



C A L I F O R N I A

DEPARTMENT OF JUSTICE

Report on the Investigation into the Death of Darnell Trevon Travis on June 21, 2022

San Bernardino County AB 1506

April 2025

TABLE OF CONTENTS

BACKGROUND—AB 1506	1
PRIVACY STATEMENT	2
INTRODUCTION	2
SUMMARY OF INCIDENT	3
INVESTIGATION	14
Evidence Review	14
Crime Scene Description	15
Crime Scene Recovery.....	16
OFFICER PROCESSING.....	20
Firearm	20
BODY WORN CAMERA AND OTHER RECORDINGS	21
Officer Communications	21
AUTOPSY.....	21
INTERVIEW OF INVOLVED OFFICERS	21
CIVILIAN WITNESSES TO THE OIS.....	37
APPLICABLE LEGAL STANDARDS.....	40
LEGAL ANALYSIS	42
CONCLUSION	45



INVESTIGATION OF OFFICER INVOLVED SHOOTING

BACKGROUND—AB 1506

Pursuant to California Assembly Bill 1506 (AB 1506), the California Department of Justice 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 had been primarily handled 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 revealed 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. Specific addresses of witnesses and other personal identifying information are not provided in this report. 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 will be indexed as follows:

- Witness 1 (W-1), witness to OIS
- Witness 2 (W-2), second witness to OIS

INTRODUCTION

On June 21, 2022, at 7:12 PM, the Fontana Police Department Rapid Response Team was conducting surveillance to apprehend individuals believed to be involved in the sale of an illegal firearm. During the operation and attempted arrest of the individuals, FPD Officer Alex Millan, shot and killed Mr. Darnell Trevon Travis. The California 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 Mr. Darnell Trevon Travis, and is limited solely to determining whether criminal charges should be brought against the involved officer, and possible policy and practice recommendations. The review does not encompass or comment on any potential administrative or civil actions. It does, however, include policy and practice recommendations, as required by Government Code section 12525.3, subdivision (b)(2)(B)(iii). Based on the investigation, review of evidence, and evaluation of the case, we have determined that there is insufficient evidence to support the filing of criminal charges against Officer Millan.

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

SUMMARY OF INCIDENT

The Fontana Police Department Rapid Response Team

The Fontana Police Department (FPD) Rapid Response Team (RRT) is a proactive crime suppression unit. The unit is responsible for investigating both property crime and violent crimes against persons. The team works in an undercover capacity to assist patrol officers or detectives with complex or lengthy investigations. This includes but is not limited to, parole or probation compliance enforcement, street-level narcotics investigations, illegal firearms trafficking investigations, and other duties to address violent crime trends in the city.

June 21, 2022 – Summary of Rapid response Team Operation¹

On June 21, 2022, at 12:00 PM, Sergeant Kyle Guthrie began his shift at the FPD headquarters. He was a leader for the RRT. He was inside his office when Officer Adrian Garcia, who was assigned to the RRT, approached with a potential investigatory lead. Officer Garcia had received information from a reliable informant² that an individual was selling an AR-15 ghost gun.³ Officer Garcia felt that the informant's information was reliable and thus began an investigation into the sale of the illegal firearm.

Officer Garcia created an operations plan to conduct surveillance to arrest the individual selling the illegal firearm. The operation plan provided assignments for each member of the FPD RRT. The plan provided a personnel list paired with each officer's responsibility during the operation.

Officer Garcia told the informant to speak with the individual selling the rifle and set up a purchase at the McDonald's restaurant parking lot, located at 3870 Sierra Avenue, Fontana, California.

Assignments

Sergeant Guthrie was assigned as the team supervisor. Sergeant Guthrie was the driver of an unmarked green Ford Explorer and was responsible for any supervisory duties on scene.

Officer Garcia was assigned as the case agent and was the driver of a marked black and white Fontana Police Ford Explorer, equipped with full Code-3 emergency equipment⁴. His role was to maintain contact with the informant for operational updates, which he provided to the RRT via a radio. He was also part of the take down and arrest team of potential suspects.

FPD Corporal Brandon Bowie was an additional team supervisor. He was the passenger in the marked unit Officer Garcia was driving. He was also responsible for supervisory duties at the scene and assisting in the take down and arrest of potential suspects. The reason to have both Garcia and Bowie inside of a marked unit was to assist in the identification of the team as law enforcement with emergency equipment.

1 This section briefly explains the involved Officers planning process and understanding of the operations plan. The information in this section was derived from interviews that took place after the OIS.

2 A reliable informant is a person whose reliability and credibility has been previously established by providing information that resulted in a valid arrest, seizure, or conviction.

3 An AR-15 ghost gun is a rifle that is unregistered and self-manufactured.

4 Code-3 equipment refers to the lights and sirens on a police vehicle used during an emergency response.

FPD Officer Andrew Davis was assigned to take down and arrest of the potential suspects. Officer Davis was the driver of an unmarked gray Ford F-150 truck, which was parked near Millan to provide additional security.

FPD Officer Falconieri was also assigned to the take down and arrest the potential suspects. Falconieri was the passenger in the unmarked gray Ford F-150 truck, which was positioned to provide security to Officer Millan. Falconieri was responsible for any less lethal considerations during the operation.

Officer Millan was assigned to remain in his unmarked white Honda Accord. Millan was to be utilized as “bait.” When the suspects arrived at the scene, they would be provided Millan’s vehicle description from the informant. This would also allow the RRT the ability to positively identify the suspect vehicle. Then the suspects would be instructed to park next Millan.



Figure 1 – Overview of the OIS location and surrounding businesses

Information was obtained during the operation that the unknown suspects would arrive at the location in a black Mazda. The suspects were described as one Black male and one Hispanic male.

The narrative of the tactical plan read: “Officers will establish surveillance at McDonald’s and wait for the target to arrive. Upon arrival of the target vehicle the Case Agent will change location to the Jack in the Box. A UC⁵ will be in the parking lot of Jack in the Box out of safety concerns for the CI. Once UC identifies target vehicle and suspect, a vehicle takedown will be conducted.”

⁵ UC stands for under cover.

June 21, 2022 – The Undercover Buy

After the briefing of the operation plan to the RRT, the team went to the McDonald's at 3870 Sierra Avenue to set up surveillance for the operation. Initially the RRT lost contact with the suspect, temporarily broke down the operation, and returned to FPD headquarters. Shortly thereafter, communications with the suspect were reestablished, and officers returned to the area.

At approximately 6:06 PM, surveillance footage from the Jack in the Box restaurant shows Officer Davis and Falconieri arriving in their unmarked gray Ford F-150, and parking in the location indicated in Figure 2.



Figure 2 – Officer Davis and Falconieri's positions before suspects' arrival (Jack in the Box Surveillance)

At approximately 6:09 PM, Officer Millan arrived at the Jack in the Box parking lot and parked his unmarked white Honda Accord police vehicle in a parking stall in front of Officer Davis and Falconieri.



Figure 3 – Officer Millan's position before suspects' arrival (Jack in the Box Surveillance)

According to statements obtained after the incident, Officer Garcia and Officer Bowie parked in a marked black and white police vehicle in a nearby parking lot near Klatch Coffee and Sergeant Guthrie parked in the unmarked green Ford Explorer near the McDonald's parking lot.

As the units moved into their respective positions, Officer Garcia notified the team that information was being relayed from the informant that the suspects were about to arrive.

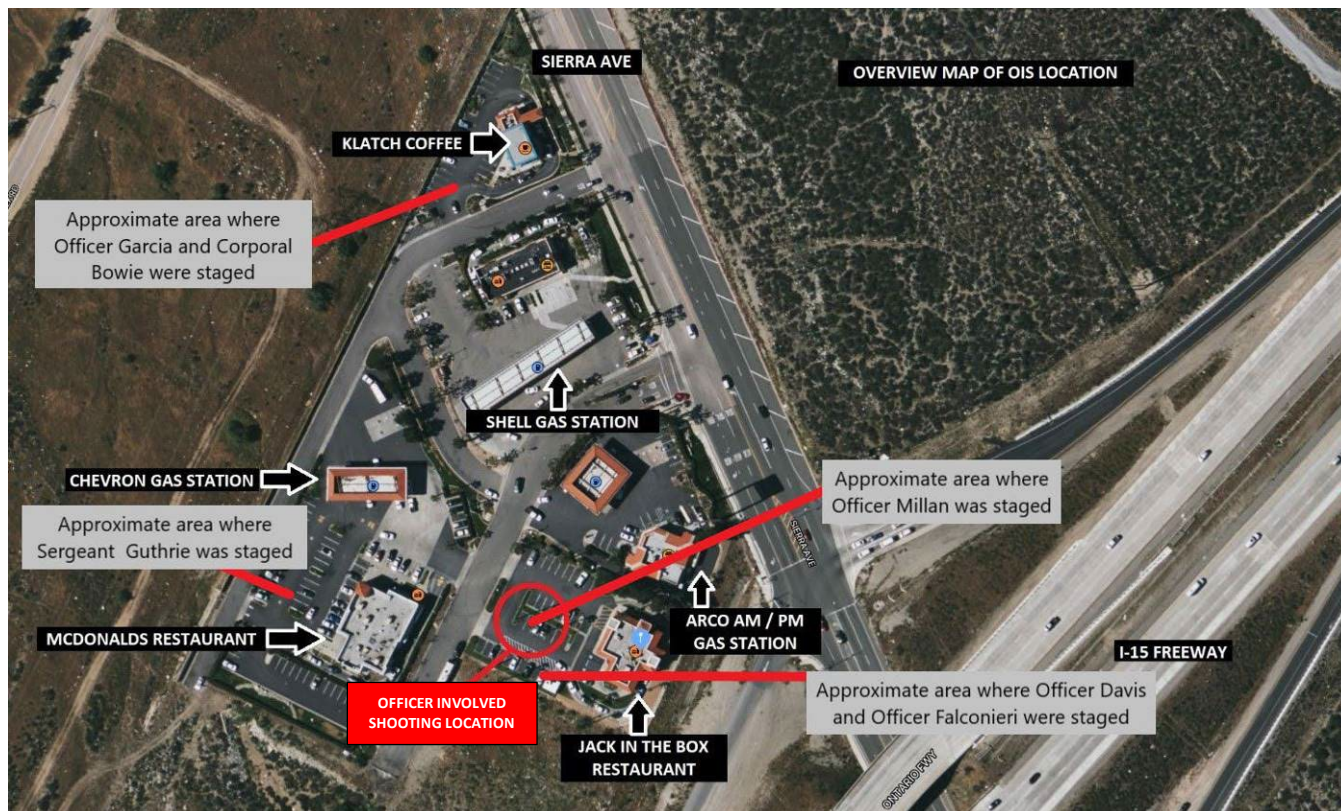


Figure 4 – Overview of OIS Scene with locations of officers

Over FPD radio, an Officer said, “All right so for a car so far it’s going to be a black Mazda...it should be here pretty soon.”

Officers detailed the Mazda’s location over the radio as it moved from the Chevron Gas station through the McDonald’s and into the Jack in the Box Parking Lot.

Another Officer said over the radio, “Let him park.” Another Officer confirmed over the radio that the Mazda parked. A few seconds later, an officer gave the “go ahead” over the radio to initiate the operation.



Figure 5 and 6 – Suspect vehicle arriving (left) Suspect vehicle parking next to Millan (right)

At approximately 7:11 PM, the RRT moved in for a takedown/arrest.

Jack in the Box Surveillance video shows that Officer Davis drove his unmarked Ford F-150 toward the parking stall where the black Mazda had parked, activated his solid forward-facing red light and Code-3 equipment, and blocked the black Mazda into the parking stall.

Simultaneously, as the command was given by Sergeant Guthrie for the RRT to move in and effect the arrest of the occupants of the black Mazda, Officers Davis, Falconieri, Guthrie, Garcia and Corporal Bowie converged into the parking lot while activating their Code-3 equipment.



Figure 7 – Officer positions during initial takedown

As the RRT units converged to block the black Mazda into the parking space, the driver of the vehicle, later identified as Adolfo Quintana, placed the vehicle into reverse and accelerated, striking the unmarked gray Ford F-150 police vehicle.

Officer Davis, the driver of the F-150, had already exited his vehicle to conduct the arrest of the suspects when Mr. Quintana reversed into the truck. As the Ford F-150 was struck, the impact from the black Mazda caused the vehicle to move backwards towards Officer Davis. Officer Davis had to step away to avoid being struck by the vehicle. Officer Davis yelled, “hands up!”

Sergeant Guthrie’s BWC shows that, after the impact, he approached the driver side of the suspect vehicle. Sergeant Guthrie pulled open the driver’s side door. Mr. Quintana was sitting in the driver’s seat, and Mr. Travis’s legs were visible in the passenger seat. Sergeant Guthrie yelled, “Get out of the car!” As he yelled, Mr. Quintana started turning the steering wheel. Sergeant Guthrie again yelled, “Get out of the car!” Once Mr. Quintana completed turning the wheel, he slammed on the accelerator and jumped the car over the parking median to escape.

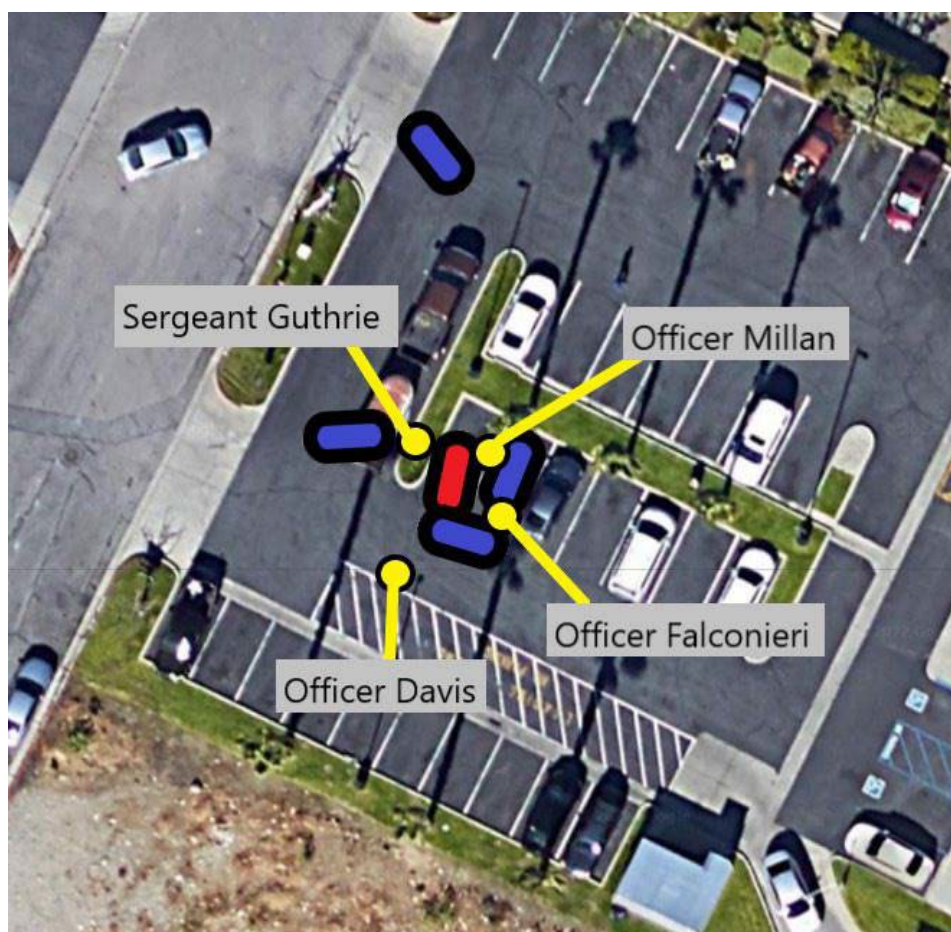


Figure 8 – Officer positions during initial takedown



Figure 9 – Officer Falconieri BWC Still

At the same time on the passenger side of the black Mazda, following the crash into the F-150, Officer Falconieri moved towards the suspect vehicle. Officer Falconieri yelled, “Hey, put your hands up.” From Officer Falconieri’s BWC, Officer Millan is seen exiting the unmarked police vehicle (white Honda accord). Other Officers are heard yelling, “get out of the car.”

