



C A L I F O R N I A

DEPARTMENT OF JUSTICE

Report on the Investigation into the Death of Jaime Valdez on November 11, 2023

San Bernardino County AB 1506

February 2026

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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 and family members of the decedent. The public interest in such information is limited as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure 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”), relative of decedent and 911 caller at 7:28 PM
- Witness 2 (“W-2”), relative of decedent and resident of 7197 Big Sur Street
- Witness 3 (“W-3”), relative of decedent and resident of 7197 Big Sur Street
- Witness 4 (“W-4”), neighbor
- Witness 5 (“W-5”), neighbor, wife of W-6, and 911 caller at 12:35 PM
- Witness 6 (“W-6”), neighbor and husband of W-5
- Witness 7 (“W-7”), neighbor and husband of W-8
- Witness 8 (“W-8”), neighbor and wife of W-7, and 911 caller at 4:57 PM
- Witness 9 (“W-9”), neighbor, husband of W-10, and 911 caller at 6:18 PM
- Witness 10 (“W-10”), neighbor and wife of W-9
- Witness 11 (“W-11”), neighbor and husband of W-12
- Witness 12 (“W-12”), neighbor and wife of W-11

INTRODUCTION

On November 11, 2023, Fontana Police Department (“FPD”) Officer Alex Yanez responded to a call and dispatch that an individual had threatened to kill everyone in a home located in Fontana, California, San Bernardino County and was in violation of a restraining order. Officer Yanez, who was on patrol alone that night, arrived a few minutes after the call and contacted Jaime Valdez outside the home. As Officer Yanez attempted to place Mr. Valdez in handcuffs, a physical altercation ensued. Officer Yanez used his Taser on Mr. Valdez, and Mr. Valdez assaulted Officer Yanez in the groin. Mr. Valdez then grabbed Officer Yanez’s firearm holster and tried to remove the firearm. Officer Yanez fought to maintain control of his firearm, and in the course of that brief struggle, he fatally shot Mr. Valdez.

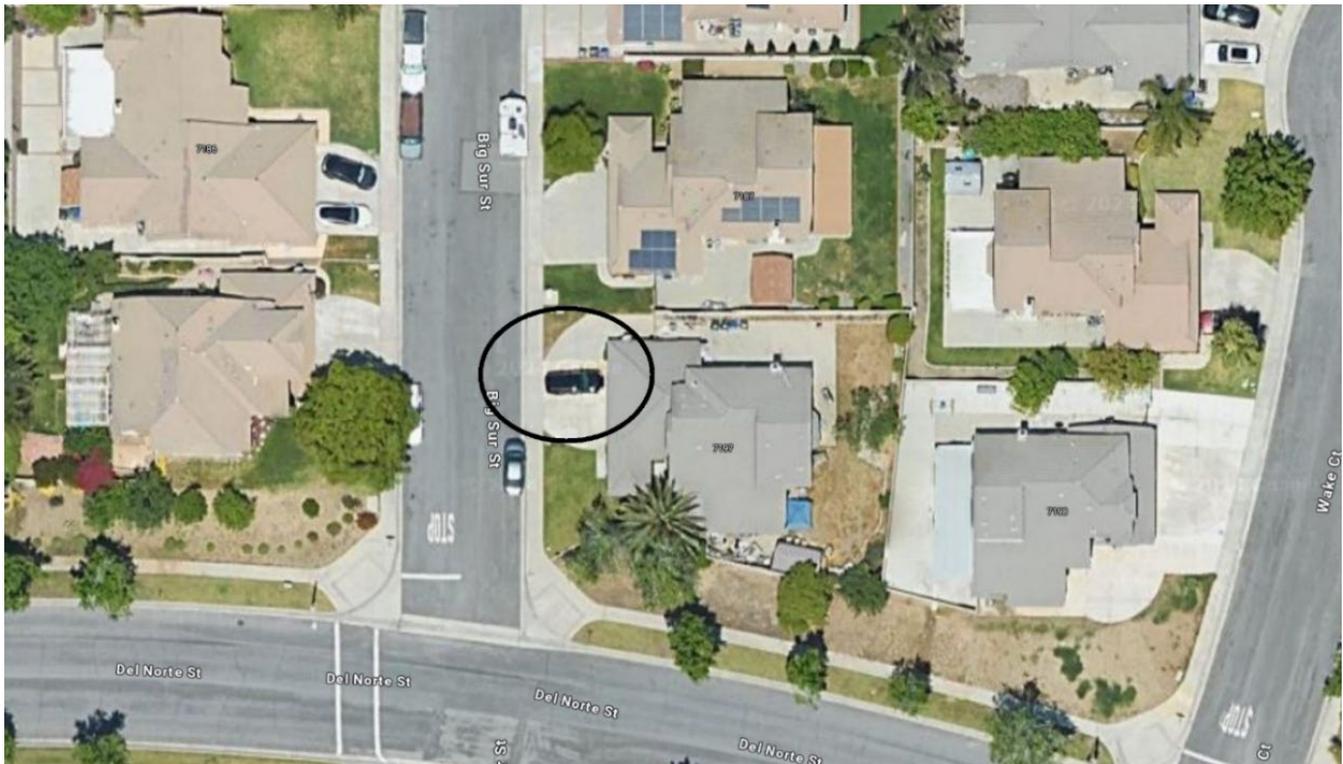
The DOJ investigated and reviewed the Officer-Involved Shooting (“OIS”) involving Officer Yanez and Mr. Valdez pursuant to Government Code section 12525.3. This report is the final step in that review and is limited solely to determining whether criminal charges should be brought against the involved officer. This 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 criminal 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 Yanez.

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

SUMMARY OF INCIDENT ¹

For several days leading up to November 11, 2023, Jaime Valdez had been loitering around a residential neighborhood in the City of Fontana, California. Mr. Valdez had family in the area who lived at a home located at 7197 Big Sur Street, but he did not live at that address. For days, several neighbors observed Mr. Valdez wandering and pacing around the neighborhood, yelling at himself, and lying in the middle of the sidewalk, sometimes for hours both day and night.

On November 11, neighbors called the police to report Mr. Valdez's behavior, and the FPD responded on three separate occasions that day. However, each time they responded, police either cited Mr. Valdez or immediately released him from custody. After each incident, Mr. Valdez returned to the same neighborhood, leading other neighbors to call the police to report his concerning behavior.



Bird's eye view of 7197 Big Sur Street, located at the corner of Big Sur and Del Norte Streets. The driveway of the home where the incident occurred (circled) is within a residential neighborhood that Mr. Valdez frequented in the days and hours leading up to the OIS. Photo from 2022.

Later that evening, at approximately 7:28 PM, W-1, Mr. Valdez's cousin, who resided at 7197 Big Sur Street, called 911 to report that there was "a relative that's not supposed to be here, threatening us... He's one of my cousins that's been coming around and he's on drugs and he's threatening to kill us... He's threatened to kill my whole household." The relative was identified as Jaime Valdez, who was described as being outside the residence. W-1 also told the 911 dispatcher that he did not believe Mr. Valdez was armed. FPD Officer Alex Yanez responded to this call and arrived at the home

¹ To provide context to the entire incident, this report generally includes information about facts and circumstances leading up to the OIS, even if some of the information was unknown to the officer.

around 8:16 PM. There had been three prior 911 calls regarding Mr. Valdez that day, although in subsequent interviews Officer Yanez only indicated awareness of one prior call.

