pink scissors
 - Feminine hygiene pad
 - Heart shaped compact mirror

The right front door window was shattered. Blood and shattered window pieces were found throughout the door panel.

The center console divided the driver and front passenger seats. Blood and shattered glass were found throughout the console and in the cup holder. The following items were found in the cupholder:

- “PMAG 5.56” 30-round capacity magazine containing 17 .223-caliber cartridges
- Glock 33-capacity extended magazine containing 17 nine-millimeter cartridges; “Oath Keeper” and “AG” were written on the magazine
- Nine-millimeter magazine containing 13 cartridges
- Verizon cell phone
- Glass methamphetamine pipe containing white residue
- KT tape

Rear Seats and Doors

The left rear (driver’s side) seat’s headrest had been removed. There was blood and shattered glass throughout the seat. The following items were found on the seat:

- 25 fired cartridge casings
- One cartridge
- A gray backpack containing the following items:
 - Five fired cartridge casings
 - Two boxes of .223-caliber Federal Ammunition, each containing 100 cartridges
 - Open box of nine-millimeter Federal Ammunition containing 24 cartridges
 - Black and orange container with 30 cartridges
 - Fully loaded .22-caliber Glock magazine containing 10 cartridges with “SG” written on it
 - Black, fully loaded “Daniel Defense” magazine containing 33 cartridges
 - Empty .22-caliber pistol magazine
 - Flash bang device

- Two Gerber fixed-blade knives
- Camouflage gloves
- Green military-style backpack with two empty magazine pouches attached to its exterior. The backpack was partially unzipped and contained shattered glass and a fired bullet
- A green camouflage backpack containing three semi-automatic handguns and one empty magazine:
 - Black Springfield Armory USA XDS nine-millimeter handgun, unloaded with no magazine inserted
 - Black Sig Sauer SP2022 nine-millimeter handgun, unloaded with an empty 15-round capacity magazine inserted
 - Glock .22-caliber pistol with one magazine
 - Fired bullet fragment
 - Three pillows, one containing three bullet fragments

The left rear floorboard had blood and shattered glass throughout. A fired cartridge casing and a black plastic shark hair clip were found on the floorboard. Additional fired cartridge casings were recovered from the left rear door (five), the left rear door pocket (six) and the left rear headrest/window ledge (two).

The left rear door panel window was shattered, and blood and shattered glass were found throughout the door panel. A fired cartridge casing was found in the door handle pull.

The right rear seat's headrest had been removed. There was blood and shattered glass throughout the seat. A "Husky" toolbox contained 16 nine-millimeter cartridges and four rifle cartridges.

The right rear floorboard had blood and shattered glass throughout. The following items were found on the right rear floorboard:

- One fired cartridge casing
- Plastic bag containing five boxes of ammunition (one box of 5.56-millimeter cartridges; four boxes of .22-caliber cartridges)
- Canvas bag containing:
 - Four boxes of .223-caliber cartridges
 - One box of nine-millimeter ammunition
 - Ziplock bag containing 209 rounds of miscellaneous ammunition
 - A metal ammunition box containing:
 - 14 boxes of 5.56-millimeter cartridges
 - Two boxes of high-velocity buckshot shotgun shells
 - One 12-gauge shotgun shell

The right rear interior door panel had a shattered window. Blood and shattered window pieces were found throughout the door panel. No other items relevant to this inquiry were found.

Truck Bed Area

There were bullet strikes and shattered glass throughout the truck bed. The following items were recovered from the truck bed:

- Six fired cartridge casings
- Two fired bullets
- Two fired bullet fragments
- Three smoke canisters wrapped with electrical tape
- Large plastic bag containing three smoke canisters, two of which were wrapped with electrical tape, a fired bullet, towels, and KT tape
- Cardboard box containing a bullet fragment, feminine hygiene products, and cleaning supplies
- Kaiser Permanente prescription bottle containing Hydrocodone pills prescribed for Mr. Graziano
- Plastic tub containing a backpack which held school homework
- Portable generator
- Steel cable

Weapons Recovered from Mr. Graziano's Person

Mr. Graziano had a Glock nine-millimeter, Model L2D handgun with a Trijicon sight and a MAGPUL PMGA magazine in his waistband.



Glock pistol recovered from Mr. Graziano's waistband

A Daniel Defense, multi-caliber rifle, with attached EOTech sight, ProTach light, and Steiner laser was taken from inside the cab of the Nissan Frontier. The rifle was stored in a patrol vehicle at the OIS scene until it was recovered and preserved as evidence.



Daniel Defense rifle recovered from Graziano's Nissan Frontier

Analysis of Shooter's Position Within Graziano Vehicle

An apparent powder burn was found on the top portion of the vehicle's rear center seatbelt; the burn appeared to have the same dimensions as the muzzle of the Daniel Defense rifle recovered at the OIS scene. SBSB Detective Berumen prepared a report which noted that the burn "appeared to have been caused by the combustion gases expelled from the firearm's muzzle as it was fired."

On October 27, 2022, two SBSB deputies with heights and weights similar to Anthony and Savannah Graziano's sat in the Nissan; the taller male deputy sat in the driver's seat and the shorter female deputy sat in the front passenger seat. They obtained the Daniel Defense rifle from evidence. The deputies were each given the rifle, which had been cleared of bullets, and were instructed to try various shooting positions while holding the rifle so that its muzzle hovered (without touching) over the apparent powder burn. During the experiment, the deputies did not wear the tactical vests that Anthony and Savannah Graziano had worn during the shooting.

The male deputy sat in the front seat and held the rifle's pistol grip with his right hand and the stock with his left. He twisted his torso and extended his right arm across the left front seat. The rifle was approximately one foot short of the apparent burn mark on the rear center seatbelt. From this position, the male deputy was able to reach the gas and brake pedals.



Male deputy in driver's seat of Nissan Frontier

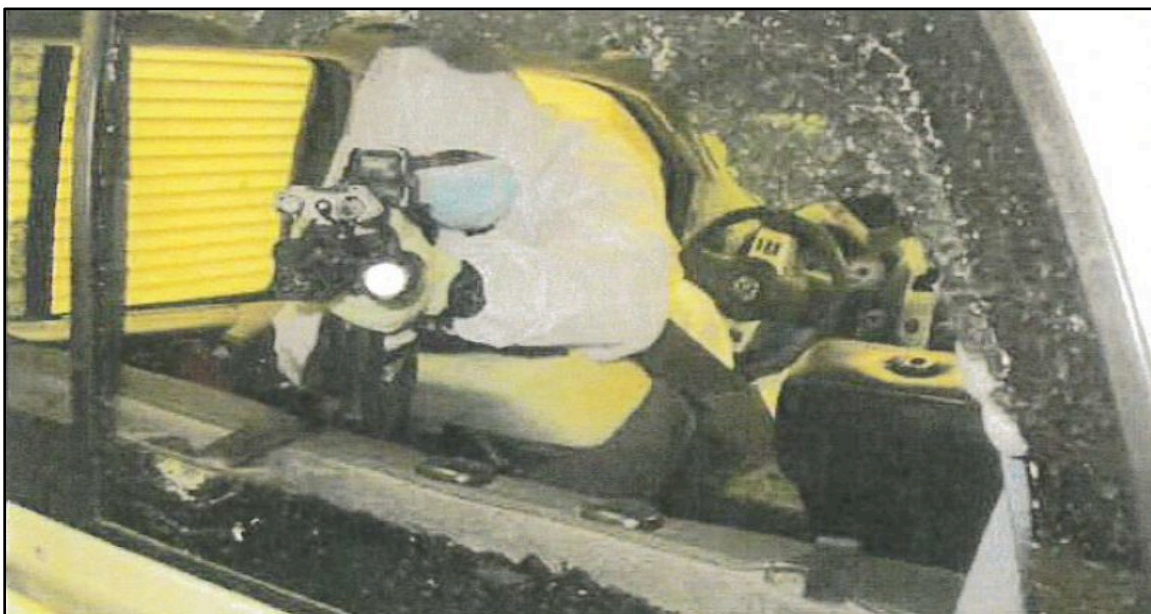


Distance from tip of rifle to rear seat belt area when rifle held by driver

In the second demonstration, the male deputy knelt on the front seat and extended his arms over the rear seat. The male deputy was able to hover the rifle over the rear center seatbelt's apparent powder burn, but was unable to reach the steering wheel, gas or brake pedals in this position.



Male deputy kneeling on front seat – demonstration two



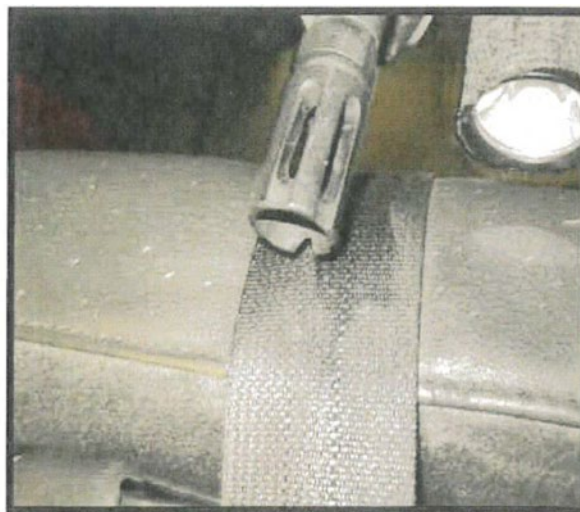
Photograph of male deputy in second demonstration.

In the third demonstration, the male deputy sat in the driver's seat and held the rifle's pistol grip in his left hand. He twisted his torso to the left and extended his left arm across the rear seat. He was able to hover the rifle over the center seatbelt's apparent burn mark but struggled to hold this position and was unable to reach the gas and brake pedals.



Male deputy in third demonstration.

In the fourth demonstration, the female deputy kneeled on the right front seat with the front of her torso pressed against the back of the seat. She held the rifle's pistol grip with her right hand and the handguard with her left. She was able to hover the rifle's muzzle over the rear center seat belt's apparent burn mark.



Female deputy in fourth demonstration. Rifle tip lines up with apparent burn mark.

On October 28, 2022, Detective Berumen purchased three center rear seatbelts for a 2017 Nissan Frontier Pro 4X (the same vehicle driven by Mr. Graziano). He provided these seatbelts to SBSD Scientific Investigation Division Criminalist Jane Whitworth and asked her to test fire the Daniel Defense semiautomatic rifle on the seatbelts to see if the rifle’s muzzle left powder burns on the seatbelts. Her analysis shows that the rifle did leave powder burn marks on the seatbelts.



Photographs of the burn mark on the seatbelt of the Nissan (left) and test seatbelt (right). The image on the right shows three areas where the Daniels Defense rifle was test-fired; notes by the criminalist refer to each test-fire as a “press.”

Coroner’s Response

On September 27, 2022, at 6:00 PM, San Bernardino County Deputy Coroner Investigator Dave Van Norman began his examination of Savannah Graziano’s body. Investigator Van Norman observed gunshot wounds to Savannah’s right and left chest, left flank, the center of her back between the shoulder blades, and two gunshot wounds to her left calf. Gunshot residue (GSR) samples were taken from Savannah Graziano’s hands at 6:13 PM by SBSD Crime Scene Specialist Emily Benike. Savannah Graziano’s body was then transported to the San Bernardino County Sheriff’s Department Coroner’s Office at 7:11 PM.

At 10:55 PM on September 27, San Bernardino Deputy Coroner Investigator Rebecca London arrived at the OIS scene, and shortly thereafter, started the examination of Mr. Graziano’s body.

Mr. Graziano wore a tan plate carrier which contained four ammunition magazines, a black antenna and a black tourniquet. Mr. Graziano had a handheld radio on his left hip that was connected to an earpiece.

In his pockets, Mr. Graziano had nine-millimeter cartridges, two black handgun magazines, a black folding knife, and a rifle magazine. The magazines contained ammunition. As previously noted, Mr. Graziano also had a nine-millimeter Glock handgun in his waistband with a cartridge chambered.

Investigator London observed the following injuries to Mr. Graziano's body: a gunshot wound to his right head, a gunshot wound to his left shoulder, and two gunshot wounds to his lower left back. A gunshot residue kit was collected by SBSD Crime Scene Specialist Katelyn Kelly.

Coroner's Investigation

On September 29, 2022, Riverside Coroner's Chief Forensic Pathologist Matthew Miller, M.D. performed an autopsy on Mr. Graziano. Dr. Miller found that Mr. Graziano died due to a gunshot wound to the head. Mr. Graziano also suffered gunshot wounds to his left shoulder, left lower back and left thigh.

According to a toxicology report, methamphetamine and amphetamine as well as morphine and hydrocodone were found in Mr. Graziano's blood and urine. Mr. Graziano's urine also contained monodacetylmorphine and hydromorphone as well as cannabinoids.

On September 29, 2022, Dr. Miller performed an autopsy on Savannah Graziano's body. He found that Savannah Graziano suffered three gunshot wounds to her chest, a gunshot wound to her left flank that travelled upward, and a gunshot wound to her left leg. He attributed her cause of death to "gunshot wounds." No drugs or alcohol were found in Savannah Graziano's blood or urine.

Scientific Analysis

The Daniel Defense rifle recovered from Mr. Graziano's Nissan Frontier was test fired on November 22, 2022, and the rifle fired without malfunction.

On March 14, 2024, SBSD Scientific Investigation Division Criminalist II Randall Rees examined the GSR kits obtained from Savannah and Mr. Graziano. Gunshot residue was present in the samples taken from the left and right hands of Savannah Graziano and from the right and left hands of Mr. Graziano. Criminalist Rees's report notes that "gunshot residue particles can be deposited on the hands by firing a firearm, being in proximity of a discharging firearm, or by coming in contact with a surface that has GSR on it, including handling a firearm or ammunition." No conclusion as to whether Savannah Graziano or Mr. Graziano fired a firearm can be drawn from the results of the GSR testing.

In June 2024, a request was made to DOJ's criminalists to attempt to determine the trajectory of the shots that were fired at the termination of the pursuit in an effort to identify which of the 22 shooting deputies may have caused or contributed to the death of Savannah Graziano.

A second inquiry was whether Savannah Graziano's plate carrier vest was worn on top of or underneath her clothing, as the SBSD reports were not clear on this point. The analysis assumed that Savannah was shot at the termination of the pursuit, after she had alighted from the Nissan Frontier. The analysis also assumed that Savannah's sweatshirt and t-shirts were worn "as intended." The air unit video recordings are the only available photographic evidence of Savannah's appearance after she left the Nissan Frontier. Due to the distance from which these videos were taken, there is insufficient detail to determine whether her sweatshirt was worn with the front facing forward, or whether the sweatshirt was bunched up. Bullet holes were found in both Savannah's t-shirt and sweatshirt.

On September 12, 2024, a report was issued by DOJ Bureau of Forensic Services Senior Criminalist Jennifer Dernoncourt, which reached the following conclusions:

“Several defects are observed on the left flank area and one defect is observed on the upper right chest area of Savannah Graziano’s clothing. These defects correspond to the gunshot wound entries on S. Graziano’s body at autopsy (per the San Bernardino Sheriff Coroner’s report). It is likely that the gunshot wounds to the left side of S. Graziano’s body would have originated from the west side of the southbound interstate 15 freeway and the gunshot wound to the right upper chest area would have originated from in front (north) of S. Graziano on the southbound Interstate 15 freeway. The assumption made that these defects were made after S. Graziano got out of the vehicle and was on foot on the freeway.

“Defects to the back upper middle area of S. Graziano’s t-shirts correspond to a defect on the Blackhawk plate carrier vest. This would suggest the t-shirts were likely worn under the vest. The absence of defects in the same area on the grey sweatshirt indicates the vest was likely worn under the grey sweatshirt. This is assuming all of the clothing items mentioned were worn as intended at the time of the incident.”

Processing of Involved Deputies

Round Counts

All of the peace officers who discharged weapons during this OIS were deputies employed by the SBSB and included both uniformed personnel and plainclothes detectives. All firearms used by the deputies were issued by the SBSB, unless otherwise noted.¹⁰ On the day of the OIS, the deputies’ uniforms, clothing, and handguns were inspected by SBSB detectives and crime scene specialists. SBSB detectives and crime scene specialists also secured Mini-14 rifles and shotguns from the involved officers’ patrol vehicles.

SBSB detectives and crime scene specialists examined the deputies’ firearms and magazines and counted the rounds used by each involved officer. These counts assume that the firearms and magazines were loaded to their full capacity, and therefore may not be accurate.

Shooting Deputy	Type of Firearm	Round Count/Det	Location	Direction
Johnson, David	Handgun*	21 Rounds	I-15 S	West
Jones, Dashaun	Mini-14	20 Rounds	I-15 S	West
Mata, Julian	Handgun*	7 Rounds	I-15 S	East
Mendoza, Elias	Mini-14	15 Rounds	I-15 S	East
Sanchez, Isaac	Handgun*	40 Rounds	I-15 S	East

¹⁰ Personally-owned firearms are denoted with an asterisk.