On Officer Falconieri’s BWC, Officer Millan can be seen attempting to pull the passenger side door open. At the same time, Mr. Travis is trying to pull the door closed. After a brief struggle, Officer Millan pulled the door open. As seen in Figure 9, Mr. Travis hands were near his lap. As the Mazda pulls away, an unknown object can be seen in Mr. Travis’s hand.



Figure 10 - Officer Falconieri BWC Still – *Lighting adjusted for clarification*



Figure 11 - Officer Falconieri BWC Still – First shot fired

Also on Officer Falconieri's BWC, the engine on the Mazda can be heard revving as the car begins to pull forward over the parking median. As the Mazda accelerated, Mr. Travis reached his arm to close the passenger side door. At approximately 7:12:04 PM, Officer Millan fired two rounds approximately one second apart into the passenger cabin.

As relayed in a later interview, when Officer Millan opened the door, he saw that Mr. Travis had a "black firearm in his right hand." Officer Millan further described the position of the firearm initially as "canted towards the – so, the barrel was pointed towards the left, towards where the sergeant was. But it was still between his legs at that point...He had a closed grip around the gun." Officer Millan continued to describe Travis' actions after his contact with him. "So, what happened was he pulled the firearm from between his legs and pointed it towards me. So, I thought he was going to shoot me and wanted to kill me...I used lethal force."



Figure 12 - Officer Falconieri BWC Still immediately after OIS

Surveillance video from Jack in the Box shows Mr. Quintana drove over the grass embankment and struck Officer Garcia and Corporal Bowie's marked black and white Fontana Police vehicle. Officer Garcia and Corporal Bowie had just pulled into Jack in the Box parking lot from their hiding location at Klatch Coffee. After striking the police vehicle, Mr. Quintana negotiated a right turn and drove around the parking lot until he was able to exit the parking lot through a driveway connecting several surrounding businesses and out onto Sierra Ave.

Mr. Quintana drove the black Mazda through the Jack in the Box parking lot and eventually exited through a driveway and onto the connecting road that led to Sierra Avenue.



Figure 13 – Suspect travel path

The pursuit of Mr. Quintana and Mr. Travis continued southbound on Sierra Avenue. Corporal Bowie broadcast to FPD Communications that they were in pursuit southbound on Sierra Avenue from the 15 freeway. During the pursuit, Corporal Bowie lost visual of the suspect car several times because it engaged in “erratic driving maneuvers.”

At 7:14 PM, as the pursuit continued southbound on Sierra Avenue, Officer Millan broadcast over the frequency, “William 5, uh, officer information, passenger was reaching for a firearm.”

While continuing southbound on Sierra Avenue, Mr. Quintana’s vehicle had damage that slowed his driving. Corporal Bowie requested over the frequency for an additional unit to attempt a PIT (pursuit intervention technique) maneuver and for an airship to respond. FPD Communications replied, “40-King is en route” (40-King was the call sign for the San Bernardino Sheriff’s Helicopter).

As Mr. Quintana continued southbound on Sierra Avenue, approaching Summit Avenue, a PIT maneuver was attempted and spun Mr. Quintana’s vehicle, but Mr. Quintana regained control and continued southbound on Sierra Avenue, towards the 210 freeway. Mr. Quintana entered the 210 freeway eastbound, continuing at a high rate of speed.

The San Bernardino Sheriff Office (SBSO) helicopter broadcast, “Just want to confirm, he has a firearm and he already shot at someone, per the call?”

FPD Communications broadcast, “two shots were fired.” At approximately 7:20 PM, Officer Millan broadcast, “William 5, passenger was reaching for a firearm.”

Throughout the pursuit, Corporal Bowie broadcasted to FPD Communication that Mr. Quintana was driving at high speeds, and rapidly changing lanes with a wanton disregard for the public’s safety. Mr. Quintana continued on the eastbound 210 freeway until transitioning to the southbound 215 freeway. As the pursuit traveled southbound on the 215 freeway approaching the Baseline exit, SBSO helicopter 40-King broadcast “40-King overhead, we have it for ya.”

The pursuit continued southbound on the 215 freeway until reaching the eastbound 10 freeway. Mr. Quintana drove onto the eastbound 10 freeway. While approaching the Tennessee Avenue off-ramp, Mr. Quintana slowed his vehicle to a point where officers were able to execute an additional PIT maneuver. As Mr. Quintana passed under the Tennessee Avenue overpass, his vehicle was stopped and came to a rest facing westbound on the far-right lane of the eastbound 10 freeway. The total pursuit lasted approximately 15 minutes.

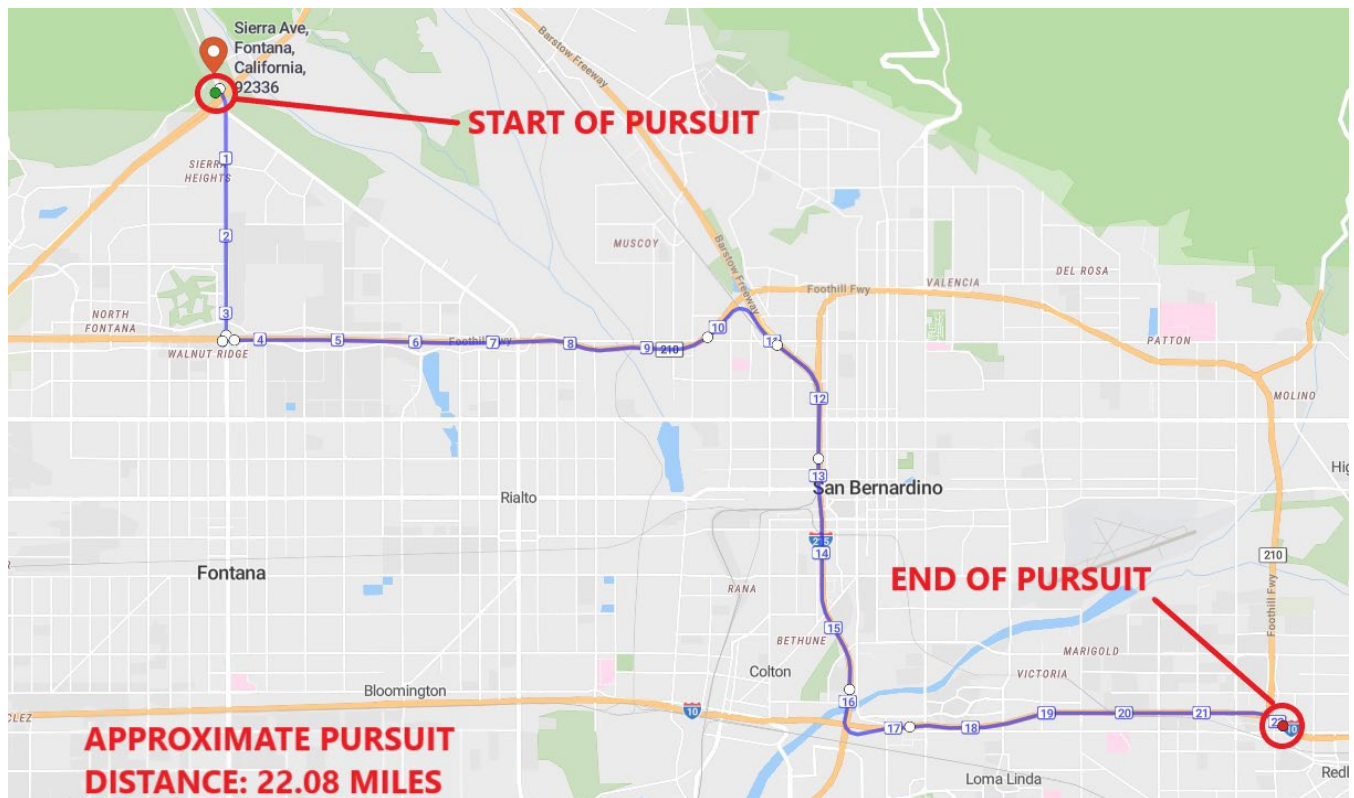


Figure 14 – Vehicle pursuit path

Several FPD officers arrived at the termination of the pursuit and began giving commands for both Mr. Quintana and Mr. Travis to exit the vehicle with their hands up. It took approximately five minutes for Mr. Quintana to surrender and be placed in police custody.

As FPD Officers took Mr. Quintana into custody and removed him from the area, a team of officers approached and contacted Mr. Travis. Officers placed Mr. Travis on his back and Corporal Bowie began chest compressions. Officer Gossert indicated that Mr. Travis had a pulse; Corporal Bowie could see his body was still moving. Officers continued chest compressions until paramedics arrived.

Paramedics arrived on scene at 7:34 PM. When they arrived, Mr. Travis was lying down on the freeway with the police department on scene conducting CPR and ventilating via bag valve mask. Mr. Travis “had a gunshot wound to the back of the head with no exit wounds noted.” He had “agonal respirations” with a weak rapid pulse. Paramedics departed the scene with Mr. Travis at 7:40 PM. Paramedics arrived at the Loma Linda University Medical center at 7:48 PM. Mr. Travis was pronounced dead at 1:23 AM on June 22, 2022.

Officers searched the suspect vehicle and located an AR 15 rifle in the truck inside a blue zipped bag. No other firearms were located inside the vehicle. The remaining contents of the vehicle were photographed, collected, and catalogued.

After learning FPD officers had lost sight of Mr. Quintana and Mr. Travis during the pursuit, the CaPSIT team conducted a search for any articles discarded from the vehicle. The canvassing occurred on July 4, 2022 (13 days after the OIS) and July 16, 2022 (24 days after the OIS). No firearms were located.

INVESTIGATION

On June 22, 2022, at 12:01 AM, the California Department of Justice (CA DOJ), Division of Law Enforcement (DLE), Bureau of Investigations (BI), California Police Shooting Investigation Team (CaPSIT), Southern California Region, received notification that the OIS was a qualifying event under AB 1506 and responded to the scene. (For more information on DOJ’s practices and procedures, see <https://oag.ca.gov/ois-incidents>.)

CaPSIT agents responded to the scene to initiate a criminal investigation on behalf of DOJ. A Deputy Attorney General (DAG) from the Attorney General’s Special Prosecutions Section also responded. That evening, personnel with the CA DOJ Bureau of Forensic Services (BFS) Riverside arrived on scene to process the scene, collect and document evidence, and perform a FARO 3-D scan of the area. Personnel from the San Bernardino County Sheriff’s Department (SBCSD) assisted BFS with scene processing.

Evidence Review

The following evidence was reviewed:

The incident scene, the parking lot of the Jack in the Box, located at 3910 Sierra Avenue, Fontana

- Dispatch records and logs of the incident
- Criminal history information involving Mr. Travis and Mr. Quintana
- Body worn camera footage from the officers involved in the incident
- Voluntary statement from shooting Officer Millan
- Voluntary statements from involved non-shooting Officers
- Interviews of all civilian witnesses associated with this incident
- DOJ Reports

- Surveillance video from Arco AM PM, Chevron, and Jack in the Box
- CA DOJ BFS reports
- Search Warrant Data from Suspect Cell Phones and Social Media
- FPD Reports
- SBSO Reports
- SBSO Coroner's Report
- FPD Radio Traffic