While Officer Yanez was responding to the home, FPD Dispatch confirmed that Mr. Valdez had been served with a criminal protective order and had a prior contact for violating a restraining order. There was also a prior contact involving Mr. Valdez and the police in which the police had not arrested him but sent him on his way. Dispatch conveyed that information through the written dispatch log visible to FPD officers in their patrol cars, and Officer Yanez saw that information as he responded.

Upon his arrival, Officer Yanez spent several seconds scanning the area with his handheld flashlight before locating Mr. Valdez, who was lying in the driveway of 7197 Big Sur Street. Mr. Valdez appeared to be sleeping and was wearing baggy shorts, a sweatshirt, and a backpack. As Officer Yanez approached, he called Mr. Valdez by name several times, but Mr. Valdez did not respond. Officer Yanez continued walking up the driveway until he was standing over and looking down at Mr. Valdez, who was still lying in the driveway in between two cars.



Still image from Officer Yanez's BWC video as he first approaches Mr. Valdez in the driveway. Mr. Valdez is wearing a black backpack and lying on his left side in between two cars parked in the driveway.

Officer Yanez identified himself several times as the Fontana Police Department and inquired if Mr. Valdez needed help or an ambulance. For approximately one minute, Officer Yanez repeatedly called out to Mr. Valdez by name and inquired if he needed help. Mr. Valdez did not respond. Eventually, Mr. Valdez finally responded, telling Officer Yanez to "go inside" and "go knock on the door." Officer Yanez declined to go inside and continued trying to engage with Mr. Valdez, telling him that he was not supposed to be at the residence.

Approximately two minutes after his arrival on scene, Officer Yanez ordered Mr. Valdez to remove his backpack, however Mr. Valdez did not comply. Another thirty seconds elapsed, during which Officer Yanez gave several commands to Mr. Yanez who refused to comply. Mr. Yanez then complained that the flashlight was “too bright,” to which Officer Yanez replied that he could not see if Mr. Valdez had anything on him due to his baggy clothing. Officer Yanez then ordered Mr. Valdez to place his hands behind his back. Instead, Mr. Valdez placed his hands in the pockets of his shorts, causing Officer Yanez to order him to remove his hands from his pockets and place them behind his back. Officer Yanez then attempted to handcuff Mr. Valdez. He placed one handcuff on Mr. Valdez’s right hand, but, before he could handcuff the other hand, Mr. Valdez began to physically resist.

When the encounter turned physical, Officer Yanez had been on scene engaging with Mr. Valdez for approximately three and a half minutes. As he tried to restrain Mr. Valdez, Officer Yanez attempted to broadcast on the radio that he was physically fighting with a subject. Before he was able to successfully broadcast, however, his delay in having any communications with Dispatch led to a “Code 33” designation, which restricts radio traffic to emergency transmissions only. Such a designation is usually done when a police officer is in danger, such as when they are fighting with a subject. Eventually, at approximately 8:21 PM, Officer Yanez successfully broadcast that he was fighting with a subject, and FPD confirmed. After the Code 33 designation, a dispatcher called the Patrol Corporal to inform him that all other FPD units were far away from Officer Yanez’s location, prompting FPD to request backup from the San Bernardino Sheriff’s Department in Rancho Cucamonga.



Still image from Officer Yanez’s BWC showing Mr. Valdez’s left hand reach up toward the camera, knocking it and causing partial obstruction of the camera lens.

Approximately four minutes after first contacting Mr. Valdez in the driveway, Officer Yanez deployed his department-issued Taser on Mr. Valdez. The Taser deployed two cartridges containing two wire probes and appear to have made contact with Mr. Valdez's left side and possibly his right arm. However, the Taser did not incapacitate Mr. Valdez or deescalate the situation. After the Taser was deployed, Officer Yanez felt Mr. Valdez's resistance multiply, and Valdez started grunting, screaming "motherfucker," and exerting himself physically against Officer Yanez.



Still image from BWC showing Officer Yanez's right hand holding his Taser as he used it on Mr. Valdez. The end of the Taser emits a green laser where the wires eject from the device, visible here.

At some point after the Taser was deployed, Mr. Valdez assaulted Officer Yanez in the groin, causing him immense pain.² In his later interview, Officer Yanez stated he believed he had been stabbed and described the pain in his testicles as "the sharpest pain [he] had ever had in [his] life." Given his belief that he might have been stabbed, Officer Yanez grew concerned about the potential of blood loss from his body.

As the physical fight continued, Officer Yanez gave numerous commands to Mr. Valdez, at one point having ordered Mr. Valdez to place his hands behind his back at least 15 times.

In his interview, Officer Yanez described that after Mr. Valdez assaulted him in his testicles, and while he was still experiencing tremendous pain, he suddenly felt Mr. Valdez pulling on his firearm, which was in a thigh holster on his right leg. Officer Yanez reached over to his holster and felt Mr. Valdez's fingers on the grip of his firearm. The force of the downward pull on the holster caused it to start sliding down his leg closer to Mr. Valdez. At the same time, Officer Yanez was feeling weaker and more lightheaded; he was depleted of energy and still in immense pain in his groin.

² As explained later in this report, it is possible that Mr. Valdez used the Taser as a stun gun to hurt Officer Yanez.

The struggle over the firearm continued for several seconds, during which Officer Yanez shouted to Mr. Valdez, “Let go of my gun! ... Let go—”

After the last command to “let go,” Officer Yanez briefly regained control of his firearm and was able to stand up and take a step back. As he looked up, he saw Mr. Valdez suddenly advancing towards him. In his interview, he described feeling weak and that he was losing his vision. Fearing for his life and believing that Mr. Valdez intended to harm or kill him, Officer Yanez drew his firearm and fired three shots. The three shots were fired in rapid succession over the span of less than two seconds. Two of the shots struck Mr. Valdez in the left shoulder, and one of the shots struck him in rear of the head. At approximately 8:22 PM, Officer Yanez broadcast over the radio that shots had been fired and that both he and Mr. Valdez were injured.

Immediately after the shooting, Officer Yanez retreated down the driveway and stood behind his patrol car, where he held Mr. Valdez at gunpoint until other FPD officers arrived. While awaiting backup, Officer Yanez ordered Mr. Valdez to keep his hands visible and also advised a neighbor who had exited their home to stay inside in case Mr. Valdez tried to “come up.” The first backup officers arrived several minutes later and provided life-saving measures on Mr. Valdez until paramedics arrived. Mr. Valdez was pronounced dead at the scene at 8:35 PM. A short while later, Officer Yanez was taken to the hospital by ambulance and received treatment for minor injuries.