Shooting Deputy	Type of Firearm	Round Count/Det	Location	Direction
Kabluyen, K.	Handgun	3 Rounds	I-15 S	South
La Rocco, S.	Handgun/ Mini-14	1 Round Handgun 3 Rounds Mini-14	I-15 S	South
Syphax, R.	Mini-14	8 Rounds	I-15 S	South
Gutierrez, A.	Mini-14	3 Rounds	On-Ramp	S/E
Watson, Kent	Mini-14	6 Rounds	On-Ramp	West
Gonzalez, D.	Handgun	16 Rounds	On-Ramp	West
Oliveros, E.	Mini-14	1 Round	On-Ramp	West
James, Travis	Mini-14	7 Rounds	On-Ramp	West
Villarino, W.	Handgun	5 Rounds	On-Ramp	East
Lee, James	Mini-14	14 Rounds	On-Ramp	East
Moreland, B.	Handgun	6 Rounds	On-Ramp	East
Ramirez, Sergio	Handgun*	3 Rounds	Overpass	South
Motley, B.	Mini-14	14 Rounds	Overpass	South
Avila, Jose	Shotgun	3 Rounds ¹¹	Overpass	S/E
Zavala, Frankie	Mini-14	4 Rounds	Overpass	S/E
Caudle, Dustin	Mini-14	7 Rounds	Main St.	S/E
Chavez, Michael	Handgun	7 Rounds	Outlet Center	South

¹¹ Three expended shotgun shells were recovered at the OIS scene. Deputy Avila's shotgun was a single-shot, and no unexpended rounds were in the weapon.

Audio Belt Recordings

At the time of this OIS, SBSB used audio recorders (“belt recordings”) and did not issue body-worn cameras to deputies. The belt recordings are not time-stamped. The audio recordings were preserved, and summaries are set forth below.

Deputy David Johnson

Deputy David Johnson activated his belt recorder during the pursuit. The beginning of the recording captured Deputy Johnson’s efforts to catch up with the Nissan Frontier as Sergeant Gilmore broadcast, “shots fired, shots fired” to which dispatch replied, “I copy, shots fired.” Sergeant Gilmore then broadcast, “Taking rounds, shots fired, shots fired,” and dispatch acknowledged stating, “I copy, taking rounds.” Sergeant Gilmore broadcast, “still northbound number one, watch out, watch out, watch out. K9 [canine detective Chavez], are you okay?” Sergeant Gilmore then broadcast, “I got to check on K9, he’s off in the desert. Advise your status. Number one lane, still northbound, correction, southbound.”

Detective Michael Chavez (K9-5) broadcast, “K9-5, shots fired, I’m code 4.” Sergeant Gilmore told dispatch, “Get me an airship and some additional units, still southbound number one lane.” He asked, “K9, you okay? K9, are you okay?” Deputy Johnson responded, “Sarg, he’s okay.”

Detective Michael Chavez broadcast, “I jumped in with 8 Sam 1, we’re north on southbound I-15, probably up to Hodge now.” Deputy Johnson responded, “8 Paul 21, I’m continuing south, I’m doing 112...” Detective Chavez broadcast, “K-9 5, just step up the airship and secure my unit, it’s on the 15. We’ll be southbound coming up to Hodge now.”

Deputy Johnson broadcast, “Hey, there’s one with a blue tarp in the back, northbound. Did his vehicle have a blue tarp or no?” A deputy replied, “Negative, no tarp.” Sergeant Gilmore then said, “Tell them the back window’s out, that’s where the shots are coming from.” Detective Chavez broadcast, “the suspect’s shooting out the back window, through the open back window.” Other units broadcast that they were joining the pursuit, and their locations.

Deputy Kimberly Kabluyen, unit 8 P 22, broadcast that she and unit 21 were “approaching Hodge Road, speeds 115, no visual.” A male voice asked, “confirming it’s going to be the Nissan Frontier?,” and a female voice responded, “White Nissan Frontier, plate of 44305G2.” Deputies discussed their locations and the suspect’s location. Deputy Johnson stated, “8 Paul 21, I believe I have a visual. He’s about three quarters of a mile ahead of me. And we are south of Hodge.” He then broadcast, “8 Paul 21, I have a visual, he’s passing vehicles on the right shoulder. Sergeant Gilmore (8 S 1) broadcast, “8 Sam 1, just for info, two rounds impacted my front windshield but we’re still in.”

The SBSB airship asked, “King 4, can we confirm whether or not the child is in the car with the suspect?”¹² Sergeant Gilmore responded, “as I approached the vehicle it looked like there [was], but I couldn’t tell.” The deputies continued to broadcast the suspect’s location as well as their own. Deputy Johnson broadcast, “I’m in a bad radio area, everything’s broken, but we’re coming up the pass right now from Wild Wash, speeds still 110, he’s going from right shoulder to left shoulder passing traffic.” Sergeant Gilmore was asked whether he was getting shot with a rifle or handgun and stated, “I couldn’t tell.”

¹² The SBSB airship’s full call sign was 40 King 4.

A male voice asked, "Hey, Sarge, you guys want us to try to shut down the freeway 15 south" and Sergeant Gilmore replied, "Ya, just set up on the perimeter on the sides of the freeway."

The CHP airship stated, "Ridgeville H-18, we're overhead, we have a camera on the suspect, and we are recording audio and video." Deputy Johnson broadcast, "They're continuing to fire out the back window. Multiple shots fired. Hey, get out of the roadway, get out of the roadway, guys." A voice broadcast, "He's coming up on the right shoulder continuing to fire." Deputy Johnson stated, "there's at least two occupants and they're continuing to fire out the back window." He was asked whether the "victim was inside the vehicle" and responded, "we do not know."

Sergeant Gilmore told the Barstow deputies to "back off" because there was an airship (a police helicopter) following the suspect: "Back off if they're still firing at you. Let the airship continue." Deputy Johnson replied, "I've given them some distance." He then stated, "I believe he might have shot my vehicle once or twice. Do we have an airship with lethal coverage?" The SBS airship (40 King 4) responded, "we're still about 15 out, can we get an updated 20 [location]?" Deputy Kabluyen responded, "One mile east of Stoddard Wells, he's in the number three lane, passing on the dirt shoulder." Unit KP 24 responded that the suspect was in the number one lane of the southbound I-15 and had just fired from the passenger window. The SBS airship responded, "we have prepared for lethal force."

Sergeant Gilmore broadcast, "he's actively firing, he's fired two shots, hit my windshield, possibly one of my other deputies, so he's actively shooting." A deputy asked for confirmation of whether there was a passenger or the female juvenile with the suspect or whether he was alone. Unit P 24 stated, "as he passed, I could see a passenger in the passenger side of the vehicle, there is two occupants." Unit 18-24 broadcast, "we see him, he's coming towards us." Another unit broadcast, "He's coming in the center divider to pass; he's passing South Stoddard now." Unit 8 P 22 noted that he was approaching D Street, "speeds still 112." The officers continued to broadcast the suspect's location. Unit 26 R 41 broadcast that traffic on the I-15 was at a dead stop right before Joshua Street.

Officer Johnson broadcast, "I'm taking rounds." He again broadcast "taking rounds, I believe my vehicle's disabled." Unit 8 P 22 broadcast, "I have rounds through the front windshield, I believe I have rounds through my engine." Unit 17 M 2 broadcast, "we just took rounds from the onramp..." Sergeant Gilmore advised dispatch to have deputies start going onto the onramps in case the suspect got off Interstate 15. An unidentified female deputy advised that she was "taking rounds." An unidentified male deputy advised that he "just took a round through the windshield." The deputies continued to broadcast their locations and that of the suspect and communicated with the airship.

Unit 8 P 22 broadcast that they were starting to hit traffic and "looks like he's going to get blocked in here pretty soon." Sergeant Gilmore replied, "Just make sure you're aware of your backdrop and crossfire." He confirmed that the SBS airship [40 King 4] had lethal coverage, then broadcast, "Alright, units following the suspect vehicle, 40 King's going to use lethal force, so everyone back off and then units behind me do a traffic break." Dispatch advised that the CHP would be closing southbound 395 at Joshua. The airship then advised, "traffic is coming to a dead stop up here, there's going to be way too much backdrop for us to engage if he does end up exiting and making contact with you guys."

Unit 8 P 22 broadcast, “he’s weaving in and out of traffic, actively firing.” A broadcast advised, “He’s exiting at Main, but he’s using the on-ramp to exit going the wrong way.” Another broadcast advised, “Deputies, he’s coming right at you on the exit.”

Deputy Johnson was recorded saying, “Passenger get out. Passenger get out. Get out. Get out. Get out. Passenger get out. Get out. Hey, hey, hey. Come here. Come to me. Come to me. Come to me. Come to me. Come, come, come, come, come. Walk, walk, walk, walk, walk. Hey stop. Stop shooting her. He’s in the car. Stop. She’s okay, he’s in the car. Stop.” A male voice said, “cease fire, cease fire.” Another male voice said, “push up, push up, we’re going to clear the car.” “Push up, we’re clear.” “Push, push, push.” “Watch your hands, watch your hands, show me your hands.” “Let me see your hands. Let me see your hands.” “I’m going to grab the rifle.” “He’s done. He’s 44.”

Deputy Kabluyen said, “My name’s Deputy Kabluyen. You’re going to be okay, okay?” Deputy Johnson said, “Juvie is hit.” Deputies then asked, “Can you talk to me, can you hear me?” A female deputy said, “Stay with us, okay?” There was an order to “start plugging her up.” A male deputy noted, “She has a plate carrier [a ballistic vest], I don’t know what’s underneath.” Another stated, “she’s got a knife on her.” The deputies continued to encourage Savannah to “stay with us.” One deputy called out for shears. They searched for wounds on Savannah’s body and tried to stop the bleeding. Repeated calls were made for a “chest seal,” and the deputies attempted lifesaving measures.

Detective Michael Chavez

Detective Michael Chavez’s recorder was activated, turned off, and reactivated during the pursuit and captured two audio recordings.¹³ Detective Chavez notified dispatch that he was southbound on Interstate 15 at Lenwood and was still one-half to three-quarters of a mile away from Outlet Center Drive. Sergeant Gilmore broadcast that he was trying to catch up with the suspect and was coming up on Outlet Center Drive. Detective Chavez broadcast that he was three-quarters of a mile behind Sergeant Gilmore, who updated his location and stated that the suspect was traveling at over 113 miles per hour. Sergeant Gilmore broadcast, “shots fired, shots fired,” and “taking rounds, taking rounds.” He continued to update the suspect’s path of travel: “Still northbound number one, watch out, watch out, watch out!” Sergeant Gilmore inquired, “are you okay,” then broadcast, “he’s off in the desert.” He told Detective Chavez to “advise your status.” Detective Chavez replied, “K9-5, shots fired, Code 4.” Sergeant Gilmore requested an airship and additional units, then asked, “K9, you okay?” Twenty seconds later, Detective Chavez said, “go, go, go, go,” and advised dispatch that he had “jumped in” with Sergeant Gilmore and they were southbound on Interstate 15 approaching Hodge Road.

Deputy Johnson broadcast that he was continuing south, doing 112 miles per hour and “did not have a visual.” Sergeant Gilmore directed Detective Chavez to “tell them to step up that airship.” Detective Chavez broadcast, “can we just step up the airship and have CHP secure my unit, it’s on the 15. We’ll be southbound coming up to Hodge now.”

A deputy saw a truck with a blue tarp driving northbound and asked whether the suspect vehicle had a blue tarp. Detective Chavez replied that the suspect vehicle did not have a tarp. Sergeant Gilmore told him to “tell them the back window’s out, that’s where the shots are coming through.” Detective

¹³ It is not known why Detective Chavez’s recorder was turned off and then reactivated.

Chavez advised dispatch, “the suspect is shooting out the back window, through the open back window.” Detective Chavez’s first recording ended.

The second recording began with Sergeant Gilmore broadcasting, “as I approached the vehicle it looked like there were two people in there, but I couldn’t tell.” Deputy Johnson updated the suspect’s location, “we’re passing Wild Wash, speeds still 112.” Sergeant Gilmore told Detective Chavez, “I’m maxed out man,” and Chavez replied, “I know, what are you going to do?” Other units continued to update the suspect’s speed and location. Deputy Johnson broadcast that they were “coming up the pass right now from Wild Wash, speeds still 110, he’s going from right shoulder to left shoulder passing traffic.”

Deputy Arreola asked whether they were getting shot at with a rifle or handgun. Detective Johnson and Sergeant Gilmore both responded, “I couldn’t tell.” Sergeant Gilmore asked, “does it matter?”

A deputy asked whether Sergeant Gilmore wanted him to set up on the freeway, and he told the deputy to set up on the perimeter, on the side of the freeway, and wait to see if the suspect committed to staying on southbound Interstate 15.

As the CHP airship reported that it was recording audio and video of the suspect, Deputy Johnson said that the suspect was firing multiple shots, and that the suspect was on the right shoulder and was continuing to fire. Deputy Kabluyen updated the suspect’s location, “[He’s] crossing Stoddard Wells, he’s in the number three lane, speeds 108, road’s clear.” A unit reported the suspect was firing out of the passenger’s window. The SBSB airship reported that it was prepared for lethal force. Sergeant Gilmore then reported that the suspect was actively firing and had fired two shots that hit his windshield. The airship asked for confirmation that there was a passenger or the female juvenile in the suspect’s vehicle. A deputy replied that there were two occupants in the suspect’s vehicle. Deputies continued broadcasting the suspect’s location and speed.

Deputy Johnson reported that he was taking rounds, that his vehicle was disabled, and that he had three rounds to the front windshield and rounds through his engine. Another deputy reported that he had taken rounds at the on-ramp. Deputy Johnson reported that the suspect was definitely firing a rifle. A female deputy reported that she was taking rounds, and a male deputy reported that he just took a round through the windshield. The airship reported that it was overhead and “had eyes” on the suspect. A male deputy told the SBSB deputies to “drop back a little bit.”

A deputy advised that traffic was building on the I-15, and the suspect was going to get blocked in soon. Sergeant Gilmore told the deputies to be aware of the backdrop and crossfire. He asked the SBSB airship deputies if they had lethal coverage, and the airship deputies replied that they did. Sergeant Gilmore told the units following the suspect to back off behind him because the airship was going to use lethal force. Dispatch then advised that the CHP was going to close the freeway at Joshua. The airship then reported that traffic was coming to a stop, and there was too much backdrop for the airship to use lethal force if the suspect left the freeway.

A deputy reported that the suspect was “weaving in and out of traffic, actively firing, if we can come up with something.” Seconds later, deputies were advised that the suspect was leaving the freeway at Main Street using the on-ramp to go the wrong way. Detective Chavez told Sergeant Gilmore, “go right here, right here, right here.” Gilmore replied, “yep, yep, gotcha, gotcha, gotcha, gotcha, gotcha.” They were advised, “deputies, he’s coming right at you on the exit.” Detective Chavez said, “go up to the

top, go up to the top.” Sergeant Gilmore replied, “got it, got it, got it.” The deputies were advised, hey, guys, he’s going to lose control here as he goes up that embankment.” Detective Chavez said, “I don’t see him, I don’t see him, I don’t see him.” A deputy said, “shots are fired, shots are fired.” The sound of gunfire was recorded. A male deputy asked, “where’s he at?” A male voice said, “Ah, there’s too many guys over there.” Another voice said, “code 4.”

Deputy Johnson’s commands to Savannah Graziano to “get out,” “come to me,” and “walk” were not audible on Detective Chavez’s belt recording.

Deputy Dashaun Jones

Deputy Dashaun Jones activated his belt recorder during the pursuit. The recording began with Sergeant Gilmore’s broadcast, “he’s actively firing, he’s fired two shots. Hit my windshield. Possibly one of my other deputies, so he’s actively shooting.” A male deputy responded, “Okay, copy that. If we can somehow just be able to confirm if there is a passenger or the female juvie in there with him or if he’s alone.” Unit 18 Paul 24 responded, “as he passed I could see a passenger in the passenger side of the vehicle, there is two occupants.” Deputy Johnson broadcast, “8-21, I’m taking rounds,” Unit 8 Paul 22 broadcast, “I have rounds through the front windshield, I believe I have rounds through my engine.” Seven seconds after that, Deputy Jones broadcast, “17 Met 2, we just took rounds from the onramp....” One minute later, an unidentified unit broadcast, “Sarg, just took a round through the windshield.”

One minute later, unit 8 Paul 22 broadcast, “we’re starting to hit traffic, looks like he’s going to get blocked in here pretty soon.” Sergeant Gilmore replied, “just make sure you’re aware of your backdrop and crossfire.” A male voice asked, “40 King, do you have lethal coverage for us yet?” The airship responded, “That’s affirm. We’re set up for lethal force.” Sergeant Gilmore then broadcast, “Alright units following the suspect vehicle, 40 King’s going to use lethal force, so everyone back off and then units behind me do a traffic break.” The airship responded. “Hey units, 40 King, just be advised, traffic is coming to a dead stop up here, there’s going to be way too much backdrop for us to engage if he does end up exiting and making contact with you guys.” Fourteen seconds after the airship’s broadcast, unit 8 Paul 22 responded, “I copy all, he’s weaving in and out of traffic, actively firing.”