Crime Scene Description

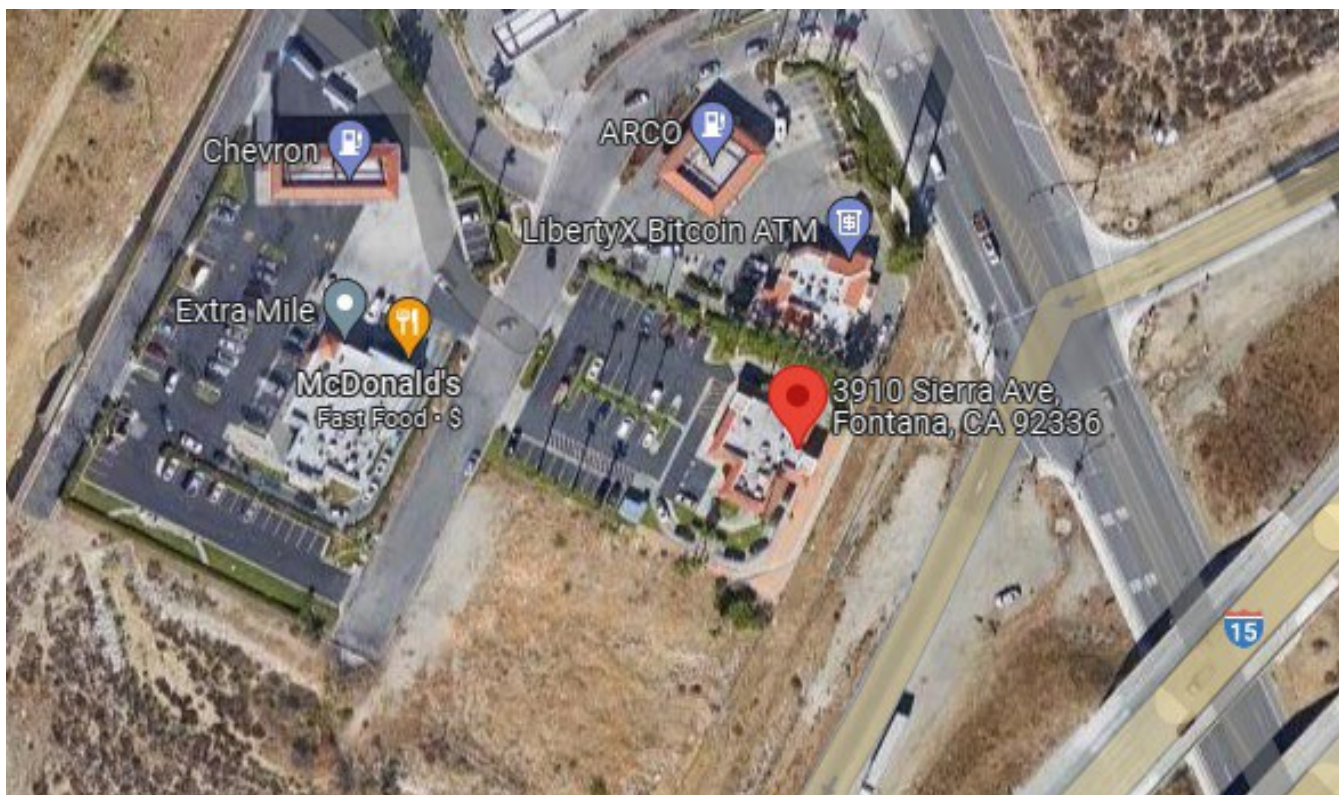


Figure 15 – Overview of OIS Scene

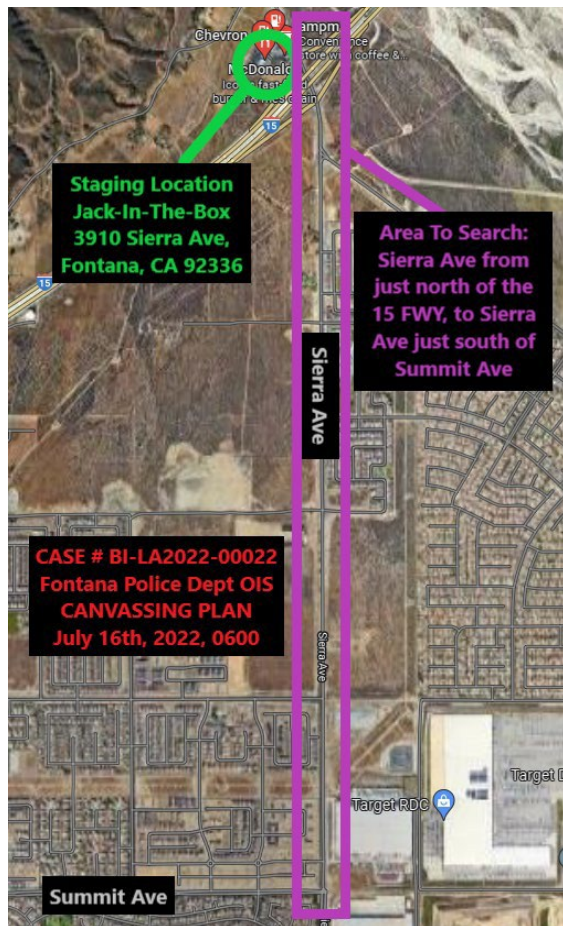
The OIS occurred in the parking lot of the Jack in the Box, located at 3910 Sierra Avenue in the City of Fontana. The Jack in the Box is located in a commercial complex that contains several additional businesses. The initial contact, attempted take down, OIS, and subsequent pursuit initiation all occurred in this parking lot.

The parking lot has two driveway entrances that lead from an access road, which connects several businesses in the complex. The access road, which runs in a northeastern/ southwestern direction, leads to Sierra Avenue, a major thoroughfare that runs north/south to the east of the complex. The

pursuit began in the complex and continued to Sierra Avenue where a southbound turn was negotiated by Mr. Quintana. The path of travel was underneath the 15 Freeway.

The pursuit termination occurred on the 10 freeway eastbound just east of the Tennessee Avenue overpass. The pursuit termination scene was processed by the San Bernardino County Sheriff's Office.

Canvassing



As a result of the OIS investigation, Special Agents with the California Department of Justice, Division of Law Enforcement, Bureau of Investigations, conducted multiple canvasses in order to locate potential witnesses to the incident. The night of the incident, due to a delayed notification of the qualifying event, SBSO and FPD conducted the initial canvass for witnesses at the location of the OIS.

Subsequently, several witnesses were identified and interviewed. On June 28, 2022, Special Agent Supervisor Richardson, Special Agent Wyatt, Special Agent Ibarra and Special Agent Baca conducted a secondary canvass for any possible witnesses at the OIS location.

On July 4, 2022, Special Agent Supervisor Richardson, Special Agent Wyatt, Special Agent Genes and Special Agent Martin conducted a foot canvass of the pursuit path where during the initial portion of the vehicle pursuit, responding officers had lost sight of the black Mazda. During that canvass, no items of evidentiary value were located

Figure 16 - K9 Canvassing Route

On July 16, 2022, based on information obtained during the interviews of several officers who were at the OIS scene, Special Agents conducted an additional canvass of the area.

During the second canvass of the area, two FPD police canine units (Officer Bradley Terwilliger and Officer Casey Mutter) who were trained to search for firearms were deployed. During that canvass, several storm drains and street gutters were located that were also searched with the assistance of the Fontana Public Works. During that canvass, no items of evidentiary value were located.

Crime Scene Recovery

Jack in the Box

On June 22, 2022, The California Department of Justice, Bureau of Forensic Services (BFS) responded to the OIS crime scene at the Jack in the Box, 3910 Sierra Avenue, Fontana. BFS Senior Criminalist Hughes,

Senior Criminalist Eyerly and Criminalist Ramirez processed the scene and recovered two fired cartridge casings bearing the marking “WIN 40 S&W.”

10 Freeway

On June 21, 2022, San Bernardino County Sheriff’s Department Scientific Investigations Division Crime Scene Specialist Guerrero processed the pursuit termination scene located on the eastbound 10 freeway.

Crime Scene Specialist Guerrero was able to locate and identify the below firearm and ammunition magazine in the trunk of the suspect vehicle:

Item A-6: Black unknown make/model .223 caliber AR type pistol, no serial number, and ammunition magazine from trunk of vehicle at Placard 5

Item A-7: An ammunition magazine containing ten .223 caliber cartridges. (Item A-6)



Figures 17 and 18 – Item A-6 (right) Item A-7 (left)



Figure 19 – Items A-6 and A-7

Vehicle Processing

On June 30, 2022, Criminalist Maragliano and Senior Criminalist Eyerly began processing the subject vehicle. The vehicle had been parked in a covered area in the San Bernardino Crime Laboratory's secured parking lot. They documented the vehicle with photography and notes.

The suspect vehicle contents were searched for possible firearm related evidence and any cellphones. Two cell phones were located on the driver seat. A bullet jacket fragment was located under one of the cell phones on the seat. A third cell phone was located on the floor next to the driver's seat. A bullet core was located under the passenger seat. A fourth cell phone was in the center console. Other miscellaneous items were located but not collected throughout the vehicle. The four cell phones were released to Special Agent Wyatt at the scene.



Figure 20 – Photograph of suspect vehicle

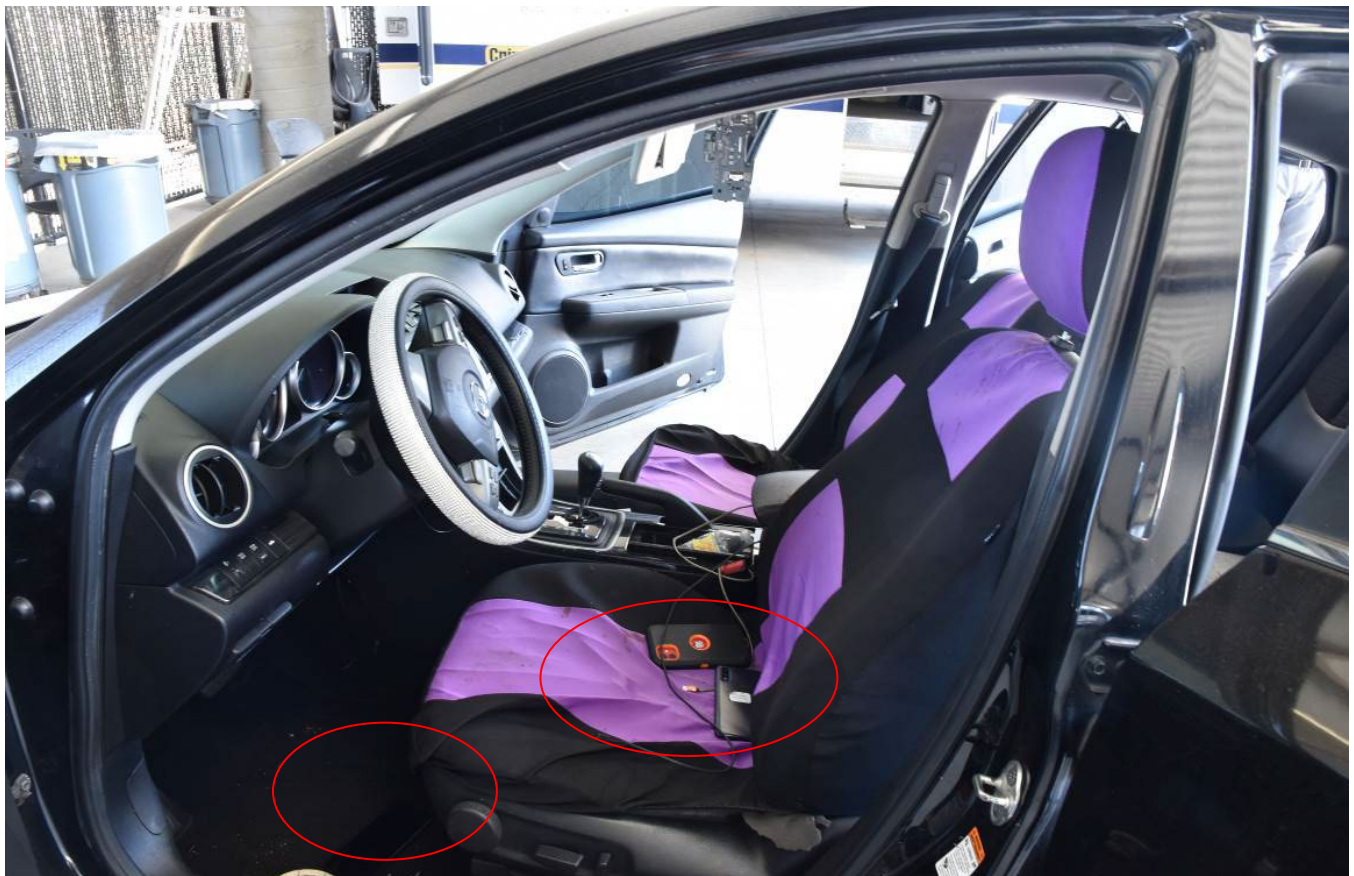


Figure 21 – Photograph of passenger compartment (3 cell phones circled)



Figure 22 – Photograph of front driver side items recovered

Cell phone evidence

On May 4, 2023, FPD Detective Davis was assigned to review cell phone evidence obtained related to this OIS. On May 10, 2023, Detective Davis conducted a manual search of the contents of the cell phones. In addition to a manual review of the cell phone contents, Detective Davis obtained search warrants for Meta (Facebook and Instagram) for the social media accounts belonging to Mr. Quintana and Mr. Travis. The relevant evidence obtained is outlined below:

- Two days before the OIS, Mr. Travis was communicating with an individual named “Lil 4.” Lil 4 sent to Mr. Travis a picture of the AR-15 style rifle that was later located in the vehicle at the end of the pursuit. In the message thread Mr. Travis said, “I’m already trying to sell it for u.”
- On June 20, 2022, and June 21, 2022 (the day before, and the day of the OIS) Mr. Quintana and Mr. Travis had an Instagram message conversation wherein Mr. Quintana tells Mr. Travis, “I got your toy sold.” Based on Detective Davis’ training and experience, the word toy was a common street slang word for a gun.
- Then, Mr. Quintana sent Mr. Travis a screenshot of his communications with a potential buyer for the AR-15 rifle (User-1). After sending the screenshot of the conversation to Mr. Travis, Mr. Quintana asked Mr. Travis, “If you tryna sell that at” then says “Ar” (as if he were correcting the word “at” in the previous message). Mr. Travis asked, “We’re he at” and “Way.” Mr. Quintana responded, “He in the dino he inlandz homie.” Mr. Quintana then sent another photograph of the conversation that Mr. Quintana had with User-1. Mr. Quintana and Mr. Travis continued to discuss the sale of this firearm to User-1. At one point in the conversation, Travis asked Mr. Quintana to ask the buyer to meet, and Mr. Quintana tells Mr. Travis that he did. As the conversation continued, Mr. Travis sent a message to Mr. Quintana, “An see if got cash or cash app mafia no bs cuz u already know.” Mr. Quintana responded, “Yea of he play we finna rob this niga.” According to Detective Davis, this was consistent with Mr. Travis and Mr. Quintana planning to rob the buyer (User-1) if anything went wrong with the transaction. Mr. Quintana also told Mr. Travis, “Fontana,” which was consistent with Mr. Quintana telling Mr. Travis the location where they would be meeting the buyer of the firearm.

OFFICER PROCESSING

At the time of the Officer-Involved Shooting, Officer Millan was dressed in plain clothes and wearing a load bearing vest (LBV) which had a Fontana Police Officer cloth badge on his left chest and name plate on his right chest. Below his nameplate was a “POLICE” patch.

Millan’s duty weapon was a Glock 22, .40 caliber pistol. The pistol contained one round in the chamber, and a magazine seated in the duty weapon, which contained 13 rounds loaded in the magazine, which had a capacity of fifteen rounds. The magazine was “topped off” after the duty weapon was chambered to patrol ready. Thus, two rounds were missing from the pistol.

Firearm

On June 27, 2022, BFS Senior Criminalist Melkomian examined Officer Millan’s duty weapon. The pistol functioned as designed during examination and test firing.

BODY WORN CAMERA AND OTHER RECORDINGS

The Fontana Police Department is not equipped with Digital In-Car Video. Investigators reviewed and analyzed BWC video from Officers Adrian Garcia, Alex Millan, Andrew Davis, Brandon Bowie, Nolan Falconieri, and Kyle Guthrie. During the canvassing portion of this investigation, investigators identified and recovered three sources of surveillance video: Arco AM/PM, Chevron, and Jack in the Box.