INVESTIGATION

Overview

On November 11, 2023, at 11:45 PM, the DOJ Division of Law Enforcement (DLE) California Police Shooting Investigation Team (CaPSIT) received notification of an OIS at the address of 7197 Big Sur Street in the City of Fontana, County of San Bernardino. The incident involved an FPD officer and was determined to be a qualifying event within the meaning of Government Code section 12525.3. (For more information on the DOJ’s practices and procedures, see <https://oag.ca.gov/ois-incidents>.) Agents from CaPSIT responded to the scene and opened an investigation on behalf of DOJ. A Deputy Attorney General from the Attorney General’s Special Prosecutions Section also responded to the scene. When CaPSIT agents arrived, the incident location was secured by the FPD and the San Bernardino County Sheriff’s Department (SBSD) with the entire area blocked off with crime scene tape to preserve evidence.

The DOJ Bureau of Forensic Services (BFS) also responded to the scene to monitor the processing of the incident scene and the collection of evidence. CaPSIT agents walked the incident scene, reviewed the location of evidence, received a briefing on the incident from the FPD, and were assigned investigative tasks.

The DOJ conducted a comprehensive investigation of the incident and reviewed the following investigation materials related to this incident: calls for service leading up to the OIS, emergency dispatch logs, law enforcement radio communications, witness statements, statements from involved and non-involved police officers, body-worn camera video, photographs, physical evidence from the OIS scene, forensic evidence (including ballistics and DNA analysis), coroner’s report and results of autopsy and toxicology testing, investigation reports from all involved agencies, past investigation reports, relevant court records, and official use of force policies of FPD.

Earlier Contacts and Events Leading to the OIS

In the hours leading up to the OIS incident on November 11, 2023, police received four separate emergency calls for service to the same neighborhood regarding Mr. Valdez.³

The first call for service occurred around 12:35 PM, when police responded to a report that Mr. Valdez was pacing back and forth and screaming in front of a house one block away from 7197 Big Sur Street. The reporting party, W-5, stated she was afraid to leave her home due to his behavior. In response to W-5's call, two FPD officers responded to the area and contacted Mr. Valdez. Mr. Valdez led them on a short foot pursuit through the neighborhood before they eventually detained him. Mr. Valdez was extremely uncooperative and appeared to be under the influence of a controlled substance. He received medical evaluation but refused further treatment. He received a citation for being under the influence of a controlled substance (a misdemeanor violation of Health & Saf. Code, § 11550, subd. (a)) and obstructing or resisting arrest (a misdemeanor violation of Pen. Code, § 148, subd. (a)(1)).

The second call for service occurred approximately four hours later, at 4:57 PM, when police responded to another complaint involving Mr. Valdez in the same area. On that call, a neighbor, W-8, reported that Mr. Valdez had been hanging around the area acting suspiciously for the past two days, and was making her daughter uncomfortable. Police contacted Mr. Valdez on Big Sur Street, and he told them that he was outside of his cousin's house. Police spoke to family members at the house, who confirmed he was their cousin, but told police that Mr. Valdez was not welcome at the family's home. Police did not arrest Mr. Valdez but instead sent him away from the area.

The third call for service occurred later that evening at 6:18 PM, when another neighbor, W-9, called police to complain that Mr. Valdez had returned to the area. W-9 had observed Mr. Valdez running from the police and getting arrested earlier that day and was calling 911 to complain that Mr. Valdez had been arrested earlier and now he was back on the street. W-9 stated that Mr. Valdez was not doing anything illegal, but expressed frustration that Mr. Valdez was already released from custody.

Later that evening, at 7:28 PM, Mr. Valdez's cousin, W-1, called police to report that Mr. Valdez was outside of the family home and that he had threatened to kill everyone there. Officer Yanez responded to this final call for service, which ultimately led to the OIS.

Incident Scene Description

This OIS incident occurred in the driveway of 7197 Big Sur Street, a two-story, single-family home located in a residential neighborhood in Fontana, California. The home faces west and is located on the northeast corner of Big Sur Street and Del Norte Street. The home has a three-car garage with an extended driveway on the north side of the property.

The driveway section in front of the small garage door contains an area of brown discoloration that pre-dates the incident.

³ Although Officer Yanez was unaware of all these earlier contacts with Mr. Valdez, they were part of an ongoing chain of events, occurring close in time and in the same neighborhood as the OIS, and are included here to provide context to Mr. Valdez's conduct on November 11, 2023.

On the night of the OIS, there were three cars parked adjacent to one another in the driveway of 7197 Big Sur Street (L-R): a white Toyota Corolla, a black Nissan Pathfinder, and a silver Chevrolet Trax. Officer Yanez contacted Mr. Valdez in the driveway in between the Toyota Corolla and the Nissan Pathfinder.



View of 7197 Big Sur Street driveway shortly after the incident. Photo taken on November 12, 2023.

When he arrived on scene, Officer Yanez parked his marked FPD patrol car on Big Sur Street directly in front of the driveway. After the fatal shots, Officer Yanez retreated down the driveway and behind his patrol car, which he used for cover. From that position, he held Mr. Valdez at gunpoint until backup officers arrived.



Photo of 7197 Big Sur Street (taken November 12, 2023) showing the location of Officer Yanez’s patrol car at the time of the OIS.

Incident Scene Evidence Recovery

On November 12, 2023, at approximately 2:35 AM, personnel from the DOJ BFS arrived at the incident scene where they assisted with and monitored the collection of evidence. BFS personnel also took photographs and processed both physical and forensic evidence that SBSD collected. The majority of the evidence items were located in the driveway of 7197 Big Sur Street, and the entire scene was documented using a combination of notes, photography, sketching, and 3D terrestrial scanning. Evidence within the scene was labeled using photographic identification placards, photographed in place, and measured before it was collected for evidence. Evidence collected from the scene included fired cartridge cases, Taser evidence, and Mr. Valdez's clothing and property. In total, BFS documented, recovered, and booked 11 physical evidence items from the scene:

Evidence No.	Description
DOJ 1	Fired cartridge case, Winchester .40 caliber S&W
DOJ 2	Fired cartridge case, Winchester .40 caliber S&W
DOJ 3	Fired cartridge case, Winchester .40 caliber S&W
DOJ 4	Baseball cap
DOJ 6	Taser wire (connected to DOJ9)
DOJ 7	Taser wire with barb
DOJ 8	Taser component with wire
DOJ 9	Decedent clothing, Taser probes and Taser wire
DOJ 10	Decedent clothing, including shorts, underwear, shoe, pocket contents, socks, and suspected controlled substance
DOJ 11	Officer's Taser
DOJ 11A	DNA Swab of Taser battery

Photographs

The DOJ BFS personnel took digital photographs of the incident scene using a digital camera and drone. The BFS also conducted a 3D scan of the scene using a Faro scanner. At the hospital, SBSD Forensic Lab personnel took photographs of the involved police officer, including his uniform, equipment, and his physical injuries resulting from the OIS.

Video Evidence and Surveillance Cameras

The day after the OIS, investigators canvassed the area surrounding the OIS scene to obtain any surveillance video that may have captured the incident. Investigators collected footage from home security surveillance cameras from a neighbor, W-11. The provided surveillance video shows part of the foot pursuit and arrest of Mr. Valdez in the prior afternoon.