Seven seconds later a deputy broadcast, “he’s exiting at Main, but he’s using the onramp to exit to go the wrong way.” Seventeen seconds later, a male deputy broadcast, “embankment, do we have units on Bear Valley.” This was followed 13 seconds later by the sound of gunfire. A male deputy broadcast, “Take your cover, take your cover, we have zero cover on the southbound lanes. Take your cover.” Seven seconds later Deputy Jones said, “come on.” Twenty-four seconds later, someone said, “get down, get down, get down.” Two seconds after that, Deputy Jones asked, “You see it? You look?” Two seconds later a male deputy said, “cease fire, cease fire.” Three seconds later, Deputy Jones broadcast, “cease fire.”

Deputy Johnson’s commands to Savannah were not audible on Deputy Jones’s recording.

Deputy Julian Mata

Deputy Julian Mata activated his belt recorder during the pursuit. On the recording, Deputy Mata asked his trainee Deputy Mendoza, “your gun is loaded, right?” Deputy Mendoza replied, “Yes sir, I chambered...” Deputy Mata warned him, “Just be very careful.” There was a broadcast about a traffic accident on Interstate 15 at Joshua, ahead of the pursuit. Deputy Mata advised his trainee, “that’s the truck we’re chasing,” and Deputy Mendoza replied “yes, sir.” Broadcasts from Sergeant Gilmore,

Deputy Johnson, and Deputy Jones were recorded, stating that they were “taking rounds,” and that the suspect was firing a rifle. A female deputy stated that she was “taking rounds.” As they approached Main Street, Sergeant Gilmore broadcasted, “make sure you are aware of your backdrop and crossfire.” Deputy Mata admonished Deputy Mendoza, “be very careful you’re not shooting anything until we see something, we got a clear view.” The SBSB airship broadcasted that it was “set up for lethal force,” and Sergeant Gilmore advised the units in the pursuit to back up behind him and do a traffic break. The SBSB airship warned the deputies that traffic was coming to a dead stop ahead, and that there was too much backdrop for the airship to “engage.” The deputies were then warned that the suspect was coming towards the deputies on the exit and were further warned that the suspect was going to lose control as he drove up the embankment. The sounds of gunfire were recorded. An unknown deputy stated, “hold your fire, hold your fire. Watch your crossfire, watch your crossfire.” Multiple commands to “cease fire” were then given. It is unknown who gave the commands. No sounds of gunfire were recorded after the “cease fire” commands were given. The sounds of the deputies rendering medical aid to Savannah were then recorded.

Deputy Johnson’s commands to Savannah were not audible on the belt recording.

Deputy Elias Mendoza

Deputy Elias Mendoza activated his belt recorder during the pursuit. The recording began with a voice reporting that Interstate 15 was at a “dead stop.” Deputy Mata asked Deputy Mendoza, his trainee, “your gun is loaded, right?” and Deputy Mendoza replied, “Yes sir, I chambered. Ready to go.” Deputy Mata warned him, “Just be very careful.” There was a report of a traffic collision on Interstate 15, south of Joshua. Deputy Mata stated, “That’s the truck we’re chasing,” and Deputy Mendoza replied, “yes, sir.” Sergeant Gilmore directed additional units which had joined the pursuit to “go ahead and start making sure the additional off ramps are blocked off.”

Deputy Johnson broadcast that he was “taking rounds.” Deputy Mata stated, “that’s a rifle.” A deputy broadcast that his unit was disabled. Additional deputies broadcast that they were taking rounds. Sergeant Gilmore advised the deputies to make sure they were aware of their backdrop and crossfire. Deputy Mata stated, “he’s directly in front of this black truck,” and Deputy Mendoza replied, “yes, sir.”

The SBSB airship broadcast that it was set up for lethal force and Sergeant Gilmore advised the deputies to back off. The airship then advised that traffic was coming to a dead stop at Joshua and the airship would not be able to “engage.” A deputy broadcast that the suspect was, “weaving in and out of traffic, actively firing.”

A broadcast was heard, “deputies, he’s coming right at you on the exit.” Deputies Mendoza and Mata had the following conversation: “Reloading?” “Yep, reloading.” The deputies were then advised, “He’s going to lose control here as he goes up that embankment. Do we have units on Bear Valley?” Either Deputy Mata or Deputy Mendoza asked, “Where’s he at? Where’s he at?”

The sounds of gunfire were recorded. A deputy stated, “crossfire, crossfire, crossfire.” Another stated, “hold your fire, hold your fire, hold your fire, hold your fire, hold your fire.” A deputy stated, “crossfire, crossfire.” A deputy stated, “crossfire, crossfire.” A deputy stated “Crossfire, watch your crossfire.” A deputy stated, “Cease fire, cease, cease fire, cease, cease fire, cease fire.” Another deputy stated, “Cease fire. Hold on, hold on, hold on.” Another deputy stated, “Cease fire.” The cease fire command was repeated several times. No subsequent sounds of gunfire were recorded. Deputies called out for a

“seal” (a bandage used to seal a wound). A deputy stated, “standby, standby, watch your crossfire gentlemen, watch your crossfire.”

Deputy Johnson’s commands to Savannah were not audible on the belt recording.

Deputy Isaac Sanchez

Deputy Isaac Sanchez activated his belt recorder during the pursuit. The recording began with a male deputy asking whether the victim was inside the vehicle and being told “we do not know.” The Barstow units were then advised to back off if the suspects were still firing at them, because there was an airship following the suspects. Deputy Kabluyen stated that the suspect was “crossing Stoddard Wells, he’s in the number three lane, speeds 108, road’s clear.” Deputy Johnson reported that his unit may have been shot and asked whether there was lethal coverage. SBS units continued to update the suspect’s location. Deputy Sanchez directed Deputy Villarino to give him his radio. A deputy broadcast that the “suspect vehicle is in the number one lane, southbound 15. Just fired a shot out the passenger window.” The deputies and Sergeant Gilmore updated the suspect’s location, and that he was actively firing. There was confirmation that there were two occupants in the suspect’s vehicle. Deputies continued to update the suspect’s location, and that his speed was 112 miles per hour. The deputies were advised that traffic was coming to a dead stop at the Joshua exit from Interstate 15 due to a traffic collision. Deputy Johnson advised that he was taking rounds and believed his vehicle was disabled. Deputy Sanchez advised Deputy Villarino, “Whatever you do, don’t shoot the windshield.” He advised again, “don’t shoot at the windshield.” Several deputies broadcast that they had taken rounds, and that the suspect was firing a rifle.

Deputy Sanchez told Deputy Villarino, “and if we get in it, go back, so we’re not taking rounds, okay?” He told Deputy Villarino, “Take a deep breath, relax, alright? You’ll be good.” Other deputies broadcast that they were “taking rounds,” and “just took a round through the windshield.” As the pursuit approached Main Street, the deputies were advised that traffic was backing up and the suspect would get blocked in soon.

Deputy Sanchez told Deputy Villarino to get off on the shoulder and to pull off the shoulder as much as possible, because the suspect was probably going to pass them. He then advised that the suspect was going to pass on the right. He said, “duck, duck, duck, duck, duck. He’s turning around, be careful. Go ahead, go ahead. Go follow.” The deputies were advised that the suspect was exiting on Main but using the on-ramp to go the wrong way. They were further advised that the suspect was going to lose control as he drove up the embankment. Deputy Sanchez told Deputy Villarino, “Go, go, go. Stop, stop, stop, stop.” The sounds of gunfire were recorded. Deputy Sanchez stated, “back up, back up.” Deputies were advised to watch their crossfire, and then to cease fire.

Requests were made for a shield and for gloves. The recording then captured the efforts made by the deputies to render first aid to Savannah Graziano.

Deputy Johnson’s commands to Savannah were not audible on the belt recording.

Deputy William Villarino

Deputy William Villarino activated his belt recorder during the pursuit. The recording captured the same events heard on Deputy Sanchez’s belt recording, as described above, and provided no additional relevant information. Deputy Johnson’s commands to Savannah were not audible on the belt recording.

Deputy Kimberly Kabluyen

Deputy Kimberly Kabluyen activated her belt recorder during the pursuit. The recording captured the units being fired upon, and the sound of gunshots. Deputies also stated the suspect was shooting at them, and a deputy said, “watch out guys,” and then “let me see your hands, let me see your hands.” This statement was most likely directed at Savannah Graziano, whose hands were underneath her body when she fell. There were then efforts to check Savannah for a pulse, to plug her wounds and to perform CPR. Deputy Johnson’s commands to Savannah were not audible on the belt recording.

Deputy Sofia La Rocco

Deputy Sofia La Rocco carried a belt recorder that was activated during the pursuit, as the suspect passed South Stoddard Wells Road. Deputy La Rocco was in a two-person car. As the recording began, she asked, “what do they want us to do? They haven’t said anything, huh?” A male voice replied, “I don’t know, I don’t really know.” Deputy La Rocco stated, “they should be coming up now.” The deputies continued to broadcast the suspect’s location and speed. They noted that he was swerving, moving from lane to lane, and driving at speeds over 110 miles per hour. Deputies broadcast that they were taking rounds, and that the suspect was firing a rifle. They were advised that traffic was coming to a stop ahead of them, and that the suspect was weaving in and out of traffic, actively firing.

Further broadcasts informed deputies that the suspect was exiting at Main Street, that he was using the on-ramp to exit going the wrong way, that he was coming right at the deputies, and that he was going to lose control as he drove up the embankment. There were the sounds of gunfire. The deputies were told to “back up, take some cover, take some cover, we have zero backdrop on the southbound lanes. Take your cover.” The next words audible on the recording were those of deputies asking for gloves, and Deputy Kabluyen telling Savannah, “My name’s Deputy Kabluyen. You’re going to be okay. Okay?” The deputies determined that Savannah had a pulse, had multiple gunshot wounds, and was still breathing.

Deputy Johnson’s commands to Savannah were not audible on the belt recording.

Deputy Raymond Syphax

Deputy Raymond Syphax activated his belt recording as units were advised of the traffic collision at Joshua on the southbound 15. His recording captured audio of multiple units broadcast that they were taking rounds, and that the suspect was firing a rifle. Sergeant Gilmore told the deputies to be aware of their backdrop and crossfire. The airship deputies confirmed that they were set up for deadly force, that traffic was coming to a dead stop at Joshua, and that the airship could not use deadly force because there was too much backdrop. The suspect continued weaving in and out of traffic, actively firing. The deputies were advised that the suspect was using the on-ramp to exit the freeway at Main Street going the wrong way. They were advised that he was coming right at the deputies on the exit, and that the suspect was going to lose control as he drove up the embankment. The sounds of gunfire were recorded. A deputy said, “get down, get down.” The words “cease fire, cease fire” were recorded. A deputy ordered, “Push up, push up, push up, we’re going to clear the car. Push up, we’re clearing. Push, push, push. Push.” Another deputy said, “Let me see your hands, let me see your hands.”

Deputy Johnson’s commands to Savannah were not audible on the belt recording.

Deputy Alyssa Gutierrez

Deputy Alyssa Gutierrez activated her belt recorder during the pursuit. Her unit's call sign was 17P25. As the recording began, Deputy Gutierrez and her partner discussed the information that they had about the suspect, including that he had his 15-year-old daughter with him. The recording reflected that she and her partner drove to Roy Rodgers and the 15 Freeway. Mr. Graziano drove towards Deputy Gutierrez and her partner and shots were fired at their patrol car. Deputy Gutierrez and her partner discussed tactics. Deputy Gutierrez's partner stated, "so, he's shooting at us right now so if he starts shooting at us..." Deputy Gutierrez asked, "through the windshield?," and he responded, "If you have to ya."

Deputy David Johnson, in unit 8P31, stated that Mr. Graziano "might have shot my vehicle once or twice." He asked whether there was "an airship with lethal coverage." A deputy noted that the suspect "just fired a shot out the passenger window." Unit 8P22 broadcast that there was "possible, some type of 415 (fighting) inside the vehicle." Sergeant Gilmore broadcast, "He's actively firing, he's fired two shots, hit my windshield, possibly my other deputies, so he's actively shooting." Another deputy broadcast, "If we can somehow just be able to confirm if there is a passenger or the female juvie in there with him or if he's alone." Unit P24 responded, "as he passed I could see a passenger in the passenger side of the vehicle, there is two occupants." Deputy Gutierrez asked, "so (unintelligible) firing at us I'm firing?" and received an affirmative response. Deputies broadcast that Mr. Graziano was passing South Stoddard Road in the center divider, then that he was approaching "D" Street at 112 mph.

Unit 8P22 broadcast that Mr. Graziano was approaching Mojave Drive in the number two lane, swerving into the shoulder. A deputy noted, "When he crashes, there is going to be a shootout, okay?" Another deputy responded, "already, he's shooting at us already, not playing any games." Deputy David Johnson broadcast, "8-21, I'm taking rounds." Unit 8 P 22 broadcast, "taking rounds, I believe my vehicle's disabled...through my engine." Unit 17 Met 2 broadcast, "we just took rounds from the on-ramp..." A male deputy broadcast, "Sarg, just took a round through the window." A male deputy broadcast, "Looks like it's definitely going to be a rifle." Other deputies broadcast that they were taking rounds, and one advised that he had taken a round through the windshield.

A male deputy broadcast, "we should all do a V and start shooting at him." Sergeant Gilmore broadcast, "make sure you're aware of your backdrop and crossfire." A deputy asked, "40 King (the airship), do you have lethal coverage for us yet?" A response was recorded, "That's affirm. We're set up for lethal force." Sergeant Gilmore then broadcast, "Alright units following the suspect vehicle, 40 King's going to use lethal force, so everyone back off and then units behind me do a traffic break." Dispatch responded, "CHP's going to be closing southbound 395 at Joshua."

The airship broadcast, "Hey units, 40 King, just be advised, traffic is coming to a dead stop up here, there's going to be way too much backdrop for us to engage if he does end up exiting and making contact with you guys." Unit 8P22 responded, "I copy, he's weaving in and out of traffic, actively firing, if we can come up with something." A male voice responded, "Deputies, he's coming right at you on the exit." Another male voice responded, "Hey guys, he's going to lose control here as he goes up that embankment, do we have units on Bear Valley?" Another male voice responded, "Units back up, take some cover, take some cover, we have zero backdrop on the southbound lanes."

A call then went out, "shots are fired, shots are fired," and a response "...at the deputies." A male voice broadcast, "guys the female juvie is out" and "She's on the passenger side."

A male voice said, "this way at us." And another said, "back drop," "back drop" and "watch your crossfire guys."

Deputy Johnson's commands to Savannah were not audible on the belt recording.

Deputy Kent Watson

Deputy Kent Watson activated his belt recorder as he told his trainee, Deputy Gonzalez, how to drive to the location of the pursuit. He advised Deputy Gonzalez that he was "doing fine." Deputy Gonzalez expressed concern that the suspect might "shoot at us." Deputy Watson replied, "Just be careful. Keep your head down." He told Deputy Gonzalez to drive under the freeway because they were going to "set up" on the on-ramp. Deputies continued to broadcast the location of the pursuit and that the suspect was continuing to fire at the deputies. A deputy advised that there were "at least two occupants and they're continuing to fire out the back window." Deputy Watson opined, "they're going to run out of ammo at some point."

Deputy Watson had directed Deputy Gonzalez to drive to Stoddard Wells Road and "go all the way up to the on-ramp" to set up. As the pursuit approached their location, Deputy Gonzalez asked, "So, when they're approaching Stoddard Wells, we go trail or how are we doing this?" Deputy Watson said, "if they come, we're in pursuit." As deputies broadcast that the pursuit was nearly at Stoddard Wells Road, Deputy Watson told Deputy Gonzalez, "He's right here. He's coming. Get ready.... It's a Nissan Frontier." He then said, "There he is."

Deputy Watson then broadcast, "Shots fired. Paul 24, suspect vehicle in number one lane, southbound 15. Just fired a shot out the passenger window." Both Deputy Watson and Deputy Gonzalez tried to broadcast at the same time. Deputy Watson admonished his trainee, then broadcast, "18 Paul 24, as he passed I could see a passenger in the passenger side of the vehicle, there is two occupants." After unintelligible conversation, Deputy Watson told Deputy Gonzalez, "pass him, pass him, pass him. Go, go, go, go, go. Alright, stay in it. He's out. See that Tahoe up there, he's out." Deputy Watson noted that the SBSB airship was overhead, saying, "there's 40 King." Deputy Watson then advised his trainee, "Okay, so one thing I'm going to tell you about these units, they heat up the brakes fast, okay, so if you're on and off the brakes all the time, you're gonna heat up your brakes and they're not going to work."