Officer Communications

Investigators obtained and reviewed both the Fontana Police main frequency and the tactical frequency utilized by the RRT during the operation.

AUTOPSY

On June 28, 2022, the San Bernardino County Sherriff's Department, Coroner Division, Pathologist Dr. Hutchins (Chief Forensic Pathologist), along with assistant Madeline Rivera conducted the Autopsy of Mr. Travis. During the autopsy, Dr. Hutchins noted an entrance wound at the top of the head of Mr. Travis with a trajectory of front to back, right to left, in a downward direction. Fragments were discovered near the exit wound, which was located on the left side of the back of the head of Mr. Travis.

The cause of death was determined to be a homicide and the manner of death was determined to be a gunshot wound to the head.

The toxicology report had positive findings for 11-Hydroxy Delta-9 THC, Delta-9 Carboxy THC, and Delta-9 THC.

INTERVIEW OF INVOLVED OFFICERS

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.)

In the weeks following the OIS, officers involved in the undercover buy operation provided voluntary statements. The Officers included Sergeant Guthrie, Corporal Bowie, Officer Falconieri, Officer Garcia, and Officer Davis. Shooting Officer Millan also provided a voluntary statement. The following statements are summaries of their interviews, which describe the incident from the point of view of the individual officers. 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.

Sergeant Guthrie

On July 7, 2022, DOJ Special Agent Wyatt and SBSO Detective Hernandez conducted a voluntary interview with Sergeant Guthrie. Also present was attorney representative Kasey Castillo.

Prior to his interview, Sergeant Guthrie reviewed his BWC video, and BWC video from Officer Davis and Officer Falconieri.

Sergeant Guthrie was a Sergeant for the RRT at FPD. The RRT was a crime suppression team that investigated robberies, home invasions, narcotics, and illegal firearms trafficking in Fontana. Guthrie had worked at FPD since June 2009. Prior to working at the FPD he was in the military for 11 years. There, he spent five years as a military police officer and six years as a special agent in the US Army Criminal Investigations Division.

On the day of the OIS, Officer Garcia approached Sergeant Guthrie and told him he had an informant who was contacted by someone who was trying to sell an illegal assault rifle, and they wanted to negotiate a sale in the City of Fontana. This informant had been used for “a couple of cases, and each time [FPD] used him, his information was really reliable.” According to Sergeant Guthrie, Officer Garcia was one of the best officers on the team, and his investigations were typically fruitful.

Officer Garcia came up with the operations plan, the plan was formalized, and Officer Garcia gave the briefing. Sergeant Guthrie summarized, “There was a black male from Hemet who was going to be bringing an AR for sale to the informant. I believe it was \$1,100 or \$1,200. He was going to be driven by what he thought was his friend, a Hispanic male. We didn’t know – we didn’t have any of these guys identified, fully identified. And then he thought that some information was received that maybe he would be driving a black Mazda.”

Sergeant Guthrie did not want the informant to be in the bait vehicle because he was concerned it could turn into a robbery. Sergeant Guthrie put Officer Millan in the bait car instead because he was Hispanic male and looked like the informant.

Officer Garcia “did some research on the target, a black male and was able to identify a social media account. The account was “Mac Travis” or “Travis Mack.” It was brought up during the briefing that “we’re not 100 percent sure. We can’t positively identify him, but we – the informant is saying that this is the guy. And I believe the informant contacted the target through Instagram or some type of social media, snapchat, I’m not sure.”

Sergeant Guthrie said that, since January, they had seized over 200 guns. The team typically conducted these buys between two and five times a week. Sergeant Guthrie said, “a large portion the people that bring the guns for sale are armed with firearms. I make it a point to tell [the other officers], hey, you guys just be aware that these guys may be armed...if I was coming to a gun deal [I] would come armed because you don’t want to get rob[bed]. And I think that’s the fear. They don’t want to get robbed, so they arm themselves.” He also indicated it was common to find multiple firearms during a firearms sale operation. He recalled that during the briefing Officer Garcia said that he believed the target was part of some gang.

After the briefing, everyone went to the McDonald’s restaurant. Officers set up at the McDonald’s and were waiting for a few hours. They waited approximately two or three hours. The informant and the suspect stopped talking. Officers on scene did not know if they were going to show up. Eventually, they decided to call off the operation.

They had almost gotten back to the station when Officer Garcia put out over radio that the targets were going to be at the operation location about 30 minutes. Sergeant Guthrie made his way back to the McDonald’s.

Officer Garcia relayed over radio that the informant had told him that they were in a black Mazda. "The radio traffic said he's parking, so I said, 'let's take him.'" The officers on scene initiated a vehicle takedown with lights and sirens. Based on the position of the other officers' vehicles, Sergeant Guthrie felt comfortable that the targets would not be able to escape and would be "boxed in." Tactically speaking, Sergeant Guthrie thought that this could avoid a potential pursuit which can be dangerous to police and the public.

Sergeant Guthrie said, "I pulled up and I turned my lights and my sirens on, the driver door - - the driver window was down. And what you don't see on my BWC is the guy's eyes go really, really big, and he put his hands up like this. So, I exited my vehicle immediately believing that I had compliance from the driver. As I approached, he started to roll up his window and you can see that in the video. And that's when I told him get out of the car, and get out of the car, and I opened the door. I was trying to do was going to try and grab him by his left arm, or - - yeah, his left arm. But at that time, he reached down, put the vehicle in reverse and backed into the F-150 and then immediately slammed into drive and took off." When the car went into reverse, Sergeant Guthrie moved backwards. He said that he did not want to get hit because the door was still open, and he felt like the door might have caught him on the way back. Sergeant Guthrie believed that if he did not get out of the way he "would have been hit by the door and probably knocked down."

Later, Sergeant Guthrie learned that Officer Davis had jumped out of the way of the suspect vehicle. When Sergeant Guthrie could see into the car, before it drove off, he said, "I saw were - was something red. What I believed it to be was the passenger bending forward and that was his shirt. That's what I initially thought. And then I was kind of obscured by the driver's body. He kind of turned and faced me and then that's when he put the vehicle in reverse."

Sergeant Guthrie stated that he never saw any objects in the vehicle that he believed to be a firearm. The vehicle drove away in a northerly direction around the parking lot and then exited the area. Sergeant Guthrie notified dispatch that there were shots fired and the rest of his team pursued the suspect vehicle. Sergeant Guthrie recalled hearing Officer Millan broadcast over the radio "the passenger was reaching for a gun." Sergeant Guthrie estimated that the car had "30 to 45" seconds of a head start on the officers on scene. Sergeant Guthrie believed that the head start would have given them time to throw out evidence.

Sergeant Guthrie walked the scene and saw the fired cartridge casings and tried to block off the driveways the best he could. Guthrie called for additional units and reported that there had been an OIS.

He noticed a bystander on a motorcycle. Sergeant Guthrie did a quick interview with him, got his contact information, and told him to stand by so that somebody else could contact him.

Officer Garcia

On July 1, 2022, SBSO Detective Thurman and DOJ Special Agent Genens conducted a voluntary interview with Officer Garcia. Also present was attorney representative Christopher Kucharski.

Officer Garcia was a police officer assigned to the RRT. At the time of the OIS, Officer Garcia had worked on the RRT for about a year. In that time, he had worked over a hundred cases. Prior to joining the team, he was an officer assigned to patrol for three years. Before FPD, Officer Garcia worked for the San Bernardino County Sheriff's Department for two years.

Prior to his voluntary interview Officer Garcia viewed BWC from Guthrie, Bowie, Falconieri, and Davis. He also viewed the video captured by the air unit.

Officer Garcia received information from a reliable informant that there was a suspect selling an AR 15 ghost gun. This informant had been used successfully twice in the past. The informant told Garcia that the suspect was willing to meet and sell the rifle.

Officer Garcia told the informant to tell the suspect that he was willing to purchase the firearm. From there, Officer Garcia completed an operations plan. They did not have a full ID on the suspects, but they had a picture of a Black male and a picture of a Hispanic male. Officer Garcia recalled that the photo of the Black male had an Instagram handle of "mack travis." He was able to look at the account of the Black male because it was a public Instagram account. In addition to the photos, there was a video of the Black male dancing with a gun. Officer Garcia indicated that he shared it with the team by showing it to them on his phone prior to the briefing.

They went over the plan and pulled up the map of the location on the computer. Sergeant Guthrie and Lieutenant Binks approved the plan, and they discussed what every officer and supervisor would be doing at the location.

The plan was to put Officer Millan in the unmarked UC vehicle, which was a white Honda Accord, which was also the "bait car." The description of the bait car would be relayed to the suspect so they knew what car to look for. They decided to use an officer in the bait car to keep the informant safe.

Officer Garcia explained that suspects who show up to sell a firearm may be violent or attempt to rob the purchaser. Also, in his experience, a subject who is selling a firearm "...generally has his personal [firearm] with him as well. So we always kind of account for at least two firearms to be involved."

For additional support, they had Officers Davis and Falconieri in a gray F-150. Corporal Bowie and Garcia were in a marked vehicle, out of sight from the transaction, at Klatch Coffee. The plan was to tell the suspects to meet at McDonald's but then send them to the Jack in the Box so that they could see what vehicle stood out if the suspects did not provide the make and model of their vehicle.

They originally set up for approximately an hour and a half, but the suspects were being "wishey washy" and the informant lost contact. Officers waited but the suspect never showed up. Officer Garcia made the call to end the operation because he did not think the suspect was going to show. Approximately 30 to 45 minutes later, the informant called him and told him "the guy said he's going to be there in 30 minutes." They decided to stick to the original plan and go back into the same positions.

After about 15 to 20 minutes, Officer Garcia asked the informant to ask the suspect what kind of vehicle he was going to be driving. The suspect would not provide a car make or model. Officer Garcia had Sergeant Guthrie stay at the McDonald's parking lot, and the rest of the team set up at the Jack in the Box. Fifteen or so minutes later, the informant told Officer Garcia that the suspect said he's almost there and he was in a black Mazda. Officer Davis advised over the radio, "Hey I see a black Mazda pulling into the lot now coming towards McDonald's." Sergeant Guthrie indicated that he had eyes on the black Mazda. The Mazda drove through the McDonald's lot and then headed towards the Jack in the Box parking lot. Sergeant Guthrie advised that, once the suspect parked, they would do the take down.

The suspect parked his vehicle next to the white Honda that Officer Millan occupied. Officer Davis advised that the vehicle had parked. Sergeant Guthrie gave the go ahead over the radio to initiate the takedown.

It took approximately 15-25 seconds for Corporal Bowie and Officer Garcia to travel from their hiding location at Klatch coffee to the Jack in the Box parking lot. As soon as they arrived in the lot, Garcia saw both doors ajar on the black Mazda. Officer Millan was on the passenger side outside of his vehicle. Sergeant Guthrie was on the driver's side of the vehicle. Officer Garcia could not recall where Guthrie and Falconieri were positioned.

At that point, Officer Garcia observed the suspect vehicle accelerating, trying to get over the parking median. Officer Garcia drove in to try and block the vehicle from fleeing. Then, the suspect vehicle's left side hit the right side push bar of the patrol vehicle at approximately 15-20 MPH. Officer Garcia said, "I was scared...this guy's ramming cars, this guy's ramming my car, so he's going to do whatever it takes to get away from us." Officer Garcia was "surprised everything was going on so I kind of, stopped and the vehicle accelerated southbound through the lot and then around all the UC vehicles, and made its way out of the west exit and accelerated at a high rate of speed."

At that time, Corporal Bowie said, "they're taking off. We got to chase." By the time they engaged, the suspect vehicle was already on Sierra Avenue. Corporal Bowie put out over the radio that they were in pursuit of the vehicle. Corporal Bowie initiated full lights and sirens.

Officer Garcia had no idea that shots were fired. Officer Garcia thought that maybe he had "tunnel vision" because he did not even hear that shots were fired. The only thing he knew is that the subjects were armed with an AR 15. At some point during the pursuit, Officer Garcia recalled hearing over the radio that the "passenger was armed with a handgun." After that, he thought, "they have an AR with the potential that the passenger has a handgun."

They had lost sight of the suspect's vehicle for a few seconds. Then the vehicle made a right hand turn onto Sierra Avenue. By the time Officer Garcia got to the apron onto Sierra Avenue, He had lost sight of the vehicle for probably five to six seconds. When he made the turn, he realized that the vehicle was going the wrong way. The suspect was driving southbound in northbound lanes under the 15 freeway underpass. They lost sight of the vehicle for another 10-15 seconds.

They continued the chase. By the time they got to the 15 underpass on Sierra Avenue, there was traffic so they lost sight of the vehicle again. Officer Garcia maneuvered around cars, but by the time he got around the other cars, the suspect was crossing through the intersection of Riverside and ran a stop sign.

Officer Garcia was able to catch up, and a second patrol car joined the pursuit. They were number one and the other vehicle was number two. The chase reached speeds up to 60-80 MPH at that point. Officer Garcia noticed one of the tires on the suspect vehicle was compromised. The chase slowed down as it moved through a construction zone.

At that point, Officer Bowie instructed Officer Goodland to attempt a PIT maneuver. Officer Garcia slowed down so that Officer Goodland could conduct the PIT maneuver. The PIT was successful and the car spun out, but regained control and got back on Sierra Avenue and continued south.

Officer Goodland remained number one in the pursuit, and Officer Garcia was number two. The suspect drove through a red light on Sierra and Summit Avenues. The speeds went back up to 85-95 MPH. There was a bit of distance but they still had eyes on the car. The suspect vehicle ran another light nearly hitting two cars. The vehicle traveled towards the 210 freeway eastbound.

They got on the 210 freeway. The suspect was driving all over the road using the shoulder to pass cars, switching lanes, and trying to “fake us.” They chased all the way to the 215 interchange.

At that point, the airship arrived and started calling the pursuit. Traffic on the 215 picked up. Officer Garcia thought initially he was going to go west, but the suspect cut across almost hitting a few cars as it went east on the 10 freeway.

Even with the front right and the rear right tires “messed up,” the driver was still driving at speeds over 100 miles an hour. As they got to Loma Linda, Officer Garcia noticed the car started sparking. He continued to the Alabama exit on Redlands and his speed slowed down. The suspect went from about 100 to 40 MPH. At this point Bowie advised that they were clear for another PIT.

Officer Goodwin conducted the PIT, and it rotated the car completely. Now the suspect vehicle was facing westbound in the eastbound lanes. Officer Garcia had a good eye on the driver of the vehicle. Once his car was “PIT-ed,” the suspect (Mr. Quintana) put his hands up and opened his door. They ordered him to get out of the vehicle. He had his hands up the whole time. Officer Garcia could not see anyone in the passenger seat. He was not sure if the passenger had bailed.