Communications

The DOJ obtained and reviewed several communications related to the incident, including: 911 calls involving Mr. Valdez, police Computer-Aided Dispatch (CAD) dispatch logs, and audio recordings of radio dispatch communications from the time of the incident. Together, those communications provide the following timeline of events leading up to and during the incident. All times are approximate.

Timeline of November 11, 2023

- 12:35 PM First call for service regarding Mr. Valdez (see W-5's statement); Mr. Valdez arrested for resisting/delaying/obstructing a peace officer
- 4:57 PM Second call for service regarding Mr. Valdez (see W-8's statement)
- 6:18 PM Third call for service regarding Mr. Valdez (see W-9's statement)
- 7:28 PM Fourth call for service (see W-1's 911 call)
- 8:16 PM Officer Yanez self-dispatches to fourth call for service
- 8:16 PM Officer Yanez arrives at 7197 Big Sur Street
- 8:19 PM Officer Yanez reports that a possible subject is outside of the residence
- 8:20 PM Officer Yanez stops responding to Dispatch on radio channel 1 ("Fontana-1")
- 8:21 PM Dispatch announces Code 33 (clear radio channel for emergency traffic) due to Officer Yanez's radio silence after multiple attempts to contact him
- 8:21 PM Officer Yanez reports that he is "fighting with one"
- 8:21 PM Additional FPD officer (4P22) starts responding Code 3 (emergency response with lights and sirens) to provide backup to Officer Yanez
- 8:21 PM Dispatch informs Patrol Corporal that other FPD units are far away from Officer Yanez; Patrol Corporal requests support from neighboring jurisdiction
- 8:22 PM Officer Yanez reports shots fired and that he is hurt, requests backup, over the tactical radio channel ("Tac 1")
- 8:22 PM Dispatch reports that Officer Yanez is broadcasting "shots fired" over the Tac-1 radio channel
- 8:22 PM Backup FPD officers start responding to Officer Yanez
- 8:23 PM Dispatch requests any available FPD units to respond Code 3 to 7197 Big Sur Street; all available units ordered to respond Code 3; medical requested
- 8:24 PM Officer Yanez informed that he is broadcasting from "Tac-1" and is told to switch to "Fon-1"
- 8:26 PM Backup FPD officers arrive on scene
- 8:35 PM Mr. Valdez pronounced dead
- 8:39 PM Officer Yanez is transported by ambulance to hospital
- 10:48 PM SBSD Homicide Team arrives on scene
- 11:45 PM DOJ Police Shooting Investigation Team is notified of qualifying incident pursuant to AB1506

Partial Transcript of Fourth and Final 911 Call⁴

The fourth and final call for service occurred at approximately 7:28 PM and was made by W-1, one of Mr. Valdez's cousins, who resides at 7197 Big Sur Street. The following is a partial transcript of that call:

DISPATCH: 911 emergency? Hello, 911?

W-1: Yeah, so I have a relative that's not supposed to be here, threatening us. He keeps—

DISPATCH: What is the address?

W-1: 7197 Big Sur Street.

DISPATCH: And who is the relative that's not supposed to be there?

W-1: He's one of my cousins that's been coming around and he's on drugs and he's threatening to kill us.

DISPATCH: Is he inside or outside?

W-1: He's outside on the property.

DISPATCH: And how did he get there? Did he arrive on foot or in a vehicle?

W-1: No, on foot, he doesn't drive.

DISPATCH: And he's threatening to kill who?

W-1: He's threatened to kill my whole household.

DISPATCH: What's your cousin's name?

W-1: His name is Jaime.

DISPATCH: Jaime what?

W-1: Jaime Valdez.

DISPATCH: And where's he at? Like in front of the house? On the side of the house? Where?

W-1: He's towards the side, he keeps walking around.

DISPATCH: Does he have any weapons? Yes, no, or you don't know?

W-1: Uh, I don't think so.

DISPATCH: Do you know what he's been using? What kind of drugs he's been using?

W-1: To be honest with you, I don't. But he's been coming around too much and we keep telling him to leave.

DISPATCH: I'm asking specifically about drugs. So did you get told that he's on drugs or he's been using drugs or he's known to use drugs, but you just don't know what kind?

W-1: Yeah, he does meth and heroin.

DISPATCH: But you don't know what he's using today, correct?

W-1: I do not.

DISPATCH: Do you know if he's been drinking or anything like that or no?

⁴ This transcript has been edited slightly for clarity.

W-1: I think he has 'cause—

DISPATCH: You think he's been drinking? OK. We'll let the officers know, they'll get out there as soon as they can. If anything changes, call us back.

W-1: OK, sorry to bug you guys, thank you so much.

DISPATCH: It's OK it's just that these are the questions that we need for officer safety, OK, so especially if you know what kind of drugs, it's important for us to let them know, if you know what kind of drugs he uses.

W-1: Yeah, of course. I appreciate it.

DISPATCH: OK, you're welcome. Bye.

Call Log from Fourth and Final 911 Call

Based on W-1's 911 call, FPD Dispatch relayed several pieces of critical information through the CAD Log. This information would have been visible to Officer Yanez when he was dispatched to 7197 Big Sur Street.

That CAD log contains an entry at 7:29 PM, which showed that a relative, who was not supposed to be at that location, was "threatening to kill the whole household." The relative was described as a cousin who is outside of the property and arrived on foot. The next substantive entry identified the cousin as "Jaime Valdez," and described his clothing as a "gray hoodie and camouflage shorts." Further, the reporting party did not think Mr. Valdez had any weapons.

A few minutes later, additional entries in the CAD log indicated that Mr. Valdez had prior contacts for "69A 273.6E," which refer to Penal Code sections 69 (resisting an officer by force) and 273.6 (violating a restraining order). The log also indicated that Mr. Valdez had been served with a criminal protective order.

Body-Worn Camera Video

The Involved officer, Officer Yanez, had assigned BWC, which was activated at the time of the incident and provided video and audio recording of the officer's response to the incident notification, the scene, and the actions of Mr. Valdez. Other FPD officers who responded but were not involved in the OIS were also wearing BWC that was activated for at least part of their response to the incident. Each BWC captured the incident from the position of the involved officer.

Officer Yanez's department-issued BWC was mounted to his chest. Although the BWC video was active for the entirety of the OIS, most of the incident is not visible in the video due to the low lighting conditions at the time. Additionally, during the physical encounter with Mr. Valdez, Officer Yanez dropped his flashlight and the position of the BWC shifted such that the camera lens was partially obstructed.

The BWC video begins with Officer Yanez exiting his patrol car, which he parked in front of the driveway of 7197 Big Sur Street. Officer Yanez scans the driveway with his flashlight, before he sees and approaches Mr. Valdez, who was wearing a backpack and lying on his left side in the driveway in between the white Toyota Corolla and black Nissan Pathfinder.