A loud sound was recorded. Deputy Watson exclaimed, "God damn it! Fuck, shit!" Deputy Gonzalez asked, "you all right?" Deputy Watson affirmed that he was all right, and broadcast, "18 Paul 24, just took a round through the windshield." Deputy Gonzalez asked, "you good?" Deputy Watson said "ya," and then directed Deputy Gonzalez to "watch what you're doing. Slow down, slow down." Watson then said, "you're fine, we're fine." Deputy Watson said, "I got shrapnel." He told Deputy Gonzalez to, "go, go, go, you're gonna get passed. Back off. Shit, shit, shit, shit." The sound of gunfire was recorded. Unintelligible words were said. The words "stop, she's okay" and "stop" were recorded, and then, "cease fire, cease fire." A deputy stated, "push up, push up, we're gonna clear the car, push up, we're clear. Push, push, push."

A deputy said, "still moving." The deputies then attempted to get medical aid "to the female juvie."

Deputy Johnson's commands to Savannah were not audible on the belt recording.

Deputy Daniel Gonzalez

Deputy Daniel Gonzalez's belt recording captured the same events heard on Deputy Watson's belt recording, set forth above.

Deputy Johnson's commands to Savannah were not audible on the belt recording.

Detective Edward Oliveros

Detective Edward Oliveros activated his belt recorder during the pursuit. One minute after he started recording, dispatch reported, "he's almost to Main." At two minutes and 48 seconds into the recording, Detective Oliveros said, "he's right there", and seconds later, "he's going back, he's going back." The sound of gunfire was recorded. Detective Oliveros said, "watch your crossfire." A female deputy said, "move up, move up." A male voice said, "he's driving his car up there." A deputy said, "backdrop, backdrop guys." Another deputy said, "get over here!" A deputy asked, "Any deputy injured? Detective Oliveros asked, "So what's the extent of her injuries?" A male deputy responded, "Severe." The sounds of deputies rendering medical aid to Savannah were then recorded, as were the deputies efforts to begin setting up a crime scene log.

Deputy Johnson's commands to Savannah were not audible on the belt recording.

Deputy James Lee

Deputy James Lee activated his belt recorder during the pursuit. The recording picked up radio traffic immediately prior to the OIS, after the airship noted that traffic was coming to a dead stop. The recording captured broadcasts that the Nissan Frontier was weaving in and out of traffic, actively firing; that it was using the onramp to exit going the wrong way; and that the driver was going to lose control as he drove up the embankment. The sound of gunfire was recorded, and alerts of "crossfire," "take your cover," "hold your fire," and "cease fire." Deputies asked for a shield and a medical kit.

The sounds of deputies asking for additional medical supplies and rendering first aid and CPR were then captured on the recording.

Deputy Johnson's commands to Savannah were not audible on the belt recording.

Deputy Sergio Ramirez

Deputy Sergio Ramirez activated his belt recorder during the pursuit. Deputy Joseph Carroll was riding with Deputy Ramirez during the pursuit. At three minutes and 39 seconds, the recording indicated that the deputies' vehicle drove off the road.¹⁴ One deputy told the other to get in the dirt because the suspect was going to "loop back around." The deputies then saw the suspect, and one deputy told the other, "he's on the other side, he's backing up, he's backing up." The sounds of gunfire were recorded. One deputy said the suspect was "right behind" them. They discussed whether to drive to the OIS or to run. They arrived at Savannah's location as other deputies were rendering aid to her. The recording captured the deputies asking for and receiving chest seals and tape, Savannah losing her pulse, CPR commencing, and a discussion of whether they should wait for the air rescue helicopter. Just before the recording ended, two deputies had this discussion: First deputy, "she was shooting." Second deputy, "huh?" First deputy, "she was shooting."

¹⁴ It is not clear which remarks were made by Deputy Ramirez, and which were made by Deputy Carroll.

Deputy Johnson's commands to Savannah were not audible on the belt recording.

Sergeant Brendan Motley

Sergeant Brendan Motley activated his belt recorder towards the end of the pursuit, 51 seconds prior to deputies reporting that they were starting to hit traffic and the suspect would get blocked in soon. His recording captured a deputy saying that the suspect had shot through the windshield. Sergeant Motley's recorder captured this conversation: "Move." "Get ready." "Where's he at?" "Oh shit." Once the gunfire subsided, a voice stated, "I can't hear you." A deputy asked Sergeant Motley, "where do you want us then, sir?" Sergeant Motley noticed damage to the deputy's car, and the deputy responded that he had been in a minor traffic collision. He directed the deputy to block off an area.

Deputy Johnson's commands to Savannah were not audible on the belt recording.

Belt Recordings of Witnessing Deputies

SBSD Sergeant Darren Gilmore

Sergeant Gilmore's belt recording began with his efforts to catch up to the Nissan Frontier. He then reported that shots were fired and that he was "taking rounds." He went to the aid of Detective Chavez, then ordered an airship and additional SBSB units. The remainder of his belt recording was very similar to Detective Chavez's recording, as he and Detective Chavez rode together in Sergeant Gilmore's patrol vehicle after Detective Chavez's vehicle was disabled. Sergeant Gilmore noted that the Nissan Frontier's back window was out, and that was where the shots were coming from. He ordered units to set up a perimeter on I-15. Sergeant Gilmore broadcast that there were two people in the Nissan Frontier. A deputy broadcast that a shot was fired from the Nissan Frontier's passenger window. After the SBSB airship reported that it was "prepared for lethal force," Sergeant Gilmore broadcast that Mr. Graziano was "actively firing, he's fired two shots hit my windshield (unintelligible) deputies, so he's actively shooting." Two deputies reported that they were "taking rounds" and one reported that he had taken three to four rounds through his front windshield and rounds through his engine. A deputy reported that the suspect was firing a rifle. Sergeant Gilmore ordered units to start closing off the on-ramps to Interstate 15. As a deputy broadcast that there was heavy traffic on the freeway and that the suspect was going to be blocked in, Sergeant Gilmore broadcast, "make sure you're aware of your backdrop and crossfire." The SBSB airship confirmed that it was "set up for lethal force," and Sergeant Gilmore broadcast to the units following the suspect vehicle to "back off" because the airship was going to use lethal force. Once Graziano drove off Interstate 15 and up the embankment, Sergeant Gilmore and Detective Chavez lost sight of him and asked, "where's he at? Where's he at?" The sheriffs were then told to back up and take cover because there was no clear backdrop. There was a dispatch, "shots are fired, shots are fired," followed by the sound of gunfire. A voice was recorded saying, "move it up, move it up, go," and "go, go, go, go, go, go, go." Sergeant Gilmore broadcast, "get medical, get medical aid rolling." He told Detective Chavez that they would have to go down to the scene (it is unclear where he and Detective Chavez were located) and called for a trauma kit.

Deputy Johnson's commands to Savannah were not audible on the belt recording.

SBSD Deputy Joseph Carroll

Deputy Joseph Carroll activated his belt recorder during the of the pursuit. The belt recording began with the sound of sirens. After several minutes, Deputy Joseph Carroll spoke to Deputy Ramirez, who was riding with him. One deputy asked, "Get off here?" The second responded affirmatively and added, "he's going to loop back around bro, get in the dirt." The second then said, "There he is, just

exited,” and then, “He’s backing up, he’s backing up.” Dinging sounds were heard. Gunshots were heard. The sounds of gunshots stopped. There was helicopter noise. The deputies then assisted in treating Savannah’s injuries.

Deputy Johnson’s commands to Savannah were not audible on the belt recording, nor were the commands to “cease fire.”

SBSD Deputy Damian Leon

Deputy Damian Leon activated his belt recording during the pursuit. The recording captured deputies reporting that the suspect drove at high speeds and fired shots at them, as well as deputies reporting that their vehicles had been struck by gunfire and that there were two occupants in the vehicle actively shooting. As the suspect passed South Stoddard, Deputy Leon or his [unknown] partner said, “He might shoot at us, be ready.”

Deputies continued to update the suspect’s speed and location. Deputies reported that they were taking rounds, and that the suspect was firing a rifle. The deputies were advised that the airship was prepared to use lethal force and were told to fall back behind Sergeant Gilmore. The airship then advised that traffic was slowing, and it could not use lethal force due to backdrop. The deputies were advised that the suspect was exiting at Main Street going the wrong way up the on-ramp, that the suspect was coming right at them on the exit, and that the suspect was going to lose control as he drove up the embankment. The deputies were advised to back up and take cover. A voice advised that shots were fired at the deputies. A male voice advised, “settle down guys, the female juvie is out, she’s out on the passenger side.” Seconds later a male voice stated, “no, he’s down.”

Deputy Johnson’s commands to Savannah were not audible on the belt recording.

SBSD Deputy Conan Grigsby

Deputy Grigsby activated his belt recorder during the pursuit. His recording began as Deputy Johnson reported that the suspect might have shot his vehicle once or twice and requested an airship with lethal coverage. Deputy Grigsby was partnered with an (unknown) female deputy during the pursuit. The recording reflects that Deputy Grigsby and his partner were near “D” Street on southbound Interstate 15 when the suspect was approaching them. The suspect passed them, and other deputies reported that they were taking rounds and that the suspect was firing a rifle. The recording captured the radio transmissions of the deputies involved in the pursuit, covered elsewhere in this report.

Deputy Johnson’s commands to Savannah were not audible on the belt recording.

Interviews of Police Officers

All of the involved deputies who fired weapons or witnessed the incident from the ground declined, through their attorneys, to provide voluntary statements. Police officers, like all individuals, have the right to remain silent and decline to answer questions in the face of official questioning. (*Spielbauer v. County of Santa Clara* (2009) 45 Cal.4th 704, 714; see generally *Miranda v. Arizona* (1966) 384 U.S. 436.)

Public employees, including police officers, may be compelled by an employer to answer questions for administrative purposes, but the use of such statements in criminal proceedings is prohibited. (*Lybarger v. City of Los Angeles* (1985) 40 Cal.3d 822, 827-828, citing *Lefkowitz v. Turley* (1973) 414 U.S.

70, 77-79, and *Garrity v. State of New Jersey* (1967) 385 U.S. 493, 500.) Accordingly, no compelled statements were considered as part of this investigation.

SBSD deputies and CHP officers who were assigned to airships gave voluntary statements. The following statements are summaries of their interviews, which describe the incident from the point of view of the individual officers. Please note that the interviews contain facts relayed by the officers that may be inaccurate or inconsistent with the facts of this incident as they are currently understood.

SBSD Deputy Jacob Hernandez

SBSD Tactical Flight Officer and Crew Chief Jacob Hernandez was interviewed on September 27, 2022, at 4:17 PM, by SBSB Detectives Thomas Hollenbaugh and Michael Erwin. Hernandez said that earlier that day, he was riding in the airship with Deputy Jonathan Holt and Pilot David Negrón when the crew received a call from dispatch that Barstow deputies had seen a suspect vehicle that had been used in a homicide in Fontana the previous day. Deputy Hernandez said they were listening to units broadcasting over the radio that they were in pursuit of a suspect, and that they were receiving fire from the suspect and multiple units were getting hit. He and his crew made the decision to prepare to use lethal force. The pursuit was travelling south on Interstate 15. His airship caught up with the pursuit as it approached Main Street. As they approached Main Street they determined that they could not use lethal force because they were flying over a heavily populated area, and there was too much northbound freeway traffic, which they were concerned they might be hit by gunfire. They also didn't know whether the suspect's daughter, who they believed at that time was a victim, was in the suspect vehicle.

There was a major traffic jam a quarter mile south of Main Street on Interstate 15. The suspect made a U-turn in an effort to exit the freeway by going the wrong way on the Main Street on-ramp. The suspect tried to drive up the dirt embankment to Main Street but could not make it all the way up and rolled backward. Deputy Hernandez saw what he believed was gunfire because he saw dirt spitting into the air or coming off the ground near the on-ramp, and near the edge of the freeway's right shoulder. When the gunfire was occurring, he was unable to see the occupants of the suspect vehicle, and he was not sure where the gunfire was coming from. After a couple of seconds, the suspect vehicle stopped moving. One of the occupants, who he believed was female, got out of the passenger side of the vehicle. He saw her fall to the ground. Deputies on the ground then cleared the suspect vehicle and immediately rendered aid to the female occupant.

SBSD Deputy Jonathan Holt

SBSD Tactical Flight Officer Jonathan Holt was interviewed on September 27, 2022, at 3:15 PM by SBSB Detectives Thomas Hollenbaugh and Alfredo Lopez. At that time, Deputy Holt had been employed by SBSB for five years. He was assigned to the Emergency Operations Division, Aviation Unit.

On September 27, 2022, he and Deputies Negrón and Hernandez were in the airship. Deputy Negrón was the pilot. Deputy Holt was in training and was on the front left side of the airship; Deputy Hernandez was his training officer and was seated in the left rear. The day before, they had assisted Fontana PD in their attempt to locate a murder/kidnapping suspect who was wanted for a Fontana crime. On September 27, 2022, they were monitoring radio traffic when they heard Barstow ground units broadcasting that they had been shot at. The crew discussed whether they would use lethal force if the suspect was still shooting at deputies and the public.

The airship picked up the pursuit at Bear Valley Road and Interstate 15 southbound. The airship circled the suspect vehicle in order to monitor its activity. They were still hearing radio broadcasts that someone in the suspect vehicle was shooting at the deputies, and the deputies were confirming that their vehicles were being hit. Deputy Holt saw that traffic was building on the freeway ahead of the pursuit. He believed the driver of the suspect vehicle noticed that and turned northbound onto the southbound on-ramp. The vehicle continued until patrol units came to stop him. He saw the suspect vehicle go into the dirt between the on-ramp and the freeway. The suspect tried to drive up the embankment to Main Street, but his vehicle stalled and rolled backwards. Deputy Holt could see rounds being fired but he could not tell whether the gunfire was coming from the suspect vehicle or from the deputies. The suspect vehicle stopped between Interstate 15 southbound and the on-ramp. Deputy Holt observed what appeared to be an exchange of gunfire between the suspect and the deputies. After the vehicle came to a standstill, he saw a female get out of the passenger side and run towards a patrol unit. Deputy Holt saw what appeared to be gunfire striking the ground below her. He could see the dust quickly rising and then he saw her fall to the ground. He watched as deputies approached the suspect vehicle, confirmed that the male suspect inside the vehicle appeared to be dead, and confirmed that the female had two gunshot wounds to her chest.

From his perspective and after reviewing video of the OIS, it was obvious to Deputy Holt that shots were fired from the suspect's vehicle, but he did not know whether the driver or passenger was shooting. Rounds were hitting below the deputies, which led him to believe that shots were being fired at the deputies. He was not able to see the occupants of the suspect vehicle during the OIS. Once the vehicle backed up, he saw the female passenger get out and run towards the deputies' cars. He was unable to see the driver's actions from his vantage point.

SBSD Pilot Deputy David Negrón

SBSD Pilot Deputy David Negrón was interviewed on September 27, 2022, at 2:34 PM by SBSD Detectives Thomas Hollenbaugh and Michael Erwin. At that time, Deputy Negrón had been employed by SBSD for 15 years. He was assigned to the Emergency Operations Division, Aviation Unit as a helicopter pilot.

The day before, he and Deputies Holt and Hernandez had assisted Fontana PD in locating a homicide suspect who fled with his daughter. They checked the area but could not find the suspect's vehicle. On September 27, 2022, at 10:47 AM, SBSD dispatch requested they assist Barstow Station's pursuit of the homicide and kidnapping suspect. Deputies in the pursuit had reported they were being shot at by someone inside the suspect vehicle, a Nissan Frontier.

Deputy Negrón piloted the airship, and they caught up with the pursuit near the Bear Valley Road entrance to Interstate 15. The Nissan Frontier was travelling southbound on Interstate 15. When the Nissan Frontier reached a point where traffic was stopped, the driver made a right hand turn over the shoulder and began to drive north onto the southbound on-ramp. The Frontier then went off the on-ramp into a dirt area, driving towards an embankment which led to Main Street. The Frontier could not make it up the embankment and rolled back down. The suspect drove in reverse towards the freeway and towards deputies. Deputy Negrón looked across the airship's cabin and to his left saw rounds hitting the dirt between the suspect and deputies who were on the west side of the on-ramp as the suspect drove in reverse. He could not see into the Nissan and could not tell how many occupants it had or who was shooting.

Deputy Negron heard Deputy Hernandez say that a female juvenile had gotten out of the Nissan. He looked across the cabin of the airship and saw the juvenile standing outside the passenger side of the Nissan, between the Nissan and the deputies. He briefly looked away, and when he looked back, the female was lying on her stomach on the ground. At that point, shots were being fired towards the Nissan. He did not see who was shooting.