The air support said that there was a passenger, possibly a Black female that was slumped in the front passenger seat. To Officer Garcia, it seemed like they were ordering the driver out for a long time, but he thinks it may have been 10 minutes. The driver finally stepped out of the vehicle with his hands up, faced away from officers, and slowly backed up. Two officers placed him in handcuffs and took him to the patrol car. Then, five or six officers approached the vehicle.

Officer Garcia observed a Black male adult slumped over in the vehicle. Once they cleared the vehicle, Officer Gossert and Corporal Bowie came to the passenger side and opened the door.

They pulled the suspect out of the passenger seat and laid him in a recovery position. At that point, they observed a gunshot wound to the back of his head. Officer Garcia was not sure if they had an “AD” (accidental discharge) and maybe one of the suspects’ guns had fired and hit him accidentally. The passenger (Mr. Travis) still had a pulse and was still trying to breathe. Garcia started doing chest compressions for one to two minutes. Then Corporal Bowie took over and continued chest compressions.

After that, paramedics arrived, took over, and put the suspect on a gurney and secured him. At that point, Officer Garcia heard another officer say, “Millan shot,” which was when he first learned that Officer Millan fired at the passenger.

Officer Millan arrived on scene and Officer Garcia asked him if he shot and if he was alright. Officer Millan said he was “good.”

From there, they secured the scene and shut the freeway down. They opened the trunk and there was a duffle bag. Officer Garcia unzipped the bag and saw that there was a rifle in the bag. Officer Garcia

believed the rifle in the trunk matched the rifle that was originally for sale. They zipped the bag back up and secured the scene.

Corporal Bowie

On July 1, 2022, DOJ Special Agent Wyatt and SBSO detective Hernandez conducted a voluntary interview with Corporal Bowie. Also present was attorney representative Christopher Kucharski.

Corporal Bowie worked at FPD and was assigned to the RRT. Corporal Bowie had worked with FPD since December 2003.

Corporal Bowie had been working on the RRT since October 2021. The RRT conducted between three to five operations a day and due to the increase in violent crime across the county. The team had focused on confiscating as many illegal firearms as possible.

During his shift, Officer Garcia presented a case to the team. Officer Garcia had a confidential, reliable informant, who told him that there was a subject willing to sell him an AR-15. The informant was unable to “confidently identify the subject” but was able to provide a picture of the subject from social media. Corporal Bowie recalled that it was a photo of a Black male in his twenties with a social media moniker of “mack travis.”

After the initial briefing, the officers decided to formulate an operational plan. In the meeting, officers discussed how they would set up the parking lot. For safety, they did not want the informant directly involved in the purchase. Officer Millan resembled the informant, so he was to be placed in the white Honda Accord. The informant was to tell the target that he was driving a white Honda accord and was waiting in the Jack in the Box parking lot.

For the operation, there would be two other unmarked vehicles, a Ford F-150 and a gray Ford Explorer, were to be in the general vicinity of where Officer Millan would park. Officers were unsure what vehicle the target was going to be arriving in or if the subject would be alone. Thus, the two vehicles were positioned nearby for safety.

At the time of the incident, Corporal Bowie and Officer Garcia parked their “black and white police car” in the parking lot of Klatch Coffee. Klatch was the northern most business in the complex where Jack in the Box was located.

The informant called Officer Garcia and told him that the suspect would be driving a black Mazda and that he was going to be arriving shortly. That information was relayed to all of the officers who were positioned in the Jack in the Box.

The black Mazda arrived. Corporal Bowie recalled that the vehicle had tinted windows. Corporal Bowie and Officer Garcia were completely out of view from the Jack in the Box. There was a short waiting period, and Sergeant Guthrie made the decision to “roll in and take the target down.”

Officer Garcia and Corporal Bowie immediately responded from Klatch Coffee. They accelerated through the gas station out of the drive and into the Jack in the Box parking lot.

As they were exiting the gas station driveway, Corporal Bowie could see the Ford F-150 was perpendicular to the target vehicle. The F-150 was parked directly behind the target vehicle. Corporal

Bowie could also see Sergeant Guthrie's Ford Explorer on the driver's side of the target vehicle. He saw all officers outside of their vehicles ordering the subjects out of the black Mazda.

Corporal Bowie's attention was to Sergeant Guthrie, who had the driver's door open. He could hear Sergeant Guthrie yelling commands. Corporal Bowie observed that officers were not able to gain compliance. Typically, with these operations, the subjects will put hands out of the door or window, or they may step out with their hands up. Corporal Bowie could see both the driver and passenger doors open. Corporal Bowie immediately activated emergency lights and sirens to indicate to the targets that they were law enforcement.

As Corporal Bowie's vehicle was entering the north driveway, they saw the driver place the vehicle into drive. Corporal Bowie could see there were two occupants, but because of the tint, he could not clearly see what they were doing but he could see their silhouettes moving around. The suspect vehicle accelerated erratically over the concrete median and began directing itself head on with their police vehicle that had full lights and sirens active. Right before the car accelerated forward, Corporal Bowie recalled hearing two "pops." He said, "Everything was so fluid and the situation was volatile that I was unsure exactly what the pops were." He initially thought they were a Taser deployment.

Both the police vehicle and the target's vehicle collided. The suspect vehicle struck the front passenger side of the vehicle. Corporal Bowie believed that the driver of the vehicle intended to exit the north driveway. However, he knew that as they entered it was not going to be possible because he was going to be blocked in. So, at that point, the driver accelerated, made a right-hand turn, and began to lose traction.

Corporal Bowie could hear the screeching as the suspect vehicle drove around the entire Jack in the Box parking lot heading toward the south driveway. The driver was moving at a very high rate of speed and began to drive directly towards Officer Davis's truck.

Corporal Bowie stated he had done these operations before, and in this case, he knew "for certain" that, at the very least, they had an individual who could be armed with an AR-15 based on the arms sale meeting. In addition, during these operations officers are typically dealing with career criminals who typically arm themselves with ghost guns, handguns, or other types of rifles that they're concealing in their vehicles or on their person. Further, they are typically armed in the event that they might be robbed by whomever they are meeting up with.

Corporal Bowie said, "The driver had already demonstrated that he had absolutely zero regard for any of the officers in the parking lot, any of the patrons." The suspect had "Every intention of getting away from the police regardless of the consequences just based off of his driving maneuvers in that moment." Based on his vantage point, if the officers did not move they would have been struck.

Because Corporal Bowie and Officer Garcia were in a marked unit and already behind the target vehicle, Corporal Bowie and Officer Garcia immediately engaged in the vehicle pursuit. Corporal Bowie immediately broadcast that the vehicle was headed southbound Sierra Avenue from the 15 freeway.

Corporal Bowie said, "there initially was a time where I lost complete sight of the suspect vehicle it went under the bridge on Sierra." Corporal Bowie and Officer Garcia immediately began looking at the off ramp and the on ramp to see if the vehicle had gone up there. Corporal Bowie then saw the suspect vehicle already south of the 15 freeway going to opposing lanes to get around several vehicles.

During the first part of the pursuit, Officer Millan broadcast on the radio that the passenger was reaching for a gun. Corporal Bowie realized then that the pop he heard earlier was shots either from our officers or from the suspects inside the vehicle.

There was congestion that slowed the chase, but once the roadway opened up, Officers Goodland approached to conduct a PIT maneuver on the vehicle. Corporal Bowie thought the maneuver was appropriate because the target had shown “absolutely zero regard for motorist safety...I also knew that there was a strong likelihood that we had two armed individuals in this car and it needed to be stopped immediately.”

The PIT was successful, but the driver immediately regained control of the vehicle and turned his vehicle back southbound and accelerated. Corporal Bowie said that the target driver was going “no less” than 90 MPH as he approached Sierra Lakes Parkway. The suspect vehicle ran red lights and did not appear to be using its brakes. Corporal Bowie said he observed a near collision.

The vehicle speeds were up to around 90 to 100 MPH. Corporal Bowie said, “The vehicle started to pull some distance from us...while we were on the 210 freeway, I would say that there was a number of times where we lost complete sight of the suspect vehicle.”

As they approached the 215 freeway interchange with the 210 freeway, the suspect vehicle committed to the 215 southbound transition. At that point, San Bernardino County Sheriff’s helicopter 40 King arrived to take over the broadcast of the pursuit. Corporal Bowie stated at that point they had to pull back because it was too congested, and they might have been in a vehicle collision if they continued.

As they passed the California Street off ramp, the suspect vehicle started to experience engine trouble. Corporal Bowie began to see sparks flying from the passenger front tire or wheel. At that point, it appeared the suspect vehicle was driving completely on the car’s rims. Corporal Bowie was fearful that the suspects in the car were armed and they might attempt to bail from the car and carjack someone on the freeway.

Corporal Bowie authorized another PIT maneuver. The PIT was successful. The vehicle stopped and it was facing multiple police vehicles right at the 10 freeway. Corporal Bowie could see the driver with his hands up. Officers were issuing commands for him to surrender and step out of the vehicle. After several minutes of negotiating with the driver to step out, he exited with his hands up. The driver was clearly distraught. He was crying. He approached officers and was taken into custody.

They quickly formed another team to approach the vehicle because they knew there was a passenger inside. The passenger appeared to be unconscious, and Corporal Bowie could see blood splatter in the vehicle. Officers transitioned from trying to apprehend the passenger, to life saving efforts.

Officers placed Mr. Travis on his back and Corporal Bowie began chest compressions. Officer Gossert indicated that Mr. Travis had a pulse, Corporal Bowie could see his body was still moving. At some point, another officer relieved Corporal Bowie. Chest compressions were restarted again until paramedics arrived. Officers also rendered medical aid on the driver of the vehicle.

Corporal Bowie was asked about the possibility of a potential firearm being discarded during the pursuit. Corporal Bowie said, “In my 18 years of being a police officer in the city, I’ve seen weapons and firearms thrown from vehicles several times throughout my career. I have many reasons to believe that

a gun was potentially thrown from this vehicle. He had multiple opportunities. Clear, his passenger had been shot...but he, during the course of that 20-plus minute pursuit, was driving so erratically, that there were several moments where something, a firearm, a weapon of some sort could have been tossed from that vehicle.”

Officer Andrew Davis

On July 1, 2022, DOJ Special Agent Wyatt and SBSO Detective Hernandez conducted a voluntary interview with Officer Davis. Also present was attorney representative Christopher Kucharski.

Officer Davis had been a police officer for five years. He was assigned to the RTD. He had no prior law enforcement experience before coming to FPD. Prior to the interview, Officer Davis reviewed all available video except the helicopter footage.

On the day of the incident, Officer Davis’s partner Officer Garcia advised he had a case in the works. Garcia notified the team he had a criminal informant that was going to order up an illegal assault rifle and they would purchase the rifle at Jack in the Box. Officer Garcia had used this informant before so Officer Davis believed that the information would be accurate. Officer Davis said that they had two or three photos of the potential subject, which was an unknown Black male adult, driving a black Mazda. The plan was to have a marked unit in the area just in case the vehicle went into a pursuit. The plan was to conduct a vehicle takedown to safely apprehend and detain the suspects in the vehicle. The team received their assignments, and they headed to the location of the buy.

Officer Davis indicated that, during these operations, they always expected the suspect to bring the firearm that is for sale and typically have another weapon.

The informant was not getting back to the case agent, so they decided to end it and return to the station. About 30 minutes later, Officer Garcia received a text message from the information and said that sale was “now a go.” The officers headed back to the Jack in the Box. They waited about an hour or two, and the suspect vehicle arrived to the location and parked next to the bait car occupied by Officer Millan. Officer Falconieri and Officer Davis were riding in the gray F-150 together. Officer Davis alerted the other units that the suspects were in the vicinity.

At that point, Sergeant Guthrie said, “let’s take him,” which they knew to mean conduct the vehicle take down. Officer Davis drove his vehicle and parked it behind the suspect vehicle to prevent them from escaping. Officer Davis exited the vehicle on the driver side. He closed the door. The windows on the suspect’s vehicle were tinted so he could not see inside. Then, he heard the suspect vehicle’s engine revving. He saw and heard his truck being collided into. Simultaneously, he heard Sergeant Guthrie advising the driver to get out.

Officer Davis said that his truck was shaking, and he took steps back because he was in fear that the suspect vehicle was going to cause his truck to hit him, or the suspect vehicle might run him over. After moving out of the way Officer Davis’ focus went to Sergeant Guthrie. Sergeant Guthrie was advising the driver of the vehicle to step out.

Officer Davis said the driver was not compliant, and saw the vehicle hop the concrete center median and flee. Officer Davis said he observed the suspect vehicle immediately make a right turn to avoid the marked unit coming southbound into the north entrance of the Jack in the Box.

Officer Davis said that the vehicle was driving erratically in the parking lot. He kept his eyes on the vehicle because he was scared the driver was going to come back and run over officers. Officer Falconieri told him to get into the car. At that point, Officer Davis ran into the grass area to the left of his location because he saw the vehicle coming towards his truck. After he determined it was safe, he joined Officer Falconieri in the truck.

Officer Davis said he did not have sight of the suspect vehicle when he began the pursuit. Officer Davis drove out to Sierra Avenue and made a southbound turn and went under the 15 freeway. He did not see the vehicle. While he was driving, he heard over the radio that Officer Millan advised that he had fired two rounds.

He continued driving when he heard over the radio an officer was “clear” to PIT just north of Summit Avenue. As he continued north of Summit Avenue, he saw the vehicle in the northbound lanes spun around after the PIT maneuver was conducted. He knew that the suspects were supposed to have a rifle and potentially another gun, so he grabbed his rifle. He wanted to be ready in case the suspects came out shooting.

The suspect vehicle turned back southbound in southbound lanes on Sierra Avenue. He observed the suspect vehicle passenger side tire roll off, and then continued driving at a high rate of speed.

He had a “long eye on the vehicle” and observed the vehicle run a red light through Sierra Lakes Parkway. Once the vehicle was through that light, he lost sight of it again. He heard over the radio that the vehicle was getting on the 210 freeway eastbound on-ramp. He entered the 210 freeway east and lost sight again. Officer Davis could see the suspect through the windshield once the car was stopped.

The driver was putting his hands up but he did not immediately exit the vehicle. From his vantage point, he could not see the passenger. Eventually the driver came out. The driver said, “You killed my homie.” Officer Davis noted minor injuries on the driver. After Officer Davis put the driver into a unit, and officers safely cleared the vehicle, Officer Davis approached the vehicle and observed Officer Garcia giving CPR to the passenger.