As he approaches, Officer Yanez identifies himself and calls Mr. Valdez by his first name, "Jaime," several times. However, Mr. Valdez does not respond. Officer Yanez stands over Mr. Valdez, looking

down at him, and identifies himself multiple times as “Fontana PD” and “the police department.” Officer Yanez continues to call Mr. Valdez’s name and asks multiple times if he needs help, if he needs an ambulance, and if he is all right. At the time, Mr. Valdez had the hood of his sweatshirt pulled over his head. As he was standing over Mr. Valdez, Officer Yanez pulls the hood away, prompting Mr. Valdez to quickly pull the hood back over his head without speaking. After ignoring Officer Yanez for several more seconds, Mr. Valdez finally responds, saying “go inside.”

The following is a partial transcript of the interaction between Officer Yanez and Mr. Valdez:

MR. VALDEZ: “I said, go knock inside.”

OFFICER YANEZ: “You’re not supposed to be here, though, they want you sent—”

MR. VALDEZ: [inaudible]

OFFICER YANEZ: “What?”

MR. VALDEZ: “[inaudible] Go knock inside. Tell them. Go knock on the door of the house [inaudible].”

OFFICER YANEZ: “What’s up with you, dude?”

MR. VALDEZ: “[inaudible] You have to go knock on the door, bro.”

OFFICER YANEZ: “No, I don’t have to.”

MR. VALDEZ: “Well how you gonna’ find out? [inaudible]”

OFFICER YANEZ: “Cause I’m talking with you right now.”

MR. VALDEZ: [inaudible]

OFFICER YANEZ: “Where are you staying at right now, Jamie?”

MR. VALDEZ: “Go knock on the door, bro.”

OFFICER YANEZ: “You’re going to get put in fucking handcuffs if you keep talking to me like that, all right? Chill out. You’re not going tell me what to do.”

MR. VALDEZ: “I’m not telling you—”

OFFICER YANEZ: “You’re not going to talk to me like that.”

MR. VALDEZ: “I’m fine bro.”

OFFICER YANEZ: “Take your backpack off.”

MR. VALDEZ: [inaudible]

OFFICER YANEZ: [To Mr. Valdez]: “All right, well you’re not supposed to be here...
[To Dispatch]: “21...out with a possible in the front of the driveway, can you have the RP step out to confirm?”⁵

DISPATCH: “Copy.”

MR. VALDEZ: “I’m fine bro, you’re shining that light too bright.”

⁵ The number “21” refers to Officer Yanez’s callsign that night, “4P21,” and any mention of “21” involves his communications with FPD dispatch. The letters “RP” refer to the “reporting party,” who made the call for service.

OFFICER YANEZ: “Yeah ‘cause I can’t see what you got, dude, you’re wearing baggy clothing. Don’t put your hands in your pocket. Don’t put your hands in your pocket. Put—you know what, put your hands behind your back, dude.”

At this point, the encounter between Officer Yanez and Mr. Valdez quickly goes from verbal to physical, as Officer Yanez tries to handcuff him.

MR. VALDEZ: “[inaudible] door.”

OFFICER YANEZ: “Put your hands behind your back.”

MR. VALDEZ: “I’m inside, bro. I was inside, bro.”

OFFICER YANEZ: “You’re gonna’ put your hands behind your back, dude.”

MR. VALDEZ: “Bro, what are you doing, I’m sleeping. My daughters are inside, bro.”

OFFICER YANEZ: “All right. Take this backpack off, dude, and let me see your hands.”

MR. VALDEZ: “Wait, bro, okay.”

OFFICER YANEZ: “Put your hands behind your back.”

MR. VALDEZ: [inaudible]

OFFICER YANEZ: “Put your other hand behind your back.”

MR. VALDEZ: “I’m sleeping, bro—”

OFFICER YANEZ: “No, dude—”

MR. VALDEZ: “[inaudible] and make that arrest or what—”

OFFICER YANEZ: “What’d you say? Put your hands behind your back.”

MR. VALDEZ: “Okay, I’m not doing nothing, bro.”

OFFICER YANEZ: “Put this—hey—put this hand—”

MR. VALDEZ: “[inaudible] tell my mom—”

OFFICER YANEZ: “Put this hand—”

MR. VALDEZ: “—they’re inside the fucking bag fool.”

OFFICER YANEZ: “Put this hand behind your—”

[To Dispatch]: “21, fighting with one.”

[To Mr. Valdez:] “Put your hands behind your back, dude.”

MR. VALDEZ: “All right bro, chill—”

DISPATCH: “21?”

OFFICER YANEZ: “Put your—”

MR. VALDEZ: “Chill, chill, chill, chill, what are you doing on top of me like that bro?”

As the physical struggle continues, Mr. Valdez’s right hand is handcuffed, but his left hand remains free. He is still on the ground and Officer Yanez is standing or crouching behind him. The flashlight appears to be attached to Officer Yanez, and at one point, in the reflection of the black car in the driveway, Officer Yanez is seen using his left hand to operate his radio. Mr. Valdez then appears to

reach his left hand up toward Officer Yanez's chest, where the BWC is mounted, causing his hand to knock the camera.

DISPATCH: "21?"

OFFICER YANEZ: [To dispatch]: "Fighting with one."
[To Mr. Valdez]: "Put your hand behind your back."

MR. VALDEZ: "Okay, bro, you're not driving me, I'm not—"

OFFICER YANEZ: "Put your hand behind your back."

MR. VALDEZ: "I'm not doing nothing to you, bro... Bro, you're hurting—why are you hurting me?"

OFFICER YANEZ: "Put your hand behind your back."

DISPATCH: "Code 33 on Channel 1, 33 on Channel 1 for 4P21, he's not coming over, he's out with a 415 subject at 7197 Big Sur."⁶

MR. VALDEZ: "Bro, you need to knock on the door, bro."

OFFICER YANEZ: [To dispatch]: "I'm fighting with one. 21, fighting with one."

MR. VALDEZ: "What do you mean fighting with one [inaudible]."

DISPATCH: "I copy, fighting with one."

OFFICER YANEZ: "Put your hands behind your—put your hand behind your back, dude. Put your hand behind your back."

MR. VALDEZ: "You're not gonna—why you gonna arrest me? You need to go [inaudible] who called it in, bro."

After struggling for several more seconds, Officer Yanez deploys his Taser, which emits a distinct audible buzzing sound and pulses for approximately eight seconds. The yellow Taser is briefly visible in one frame of the BWC video, showing that Officer Yanez was holding it with his right hand when he deployed it on Mr. Valdez.

As soon as the Taser is deployed, Mr. Valdez starts cursing, screaming, and grunting, suggesting that the Taser prongs made contact with him. The audible sounds of a struggle intensify, both are heard breathing heavily and grunting, and Officer Yanez continues to order Mr. Valdez to place his hands behind his back.

MR. VALDEZ: "[screams] Bitch ass fool!"

OFFICER YANEZ: "Put your hands behind your back! Put your hands behind your back!"

MR. VALDEZ: [screams]

OFFICER YANEZ: "Put your hands—"

MR. VALDEZ: "Motherfucker!"

⁶ At some point in the struggle, Officer Yanez's radio changes channels and he is no longer broadcasting from the default Channel 1 or "Fontana 1," causing the dispatcher to alert other units that he is not responding. It was later determined that Officer Yanez's radio was on a secondary radio channel. In police radio communications, "Code 33" restricts radio traffic to emergency communications only. A "415 subject" refers to Penal Code section 415, a generic code section for someone disturbing the peace.