CHP Flight Officer Jeremy Genstler

CHP Officer Jeremy Genstler was interviewed on September 27, 2022, at 4:07 PM by SBSB Detectives Katie Merrell and Wendy Winegar. Also present was CHP Sergeant William Osegueda. The interview took place at the CHP hangar at Apple Valley Airport.

That day, Genstler was working for CHP's Air Operations in Apple Valley. During the incident, his partners were CHP Officers Rob Sharp and Travis Olson. The airship recorded audio and video during the incident.

Officer Genstler was monitoring traffic and heard SBSB calling for assistance and air support. He was aware SBSB was setting up to make a high-risk felony stop. When they got the call, the flight crew took off at 10:45 AM and proceeded northbound from the Apple Valley Airport to intercept the activity on the I-15. Genstler was in the left rear seat of the aircraft monitoring radios and establishing communication with CHP, while Olson was piloting the aircraft. The aircraft crew was able to pick up the audio of the ground units right away. Two SBSB units were reporting that shots were being fired in their direction.

They located the suspect vehicle, a white pickup truck, just south of Wild Wash, between Wild Wash and Dale Evans. The truck was traveling southbound on I-15 at between 100 to 115 mph. The vehicle was using the center median and the right shoulder to pass in a reckless manner. The camera system was manually turned on and focused on the white pickup truck. Officer Sharp was operating the camera.

The pursuit continued southbound on the freeway and ended at the Hesperia airport, at I-15 and Main Street, when the white pickup truck made a right turn onto the Main Street on-ramp. Officer Genstler believed the vehicle did not continue southbound on the I-15 and turned on the on-ramp, because there was a traffic collision just south of the Main Street exit that had stopped traffic on the freeway.

The pickup truck was traveling the wrong way on the southbound on-ramp; it then went off the asphalt into a dirt area and tried to climb the embankment onto Main Street. The pickup truck reversed back down toward the freeway and ultimately stopped facing in a northerly direction on the shoulder, then pulled forward about ten feet. While the vehicle went up the embankment and backed down, Officer Genstler could see multiple puffs of dust in front of the vehicle. He identified these puffs as gunfire striking the ground. During this time, Genstler observed about six to eight SBSB units just south of the overpass, and four or five units that had gone south on the on-ramp and stopped due to the erratic moves of the pickup truck.

Once the pickup truck stopped, the right front passenger, a female, got out and ran approximately 20 feet, then ducked down and lay on the ground for a moment. The pickup truck moved forward ten or twenty feet. As the vehicle was moving, she stood up and started running toward the officers that were on the right shoulder of the I-15. Officer Genstler saw her fall to the ground and then saw rounds strike the asphalt near her.

He then saw the SBSB team from the I-15 overpass approach the pickup truck, while the SBSB team from the on-ramp approached the truck from the west. The first officer to arrive reached into the pickup truck's open right front passenger side door and removed what appeared to be a black rifle. After things were stabilized, aid was given to the female.

CHP Flight Officer Robert Sharp

CHP Flight Officer Robert Sharp was interviewed by SBSB Detectives Gerania Navarro and Katie Merrill on September 27, 2022, at 3:33 PM. Officer Sharp stated he knew the suspect was related to an Amber Alert in which the suspect killed his wife and kidnapped a 15-year-old. Officer Sharp was listening to the radio and his pilot and flight officer said they had heard a failure to yield on the suspect vehicle. Once they were leaving the office, the radio broadcast that shots were fired. He was in the front of the helicopter and handled the camera and some of the radio. He and his crew saw the suspect vehicle southbound on Interstate 15 south of Wild Wash. He heard several radio calls by SBSB deputies that shots had been fired.

While the suspect was southbound approaching Main Street, Officer Sharp heard CHP broadcast a crash south of Main Street on southbound Interstate 15. The crash involved multiple vehicles and a body in the roadway. His airship passed Main Street, and the suspect vehicle made a U-turn and tried to exit the freeway going the wrong way on the on-ramp from eastbound Main Street. The suspect then tried to drive up an embankment leading to Main Street. The suspect failed and went backwards into the area between the on-ramp and the freeway. The vehicle came to a stop on the shoulder of the freeway.

A female with short dark hair and wearing a skirt got out of the right front passenger door of the suspect vehicle. She went down, moved once, then went down again. Officer Sharp reviewed the airship's video and said that in the video he could see that multiple shots were fired during the event, but at the time of the event he did not see any of the shots being fired.

CHP Pilot Officer Travis Olson

CHP Pilot Officer Travis Olson was interviewed on September 27, 2022, at 4:50 PM, by SBSB Detectives Katie Merrill and Starsun Fincel. Officer Olson said that after his airship lifted off, the suspect vehicle continued southbound on Interstate 15 from Lenwood Road. He heard that the suspect was shooting out of the vehicle back towards the pursuing deputies. The suspect fired multiple times throughout the pursuit. He heard that a deputy was entering the freeway from Stoddard Wells north and the deputy reported that he saw someone shooting from the passenger window of the suspect vehicle.

After the suspect vehicle crossed under the Main Street overpass on Interstate 15, Officer Olson saw the vehicle leave the freeway and turn onto the southbound Main Street on-ramp going the wrong way, towards deputies who were blocking the ramp. He heard shots fired as the suspect was between the on-ramp and the freeway. Eventually, he saw the suspect vehicle come to stop, facing the wrong way on the right shoulder of southbound Interstate 15. He saw someone outside of the suspect vehicle, lying down on the ground between the suspect vehicle and the nearest patrol car. After he saw the person lying on the ground, deputies surrounded the person and attempted to provide aid.

Interviews of Fire Department Responders

On September 27, 2022, at approximately 9:00 PM, SBSB Deputy Curtis Bennington interviewed responding paramedics from the Hesperia Fire Department, Medic Ambulance 305. The ambulance arrived at the location of the OIS after the shooting had stopped, and deputies were giving emergency

medical aid to Savannah. The paramedics took over treatment and transported Savannah to Desert Valley Hospital.

Interviews of Civilian Witnesses

SBSD interviewed numerous civilian witnesses to the pursuit, as well as members of Anthony and Savannah Graziano's family. All interviews conducted by investigators and detectives were digitally audio recorded.

The following statements are summaries of the interviews, which describe the incident from the point of view of the witnesses. Please note that the interviews contain facts relayed by the witnesses that may be inaccurate or inconsistent with the facts of this incident as they are currently understood.

W-1 and W-7

W-1 was interviewed on September 26, 2022, at approximately 8:00 AM, by Fontana Police Department Officer J. Morales. W-7 was interviewed on September 28, 2022, at 12:55 PM, by SBSD Deputy Vanayes Quezada. All of the pertinent information from their interviews is related above in the Summary of Incident portion of this report.

W-2

W-2, the General Manager of the Pilot Travel Center gas station, was interviewed on September 28, 2022, at 1:40 PM, by SBSD Detective Robert Ripley. W-2 said that on September 27, 2022, he was working at the register in the front of the Pilot Travel Center, when a girl came up to him. She had two soda bottles in her hand, gave him money, and asked him to put the rest on one of the pumps. As he was printing the receipt, W-3, who worked at the nearby Tire House, kept looking at W-2 and the girl. After W-2 gave the girl the receipt and she went outside, W-3 gave him money for gas and walked out. W-3 then came back inside and told W-2 that the girl was from the Amber Alert.

W-3 started talking with another man in the center, David. They told W-2 that the girl and the man from the Amber Alert were outside, and when W-3 went outside, the man and the girl took off in the truck. W-3 and David showed W-2 the picture from the Amber Alert. He recognized the girl as the same person who had just been in the center. At 10:19 AM, W-2 called the SBSD's 911 line and reported that the girl from the Amber Alert and a man were travelling in a white Nissan Frontier eastbound on Highway 58.

W-2 told detectives that when the truck pulled into the Pilot Travel Center there was no tarp on it. The man put the tarp on the Nissan while he was there, and he may have bent the license plate up while he was there. W-2 reviewed the security video from the center. The Nissan arrived at 10:14 AM. The girl walked up to the counter to pay for the soda and gas at 10:15 AM. W-2 said that the girl was speaking normally and did not seem scared. W-2 told the detectives, "It didn't look like she lost her mom yesterday."

W-3

W-3 was interviewed on September 28, 2022, at 2:49 PM, by SBSD Detective Robert Ripley. The interview was conducted in Spanish with the assistance of a translator. W-3 stated that, on the night before the OIS, he saw an Amber Alert on the news with information about the involved truck. On the morning of the OIS, he was at the Pilot gas station when he saw the truck that had been described in the Amber Alert. He recognized it by the "Allpro" sticker on the back passenger side of the truck, which

had been described on the news. When he pulled into the Pilot gas station and parked at the gas pump, the Nissan Frontier was already there. He went inside the gas station store and the little girl was buying something inside the store. When she walked out, W-3 followed her. She got into the passenger side of the Nissan Frontier. He saw the male driver was outside of the truck pumping gas. The driver looked nervous. W-3 locked eyes with the driver. The driver got back in the Nissan Frontier and then the girl got in and they drove onto the southbound 395. W-3 went back into the Pilot gas station and spoke with the manager. W-3 called 911 and reported having seen the Nissan Frontier from the Amber Alert. He described the license plate as 443G2.

W-4

W-4 was interviewed on September 27, 2022, at 4:38 PM by SBSB Detective Robert Ripley. Earlier in the day, W-4 was driving with his uncle, Armando, southbound on Highway 395 passing Highway 58. As they were passing the gas station (Pilot Travel Center) a white Nissan Frontier pulled quickly out of the gas station in front of them, cut them off and then made a fast U-turn onto northbound Highway 395. W-4 noticed the first three numbers of the Nissan's license plate and his uncle noticed the last three because they had seen the Amber Alert earlier in the morning. To the best of his recollection, the license plate was 4435D2. W-4's uncle saw the man and the girl. W-4 saw the back of the girl's head in the front seat. The Nissan Frontier had "stuff" in the back of the truck. The rear license plate was bent up, "like he was trying to hide it." W-4 then looked at his phone to confirm the license plate number on the Amber Alert and immediately called the police.

W-5

W-5 was interviewed on September 27, 2022, at 4:00 PM, by SBSB Detective Jonathan Cavender. Earlier in the day, before 8:00 AM, W-5 left Las Vegas to drive home to Winchester, California.

At about 10:50 AM, W-5 began to see law enforcement activity approximately 15 miles before the Main Street exit on Interstate 15. He first saw four gray "plainclothes" SUVs on an overpass. He then saw a freeway exit blocked by police cars and began to realize that a car chase might be happening. He passed several more freeway exits that were blocked by police, and when he was four or five miles from the Main Street exit, he began to see more police cars with lights on. He drove a little further and saw an officer on the side of the freeway, outside of his patrol car, holding a shotgun. W-5 kept his eyes on his rearview mirror. When he saw blue lights behind him, he prepared to get out of the way.

At 11:07 AM, W-5 started to move over and was in the middle lane when an older small pickup truck passed him on his right. The driver looked right at him. The face "was bad, it wasn't a good..." The pickup truck then crossed lanes "really fast" and W-5 realized that the truck was being pursued by police. He saw blue lights "right up next to me now on my left." The police cars, which were mostly unmarked SUVs, had their emergency lights and sirens on.

W-5 started recording the pursuit on his cell phone as he was starting to pull over and the pickup truck approached him.¹⁵ W-5 told the detective, "And then I didn't expect a gun to pop out, shooting at me or at the cops, but he was – it kind of looked like he was aiming at me." W-5 said that the gun looked like a Mini-14 rifle that might have been set on automatic. He said that the gun came out of the "passenger side right here, right out this side. It was leaning out, just out, just opened fire." W-5

¹⁵ The content of W-5's cell phone recording is detailed above in the incident summary.

determined that “it must have been someone else [other than the driver] because someone was still driving the truck. According to W-5, “[T]here’s no way that he could have been still moving and driving, so there had to have been two, you know, in the car.”

W-5 then started hearing the sound of “pings” and he bent down. He then heard clanking sounds, and when the police were “flying” past him, he heard upwards of 20 gunshots and saw muzzle flashes. He “was freaking – I was, like, I can’t believe I’m driving down the freeway trying to get my butt home to my family and I’m getting fricking shot at?” W-5 did not know whether rounds were hitting him or whether the police were shooting. He could not immediately pull over, because other trucks and cars were moving over, so he pulled around a semi and stopped in the far-right lane. “And then I was freaked out, because I get out and I look at my – my radiator is leaking. I’m, like, oh my god, I’m sitting here in 100-degree heat in the middle of the desert.”

According to W-5, he had been driving at about 60 to 65 miles per hour when the pickup truck drove past him at 70 to 75 miles per hour. “He [the Nissan driver] wasn’t going super-fast. That’s what kind of blew my mind. I just remember it was kind of slow motion. He came around and I saw that face, and it was like ‘oh crap,’ . . . [and] as soon as he got in front of me and there was nobody around him, and then I went, ‘oh crap, that’s him.’” W-5 described this as a scary moment, but said he reacted more in survival mode than in fear. He knew he had to get out of the way, so he ducked down and managed to steer the car as his cell phone continued to record. W-5 turned his cell phone video recordings over to the SBSB detective.

W-6

W-6 was interviewed on September 27, 2022, at 3:01 PM, by SBSB Detective Arturo Alvarado at her home in Victorville. Also present was her daughter. At 10:50 AM that morning, W-6 was at the Hawthorn Suites hotel in Victorville to pick up her pay stub. At approximately 11:05 AM, she got into her Jeep and headed northbound on Amargosa towards Bear Valley Road. She made a right on Bear Valley and saw that the I-15 freeway on-ramp southbound was closed, and that a patrol car was blocking the on-ramp. She made a right turn and drove on the bridge over the freeway to enter the northbound on-ramp. W-6 saw police cars “flying by,” coming from the Barstow area, and thought it was a high-speed chase. She then saw more police cars and heard four or five gunshots. She did not know who was shooting. As W-6 reached the middle of the bridge, she came to a stop behind four cars in the left-hand turn lane. She then heard a bullet hit the passenger side of her car. It went through the car, ricocheted, and hit her lip. She became panicked, started to cry, and called her daughter as she drove home. When she arrived home, she looked at her car and found a bullet hole above the right passenger door and a bullet behind the back passenger seat on the floorboard. Her daughter called 911 for her.

W-8

W-8 was interviewed on September 28, 2022, at 4:04 PM, by SBSB Detective Jonathan Cavender. On September 27, 2022, W-8 was at the Golden Corral restaurant where he worked as a dishwasher and grill cook. A little after 11 AM, he was behind the restaurant unloading supplies from a truck when he saw several Victorville police cars and undercover police cars drive up. The officers “jumped out of their cars with their A-Ks, put their vests on, and they start blocking off the street right here, blocking off the exit.” He then saw a “fleet” of patrol cars across the bridge. “When the undercovers start coming down this hill, start going down that hill, I guess old boy must have started shooting at them and they started running back and they started shooting back.” W-8 could see part of the freeway but not all of the way down. He knew the suspect was shooting at the officers, “because I know, because

the police officers that came in, they had A-Ks in their hand and that didn't sound like no A-K; it was, like, a little pop-pop." He described the first gunshots as sounding like nine-millimeters, and the A-Ks as sounding like "boom, boom, boom."

W-8 explained that when he heard the gunfire, he went to his car to check on his fiancé who was in the car, and "I just dove up under the car and stayed up under the car and I still told my fiancé just to stay down." After that happened, he was told to come inside the restaurant.

W-8 described the gunshots as "like World War II or something." The gunshots lasted at least two to three minutes: "Once the dude, once he fired at them, they let his ass have it." He did not see the suspect fire at the deputies, "but I know he did because the way they came running back up this way, he shot at them first." After the deputies ran back up the hill "then they start shooting back." He was not able to see the suspect's vehicle because a hill blocked his view.

W-9

SBSD volunteer chaplain W-9 was interviewed on September 28, 2022, at 7:24 PM, by SBSB Detectives Shawn Thurman and Arturo Alvarado. He was assigned to the SBSB Hesperia Station and had been a volunteer chaplain since February 2021. His role was to provide emotional, mental, and spiritual support to the staff and deputies. As part of his duties, he rode with deputies on patrol once a month. On September 26, he saw the Amber Alert for Savannah Graziano. On September 27, he heard the end of a briefing where extra patrols were requested for the white Nissan Frontier and he was assigned to ride with Deputy Gabriela Grant as she patrolled the west side of Hesperia, including the 15 freeway.

During the pursuit of the Nissan, Deputy Grant called Sergeant Motley to ask if she should shut down the Main Street offramp on Interstate 15 south, but the sergeant said to wait until the pursuit was closer. The suspect who was fleeing the police had not yet fired at the deputies, and they were still at Stoddard Road, between Hesperia and Barstow. Deputy Grant was monitoring the pursuit channel on the patrol vehicle's radio while W-9 monitored the normal channel – they had both radios going at the same time.