Officer Falconieri

On July 1, 2022, SBSO Detective Thurman and DOJ Special Agent Genens conducted a voluntary interview with Officer Falconieri. Also present was attorney representative Christopher Kucharski.

At the time of the OIS, Officer Falconieri was assigned to the RRT as an officer for FPD. Officer Falconieri started with FPD in June of 2017. He worked on patrol until he moved onto the RRT.

Officer Falconieri reviewed BWC from Officer Davis, Sergeant Guthrie, Officer Garcia, Corporal Bowie, and the San Bernardino County Air unit video.

On the day of the incident, Officer Falconieri learned from Officer Garcia that he had a possible assault rifle deal. For the rifle transaction, the informant would act as a “middleman” and they would purchase the assault rifle from the suspect at the McDonald’s located at Sierra Avenue and 15 freeway, in the City of Fontana.

Officer Garcia made an operations plan, and it was briefed. Roles were designated, and Officer Falconieri was assigned as the takedown officer with Officer Davis. Officer Falconieri was designated to have the less lethal option. Officer Falconieri had a 40-millimeter launcher and a Taser.

Officer Garcia was able to identify what the suspect looked like through Instagram. Officer Garcia showed the suspect's Instagram page and it appeared to look like a younger, Black male adult with tattoos and dreadlocked hair. He also observed posts where the subject had a handgun that he was "waving around." Officer Falconieri did not think they had a name or address, but they knew that he was coming from Hemet.

The plan was to place Officer Millan in a bait car, which would be parked at the Jack in the Box parking lot. They selected Officer Millan to be in the bait car because he resembled the informant. Officer Millan was in a white Honda Civic. At the time of the operation, Officer Falconieri and Davis backed their F-150 into the south side of the Jack in the Box parking lot behind the Honda Civic. They parked there so they would have a good eye on the suspect.

At around 5:00 PM, they were advised by Officer Garcia that the target would be coming in a black Mazda. Officer Garcia stated that the target advised the informant that the suspect was getting a ride from someone, so officers were expecting at least one other person besides the suspect delivering the rifle. At approximately 5:30 PM, Officer Davis and Officer Falconieri both saw a black Mazda sedan pull into the McDonald's parking lot.

The plan was to tell the informant to tell the suspect to go the Jack in the Box parking lot instead of McDonald's. They kept eyes on the Mazda and it circled around the McDonald's and then came back eastbound into the Jack in the Box parking lot.

Officer Falconieri had a clear view through the windshield. He could see a Black male sitting in the front passenger seat, and another male in the driver's seat. The black Mazda pulled into the stall directly next to the white Honda. There were other open spots, but the suspect vehicle with an individual matching the description of the suspect pulled up next to the bait car. This led them to believe it was the suspect vehicle. Sergeant Guthrie gave the command to initiate the take-down.

Officer Davis pulled out of their spot and pulled behind the Mazda, and parked the truck. As soon as they parked the vehicle, Officer Falconieri exited the truck from the passenger seat. He drew his handgun because he knew that there was at least one short barrel rifle in the car.

In the past, when officers had contacted subjects in similar operations, the suspects had brought multiple firearms on their person, to protect themselves or attempt to rob the person purchasing the guns. Going into the interaction, Officer Falconieri's level of danger was heightened.

Officer Falconieri pointed his firearm at the vehicle and gave the command "put your hands up." As he was giving the command, the black Mazda reversed and "very quickly" backed into Officer Davis' and Officer Falconieri's truck. The vehicle hit "the front passenger side wheel." He said, "It seemed like it was revving or driving backwards into the truck for maybe 1-2 seconds before it stops because I think the driver realized he wouldn't be able to push our truck out of the way."

Immediately after, Officer Falconieri saw Officer Millan open the passenger door of the suspect vehicle. Officer Falconieri saw a Black male adult sitting in the passenger seat. As Officer Millan opened the

door, the Black male adult used his right hand to try to pull the door shut. Officer Falconieri gave another command to “put your hands up.” He did not see anybody’s hands go up.

At the same time, Officer Falconieri said, “I saw in the left hand of the black male adult a black item, I couldn’t make out what it was because I was still probably about 10 feet away from the car and the black male adult was moving around trying to pull the door shut.”

Officer Falconieri said the object being held by Mr. Travis was, “down level with his belly button down near his stomach...[the object was] halfway extended. It wasn’t right up against his stomach, but it also wasn’t straight out. It was kind of just in front of him”

As he gave the second command, the black Mazda drove forward. As it was driving over a large curb in the parking lot that separated the parking lot into two, he heard what he thought were two gunshots.

The Mazda continued northbound and it looked like they ran into the marked unit almost head on. The Mazda was able to bounce off or steer after colliding with the unit, and it went eastbound in the Jack in the Box parking lot towards the restaurant.

At that point, Officer Falconieri believed that they were going to evade and flee. He jumped into the passenger seat of the truck. Officer Davis, Millan and Sergeant Guthrie all had moved northbound in the parking lot because the black Mazda had to circle around the lot back towards them. They moved out of the way to avoid being hit by the vehicle.

Officers Davis and Falconieri pursued the vehicle. The pursuit reached 100 MPH under the 15 freeway underpass. As they approached Summit Avenue, Officer Davis yielded the UC truck to the shoulder, and a second marked police vehicle that was in the area was able to take second in the pursuit.

Officer Davis and Falconieri followed the chase to the termination point.

Officer Alex Millan

On July 14, 2022, Officer Millan provided a voluntary statement. The interview was conducted by SBSO Detective Shawn Thurman, and DOJ CaPSIT Special Agent Wyatt. Also present was attorney representative Christopher Kucharski.

At the time of the OIS, Officer Millan was an officer assigned to the FPD RRT. Officer Millan was hired by the FPD on August 12, 2019. Prior to working at the FPD Officer Millan worked at the San Bernardino County Sheriff’s Department for five years. He started there in August 2013. Officer Millan had been involved in a non-fatal OIS while working for the San Bernardino County Sheriff’s Department.⁶ Prior to the Sheriff’s department, he worked for Palm Springs Police Department, where he started in December 2012.

⁶ On January 8, 2018, Officer Millan, working as a deputy for the San Bernardino County Sheriff’s Department, was involved in a non-fatal OIS. Officer Millan responded to a call involving two suspicious individuals. One of the suspects was armed with a 12-gauge shotgun. Deputy Millan believed that the suspect was going to shoot him when the suspect adjusted his grip on the gun and turned his body in Deputy Millan’s direction. The San Bernardino County District Attorney’s Office found Deputy Millan’s use of force proper and legally justified.

Before providing a voluntary statement, Officer Millan reviewed video and body worn camera from the San Bernardino County helicopter, Officer Falconieri, Sergeant Guthrie, Officer Davis, and Corporal Bowie.

Officer Millan started his shift June 12, 2022, at 12:00 PM. During his shift, Officer Garcia mentioned he had a case regarding the sale of an illegal firearm. Officer Garcia said that there was an unknown Black male, and an unknown Hispanic male who were selling an illegal firearm. The firearm was not sold through a dealer, nor did it have a serial number, which would make it illegally sold and possessed. Officer Millan said that he did not get any other background information on the suspects during the briefing other than a photo of a Black male with dreadlocks and the description of a Hispanic male. Officer Millan was not aware of any additional social media information, nor did he ever review anything other than the photograph described.

Officer Millan did not see a paper copy of the operations plan, but the information on the plan was read aloud. For the operation, Officer Millan was assigned to get in an unmarked white undercover vehicle and park in the Jack in the Box parking lot to wait for the suspects to arrive. Officer Millan was not sure how Officer Garcia was in contact with the suspects, but the suspects believed that they were selling the firearm to a Hispanic male. Because Officer Millan matched the description, he volunteered to take that role. Officer Millan was instructed to park the vehicle in the Jack in the Box parking lot towards the back. Officer Millan was dressed in plain clothes so as to not to tip off the suspects that this was a police operation. His team would take their positions so they would have an advantage of knowing when the suspect vehicle was going to arrive. The marked unit would box the suspect vehicle from the back and activate their lights and sirens. Sergeant Guthrie would box the suspect vehicle from the driver side also activating his lights. Officers would then give commands for the suspects to exit the vehicle. Once they were able to detain them safely, they would recover the illegal firearm they were trying to sell and investigate any other possible crimes.

Officer Millan was asked if it was likely that suspects selling firearms would be armed with a firearm. Officer Millan said, "Yes, several times. Usually, these guys are – they like firearms, and they're career criminals. And they'll try to sell firearms that have been used in crimes to get rid of them, and – so they're not pointed to them. And also, they have firearms to protect themselves as far as if they want to, you know, also rob the person knowing that they're going to show up with money. You know, you – we really don't know who we're meeting at that point or what their mindset is... [they may also want] to intimidate, to scare...to show their affiliation to criminal activity." Based upon the totality of the circumstances, Officer Millan had reason to believe that there would be other weapons in the vehicle.

After the briefing, the RRT set up the operation, but the suspects did not show up. They eventually "called it" and headed back the station. Within 10-15 minutes at the station, Sergeant Guthrie informed everyone that Officer Garcia needed them back at the incident location. Everyone went back into their positions with the same assignments.

Officer Garcia notified over the radio that the suspect vehicle was arriving. Officer Falconieri broadcast over the radio that he saw the Mazda enter the apron off Sierra Avenue. He identified two subjects in the vehicle as they circled the Jack in the Box parking lot. As they were pulling in Officer Millan was able to identify the black Mazda and the passenger as being the same Black male that was in the picture shown to him by Officer Garcia. The suspects were given instructions to park next to Officer Millan's vehicle, and they did.

Officer Millan was told not to leave his vehicle unless there were exigent circumstances. If everything had gone according to plan, Officer Millan would have just sat in the bait vehicle and waited until the other officers secured the suspects.

The officers in the gray Ford F-150 boxed in the suspect vehicle from the back and turned on their lights and sirens. Sergeant Guthrie approached from the driver's side of the suspect vehicle. Guthrie parked, and there was an additional FPD unit approaching from the front of the suspect vehicle with lights and sirens.

Officer Millan heard commands given by other officers for the suspects to come out with their hands up. Immediately, the suspect vehicle reversed and crashed into the F-150.

Officer Millan said "based on my partners were already outside of the vehicle and the suspect reversing and ramming their vehicle, I didn't know if they were pinned between the cars. I didn't know if – I didn't have eyes on them or if they were injured at all. I grabbed my vest from the passenger floorboard and threw it over – over, yeah. I put it on and exited the vehicle I was driving." Officer Millan put on his vest to make sure it was apparent to other officers, the suspects, and the public that he was a police officer. Officer Millan did not activate his BWC at that time because his main priority was the safety of his partners.

As he approached the suspect vehicle on the passenger side, he saw the Black male adult passenger reach down towards his feet and look over to the driver's side to the Hispanic male. At that point, Officer Millan saw Sergeant Guthrie attempting to take the Hispanic male into custody. All of Officer Millan's attention was on the passenger. Despite being ordered to do so, neither the driver nor the passenger of the vehicle put their hands up. Officer Millan was concerned with the movement of the passenger. In his experience, when a suspect made furtive movements, "it generally means they're going to reach for a weapon, they're grabbing something that's illegal either to hide it or to use it." In that moment, Officer Millan believed that the passenger was "reaching for a weapon knowing the circumstances of this case and...my experience." Officer Millan said further, "I was scared for my life and my partner's life being that we have no control of the situation."

Officer Millan approached the car to remove the passenger who he had identified as the suspect attempting to sell the firearm. Officer Millan could not see his hands, so he opened the passenger car door. Officer Millan said, "I opened the vehicle door...I couldn't see all the way into the vehicle from as far as where he was reaching to." Officer Millan was on the outside of the passenger door but could look down into the passenger compartment and see the suspect (Mr. Travis).

Officer Millan did not consider retreating at that point because he believed that the passenger was a threat. He was also concerned that if he retreated he could get shot in the back or get pinned between the cars. Officer Millan said, "I was stuck pretty much between my UC ride, or my UC vehicle and the suspect vehicle." "The black male adult then, like, sat back up in the seat. I opened the front passenger door. The window was tinted, so as soon as I opened it, I can see into the vehicle and saw the passenger seated up with a black firearm between his legs." "He (Mr. Travis) had the firearm in his right hand between his legs." "The barrel was canted towards the left, towards where the sergeant was. But it was still between his legs at that point."

Officer Millan described the firearm as “a smaller black firearm. It fit pretty much within his palm between his legs. It wasn’t, like a, a full-size handgun...It looked more manufactured being that the, I guess just the design - - I’ve seen a lot of manufactured weapons. It didn’t look really clean and, like, precise cuts, and kind of like our - - I guess what - - like what a normal clean gun looks like...It was semi-automatic...It was a black grip, handgrip with a black rail. That’s pretty much just, like, a small, compacted firearm. It looked beat up. Like, it wasn’t brand new.”

Officer Millan had opened the passenger door with his left hand and had his firearm in his right hand. As the vehicle was still pinned against the Ford F-150, Officer Millan said, “The black male pulls the firearm out towards me, points it in my direction. That’s when I shoot one round. I shoot a second round as the suspect’s hand’s coming back in and the door closes. But I still believe the firearm was pointed in my direction, and the black male was still looking at me with the firearm in his hand pointed at me.”

Officer Millan did not consider using less-lethal options. Officer Millan said, “At that point, a weapon was presented to me. There’s not - - I’m not going to present less lethal against a lethal weapon.” Officer Millan also explained that he did not believe a Taser would be effective within such a close range. At close range, the Taser prongs would not achieve the spread required to create the neuromuscular incapacitation. If the Taser was not effective the subject would have still been able to move his hands and utilize the firearm.

When asked about his mindset when he fired at Mr. Travis, Officer Millan said, “I think his - - or my mindset was kind of looking at him when - - as soon as I exited the car. He had looked at - - he looked, like, determined, serious. He didn’t look scared. He was kind of - - it was more of that look that I think - - that I’ve experienced that someone who - - in clear words, like, he had that fight or flight. And I’ve seen the flight where they look at me, and they take off running. They’re just trying to evade. But I’ve also seen the fight kind of experience to where they stand their ground, and they’re going to, you know fight you. And now it’s between you and them. So that’s a very scary feeling knowing that now I have a suspect who has a firearm in his hand, and I have no control of the car either. So, that’s also a threat to me.”

Officer Millan concluded saying, “[his intent was] to fight. And his intent was to get away and use the firearm. I mean, there’s no reason for him to have a firearm if he’s not going to use it...he pulled the firearm from between his legs and pointed it towards me. So, I thought he was going to shoot me and wanted to kill me.”