At this point, Officer Yanez is no longer holding his Taser or his flashlight, as one frame of the BWC shows both of his hands splayed on the ground of the driveway. As the struggle continues, at one point, the green laser emitted from the end of the Taser points briefly at the BWC camera; the angle of the BWC then shifts around quickly from the ground to near complete darkness. Due to the darkness in the video frame, there is no visual image from the BWC for the moment of the shooting. However, the audio captures the sounds of an intense struggle continuing for a few more seconds, until Officer Yanez orders Mr. Valdez to let go of his firearm. Approximately two-and-one-half seconds later, three gunshots are heard, followed by Officer Yanez alerting Dispatch that shots were fired and he is hurt.

OFFICER YANEZ: “Hey... Put your hands behind your back—”

MR. VALDEZ: [screams]

OFFICER YANEZ: “Let go of my gun! Let go—”

[Three shots fired in quick succession]

OFFICER YANEZ: [To Dispatch]: “21, shots fired. 21, shots fired. Send backup. 21, I’m hurt.”

DISPATCH: “21, I copy. You’re hurt. Shots fired.”

After broadcasting that shots were fired and he was hurt, Officer Yanez is heard grunting, groaning, and breathing heavily and rapidly. He takes several steps away from Mr. Valdez before turning back and activating the flashlight affixed to his firearm and pointing the firearm back in Mr. Valdez’s direction. Officer Valdez then walks slowly behind the hood of his patrol car and holds Mr. Valdez at gunpoint, shouting several commands, until the other officers arrive

Approximately four minutes after the fatal shots, the first backup officers arrive on scene and assist Officer Yanez, who complains of pain in his groin and states that he believes he might have been stabbed.

OTHER OFFICER: “Hey, where are you hurt?”

OFFICER YANEZ: “Right here dude.”

OTHER OFFICER: “Were you shot?”

OFFICER YANEZ: “I don’t know if he stabbed me or something, but I felt a sharp pain, dude.”

As Officer Yanez walks away with two other responding officers, he asks one of them to hold his firearm while they examine him for any injuries. They do not observe any signs of injury, although Officer Yanez continues to complain of sharp pain in his groin.

Officer Processing

Officer Yanez was processed by SBSD investigators at approximately 11:12 PM on November 11, 2023, while receiving medical attention at Arrowhead Regional Medical Center. As part of that officer processing, SBSD examined and photographed Officer Yanez’s uniform and equipment, and documented his appearance, including any physical injuries.

On the night of the OIS, Officer Yanez’s uniform consisted of a black polo shirt with FPD patches on the left and right shoulders, a cloth FPD badge on the left chest, and “A. Yanez” embroidered on the right chest, in addition to black cargo pants. Over the polo shirt was a black tactical ballistic vest with a cloth

FPD badge on the left side and “A. Yanez” on the right side of the vest. The word “POLICE” in white letters was printed under Officer Yanez’s name on both the front and back of the tactical ballistic vest.

Officer Yanez’s tactical ballistic vest contained the following equipment: BWC device, an empty handcuff case, a notepad, a pen, nasal Narcan, a FPD metal badge, a set of keys, a USB drive, and Motorola handheld transceiver, and two empty handcuff cases. On the night of the OIS, Officer Yanez was wearing a black basket weave belt with a right-handed black basket weave thigh holster attached to the belt. Officer Yanez’s firearm was located inside the thigh holster.

American Medical Response paramedics responded to the scene and rendered aid to Officer Yanez. Paramedics noted that Officer Yanez appeared to be “in moderate distress” and that he complained of pain to his groin and testicles, describing it as a 7 out of 10.

In his statement to treating paramedics, Officer Yanez related that he was involved in a physical altercation with a subject. While attempting to subdue the subject, he was mounted on the subject’s chest, at which point he felt intense pain in his groin, and he jumped away from the subject, believing he had been stabbed. Officer Yanez further stated that he believed the subject had bitten his testicles through his pants while he was straddling him.

Paramedics examined Officer Yanez but found no traumatic abnormalities or bleeding. He was transported to Arrowhead Regional Medical Center for further evaluation and treatment. While at the hospital, investigators noted minor injuries in the form of abrasions to Officer Yanez’s hands, knuckles, and legs.

Officer’s Firearm and Ammunition

From the incident scene, BFS personnel collected three expended cartridge cases from a .40 caliber handgun, located in the driveway apron of 7197 Big Sur Street. On the night of the OIS, Officer Yanez’s primary duty firearm was a Glock 35, Generation 3, .40 caliber semi-automatic handgun, equipped with a Streamlight TLR-1 HL flashlight. As configured, that handgun had a total capacity of 16 rounds: a magazine with a capacity of 15 rounds, plus one additional round in the chamber. During officer processing, SBS located 12 live ammunition cartridges inside the magazine, and one live ammunition cartridge in the chamber, consistent with three rounds fired during the incident. On the night of the OIS, Officer Yanez had three additional ammunition magazines, each with a capacity of 15 rounds, in his tactical ballistic vest. Based on this examination and assuming the firearm was fully loaded prior to the OIS, it appears that Officer Yanez fired three rounds.



Officer Yanez’s .40 caliber Glock 35 firearm that was involved in the incident. There is a small flashlight mounted under the frame of the firearm.

Officer's Taser

At the time of the OIS, Officer Yanez was carrying his department-issued Taser (Axon TASER 7), which was loaded with two cartridges, each containing two prongs. Officer Yanez deployed both cartridges and sets of prongs against Mr. Valdez prior to the shooting. The BFS located the Taser in the driveway underneath the Toyota Corolla. They later analyzed the Taser and reviewed the event log, which confirmed that both cartridges were deployed and that the Taser trigger was pulled a total of three times all within the span of five seconds:

8:21:15 PM	Trigger Pulled (First Time)
8:21:15 PM	Cartridge #1 deploys first set of prongs
8:21:18 PM	Trigger Pulled (Second Time)
8:21:18 PM	Cartridge #2 deploys second set of prongs
8:21:20 PM	Trigger Pulled (Third Time)

Once both cartridges have been deployed, the Taser can still be used as a conventional stun gun (i.e., “drive stun”) wherein pulling the trigger sends an electric shock against anything in contact with the tip of the Taser.



Officer Yanez's Taser, tagged by the BFS as "Evidence Item 11," showing the wire that connects to prongs.

Coroner's Investigation

On November 14, 2023, Forensic Pathologist Dr. Michelle Phan-Tang, D.O., of the SBSB Coroner Division conducted the autopsy of Mr. Valdez. Mr. Valdez was a 33-year-old, Hispanic male, five feet, two inches tall, and weighing 128 pounds.