At some point during the pursuit, Deputy Grant decided to help secure the freeway because deputies were being fired on. She realized the pursuit had gotten very close to their location, and that a traffic collision at Joshua had stopped southbound freeway traffic ahead of them. Deputy Grant used their patrol vehicle to close the on-ramp. As they did so, the suspect vehicle came upon them. As they were getting out of their patrol vehicle and W-9 was getting out of the way, he heard the suspect firing. He heard four shots fired and realized the situation had "gotten very serious, very quickly." W-9 wanted to get on the far side of their patrol vehicle so that he could have cover, "but the next thing I realized, I saw dust and he was driving up the embankment, attempting to get onto Main Street on the overpass." He saw the suspect in the driver's seat. The suspect vehicle moved back down the hill in reverse. W-9 saw deputies on the overpass moving toward the edge of Main Street, looking down the embankment.

W-9 took cover behind the engine block of Deputy Grant's vehicle and lost sight of the suspect's vehicle. He ducked down and estimated that he heard over 100 rounds fired. He heard shots fired from the overpass and from the southbound on-ramp.

W-9 realized traffic was moving towards the shooting, and he ran west down the on-ramp and put his hands up to stop traffic. W-9 was not able to see the Nissan Frontier once it backed down the embankment because it was out of his field of vision as he directed traffic away from the freeway.

F-1

F-1 was interviewed on October 6, 2022, at the home of his grandmother (F-3) in Fontana. The interview was conducted by SBSA Detective Daniel Berumen, Sergeant Troy Mooradian and DLE SA Jon Genens. F-1 was the son of Mr. Graziano and Ms. Martinez. He was 18 years old at time of the interview and was living with his brother, F-2, in Los Angeles.

Mr. Graziano married Ms. Martinez before F-1 was born, and they were married for 18 years. The family was “in church pretty much our whole lives and still are.” Mr. Graziano was also a member of Oath Keepers, which he said was “an organization for patriots.”

Mr. Graziano started getting into guns when F-1 was eight years old. Guns “always ran in the family” and Mr. Graziano liked to collect and build them, “principally AR-15” firearms. They bought all the pieces for one gun, building the lower portion from scratch and modifying the muzzle for hunting. The first AR they bought was a Daniel Defense. It was purchased in California in 2011 or 2012, and had an EOTech sight, a magnifier, a flashlight, and a foregrip. They also bought a “10.3” (i.e., a rifle with a shortened 10.3-inch barrel), which was purchased in Arizona in 2019 or 2020 and had a laser EOTech sight and a flashlight. Mr. Graziano also had several handguns, including a revolver passed down from his father, a Glock with an RMR [red-dot sight], a “Sig [Sauer], an [Springfield Armory] XD, and an [Springfield Armory] XDS which is a smaller version of the XD.” There was a MagWell Clear¹⁶ on the Glock and three of the magazines were modified with extenders. Mr. Graziano also had two guns that were bought for Savannah: a .22-caliber Glock 44 purchased in 2021, and an FX-9 rifle chambered to nine millimeters with a flashlight.

Mr. Graziano also had a lot of ammunition, which he bought for years, but stopped buying three years earlier, when prices went up. He had various brands of AR ammunition in 5.56-millimeter and .223-caliber, and half of the rounds had full metal jackets.

F-1 told the detectives that Mr. Graziano also had tactical gear, including helmets, plate carriers, thigh holsters, a battle belt, and magazine pouches. The plates were rated for rifle rounds and handgun rounds. The plate carrier found on Savannah was for handgun-rated plates. Mr. Graziano’s plate carrier had nine pouches for handgun-rated plates.

F-1 and Mr. Graziano went shooting “multiple times.” They would go target shooting in the desert in California and in Arizona. One time they went to an indoor range with their handguns in California in 2021. They also did regular medical drills, in case someone got shot; they would practice with tourniquets and medical gear.

The last time F-1 went shooting with Savannah and their father was in Arizona in 2019. Savannah shot the nine-millimeter Glock, and her nine-millimeter FX-9 rifle. According to F-1, she was “pretty decent” with the rifle. When they went shooting, they would shoot from 100 yards. Mr. Graziano was “pretty

¹⁶ A MagWell is a funnel-shaped extension added to the frame of a firearm to facilitate quicker and easier magazine changes.

accurate” from that distance. He and Savannah were good shots. F-1 said, I “pretty much hit almost every round I shot,” and Savannah was the “same.”

F-1 was very close with his father, who was normally happy. Going to the skate park and shooting guns were stress relievers. F-1 never saw Mr. Graziano physically abuse Ms. Martinez, but there was always verbal abuse between both of them.

The only things that made Mr. Graziano angry in the recent past were the divorce and being homeless. The family was not able to pay for their [Forest Falls] house, so they moved out, and Mr. Graziano was living out of his Nissan truck. He was not “making enough money to buy anything, so his truck was three months behind on payments. He couldn’t afford food. He couldn’t afford to even take showers.... And then the divorce added on top of that....”

Mr. Graziano could not live at F-3’s house, because he did not get along with Ms. Martinez’s family. As a result, he would stay in a parking lot or in a park near F-3’s house. F-1 would visit Mr. Graziano [in his truck] every day and would go back and forth between F-3’s house and Mr. Graziano throughout the day. At times, Mr. Graziano would pick up F-1 and they would go places.

F-1 and Mr. Graziano had a really good relationship, but Savannah had an even better relationship with Mr. Graziano. They hung out together, and Mr. Graziano was the person Savannah talked to about most of her problems. Savannah stayed with Mr. Graziano half of the time, and they would sleep in his truck next to the park.

F-1 last talked to his father on September 26, 2022, between 7:00 and 8:00 AM. Mr. Graziano said that he had shot F-1’s mother, and then hung up. F-1 called Savannah and asked where they were, so F-1 could go to her. All Savannah said was that they “have to go.” F-1 had “no worries” about Savannah being harmed.

F-1 thought that Savannah could have stayed with Mr. Graziano after he shot Ms. Martinez, because Savannah “was a big person on trying to help people. So, I mean, that’s the only reason I can think of that she was just there to, you know, try and talk to him. You know, probably – I don’t know what they talked about, but she probably told him, you know, you need to turn yourself in to the police” F-1 did not know whether Savannah went with Mr. Graziano willingly or if Mr. Graziano forced her to go. He believed that Savannah was capable of shooting at the police, “if she was forced to” He believed that Savannah could have shot at a police car to disable the vehicle “if she was forced to.”

F-2

F-2 was interviewed on October 6, 2022, at the home of F-3 in Fontana by SBSB Detective Berumen, SBSB Sergeant Troy Mooradian, and DLE SA Jon Genens. F-2 was 25 years old at the time of his interview.

F-2 was the son of Mr. Graziano and lived with Mr. Graziano from the time he was a few months old. Ms. Martinez and Mr. Graziano married when F-2 was six or seven. Ms. Martinez was Savannah’s biological mother and F-2’s stepmother. However, F-2 saw Ms. Martinez as his mother. Ms. Martinez helped him grow up and always helped him with homework after school.

Ms. Martinez and Mr. Graziano constantly argued about money and expenses, because Mr. Graziano spent a lot of money on outdoor gear, especially guns. Mr. Graziano also accused Ms. Martinez of cheating on him many times.

When F-2 was growing up, Mr. Graziano was “always on pain medication” because of a dislocated shoulder. Mr. Graziano was a “germaphobe” and a “clean freak” and was constantly angry.” Mr. Graziano would lose control when he and Ms. Martinez got into an argument. He threw things around, and physically and mentally abused her. About a week before the OIS, Ms. Martinez told F-2 that Mr. Graziano had choked her, hit her, and abused her, but she would not give details.

Mr. Graziano did not abuse F-2. When F-2 lived with Mr. Graziano, they did “father and son activities” and went to the skate park. When F-2 moved out of Mr. Graziano and Ms. Martinez’s home to live with his biological mother and stepfather, F-2 no longer knew what was going on in Mr. Graziano and Ms. Martinez’s house.

Savannah was F-2’s “baby sister.” They got along well. “She was a very energetic and happy little girl, 24/7. . .” Savannah lived with Ms. Martinez and Mr. Graziano her whole life. When the family moved to F-3’s house in July 2022, she stayed in the house, but at some point, she started staying with Mr. Graziano in his truck. Mr. Graziano was always around. Savannah would stay with him for a couple of nights on the weekends and then come back to F-3’s house during the week, because she had to go to school. F-1 told F-2 that Savannah was depressed.

Mr. Graziano began getting paranoid five or six years earlier. Mr. Graziano was also a member of Oath Keepers, which he had joined five or ten years earlier. He did not talk about it and was “very touchy” about the subject. Mr. Graziano was very protective of information that would give away his location. He believed that people were watching him, that his phones and computers were being hacked, and that there were “bugs” inside their house in Forest Falls. He had F-2 put a piece of electrical tape over his phone’s camera when F-2 visited. Mr. Graziano also had two phones with different phone numbers, and he refused to tell F-2 why he had the second phone.

Mr. Graziano started getting permits for guns at that time as well. He began accumulating guns and ammunition, in addition to camping, survival, and tactical gear. Mr. Graziano had a Glock, an AR-15, a .22-caliber, and a revolver that had belonged to his father. He also had a Glock and a few more guns for Ms. Martinez and Savannah, but he never let them touch anything. The AR-15 had an optic on it with a “red dot sight.” Mr. Graziano’s tactical gear included vests and helmets for himself, Savannah, and F-1, and smoke grenades, face masks, and gas masks. Mr. Graziano tried to make a flash grenade, and once told F-2 that he knew “how to make a household bomb.”

Mr. Graziano took F-2 and F-1 shooting and took Savannah shooting from the time she was 14 or 15 years old. They would shoot the AR-15 and the pistols, but Savannah would only shoot the pistols. F-2 last saw Mr. Graziano’s guns when F-2 stayed over at the Forest Falls house. They used to shoot in the mountains near Redlands. They also shot guns while moving. Mr. Graziano taught them to hide behind cover, change their magazines, and how to reload and start shooting again.

F-2 went camping with Mr. Graziano in Arizona several times. They stayed with Mr. Graziano’s friends and at another man’s house and went shooting where there was a dirt mound filled with targets.

When F-2 became an adult, Mr. Graziano would not call him as often. F-2 would try to visit Mr. Graziano when he, Ms. Martinez, F-1, and Savannah lived in Forest Falls. However, when he stayed with them, Mr. Graziano was always angry and would ask F-2, “why are you talking to people about me?” F-2 would try to reassure Mr. Graziano that he was not talking about him.

F-2 saw Mr. Graziano the day before Mr. Graziano, Ms. Martinez, and their children moved from their home in Forest Falls. Mr. Graziano was “very depressed about the whole situation.” Ms. Martinez told F-2 that they had to move, because the owner of the home raised the rent, and they could not pay it. Mr. Graziano gave F-2, F-2’s wife, and their son “apocalypse survival kits” containing food, fire starters, and tools.

Mr. Graziano would talk about the apocalypse. He would say, “the world’s coming to an end soon, that God’s coming back, that we need to prepare. That if we don’t go to – go with God, that we might have to stay down here and survive on our own...and that we’re not going to take the mark of the beast which is 666 on your forehead or your wrist.”

The last time Mr. Graziano called F-2 was “the day he choked Ms. Martinez.” Mr. Graziano called early in the morning screaming, “I effed up, I – the only way that I can fix this is to kill myself.” F-2 asked what happened, but Mr. Graziano hung up. Immediately after that, F-1 called F-2 and asked what was going on. F-2 said, “Dad just called me saying that he messed up, and that the only way that he could kick this is to kill himself.” F-1 said, “Dad might have killed mom,” and F-2 responded, “Are you joking? Like are you like, you’re not lying to me, right? And he’s like, no, I would never lie to you. Like he killed mom.” After the call ended, F-1 called back when he saw police outside his grandmother’s house. F-2 told F-1 to pack his belongings, and that he was coming to Fontana to get him.

F-2 tried calling and messaging Mr. Graziano multiple times, but Mr. Graziano’s phone was off. F-2 kept calling Mr. Graziano and Savannah, because F-1 had told him that Savannah was with Mr. Graziano. F-2 left many voice messages for his father, telling him to “just drop off Savannah at a gas station and just leave her there and just go, like just drop her off and go.”

F-3

F-3 was interviewed on September 30, 2022, at her residence by DOJ DLE Special Agents Jon Genens and Danny Ibarra and SBSD Detective Daniel Berumen and Sergeant Troy Mooradian. During the interview they were joined by members of F-3’s family.

Mr. Graziano had been married to Ms. Martinez, F-3’s daughter. They had two children together: Savannah Graziano and F-1. Mr. Graziano had had another son, F-2, before he met Ms. Martinez. F-2 lived with Ms. Martinez and Mr. Graziano until he was eight years old, then moved in with his mother and grandmother. After F-2 moved out of the Graziano home, he continued to visit Mr. Graziano and Ms. Martinez.

F-3 never liked Mr. Graziano. In the early part of their marriage, Ms. Martinez was having financial problems because Mr. Graziano refused to work. They spent over two years at F-3’s house, and F-3 started to get upset because Mr. Graziano “never did anything.” F-3 became sick and wound up in the hospital. When she came home, F-3’s son said that Mr. Graziano, Ms. Martinez and their children had to leave and Mr. Graziano “blew up.” There was a huge fight, and the police were called. Going out the door, Mr. Graziano started to “call all of us n***ers and monkeys, and all kind of stuff.” After that, Mr. Graziano was no longer welcome at F-3’s house. Mr. Graziano, Ms. Martinez and the children moved to a rental home in Forest Falls, California, where the family resided until their landlord raised the rent and they could no longer afford to stay in their home.

When Ms. Martinez and Mr. Graziano's children were growing up, they spent most of their time with Mr. Graziano because Ms. Martinez worked. Forest Falls, where they lived, was an hour and a half away from Diamond Bar, where Ms. Martinez worked. Mr. Graziano did not work at all. Ms. Martinez asked him to get a job. He refused to work. Mr. Graziano was "constantly on pain medicines" and he had been to rehab three or four times. He overused pain medications. Mr. Graziano had been in rehab the year earlier, for about two weeks. Mr. Graziano was very loud and aggressive if he did not get his way. He would yell and scream.

In July 2022, Mr. Graziano, Ms. Martinez and their children had to move from their Forest Falls home because their rent had been raised, and they could no longer afford to live there. F-3 told Ms. Martinez that she and her children could stay with F-3, but Mr. Graziano was not welcome in F-3's home. They had several additional blow ups. When Mr. Graziano would come to F-3's home to see his children, he would park outside F-3's house in his truck and the children would go out to the truck to see him. F-3 and her son got an elaborate security system so that when they were away, they could monitor the house to make sure Mr. Graziano did not sneak in.

Ms. Martinez and her children moved into F-3's garage. There were boxes of "stuff" that they put into storage because Ms. Martinez said they did not have time to pack when they moved from their house in Forest Falls into F-3's garage. F-3 and her sister found Mr. Graziano's Oath Keepers membership card in a box of Mr. Graziano's belongings that was in F-3's garage. The card said he had been a member since 2011. He was keeping a journal about the fall of the government and rambling about President Obama. Mr. Graziano wrote down everything he was thinking in a journal; there were several in the garage. Mr. Graziano also had a survival kit in a crate stored in F-3's garage. Police later recovered from the journals some photographs of Savannah, and F1 and F-2, holding rifles and wearing tactical gear.



Photos found in Mr. Graziano's journal of Savannah and her brother and stepbrother holding rifles

Mr. Graziano and Savannah had spent time together camping and skateboarding. Mr. Graziano taught the children how to shoot over the years. Mr. Graziano was a “prepper,” i.e., a person who gathers materials and makes plans in preparation for surviving a major disaster or cataclysm such as a worldwide economic collapse or war. He thought the government was involved and he had to prepare the children to protect themselves and their food. Mr. Graziano gave F-3 a long list of the guns and canned goods that he had for survival. He stored his guns in F-3’s garage, in the bedroom, and in the closet. Ms. Martinez told F-3 that Mr. Graziano took Savannah out shooting. F-1, or F-1 and Savannah, had something on social media where they were wearing helmets and body armor. The post was less than a month before Mr. Graziano shot Ms. Martinez.

According to F-3, Mr. Graziano manipulated the children, telling them the government might be gone and falling and that they needed to protect themselves. Savannah sent F-3 a long text “about things coming to an end” and that F-3 needed to “fill cans with water because there’s a water shortage coming. There wouldn’t be enough water for all of us in California.” F-3 had never before received anything like this from Savannah and she called Ms. Martinez. F-3 told Ms. Martinez that she knew Savannah had not written the text; because of the “rantings and the craziness,” she knew Mr. Graziano wrote it and sent it to F-3 on Savannah’s phone. Mr. Graziano got upset about F-3 showing the message to Ms. Martinez.

When F-3 told Mr. Graziano that, under no circumstances, could Mr. Graziano be anywhere in her home, Savannah cried and yelled, saying “it’s not fair” and that she would “get a damned job.” Savannah “felt like she didn’t have a family anymore.”