The suspect vehicle accelerated at a high rate of speed over the standard divider of the Jack in the Box parking lot. It rammed the marked police car and then circled the parking lot and exited towards the market areas, the gas stations, and the main road on Sierra Avenue.

Officer Millan got in the unmarked unit, followed the gray F-150 out of the parking lot, and trailed the pursuit. Officer Millan trailed the pursuit from the radio traffic. Over the radio traffic, Officer Millan heard the officers were attempting a PIT maneuver. For officer safety, Officer Millan broadcast over the radio that the passenger reached for a firearm because, after a PIT maneuver, Officers move in to detain the subjects. Officer Millan followed the pursuit to the termination point and assisted other officers who were up front.

When he arrived, Officer Millan could hear officers giving commands to the driver. He was not sure if the driver could hear because of the helicopter above or the freeway noise, so he got on the PA system and started giving commands to the driver to exit the vehicle with his hands up. At that point, based on everything that had happened, Officer Millan was concerned that the driver might exit and come out shooting.

Officer Millan gave several commands; after several minutes, the driver exited the vehicle with his hands up. Officer Millan walked him back towards the officers where he was taken into custody. Officer Millan did not assist any further.

CIVILIAN WITNESSES TO THE OIS

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

W-1

On June 22, 2022, at 7:31 AM, Special Agent Wyatt interviewed W-1 in the parking lot of the Jack in the Box restaurant located at 3910 Sierra Avenue, Fontana.

On the day of the OIS, W-1 went to Coffee Klatch. W-1 thought the prices were too high, so he went over to McDonald's to get a drink and then return. As he was walking back, W-1 heard what sounded like three gunshots. Then, W-1 said police "took off after the guy." W-1 did not see any people, just vehicles. W-1 said that it seemed like the "perpetrator" got "the jump" on the officers and was able to leave before them. W-1 described the suspect car as "flying" through the area. According to W-1, the officers were not able to "quickly pursue" the vehicle because they were facing the wrong way. W-1 then observed officers pursue the vehicle towards the freeway.

W-2

On June 28, 2022, Special Agents Wyatt and Ibarra interviewed W-2 at the Chevron gas station at 3870 Sierra Avenue. W-2 worked at the gas station, usually from 4:00 to 9:00 PM.

On the day of the OIS, W-2 was talking to a customer when W-2 heard a "bump," like somebody "bumped a car." W-2 saw the suspect's car between either an SUV or truck and a car. It seemed like police were trying to stop whoever was in the car.

W-2 saw the police get out of their vehicles. W-2 went inside and then heard two shots. W-2 went outside to look again and saw the car that was between the truck and the police car go around the parking lot, and the police officers running inside their cars. W-2 saw the car driving off fast towards Sierra Avenue.

Adolfo Quintana's Interview

Adolfo Quintana was the driver of the suspect vehicle. On June 21, 2022, SBSB Detectives Hernandez and Thurman conducted an in-custody interview of Mr. Quintana at the FPD. Mr. Quintana was advised of his constitutional rights by Detective Hernandez, and Mr. Quintana agreed to speak with Detective Hernandez.

Mr. Quintana stated he was asked by Mr. Travis to give him a ride from Hemet. Initially he said that he did not know Mr. Travis's name, but he knew his face from the neighborhood. Mr. Quintana was driving his wife's car when he was offered forty dollars by Mr. Travis to give him a ride. Mr. Quintana said that he needed gas money, so he agreed to give Mr. Travis a ride. They drove to an unknown gas station where Mr. Quintana refueled his vehicle and then they continued to Fontana.

Mr. Travis asked Mr. Quintana to drive him to a Jack in the Box, but Mr. Quintana was unsure where he was driving. Mr. Travis provided turn by turn directions. When they arrived at the Jack in the Box, Mr. Quintana said Mr. Travis was shot at, so he fled in fear for his life. Mr. Quintana stated he was not paying attention when he parked at the Jack in the Box and denied hearing or seeing anything prior to the shots being fired.

Mr. Quintana said he was unsure why the police were behind him at first after he fled. When questioned about why there was video showing two people near his car prior to him fleeing, Mr. Quintana replied that he was not sure who approached his car. When questioned about other vehicles that were near his car during the incident, he replied that he was not looking when he drove away.

Mr. Quintana eventually admitted that he knew the police were behind him because of their red and blue lights, but he refused to stop because he was scared because they had just shot Mr. Travis.

When questioned if Mr. Travis had anything with him, in his hands or a bag, Mr. Quintana said "I don't even know ... what he had like uh ... in the car, I was waitin for him, and that was it and fuckin, we took off, and then I know... when I was sitting in the back of that cop car, the other officer, uh he was saying, that.. that, he said that he had a firearm, and... to me, that's not true because, I didn't know anything of any firearm in the car. Nothing like that."

When questioned again if Mr. Travis had anything with him, Mr. Quintana said he had a bag that was in the trunk. He described the bag as a Nautica bag but denied knowing what was inside of the bag, nor did he ask Mr. Travis what was inside the bag. Mr. Quintana described the bag as being green or blue. Mr. Quintana said that Mr. Travis placed the bag in the trunk.

Mr. Quintana said that he fled because he was scared. He stated that he has had problems with the police since he was twelve and he was not stopping for the cops. He stated he has been beaten by the police and he does not stop for cops.

When asked where he was going to drive to, Mr. Quintana said that he was going to drive to the hospital but then decided to drive back to Hemet.

Mr. Quintana stated that when he was seated in a police vehicle he overheard an unknown officer stated that someone had mentioned there was a handgun in Mr. Quintana's vehicle. Mr. Quintana repeatedly stated that there was never a handgun inside of his vehicle and that he would not allow Mr. Travis to enter his vehicle with a handgun.

When told that his actions led to Mr. Travis being killed, Mr. Quintana replied, "I didn't get anybody killed, no I didn't, no I didn't, that officer fired off, didn't even see a fuckin firearm, didn't see a gun, he shot. That was that officer's fault."

Mr. Quintana continued, “Whatever officer, fired that firearm, because he was not trained properly, because they tried to say he had a gun on him and he didn’t. You gonna try and say the phone was a gun and there was never a gun...He didn’t even do anything... he had his phone in his hand in the car... and the cops shot it, you guys killed him.”

Mr. Quintana maintained that there was no handgun in his car, but that Mr. Travis was holding a cellphone at the time of the shooting. “The only thing I can think of -- of T’s movements, is his hand going towards... to take off the seatbelt[.]”

At approximately 3 hours and 28 minutes into the video recorded interview, Mr. Quintana said, “He did this or some shit... and then I heard the shot.” While making that statement, he reached his right hand across his lap and towards his left side of his waist.

When questioned how wide Mr. Travis’s passenger door was open during the movement, Mr. Quintana replied “It was open wide enough... for som—for someone to see... to make a bad judgment call...”

When questioned to what Quintana could see outside of the open passenger door, he replied that there was a white car. He believed that Mr. Travis’s feet were inside of his car and that he reached towards the car door, then reaching back towards his waistband. Mr. Quintana stated that Mr. Travis had a phone in his left hand.

Quintana said, “I think the officer knew what he was doing...when he shot him... I feel like he knew exactly what he was doing. Like they train... whatever so, I felt like he thought this dude was trying to reach for something... and he shot him...He had a phone in his hand, he didn’t have nothing, no...”

When questioned why Mr. Quintana believed that Mr. Travis was shot, and not himself, Mr. Quintana replied that he didn’t move his hands “Because my hands... I didn’t move my hands... only thing I moved really was my hand back (*motioning to his right hand shifting*) and my foot down on the gas... I didn’t move this hand here (*motioning to his left hand on the steering wheel and then reaching across his waist*) I didn’t do this.. I didn’t... I didn’t lift up my hand... I just did this (*motioning to his right hand shifting*).

“T on the other hand (*undistinguishable*) opened the door and reached back in (*motioning to his right hand reaching across his waist from the right side to his left hip*). Obviously, there was som- obviously, there was somebody on that side already as soon as I pulled up... there was somebody already right there... ready or whatever the hell... and, and, and that’s why they were that close to whatever the hell...”

When Mr. Quintana was asked in his opinion, what he thought Mr. Travis’s movement looked like, he replied, “I know what it looks like – it looks like you’re reachin for something. I know what it looks like.” When asked to be more specific, Mr. Quintana replied again that it looks like you are reaching for something. “In a cop’s eyes, it looks like he was reaching for a weapon... and that’s what you wanted to hear.”

At the conclusion of the interview, Mr. Quintana was booked by FPD for the following charges: Evading a Police Officer, Wrong Way Driver, ADW Not Firearm on a Peace Officer, Felon in Possession of a Firearm and Unlawful Possession of Ammunition. The prosecution of Mr. Quintana was handled by the San Bernardino District Attorney’s Office. On March 30, 2023, Mr. Quintana pleaded guilty to Evading an Officer, Assault with Force Likely to Produce Great Bodily Injury, and Possession of a Firearm by a Felon.

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. (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 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. Moya* (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 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.)

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.) 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

DOJ has completed an independent investigation and review of the facts and circumstances that led to the death of Mr. Travis. This analysis is based on all the evidence provided to DOJ in this matter, including police reports, witness statements, forensic evidence, Coroner's report, body-worn camera footage, surveillance footage, cellular phone data, and social media data.

Because a prosecuting agency would need to affirmatively prove beyond a reasonable doubt that Officer Millan did not act in lawful defense of himself or others, this is the primary issue in determining whether criminal charges should be filed. A detailed analysis of the evidence pertaining to the OIS demonstrates that a prosecution could not establish that Officer Millan was objectively unreasonable in determining that lethal force was necessary to protect himself or others, or that he did not actually hold this view. This is true whether Officer Millan actually observed a firearm that was later discarded or Officer Millan mistook another black object (cell phone) for a firearm. Therefore, the evidence is insufficient to support criminal charges.

Officer Millan reasonably believed that deadly force was necessary to defend against imminent threat of death or serious bodily injury to himself or others

A reasonable officer in the same situation as Officer Millan, knowing what he knew about the suspects, the transaction and observing what Officer Millan observed, would believe that Mr. Travis was armed and had the present ability to immediately cause death or serious bodily injury.

As background, every officer on the RRT indicated in their statements that it is common for individuals selling firearms to carry a personal firearm. Further, immediately preceding the OIS, the suspects reversed their vehicle and rammed into an FPD truck nearly striking two officers. An officer could reasonably infer from the suspects conduct that they would continue to use deadly force to escape.

Both Sergeant Guthrie and Officer Millan stated they observed Mr. Travis make furtive movements towards the floorboard of the suspect vehicle as they initiated the takedown of the suspects. Furtive movements, especially in the context of a firearm transaction, suggested to Officer Millan that Mr. Travis might either be hiding contraband, or arming himself.

Officer Millan said that as he approached the suspect vehicle on the passenger side he, “saw the black male adult passenger reach down towards his feet, and look over to the driver’s side to the Hispanic male.” Officer Millan saw Sergeant Guthrie attempting to take the Hispanic male into custody. Despite being ordered to do so, neither the driver nor the passenger of the vehicle put their hands up.

Officer Millan’s view into the suspect vehicle was initially obstructed by the tinted windows. To get a better view of the suspects, Officer Millan opened the passenger door. Officer Millan said, “The black male adult then, like, sat back up in the seat. I opened the front passenger door. The window was tinted, so as soon as I opened it, I can see into the vehicle and saw the passenger seated up with a black firearm between his legs.” “He (Mr. Travis) had the firearm in his right hand between his legs.” “The barrel was canted towards the left, towards where the Sergeant (Guthrie) was. But it was still between his legs at that point.” No other officer involved in the operation observed a firearm, but Officer Falconeri did observe a small black object in Mr. Travis’s left hand, which was level with his stomach and partially extended. Officer Millan provided a detailed description of the alleged firearm. Officer Millan described it as smaller black firearm, possibly manufactured based on his experience. Officer Millan then described Mr. Travis pulling up the weapon firearm toward him and pointing it in his direction. It is at this point that Officer Millan used lethal force. A reasonable officer who under the circumstances who observed a firearm drawn up in his direction would utilize lethal force.

Similarly, a reasonable officer in the same situation would believe that Mr. Travis had the apparent intent to immediately cause or serious bodily injury. Again, Mr. Travis and Mr. Quintana arrived at the location to sell an illegal firearm. Once the takedown occurred, they did not cooperate with law enforcement commands. Rather they demonstrated intent to escape by violence. They refused all commands and more importantly Mr. Quintana put his vehicle into reverse and struck the police vehicle in his attempt to flee.

Officer Millan’s observation of the positioning of Mr. Travis’s firearm further demonstrates the apparent intent to immediately cause death or serious injury. He initially described the firearm as canted toward a fellow officer. Officer Millan subsequently described a movement of the firearm towards a pointing position in the direction of himself. These movements, combined with the refusal to accede to

commands and other facts and circumstances would lead a reasonable officer to conclude that Mr. Travis had the apparent intent to immediately cause death or bodily injury to the arresting officers.

Officer Millan actually believed in the need to defend against imminent peril

Additionally, the evidence shows that Officer Millan subjectively believed he was acting in self-defense, and in the defense of his fellow officers, when he shot and killed Mr. Travis. In his voluntary statement, Officer Millan indicated that he observed Mr. Travis make “furtive movements” in the suspect vehicle shortly before opening the door to the vehicle. After opening the door, Officer Millan observed a small black firearm canted towards Sergeant Guthrie. Mr. Travis turned the firearm towards Officer Millan, and Officer Millan fired two shots in response. In that moment, Officer Millan believed that Mr. Travis was, “reaching for a weapon knowing the circumstances of this case and...my experience.” Officer Millan said further, “I was scared for my life and my partner’s life being that we have no control of the situation.”

The failure to recover the perceived firearm does not negate the application of self-defense

After the termination of the pursuit, Officers searched the suspect vehicle. No handgun was located inside the passenger compartment. Further, DOJ CapSIT agents did not locate any firearms after canvassing portions of the pursuit path twice. On July 4, 2022 (13 days after the OIS), DOJ CaPSIT agents canvassed the initial portion of the pursuit path on foot. When DOJ CaPSIT agents learned that FPD officers had lost sight of Mr. Quintana and Mr. Travis during the pursuit, they conducted an additional canvass on July 16, 2022 (25 days after the OIS). On the second canvass, DOJ special agents utilized two FDP police canine units trained to search for firearms. Neither canvassing discovered anything of evidentiary value.

There were, however, three cell phones located inside the passenger compartment, and the AR-15 style rifle in the trunk. The failure to recover the firearm perceived by Officer Millan does not negate the applications of the legal principles of self-defense in this case.