Dr. Phan-Tang noted two Taser probe wounds on Mr. Valdez's left flank, as well as two possible Taser probe wounds on his rear upper right arm. In addition, Dr. Phan-Tang observed a total of three gunshot wounds on Mr. Valdez's body: (1) head, involving posterior scalp, direction of travel predominantly back to front, with no exit and fragments recovered; (2) left shoulder, involving top of the left medial shoulder; direction of travel front to back, left to right and downward, with no exit and a projectile recovered; and (3) left shoulder, involving anterior aspect of the left shoulder, direction of travel front

to back, left to right, and downward, with no exit and a projectile recovered. Dr. Phan-Tang determined that manner of death was homicide, and the cause of death was multiple gunshot wounds.

Dr. Phan-Tang also conducted a toxicology analysis, which revealed that Mr. Valdez had positive amounts of amphetamine (71 ng/mL) and methamphetamine (570 ng/mL) in his blood at the time of death.

DNA Testing and Forensic Analysis

The BFS conducted DNA analysis on Officer Yanez's Taser, examining swabs from five different locations: trigger, grip, top, frame, and battery. The BFS also collected a reference sample of DNA from Mr. Valdez to determine whether he was a contributor to the DNA mixture on the Taser. Based on their analysis, the BFS concluded it is approximately 1.2×10^{21} times more likely to obtain the reported DNA results if Mr. Valdez is a contributor than if he is not a contributor. In other words, there is "very strong support" that Mr. Valdez's DNA was present on the trigger of Officer Yanez's Taser.

The BFS also conducted DNA analysis on Officer Yanez's firearm. However, because the equipment was handled by multiple persons and processed prior to their arrival at the scene, a DNA mixture of at least five contributors was detected on the firearm. As a result of the complex nature of the DNA mixture, no further analysis was performed on the firearm.

INTERVIEW OF INVOLVED POLICE OFFICER

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.) Officer Yanez provided a voluntary statement.

The following is a summary of relevant portions of that interview, which describes the incident from his individual point of view. Please note that this interview may contain facts relayed by the officer that are inconsistent with other evidence in this investigation.

On November 28, 2023, Special Agents Ugo Carlos and Christopher Santiago interviewed Officer Yanez at the Fontana Police Department. Also present were SBSD Detective Malcolm Page and Officer Yanez's legal counsel, Russell Perry. Officer Yanez had previously reviewed his BWC from the night of the incident.

Background, Training, and Equipment on the Night of the OIS

At the time of the OIS, Officer Yanez had been a patrol officer with FPD since August 2019⁷. In addition to working as a patrol officer, he had also been assigned to the Rapid Response Team, which assists patrol with investigations. He had received specialized training on working with community members who are under the influence of a controlled substance, suffering from a mental health crisis, or experiencing homelessness. In his experience as an officer, he had had numerous contacts with people who are either homeless or experiencing mental health crises.

⁷ On July 12, 2021, Officer Yanez, while working for FPD, was involved in a fatal OIS. Officer Yanez was one of many responding officers to a high speed pursuit in the city of Bloomington, CA. The decedent in that case attempted to drive his vehicle through a patrol car barricade where officers were located. In response, Officer Yanez fired his service pistol striking the decedent. The San Bernardino County District Attorney's Office found Officer Yanez's use of force proper and legally justified on March 28, 2025.

On the night of the OIS, Officer Yanez had several pieces of equipment with him. On his person, he had his duty firearm, a Glock 35, .40-caliber firearm, worn on a thigh-holster around his right leg, a department-issued Taser, BWC that was mounted to his chest, a handheld flashlight, and handcuffs. In his patrol car, Officer Yanez had additional equipment such as retractable batons, a 40-millimeter less lethal cartridge launcher, and pepper spray. Officer Yanez stated that FPD does not have recording devices, such as dashboard cameras, in their patrol cars.

Call for Service and Dispatch Information

On November 11, 2023, Officer Yanez was working a 12 and a half hour shift that started at 6:00 PM and ended at 6:30 AM the next day. On that shift, he was assigned to patrol Beat 2 of the City of Fontana and was working alone. Although he had a beat partner on his team that night, they were not available when he was dispatched to the call for service involving Mr. Valdez. Officer Yanez described it as a busy evening, with officers responding to other calls.

The call for service that led to the OIS was described as a violation of a criminal protective order in which a relative was not supposed to be at the residence and had threatened to kill everyone inside the house. On the computer screen in his patrol car, Officer Yanez saw that basic information and that there was a previous incident where the subject had been previously sent on his way. From the dispatch log, Officer Yanez was also informed that the subject was a known drug user and was possibly outside the residence. Officer Yanez did not know Mr. Valdez nor had he had past contacts with him.

After seeing the call for service on his computer, Officer Yanez “self-dispatched,” meaning that he assigned the call to himself and informed dispatchers that he would respond to it.

Arrival on Scene and Contact with Mr. Valdez

While responding to 7197 Big Sur Street, Officer Yanez described that his overall mindset—considering he was by himself—was to send Mr. Valdez on his way and away from the residence. When he arrived at the residence, he parked his patrol car and activated his BWC. The area was very low lit, so he scanned the area with his handheld flashlight before noticing Mr. Valdez lying in the driveway of the residence. Initially, Officer Yanez believed Mr. Valdez might need medical attention. However, after calling his name several times, he saw that Mr. Valdez was moving and appeared to understand who he was.

When Officer Yanez first approached him, Mr. Valdez was lying on the driveway in between two cars and the garage door to the residence. The driveway sloped down and the area was somewhat confined, with several feet between Mr. Valdez and the cars on either side of him. Mr. Valdez was wearing cargo shorts and a backpack, and he had both arms crossed against his body, making it difficult for Officer Yanez to see Mr. Valdez’s hands. Officer Yanez stood over Mr. Valdez and was leaning over and looking down at him; he described this position as a deliberate one that he took for safety reasons, as he did not know whether Mr. Valdez had any weapons in his hands, pockets, or concealed in his backpack.

After initially not responding verbally, Mr. Valdez told Officer Yanez to “go to the front door.” However, considering he was alone, Officer Yanez did not believe it was safe to turn his back on Mr. Valdez by walking over to the front door of the residence. Officer Yanez continued to engage with Mr. Valdez, at times elevating his voice to assert verbal dominance and establish a command presence—one of the de-escalation tactics that he had effectively used in the past. Mr. Valdez then placed his right hand in his pocket, at which time Officer Yanez told him to remove his hand from his pocket. Based on his training and experience as a police officer, Officer Yanez believed that Mr. Valdez was

possibly reaching for a weapon. Officer Yanez grabbed Mr. Valdez's hand to try and stop him from reaching for any weapons in his pockets and to try and detain him in handcuffs for the remainder of the investigation.

Officer Yanez placed the first handcuff on Mr. Valdez's right hand, but when he tried to attach the handcuffs to his left hand, Mr. Valdez physically resisted. He started pulling his left hand away from Officer Yanez with "a lot of force" and was moving and jerking his body. In the course of this struggle, Mr. Valdez's right hand slipped from Officer Yanez's grip. With Mr. Valdez's hands now free, and one of them in a handcuff, Officer Yanez became concerned that Mr. Valdez could use the loose handcuff as a makeshift weapon to swing at or strike him.