Ms. Martinez had decided to divorce Mr. Graziano. She told him it was “over” in about July 2022. The week before Ms. Martinez told Mr. Graziano she was divorcing him, Mr. Graziano had followed Ms. Martinez to her job and tried to prevent her from going into the building where she worked. The sheriffs were called. The sheriffs told Ms. Martinez the only way she could protect herself was to file for divorce and then she could get a restraining order.

Savannah was “a very, very sweet kid,” up until two months earlier. After they lost their home in the mountains and her family broke up, Ms. Martinez enrolled Savannah in a new school which upset Savannah. When they moved in with F-3, Savannah would cry and say that she did not want her father to be alone, but F-3 could not have Mr. Graziano in her house. Mr. Graziano told Savannah that no one but him loved her, and he turned her against her mother. Her mother was trying to get full custody to get Savannah away from Mr. Graziano.

Savannah was against her parents getting divorced. Savannah said her mother and grandmother were being “hateful” towards Mr. Graziano, and if they got to know him, they would not hate him. Savannah tried to find excuses for Mr. Graziano. She would get angry and stop talking to F-3.

At the time this all happened, Mr. Graziano was living in his car and was around F-3’s house a lot of the time. Savannah was “in and out of the house.” The children “liked to hang out with their father outside at his truck.” F-3 told them many times not to because her neighbors complained. Savannah loved her father and did not like the way F-3 treated him. Savannah liked staying with Mr. Graziano.

The night before Mr. Graziano killed Ms. Martinez, F-3 was out of town, but her security camera recorded Mr. Graziano pulling Ms. Martinez from F-3’s garage at 11:06 PM. F-3 was able to monitor her

security system remotely, and she saw this on her security system the next day and immediately began to return home. F-3 checked her security system again and saw a police officer walking in and out of her front door at about 8:00 AM. F-3 called Ms. Martinez, but the call went to voicemail. She called F-1, who was at the house. According to F-1, his mother said that Mr. Graziano was taking her to the hospital because she was having chest pains. F-3 asked F-1 why there was a police officer going in and out of the house. F-1 said there had been an incident down the street. She kept calling Ms. Martinez, but Ms. Martinez did not answer.

When F-3 arrived home, she asked the officer where Ms. Martinez was. The officer told her they were trying to reach Ms. Martinez, Savannah, and Mr. Graziano but their phones were turned off. She kept calling her daughter, but the phone was not answered. Then she got a call from the coroner who told her Ms. Martinez was dead.

APPLICABLE LEGAL STANDARDS

Homicide is the killing of one human being by another. (*People v. Beltran* (2013) 56 Cal.4th 935, 941.) There are two types of criminal homicide, murder and manslaughter.

Murder

Murder is the unlawful killing of a human being with malice aforethought. (Cal. Pen. Code, § 187, subd. (a).) Murder is divided into first and second degrees. A willful, deliberate, and premeditated killing is murder of the first degree. (Cal. Pen. Code, § 189; *People v. Hernandez* (2010) 183 Cal.App.4th 1327, 1332.)

Second degree murder is the unlawful killing of a human being with malice aforethought but without the additional elements of willfulness, premeditation, and deliberation, that would support a conviction of first-degree murder. (*People v. Knoller* (2007) 41 Cal.4th 139, 151.) The malice required for second degree murder may be express or implied. (Pen. Code, § 188; *People v. Hernandez, supra*, 183 Cal.App.4th at p. 1332.) Malice is express when there is an “intent to kill.” (Pen. Code, § 188; *People v. Delgado* (2017) 2 Cal.4th 544, 571.) Malice is implied “when the killing results from an intentional act, the natural consequences of which are dangerous to life, which act was deliberately performed by a person who knows that his [or her] conduct endangers the life of another and who acts with conscious disregard for life.” (*People v. Dellinger* (1989) 49 Cal.3d 1212, 1215.)

A homicide may also be reduced to second degree murder if premeditation and deliberation are negated by heat of passion arising from subjective provocation. If the provocation precludes a person from deliberating or premeditating, even if it would not cause an average person to experience deadly passion, the crime is second degree murder. (*People v. Padilla* (2002) 103 Cal.App.4th 675, 678.)

Voluntary Manslaughter

Manslaughter is an unlawful killing without malice. (Pen. Code, § 192; *People v. Thomas* (2012) 53 Cal.4th 771, 813.) Several factors may preclude the formation of malice and reduce a killing that would otherwise be murder to voluntary manslaughter including: (1) heat of passion, and (2) imperfect self-defense. (*People v. Moyer* (2009) 47 Cal.4th 537, 549.)

Imperfect self-defense is the killing of another human being under the actual but unreasonable belief that the killer was in imminent danger of death or great bodily injury and that the use of deadly force is necessary to defend against that danger. Such a killing is deemed to be without malice and thus cannot be murder. (*People v. Cruz* (2008) 44 Cal.4th 636, 664.) The doctrine of imperfect self-defense cannot be invoked, however, by a person whose own wrongful conduct (for example, a physical assault or commission of a felony) created the circumstances in which the adversary's attack is legally justified. (*People v. Booker* (2011) 51 Cal.4th 141, 182.)

Self-Defense

A homicide is justified and lawful if committed in self-defense. Self-defense is a complete defense to a homicide offense, and, if found, the killing is not criminal. (*People v. Sotelo-Urena* (2016) 4 Cal. App.5th 732, 744.) When a person is charged with a homicide-related crime and claims self-defense, the prosecution must prove beyond a reasonable doubt that the homicide was not committed in self-defense. (*People v. Winkler* (2020) 56 Cal.App.5th 1102, 1167.)

Penal Code sections 196 et. seq. set forth the law of self-defense in homicide cases. Penal Code section 196 provides that a homicide committed by a peace officer is justified when the use of force complies with Penal Code section 835a. (Cf. Pen. Code, § 197 [listing circumstances where homicide committed by "any person" is justifiable, which includes self-defense or the defense of others].)

Under Penal Code section 835a, an officer may use deadly force only when the officer "reasonably believes, based on the totality of the circumstances, that such force is necessary": (1) "to defend against an imminent threat of death or serious bodily injury to the officer or to another person"; or (2) to apprehend a fleeing person who has committed a felony "that threatened or resulted in death or serious bodily injury," and the officer "reasonably believes that the person will cause death or serious bodily injury" if not immediately apprehended. (Pen. Code, § 835a, subd. (c)(1); see Pen. Code, § 835a, subd. (a)(2) [peace officers may lawfully use deadly force "only when necessary in defense of human life"]; see *People v. Randle* (2005) 35 Cal.4th 987, 994 [self-defense arises when a person actually and reasonably believes in the necessity of defending against imminent danger of death or great bodily injury], overruled on other grounds by *People v. Chun* (2009) 45 Cal.4th 1172.)

To determine whether deadly force is necessary, "officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer." (Pen. Code, § 835a, subd. (a)(2); *People v. Hardin* (2000) 85 Cal.App.4th 625, 629-630 ["only that force which is necessary to repel an attack may be used in self-defense; force which exceeds the necessity is not justified" and "deadly force or force likely to cause great bodily injury may be used only to repel an attack which is in itself deadly or likely to cause great bodily injury"].)

A threat of death or serious bodily injury is "imminent" when, based on the "totality of the circumstances," a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or to another person. (Pen. Code, § 835a, subd. (e)(2); see *People v. Lopez* (2011) 199 Cal.App.4th 1297, 1305-1306 [imminent peril is "immediate and present" and "must be instantly dealt with"; it is not prospective or even in the near future].)

“Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force. (Pen. Code, § 835a, subd. (e)(3).) De-escalation methods, tactics, the availability of less than lethal force, and department policies may be used when evaluating the conduct of the officer. However, when an officer’s use of force is evaluated, it must be considered “from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” (Pen. Code, § 835a, subd. (a)(4); accord, *Graham v. Connor* (1989) 490 U.S. 386, 396-397 [“The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight”]; *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082-1083 [to determine whether use of force is objectively reasonable for self-defense, trier of fact must consider all the circumstances that were known or appeared to the officer as well as consideration for what a reasonable person in a similar situation with similar knowledge would have believed]; *People v. Bates* (2019) 35 Cal. App.5th 1, 9-10 [knowledge of another person’s prior threatening or violent conduct or reputation for dangerousness may provide evidence to support a reasonable belief in imminent harm].)

Self-defense also has a subjective component. (*Humphrey, supra*, 13 Cal.4th at p. 1082.) The subjective element of self-defense requires that a person actually believes in the need to defend against imminent peril or great bodily injury. (*People v. Viramontes* (2001) 93 Cal.App.4th 1256, 1262.)

Fleeing Felon

Penal Code section 835a provides, in pertinent part: “[a] peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary...[t]o apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.”

Burden of Proof

A prosecutor bears the burden of proving a criminal defendant’s guilt beyond a reasonable doubt. (Pen. Code, § 1096.) Where an investigation is complete and all of the evidence is available for review, prosecutors should file charges only if they believe there is sufficient admissible evidence to prove the charges beyond a reasonable doubt at trial. (See, e.g., Nat. Dist. Attys. Assn., National Prosecution Standards (3d ed. 2009) Part IV, § 2 pp. 52-53; United States Department of Justice Manual § 9-27.220; Melilli, Prosecutorial Discretion in an Adversary System (1992) B.Y.U. L.Rev. 669, 684-685 [surveying ethical standards used in the exercise of charging discretion by prosecutors]; accord, *People v. Catlin* (2001) 26 Cal.4th 81, 109 [“A prosecutor abides by elementary standards of fair play and decency by refusing to seek indictments until he or she is completely satisfied the defendant should be prosecuted and the office of the prosecutor will be able to promptly establish guilt beyond a reasonable doubt,” quotation and internal quotation marks omitted]; *People v. Spicer* (2015) 235 Cal.App.4th 1359, 1374 [explaining that a prosecutor may have probable cause to charge a crime but reasonably decline to do so if they believe there is a lack of sufficient evidence to prove the charge beyond a reasonable doubt at trial]; cf. Rules Prof. Conduct, Rule 3.8(a) [prosecutor should not initiate or continue prosecution of charge that is not supported by probable cause].)

Further, the prosecution has the burden of proving beyond a reasonable doubt that a killing is not justified. It is not a criminal defendant’s burden to prove that the force was necessary or reasonable.

(*People v. Banks* (1976) 67 Cal.App.3d 379, 383-384; see *People v. Breverman* (1998) 19 Cal.4th 142, 156 [when defendant claims self-defense or defense of others, or there is substantial evidence supportive of defense, the jury will be instructed that prosecutor bears the burden of disproving this defense beyond a reasonable doubt].) Thus, in an officer-involved shooting, the prosecution must prove beyond a reasonable doubt that the officer did not have an actual or reasonable belief in the need for self-defense or the defense of others.

LEGAL ANALYSIS

The DOJ has completed an independent investigation and review of the facts and circumstances that led to the death of Savanna Graziano. This review and analysis is based on the totality of evidence provided to the DOJ, including witness statements, forensic evidence, coroner's report, autopsy photographs, airship recordings, security camera and cell phone. video, police communications and belt recordings, and police reports.

Because a prosecuting agency must affirmatively prove beyond a reasonable doubt that the shooting deputies did not act in lawful defense of themselves or others, this is the primary issue in determining whether their actions are subject to criminal prosecution. A detailed analysis of the evidence pertaining to the OIS shows that 22 SBSB deputies actually and reasonably believed that deadly force was necessary to defend against an imminent threat of death or serious bodily injury to the officers or others. Therefore, the evidence is insufficient to support criminal charges.

The evidence shows that the deputies involved in the OIS believed lethal force was necessary to defend themselves from imminent and deadly harm. During the course of the pursuit on Interstate 15 and its termination at the Main Street overpass, deputies faced continuous gunfire from the Nissan Frontier for a period of approximately 27 minutes (from 10:45 to 11:12 AM). Belt recordings captured numerous statements by deputies that they were being fired upon, and this was corroborated by civilian witnesses (e.g., W-5, W-9). Further, numerous patrol vehicles and some civilian vehicles were damaged by gunfire, and at least one deputy was struck by gunfire. After the shooting, approximately 65 fired casings and four firearms were found in the Nissan Frontier.

Concern over the threat extended to the Nissan's passenger. Deputy Gonzalez and Deputy Watson each reported shots fired from passenger window. W-5 similarly reported seeing a rifle firing out of the passenger side. Deputy Johnson also stated, "there's at least two occupants and they're continuing to fire out the back window." And after the OIS, one deputy was recorded stating, "she was shooting." Further the reenactment evidence strongly suggests that the passenger, Savannah, was firing outside the rear window. All of this evidence suggests that the deputies believed both occupants, Mr. Graziano and Savannah, posed an imminent threat when they fired at the Nissan Frontier.

Their belief in the need to use deadly force appeared to continue after Savannah exited the Nissan Frontier.¹⁷ Savannah walked toward deputies wearing a tactical vest and helmet. Although it appears the vest was not visible to the deputies, the helmet would have been clearly apparent. Savannah then appeared to crouch down on the ground without being struck by gunfire. When Savannah rose, she ran towards Deputy Johnson and raised her right hand. Deputies who fired at that moment likely believed

¹⁷ It is unknown whether Savannah sustained any gunshot wounds before she exited the Nissan Frontier.

that Savannah posed an imminent threat based on her past conduct of firing at the deputies and her movement that could have been considered an attack.¹⁸ Even after she was struck, deputies were heard on recordings saying “show me your hands” as they approached Savannah with guns drawn, further reflecting that they believed Savannah posed an imminent threat.

Moreover, the evidence is insufficient to demonstrate that the deputies’ belief in the need to use lethal force was unreasonable. The deputies were under constant assault throughout the pursuit. As Mr. Graziano and Savannah Graziano drove southbound on Interstate 15, gunshots were fired from the passenger window and rear window of the Nissan Frontier at the pursuing deputies. The pursuit continued until traffic on Interstate 15 backed up near Main Street. Mr. Graziano drove the Nissan Frontier off the highway, drove the wrong way on the southbound freeway on-ramp, and up a dirt embankment towards Main Street. Shots were fired from the Nissan Frontier towards deputies who were on the onramp and on Main Street.

The deputies returned fire, shooting towards the Nissan Frontier from three directions. As the Nissan Frontier reversed down the embankment and onto Interstate 15, the gunfire continued. As the Nissan came to a stop, SBSB deputies from one of the two helicopters flying overhead broadcast, “shots are fired, shots are fired, he’s continuing to shoot at the deputies.” On the ground, noise from the helicopters compounded the sound of the gunshots. In all, nine SBSB vehicles and three civilian vehicles had been hit by gunfire during the pursuit, including five vehicles at the end of the pursuit.

After the OIS, Mr. Graziano was found deceased in the driver’s seat with a fatal gunshot wound to the head. Deputies would have reasonably considered Mr. Graziano to be armed and dangerous when the pursuit began based on the Amber Alert and the prior killing of Ms. Martinez. With gunfire continuously emanating from the Nissan over the course of the ensuing pursuit, Mr. Graziano, as the vehicle’s driver, exhibited the ability, opportunity, and intent to shoot SBSB deputies. In addition, Mr. Graziano was a fleeing felon, having murdered his wife Ms. Martinez with a gun, and had demonstrated throughout the pursuit that he posed an imminent threat of death great bodily injury to the SBSB deputies, motorists on Interstate 15, and others nearby. He was apparently intent on avoiding capture at any cost, even if it meant his own death and the death of others. His apprehension was, therefore, necessary to prevent this threat, and the shots fired by SBSB deputies that eventually killed Mr. Graziano were not an unreasonable use of deadly force.

As noted, the deputies could have also reasonably believed—and likely did believe—based on information available to them, that Savannah had fired at them from the Nissan Frontier, and that she, as well as Mr. Graziano, posed a threat of imminent lethal harm. As noted above, there was evidence from multiple sources suggesting that the passenger, Savannah, fired from the Nissan Frontier.

Evidence of Savannah’s past tends to corroborate that she had the skill and ability to fire at the deputies. Savannah was experienced at handling firearms, had participated in firearms training drills with her father, had her own nine-millimeter rifle, and according to her brother was “pretty decent” with the rifle, hitting the target with almost every round from 100 yards.

¹⁸ Given the large amount of deputy gunfire from various locations, some deputies may have perceived the gunshots as possibly coming from Savannah.

Other evidence suggests that Savannah would also have been willing to fire at the police to protect her father. Family members reported that Savannah had been Mr. Graziano's advocate in family discussions, was by all accounts very close to him, and was upset that her mother, Ms. Martinez, was seeking to divorce her father and gain sole custody of Savannah and her brother. Savannah had also assisted her father in detaining her mother in the Nissan Frontier the day before the OIS, by closing the front door of the Nissan when her mother tried to escape from the vehicle. She was also present when her father shot and killed her mother, and yet she remained with her father in the Nissan Frontier, which was heavily loaded with firearms and ammunition. F-1, Savannah's brother, thought that Savannah was capable of shooting at the police, "if she was forced to."