First, Mr. Quintana led police on a dangerous 22-mile chase in an effort to evade police. Throughout the chase, Mr. Quintana ran stop signs, ran stoplights, drove into oncoming traffic, and reached speeds over 100 MPH. Officer Garcia and Corporal Bowie noted in their statements that they lost sight of the suspect vehicle multiple times because of Mr. Quintana’s unpredictable and dangerous maneuvers. This gave Mr. Quintana multiple opportunities to discard any firearms that may have been in the passenger compartment.

Second, Mr. Quintana indicated that the furtive gestures and objects grabbed by Mr. Travis were not a firearm but rather a cell phone. Numerous cell phones were recovered within the cabin of the vehicle. Mr. Quintana’s statements, however, are inherently unreliable. For example, Mr. Quintana told FPD that he drove Mr. Travis to Fontana because Travis offered him money. Mr. Quintana stated that he had no idea why they were driving to the Jack in the Box in Fontana. In addition, he said Travis brought a Nautica bag but denied knowing what was inside the bag (the AR-15 was located inside the bag by police following the pursuit). Further, throughout the interview Mr. Quintana made it seem like he hardly knew Mr. Travis.

To the contrary, a review of the cell phone data and internal communications showed that Mr. Quintana and Mr. Travis had conspired together to sell the AR-15 that was offered for sale to police.

Additionally, Mr. Travis and Mr. Quintana had been in contact for over a month and discussed firearms over Instagram chat.

In conclusion, the position that Mr. Travis may have been noncomplying with commands, reaching down making furtive gestures and sweeping movements with a cell phone, rather than a firearm, does not alter the legal conclusion. A criminal prosecution would have to prove beyond a reasonable doubt that Officer Millan did not actually believe this was a firearm and that it was objectively unreasonable for an Officer under these circumstances to believe Mr. Travis's actions constituted a deadly threat. Given the facts of this case, the knowledge of the officers, the noncompliance, the striking of the police officer vehicle and the furtive gestures perceived by multiple officers, the People would be unable to sustain this burden beyond a reasonable doubt.

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 Officer Millan. As such, no further action will be taken in this case.



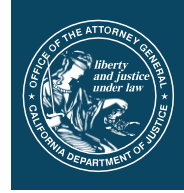
C A L I F O R N I A

DEPARTMENT OF JUSTICE

Policy and Practice Recommendations for the Fontana Police Department Related to the Officer-Involved Shooting of Darnell Trevon Travis on June 21, 2022

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

April 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 June 21, 2022, at approximately 7:12 p.m., Fontana Police Department (FPD) Rapid Response Team was performing an undercover and surveillance operation involving the sale of an unregistered assault rifle in a Jack in the Box restaurant parking lot. A confidential informant described the suspects as a Black male and a Hispanic male in a black Mazda. Shortly after a black Mazda arrived in the parking lot and parked next to an unmarked police vehicle occupied by undercover Officer Millan; the Rapid Response Team initiated a vehicle takedown. As the black Mazda attempted to flee, undercover Officer Millan opened the passenger door of the Mazda and observed the passenger, Darnell Travon Travis (Travis) reaching for what was believed to be a weapon. Officer Millan did not activate his body worn camera upon approaching the subject’s vehicle. Officer Millan fired two shots at the passenger side as the Mazda fled the parking lot. FPD pursued the Mazda for approximately 15 minutes, covering several freeways and a distance of approximately 22 miles. The vehicle pursuit ended on the highway after two Pursuit Intervention Technique maneuvers by FPD. It was discovered at the end of the vehicle pursuit that the passenger, Mr. Travis, was unconscious and had been shot in the back of his head. The driver, Mr. Quintana, surrendered on the freeway and was taken into custody. An AR-15 firearm was discovered in the trunk of the Mazda, but no weapons were located inside the vehicle’s passenger compartment. Mr. Travis died at the hospital from the gunshot to his head.

PPS evaluated all the facts and available evidence, and pursuant to its obligations under Government Code section 12525.3, subdivision (b)(2)(B)(iii), PPS advises FPD to review and implement three recommendations:

RECOMMENDATION ONE: DEVELOP WRITTEN POLICIES AND PROCEDURES FOR UNDERCOVER AND SURVEILLANCE OPERATIONS

PPS requested FPD's policies and procedures regarding undercover and surveillance operations, and FPD indicated they did not have any applicable policies and procedures. Additionally, FPD currently has no procedure or guidelines for authorizing and approving undercover and surveillance operations.

Major law enforcement agencies have standards and practices for authorizing undercover operations to ensure as much pre-planning is done in order to minimize the risks to undercover officers and the public. For example, Los Angeles Police Department's policy, Major Crimes Division, Standards and Procedures, Section VI, Undercover Investigations, Surveillance, and Informants, states: "No undercover investigation shall be commenced without the written approval of the Chief of Police and the Committee." Approval requires a written determination, stating supporting facts and circumstances, that shall be signed by the Commanding Officer, Major Crimes Division, through the chain of command to the Chief of Police and include:

1. Identity of suspect(s) by names and aliases and descriptive details (e.g. height, weight, race, tattoos).
2. Whether there is a reasonable suspicion to believe that the suspects may be armed and planning, threatening, attempting or performing unlawful acts;
3. The expected results of the undercover operation in terms of prevention of unlawful activity;
4. The anticipated manner in which the undercover operation will be conducted, including location and the likelihood that it could endanger uninvolved individuals, schools and businesses nearby.

(LAPD Major Crimes Division, 2019.)

FPD's lack of policies and procedures on undercover and surveillance operations undermines officer safety and public safety. Although a case agent on the Rapid Response Team developed an operations plan that was approved by a Lieutenant and a Sergeant, there was no guideline or policy that addressed the intended outcome of the operation, i.e., confiscation of the illegal firearm, or contingency plan if the officers were unable to contain multiple armed suspects.

The FPD operations plan consisted of: (1) Surveillance of an undercover (UC) buy/bust; (2) confidential informant provided minimal identifying information on suspects as a Black male and a Hispanic male in a black Mazda; (3) Once UC identifies suspects and vehicle, a vehicle takedown will be conducted; (4) If suspects refuse to exit vehicle, officers will establish a perimeter and attempt to negotiate with suspects to gain compliance and exit vehicle; and (5) Due to suspects being possibly armed and for the safety of the community, officers will attempt to apprehend the suspects prior to suspects fleeing on foot.

The Rapid Response Team consisted of four officers in unmarked police vehicles, including Officer Millan, who was designated as the "buyer," two back-up officers in another vehicle, and Sergeant Guthrie was the supervisor. The case agent and another supervisor, Corporal Bowie, were in a marked police vehicle staged in a different parking lot and not in plain view of the Rapid Response Team or the Mazda. According to the operations plan, the case agent would request a last-minute change in the

meeting location from a McDonald's parking lot to the Jack in the Box parking lot to verify the identity of the suspects in the Mazda as the sellers of the illegal firearm.

According to the officers' voluntary statements, Officer Millan was to remain inside the unmarked vehicle as a decoy at the Jack in the Box parking lot until the suspects arrived. It is also unclear from the operations plan whether Officer Millan would step out of the vehicle at any time to initiate a buy before the bust. Officer Millan did not activate his body worn camera upon approaching the subject's vehicle.¹ Sergeant Guthrie, Officer Falconieri, and Officer Davis were assigned to perform the vehicle takedown. The plan did not specify whether the "buyer" would first initiate the buy with the suspects, or at what moment the vehicle takedown would be carried out, i.e., initiation of the buy/bust or wait for the suspects to exit the vehicle to show the buyer the intended firearm for sale.

As an on-scene supervisor of an undercover and surveillance operation, Sergeant Guthrie's role, according to the written operations plan, was to "maintain control of the scene and make all necessary notifications in the event an officer is down, or an innocent bystander is injured." However, Sergeant Guthrie was also part of the vehicle takedown team, which is typically assigned to a primary contact officer with a cover officer nearby.

The body worn camera video shows Sergeant Guthrie became an active participant in the vehicle takedown by opening the driver side door of the Mazda and initiating contact with the driver, Mr. Quintana, prior to any communication between undercover Officer Millan as the "buyer" and the sellers. According to Sergeant Guthrie's voluntary statement, Mr. Quintana initially appeared to be compliant by lifting both hands up, but then suddenly shifted the vehicle in reverse and collided with an unmarked Ford F-150 police vehicle that was positioned behind the Mazda to block it in. The two back up officers on scene were standing outside of their vehicles with their weapons drawn when Mr. Quintana suddenly reversed and collided into the Ford F-150. These officers had to quickly reposition themselves to avoid being struck by the fleeing vehicle. Sergeant Guthrie was unable to visualize the tactical positions of other team members from the Rapid Response Team by becoming an active participant by contacting the driver and compromising his role as a supervisor. He was also unable to observe the passenger's movement while fully engaged with the driver.

The Field Training Officer (FTO) Manual requires all members of the undercover operations team to be provided with as much intelligence and identifying information about the suspects and vehicle as possible to ensure innocent civilians are not mistakenly identified as suspects if they happen to drive the same vehicle. The only information on the suspects was a Black male and a Hispanic male in a black Mazda. Based on officer interviews, not all officers from the Rapid Response Team had seen photos or videos of the Black male suspect prior to the operation.

¹ PPS acknowledges that Fontana Police Department Policy Manual 451.7 provides an exemption for undercover officers from wearing and activating their body worn camera (BWC), unless otherwise directed by a supervisor. The policy states that undercover officers shall activate their BWC during enforcement. FPD should consider additional policies regarding the activation of BWCs during enforcement actions, such as transitioning rapidly from undercover or surveillance operations to enforcement to enhance officer and public safety.

Finally, the operations plan only anticipated suspects possibly fleeing by foot, but did not have a contingency plan for suspects fleeing by car. A detailed operations plan should include planning for sufficient personnel to control the ingress and egress of the parking lot. While a marked police vehicle was staged nearby behind a coffee shop, it was not positioned close enough to observe the Mazda and respond in time. As the marked police car entered the Jack in the Box parking lot, the Mazda fled. Other motorists or pedestrians could have been struck by the fleeing vehicle. Notably, when the Mazda fled the parking lot, the primary officers in pursuit encountered traffic on Sierra Boulevard at approximately 7:15 p.m. and briefly lost visual of the Mazda.

PPS recommends FPD develop written policies and procedures for undercover and surveillance operations to ensure that the work of crime prevention does not compromise public safety and officer safety. The policies and procedures should include: (1) Guidelines for authorizing undercover and surveillance operations that define clear objectives and outcomes, and (2) Operations planning should include specific details and anticipated manner of enforcement, i.e., vehicle takedown, incident command and coordination so that the supervisor does not become the primary contact officer, and contingency plans for fleeing suspects to ensure officer safety and public safety².

RECOMMENDATION TWO: REFRESHER TRAINING ON USE OF FORCE POLICY

FPD's current Use of Force Policy (July 1, 2024) recognizes the ineffectiveness of shooting at or from moving vehicles and the potential risks to bystanders when discharging a firearm.

300.5.1 SHOOTING AT OR FROM MOVING VEHICLES

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b) [sic].) Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

PPS recognizes that officers often encounter unforeseeable and quick circumstances that require use of deadly force. However, FPD would benefit from and should periodically train its officers on seeking alternative or other reasonable means to avert the imminent threats, which may include seeking cover or moving out of the path of a moving vehicle. Deadly force should always be the last resort, not the first. The body worn camera video of another officer on scene shows that Officer Millan approached the Mazda after he heard the vehicle reverse and collide with the unmarked police vehicle. While other officers moved out of the path of the vehicle, Officer Millan proceeded to open the front passenger door of the Mazda while the engine was still revving. The Mazda suddenly jumped the concrete

² PPS recommends that FPD reviews as a reference the National Tactical Officers Association Operations' publication on "Tactical Response and Operations Standard for Law Enforcement Agencies" for guidance. (Published June 2023.)

embankment and drove erratically in the parking lot. There were reasonable means available to avert the threat of the moving vehicle, such as remaining in the police vehicle and calling for additional resources.

There is no way to determine an outcome when shooting into a moving vehicle. Any number of catastrophic events could occur inside the vehicle, as well as a potential threat to innocent bystanders, all of which could cause serious injuries or death when no verbal warnings were given prior to Officer Millan discharging his firearm. The inability to contain the suspects put the officers and public at risk of being hit by the fleeing vehicle in the immediate area of the stop, as well as the area of the pursuit.

PPS recommends that FPD provide refresher use of force training so that officers will make reasonable efforts to move out of the path of a moving vehicle when time and opportunity permit. Additionally, officers who are not readily identifiable as police officers, shall identify themselves as police officers and verbalize their intent to use deadly force, when it is safe to do so, such as using the public address system.

RECOMMENDATION THREE: DEVELOP A WRITTEN POLICY FOR HIGH-RISK FELONY STOPS

FPD's current policy manual, effective July 1, 2024, only covers traffic enforcement stops and investigatory stops, but does not discuss high-risk felony vehicle stops. The only reference to "Vehicle Stops/Felony/High Risk" is contained in the FTO Manual, which was last revised on October 8, 2018.³ The policy manual should contain a policy on high-risk felony stops.

The FTO Manual does not specifically define high-risk, or felony stops,⁴ and provides minimal guidance on officer safety tactics. The FTO Manual states for an investigative stop or detention to be valid, an officer must have a reasonable suspicion that "(1) Criminal activity may be afoot, and (2) The person you are about to detain is connected with that possible criminal activity." (FTO Manual at p. 220.) The FTO Manual identifies the following *minimal* considerations when making a felony/high-risk vehicle stop: (A) Seriousness of the crime; (B) Availability of back-up; (C) Location at which to make the stop; (D) Tactics to be used after making the stop; (E) Number of suspects involved. (*Id.* at p. 222.)

The FTO Manual requires the officers to communicate continued updates including: (1) vehicle description and license plate; (2) occupants, location, and description; and (3) reason for stop.

3 PPS recommends that FPD promptly update its FTO Manual (October 8, 2018) and Use of Force policy (July 1, 2024) by removing any reference to the use of "carotid restraint" and "choke holds" to comply with current state law.

4 High-risk or felony stops occur when an officer has a reason to believe that one or more of the occupants of the car may be armed, represent a serious threat to the officer, or have committed a felony. (State of California Commission on Peace Officer Standards and Training (POST) Learning Domain 22.01.03, "Categories of Vehicle Pullovers"; Learning Domain 22, "High-Risk Vehicle Pullovers"; and Learning Domain 26, "Rapid Deployment.")

Additionally, officers are to evaluate the need for additional assistance such as air support, K-9, or street closure when initiating a high-risk/felony stop.

PPS recommends that FPD develop a written policy for high-risk felony stops for its policy manual.