The deputies present at the scene could have reasonably believed that Savannah continued to pose a deadly threat when she emerged from the passenger side of the truck and walked toward deputies wearing a tactical helmet. Savannah appeared to crouch down on the ground without being struck by gunfire. When Savannah rose, she ran towards Deputy Johnson and raised her right hand. Deputies could have reasonably believed that these actions, in context, posed an imminent threat to Deputy Johnson and others.

While Deputy David Johnson urged Savannah Graziano to come to him, his words were eclipsed by the sounds of gunfire and helicopters and are inaudible on the other deputies' belt recordings.¹⁹ Regardless, the shooting deputies could have reasonably believed that Savannah posed an imminent threat to Deputy Johnson and other deputies when she moved directly towards them. This conclusion is supported by the fact that multiple deputies fired at Savannah, who was struck five times from at least two directions, and other shots struck the ground near her. Additional support comes from the statements of deputies who told Savannah, "let me see your hands, let me see your hands," as they approached her with guns drawn to check for a pulse, and the statement of a deputy who stated, "she was shooting." These apparent beliefs of the shooting deputies - that lethal force was necessary to stop Savannah Graziano from inflicting death or serious bodily injury to them, other deputies, and members of the public - was not objectively unreasonable given the entirety of circumstances.

Thus, the totality of the evidence shows that the 21 SBSB deputies who fired their weapons at the end of the pursuit held the subjective belief that deadly force was necessary to defend themselves and others from imminent threat of death or serious bodily injury and that their belief was objectively reasonable.²⁰

CONCLUSION

Based on the investigation and review of evidence, along with the applicable statutes, legal principles, and subsequent analysis, there is insufficient evidence to support a criminal prosecution of the shooting deputies in this case. As such, no further action will be taken in this case.

¹⁹ By contrast, commands to "cease fire" were captured on multiple belt recordings, and it does not appear that any shots were fired after those commands.

²⁰ As noted above, Deputy Chavez fired at the Nissan Frontier during the pursuit, although it appears that neither of the occupants were struck. There is similarly insufficient evidence to support any criminal charges for Deputy Chavez's use of force, given the above circumstances and that an occupant of the Nissan Frontier was firing at him when he returned fire.



C A L I F O R N I A

DEPARTMENT OF JUSTICE

Policy and Practice Recommendations for the San Bernardino County Sheriff's Department Related to the Officer-Involved Shooting of Anthony and Savannah Graziano on September 27, 2022

ISSUED PURSUANT TO CALIFORNIA GOVERNMENT CODE
SECTION 12525.3, SUBDIVISION (B)(2)(B)(III)

March 2025



POLICY AND PRACTICE RECOMMENDATIONS

The Attorney General is required to include “[r]ecommendations to modify the policies and practices of the law enforcement agency, as applicable” as a component of this report. (Gov. Code, § 12525.3 subd. (b)(2)(B)(iii).) Therefore, the Department of Justice (DOJ) through its Police Practices Section (PPS) conducts a review of the information obtained through the criminal investigation, which may include a review of policies concerning body worn camera footage, interview recordings, video recordings, witness statements and other records, as well as the publicly available policies of the agency employing the officers who are subject to the criminal investigation. PPS uses the review process to identify applicable recommendations, including any recommendations to modify policies and practices that may reduce the likelihood that officers use deadly force, as well as recommendations to address any other deficiency or concern related to the officers’ conduct or the agency’s response. PPS’s goal is that these recommendations will assist the agency and the officers involved in the incident in understanding, from an independent perspective, improvements that may be made to address what was observed through this incident.

As background, on September 27, 2022, at approximately 10:45 a.m., Anthony Graziano’s (Graziano) Nissan was identified as matching an Amber Alert broadcasted by Fontana Police Department the day before. Graziano was wanted for murder of his wife Tracy Martinez and suspected kidnapping of his 15-year-old daughter Savannah Graziano (Savannah). San Bernardino County Sheriff’s Department (SBCSD) received a report from the Pilot Travel Center that the girl from the Amber Alert was observed visiting the store to buy some food and then got in the Nissan. The Nissan left the gas station and was last seen heading eastbound on Highway 58.

At approximately 10:49 a.m., SBCSD Sergeant Gilmore located and attempted to stop the Nissan on eastbound Highway 58 near the Lenwood exit. A vehicle pursuit ensued assisted by deputies M. Chavez, D. Johnson, and K. Kabluyen. The Nissan’s high rate of speed made it difficult for SBCSD deputies to maintain visual of the Nissan. The Nissan led SBCSD on a 34-mile, high-speed pursuit consistently exceeding 100 miles per hour, while firing rounds at deputies several times, which disabled three SBCSD patrol vehicles. During the pursuit, one deputy returned fire when his patrol vehicle was struck.

The vehicle pursuit terminated near the Main Street exit in Hesperia. The Nissan exited the freeway by driving the wrong way on the on-ramp and attempted unsuccessfully to drive up the dirt embankment towards Main Street. At the embankment, SBCSD deputies were positioned in three areas, including Main Street above the embankment, the on-ramp, and along the Interstate 15 shoulder. While in the embankment, the Nissan continued to fire shots at the deputies. Twenty-one deputies then returned fire.

The video from SBCSD air support (40 King) shows that when the Nissan stopped at the edge of the embankment and Interstate 15, Savannah exited the passenger side and walked a few steps before crouching down. As deputies continued to fire rounds at the Nissan, Deputy Johnson’s belt recorder audio reflects him yelling repeatedly to Savannah to “get out,” “come to” him, and “walk, walk, walk.”

She took a few steps toward Deputy Johnson and was struck by rounds and fell down in the open space between the Nissan and a patrol vehicle. At least one round struck Savannah in the leg while she was face down. Savannah was given life-saving measures from deputies, then transported to Desert Valley Hospital where she was pronounced dead at 11:52 a.m. This incident was reported to DOJ the following day, September 28, 2022.

A total of 21 deputies fired rounds at the Main Street exit and one deputy fired rounds at the Nissan during the pursuit. No statements were provided by any of the shooting deputies. Most, but not all, deputies activated their audio belt recorders during the vehicle pursuit and shooting. Video and audio were recorded by 40 King and California Highway Patrol (CHP) air support. Voluntary statements were provided by SBCSD tactical flight officers and pilot, as well as CHP air support officers.

PPS evaluated all the facts and available evidence regarding the shooting of unarmed civilian Savannah Graziano, and pursuant to its obligations under Government Code section 12525.3, subdivision (b)(2)(B)(iii), PPS advises SBCSD to review and implement four recommendations:

RECOMMENDATION ONE: FIELD OF FIRE REFRESHER TRAINING

SBCSD Policy No. 3.612.10 on the Use of Firearms: Field of Fire states:

Regardless of the nature of the crime or the justification for firing at a suspect, deputies must remember that their basic responsibility is to protect the public. Deputies shall not fire under conditions that would subject bystanders or hostages to death or possible injury, except to preserve life or prevent serious bodily injury. Firing under such conditions is not justified unless the failure to do so at the time would create a substantial, immediate threat of death or serious bodily injury.

After the vehicle pursuit, the situation rapidly developed where multiple deputies were positioned around a triangular embankment at Main Street in Hesperia. The Main Street area was surrounded by vehicular traffic, nearby businesses, and other vehicles with potential bystanders inside. Recording of the events that transpired at Main Street are limited to air unit audio and video and ground unit audio belt recorders. None of the shooting deputies provided voluntary statements. None of the deputies at the scene were wearing body cameras. None of the patrol vehicles were equipped with dash cameras.

The video from 40 King shows Graziano attempting and failing to drive his vehicle up the embankment to Main Street. While the Nissan was in the embankment, the Nissan was firing shots towards the deputies, forcing the deputies to return fire to control the scene. There was property damage and physical injury to other bystanders. One female bystander sustained a small cut to her lip when a bullet struck the bystander's passenger vehicle door. A round broke the window of the Golden Corral restaurant and was lodged in the drywall. No deputies were shot and injured in the crossfire. Additionally, Savannah, a passenger in the Nissan, was struck and killed by gunfire after exiting the vehicle.

PPS acknowledges that this was a rapidly evolving and dynamic scenario with deputies taking fire from the Nissan and returning fire at the Nissan. Given the Main Street embankment was surrounded by vehicular traffic on Main Street, northbound Interstate 15, and commercial businesses nearby, PPS

recommends refresher training on crossfire and field of fire to avoid and minimize risk to bystanders and deputies.

RECOMMENDATION TWO: INCIDENT COMMAND AND OFFICER COMMUNICATION REFRESHER TRAINING

PPS acknowledges there was incident command and sound communication by and between allied agency air units, ground units, and dispatch throughout the 34-mile vehicle pursuit. Additionally, there was command and control by 40 King approaching the Main Street exit. However, according to the limited statements from 40 King tactical flight officers and pilot, CHP air support officers, and multi-media evidence available, it is unknown if there was a “safety member” in command on the ground when the Nissan reached the embankment at Main Street. (SBCSD Manual Policy 3.166.70.) PPS acknowledges that incident command may not have changed the outcome in this dynamic scenario at the Main Street embankment.

SBCSD Manual Policy 3.166.70 Vehicle Pursuits: Apprehending Offenders states:

The safety of the public and safety members during the effort to capture an offender is an important consideration when a pursuit concludes. The safety member in command at the apprehension location continues to be the primary unit unless relieved by a supervisor and is responsible for organizing and accomplishing the apprehension of the offender(s) in a controlled and reasonable manner.

Sergeant Gilmore was the primary pursuit vehicle and arrived at Main Street after shots were fired. There is no indication that Sergeant Gilmore served as the safety member in command or was tasked to do so beyond the vehicle pursuit. Once the vehicle pursuit concluded, it is unknown if any safety member at the Main Street exit area assumed the role to organize and accomplish the apprehension of Graziano in a “controlled and reasonable manner.” (SBCSD Policy Manual 3.166.70.) The available evidence demonstrates the highly dangerous confrontation resulted in 21 deputies firing simultaneously, while surrounding the Nissan in the embankment area without an identifiable safety member in command.

In high-risk situations, a safety member should take command of rapidly evolving situations in order to maintain the roles and responsibilities of all the parties involved.¹ Additionally, there is no audio reflecting communication by anyone on the ground involved as to when or how lethal force would be used.

¹ The International Association of Chiefs of Police (IACP) provides guidance on having incident command in high-risk matters. The IACP Model Policy includes the role of an “incident commander (IC),” defined as the individual, typically the first responder until properly relieved, who is responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all operations at the incident site.

As 40 King approached Main Street and consistent with SBCSD policy, 40 King was prepared with lethal force and communicated the information to SBCSD ground units. It is unknown whether the ground units could hear 40 King's communications being broadcast once deputies were out of their patrol vehicles and positioned around the embankment, given extensive background noise from surrounding sirens, highway traffic, 40 King and a CHP air unit. From his patrol vehicle, Sergeant Gilmore is heard over the radio acknowledging that 40 King was prepared with lethal force. Once 40 King was in position, Tactical Flight Officer Hernandez clearly communicated on the radio to dispatch and ground units that he would **not** use lethal force due to concern for safety of deputies on the ground and bystanders on the freeway, and field of fire with the Main Street vicinity. Aviation has the same obligation to only use force consistent with SBCSD Policy No. 3.608 Use of Lethal Force. Review of this incident supports the assessment that 40 King followed SBCSD Policies, including No. 3.166.50 Aviation Responsibility, and No. 3.166.57 Aviation Use of Lethal Force.

Regarding information about Savannah, the initial 911 report from the witness at the Pilot Travel Center stated the girl in the store was the subject of the Amber Alert. According to audio from the vehicle pursuit, deputies reported the Nissan had two individuals inside, but deputies did not know if the passenger was Savannah. This information was broadcasted by radio to all deputies and therefore, it would be reasonable for deputies to assume that Savannah was still in the Nissan during the entirety of the vehicle pursuit and when the Nissan reached the embankment at Main Street. At the embankment, video and audio recording confirm that Deputy Johnson called to Savannah to come to him while shots were fired. Savannah was called into the open space between the Nissan and Deputy Johnson, which resulted in her death. There was no communication between Deputy Johnson and other shooting deputies to ceasefire before he called out to Savannah. There was also no use of a loudspeaker or public address system to give commands to ceasefire.

PPS recommends SBCSD provide refresher training on incident command and communications between ground units when using lethal force.

RECOMMENDATION THREE: DIGITAL IN-CAR VIDEO SYSTEMS

At the time of this event, SBCSD did not have dashboard mounted cameras in its patrol vehicles. Thus, the vehicle pursuit and officer involved shooting at the ground level were not captured. The in-car cameras work to enhance accountability and transparency to establish a higher level of trust between law enforcement deputies and their community. In situations where the shooting deputies are not equipped with body-worn camera, an in-car camera can provide visual and audio recording of what transpires. An accurate timeline and transcript can be accessed and reviewed. An in-car camera can be

IACP, Active Attack, July 2024. (<https://www.theiacp.org/resources/policy-center-resource/active-attack>) Additionally, the Police Executive Research Forum (PERF) recommends for any critical incident, “[t]here should be a system of roles, responsibilities, and procedures that ensure command of personnel and resources are funneled through one entity.” As well as, “[a]lways designate an Incident Commander (IC) regardless of the size and nature of the incident. Sometimes, the IC may be a first-line supervisor (FLS), who needs to be prepared to manage and direct officials who outrank the FLS.” (<https://www.policeforum.org/managing-a-critical-incident>)

used for training, court proceedings, and public transparency. Video from law enforcement vehicles can help the public better understand the complexity police face in various situations. When the public can see what actually happened during an incident, it helps eliminate confusion and misunderstanding. PPS understands that resources for many law enforcement agencies are limited, but it is invaluable for SBCSD to undergo the exercise of determining whether it is a viable option to equip its patrol units with an in-car camera system. Therefore, PPS recommends that SBCSD consider equipping and installing an in-car video system in its patrol units.

RECOMMENDATION FOUR: BODY WORN CAMERA POLICY

At the time of this incident, none of the deputies were equipped with body worn cameras (BWC). BWCs benefit both deputies and members of the public by providing footage of deputy-public interactions, including incidents like this one that led to deadly force. BWC footage will assist SBCSD, the public, and deputies in determining administrative violations, civil liability, deficiencies in training, tactics, and equipment, and positive interactions that merit commendation. Activation of BWC allows for a more thorough investigation. BWCs benefit both the deputies and members of the public by providing footage of officer-public interactions. BWC footage assists the public, and deputies in determining administrative violations, civil liability, deficiencies in training, tactics, and equipment, and positive interactions that merit commendation. PPS acknowledges and appreciates that, subsequent to this incident, in February 2023, San Bernardino County approved a contract to provide BWC to its deputies.

SBCSD's BWC policies, including SBCSD Policy Manual Nos. 3.142.25 to 3.142.95, published between August 31, 2023, through February 27, 2024, includes some components aligned with best practices, including requirements for when deputies should activate their cameras, and when deputies can review footage. However, San Bernardino Sheriff should revise its policies to include the following components:

(1) The specific scenarios when a deputy should not activate their BWC to preserve privacy rights for example, when in sensitive areas like restrooms, conducting strip searches, or locations where recordings are prohibited. San Bernardino Sheriff should permit exceptions to the general rule prohibiting activation during certain scenarios when there is a specific law enforcement reason to record, for example to capture a deputy's use of force or observing a crime in progress.

(2) A review process by which San Bernardino Sheriff will review samples of BWC footage on a regular and consistent basis. San Bernardino Sheriff Policy No. 3.142.80 (BWC Audits) states that the Commander of the Professional Standards Division, or their designee, serves as the "BWC Administrator" and "**may** audit two random recordings from each station or division per month to ensure members are in compliance with BWC policies." (Emphasis added.) San Bernardino Sheriff should require, rather than permit, BWC Audits for purposes of ensuring just compliance with BWC policies and with other San Bernardino Sheriff policies. The BWC Administrator should also use the BWC Audits to evaluate the sampled incident for appropriate use of tactics, techniques, and equipment for both training and commendation purposes and accurate and complete incident reporting. Given the large size of the San Bernardino Sheriff and the number of sworn deputies it employs, it should evaluate whether the current practice of auditing "two random recordings from each station or division per month" provides a sufficient sample size to fully evaluate compliance with policy. San Bernardino Sheriff should include a provision requiring the BWC Administrator to elevate, through San

Bernardino Sheriff's normal channels, any noncompliance with policy, or any commendable conduct that is revealed through the BWC Audits process.

(3) San Bernardino Sheriff should permit supervisors, field training deputies, and any personnel involved in training to view BWC footage for training purposes, and to use that footage in training classes and briefings. Regular use of BWC footage in training and briefings will provide deputies with real world examples of commendable tactics or techniques, or ones that require improvement which, in turn, will improve deputies' skills.