Officer Yanez Uses Taser on Mr. Valdez

Officer Yanez ordered Mr. Valdez to place his hands behind his back several times, but he did not comply. As the physical struggle continued, Officer Yanez tried to keep his body on top of Mr. Valdez to keep him on the ground. However, Mr. Valdez started pushing up in an attempt to stand. Based on the circumstances and Mr. Valdez's ongoing lack of compliance, Officer Yanez deployed his department-issued Taser.

Officer Yanez used the Taser against the center of Mr. Valdez's back, and when he did that, he heard the audible arcing sound of the Taser cartridges deploying. However, the Taser did not appear to be effective, because Mr. Valdez was not incapacitated and instead became immediately more agitated and upset. Officer Yanez felt Mr. Valdez's physical resistance "multiply" and he seemed to be getting stronger. In total, Officer Yanez deployed his Taser against Mr. Valdez twice, but neither one was effective. At some point after the two Taser projectiles were expended, Officer Yanez dropped the Taser.

In the interview, DOJ agents asked Officer Yanez whether he could have returned to his patrol car to access the less-lethal force options he had there. However, based on the circumstances and struggle with Mr. Valdez, Officer Yanez believed that it would not have been feasible for him to retrieve any of those options at that time, and that any attempts to do that would have placed him in a worse situation or potentially drawn Mr. Valdez closer to him. DOJ agents also asked Officer Yanez about whether the Taser was capable of being used as a stun gun after firing the taser projectiles. Officer Yanez confirmed it could have been.

As the physical struggle continued, Officer Yanez broadcast on his radio that he was "fighting with one." This broadcast was intended to alert dispatchers that he needed help, however it was limited because for him to access his radio, he had to reach across his body with one arm, which left only one other arm available to keep compliance with Mr. Valdez.

Mr. Valdez Assaults Officer Yanez and Grabs His Firearm

At some point in the struggle, Officer Yanez suddenly felt a very sharp pain in his groin. He described it as "the sharpest pain [he] had ever had in [his] life" and that he felt as though he had been stabbed near his testicles. His concerns about being stabbed in that location included the fear that he could have an artery severed, resulting in a rapid loss of blood. At the same time, Officer Yanez noticed that Mr. Valdez was sounding more and more aggressive.

When asked whether he was able to push off from Mr. Valdez and create some distance, Officer Yanez did not believe such action was feasible at that time; he was trying to maintain control over Mr. Valdez and prevent him from further assaulting him or taking physical advantage over him.

As he felt the sharp pain in his groin, Officer Yanez also noticed pressure on his thigh holster and saw that Mr. Valdez was pulling on his firearm. Officer Yanez reached down to his holster and felt Mr. Valdez's hand and fingers on the grip of his firearm. The holster was initially on the outside of Officer Yanez's right thigh, but it started slipping towards the inside (center) of his body. By slipping inside and down his leg, the holster was also slipping closer to Mr. Valdez. The particular holster model that Officer Yanez carried that night was a department-issued Safariland model with "Level-III" retention. That level of retention requires several steps to release the firearm: the top cover must slide forward using simultaneous downward and forward pressure, then the release button on the inside of the holster must be pressed before the firearm can be removed.



Officer Yanez's firearm and holster, which he was wearing around his right thigh at the time of the OIS.

In his academy training, Officer Yanez learned that if someone tries to remove his firearm from its holster, he should apply downward force on the holster to prevent the firearm from releasing. Accordingly, he started to push downward on his firearm, using a capping motion with both hands, but he could still feel Mr. Valdez's fingers on the firearm. Continuing to struggle, Officer Yanez ordered Mr. Valdez to let go of his firearm. At the same time, Officer Yanez began to feel very weak, and combined with the sharp pain in his groin, he felt as though "[he] had exerted all of [his] power." He felt exhausted and that his body was giving out. He was feeling weak and lightheaded, his vision became blurry, and he starting to see dots.

Shooting

Officer Yanez believed there was only one reason why Mr. Valdez would attempt to take his firearm, which is used for deadly force. Based on Mr. Valdez's behavior that night, Officer Yanez feared that Mr. Valdez would succeed in taking the firearm and would try to kill him.

As he continued pressing down on his firearm, Officer Yanez was able to stand up and create some distance between himself and Mr. Valdez. As he took a step back, he saw that Mr. Valdez was on his

feet and started advancing towards him and was closing the distance. Terrified and still experiencing “the sharpest physical pain [he] ever went through in [his] entire life,” Officer Yanez quickly drew his firearm and shot Mr. Valdez. He estimated that he fired between three and five shots total, and his intent was to try and stop the threat that he perceived coming towards him.

Immediately after the shooting, Officer Yanez repositioned himself behind his patrol car for cover. He still felt very weak and was experiencing sharp pain in his groin; he knew that he was injured and needed medical attention and was still the only police officer on scene. He was able to convey over the radio that he was hurt and needed help. Once other officers arrived, they helped Officer Yanez remove his clothing to evaluate his condition. He was then transported by ambulance to a local hospital.

When DOJ agents asked Officer Yanez about his use of deadly force under these circumstances, he stated that he believed Mr. Valdez had the ability, opportunity, and intent to cause serious bodily injury or death, and he believed that the amount of force used in this situation was necessary.

INTERVIEWS OF OTHER LAW ENFORCEMENT WITNESSES

As part of the OIS investigation, DOJ investigators interviewed several other law enforcement officers. These officers were not directly involved with the use of force on November 11, 2023, and were not witnesses to the shooting, but arrived on scene within minutes of the OIS. The following statements are summaries of those interviews, which describe the incident from the point of view of the individual officers. Please note that the interviews may contain facts relayed by the officers that may be inaccurate or inconsistent with the facts of this incident as they are currently understood.

Sergeant Brandon Bowie

Sergeant Brandon Bowie of the FPD was on duty on the night of November 11, 2023. He described that evening as “extremely busy” and that there were “a lot of calls for service pending” and “a lot of officers on calls themselves” around the City of Fontana. After hearing over the radio that shots had been fired and that Officer Yanez was broadcasting on the TAC radio channel, Sgt. Bowie immediately responded to provide backup. While en route to the scene, he started monitoring the TAC channel and heard Officer Yanez breathing heavily and the sounds of obvious distress. Once Sergeant Bowie arrived on scene, he contacted Officer Yanez, who appeared “pale and flush.” Sergeant Bowie escorted Officer Yanez away from the area so that he could be examined for any injuries, and then approached Mr. Valdez, who was lying nonresponsive in the driveway. Once the officers believed it was safe to provide medical aid to Mr. Valdez, Sergeant Bowie conducted chest compressions and other life-preservation measures on Mr. Valdez until paramedics arrived.

Officer Nick Straka

Officer Nick Straka of the FPD was also working patrol on the night of November 11, 2023. While he was on duty, he heard Officer Yanez state over the radio “shots fired, I’m hurt.” Officer Straka responded to provide backup but was several minutes away from Officer Yanez.

When Officer Straka arrived, he saw Officer Yanez was standing behind his patrol car, using it as cover, while holding Mr. Valdez at gunpoint. Officer Straka also noticed that Officer Yanez looked pale and appeared to be sweating; his voice was also cracking, and he sounded like he was in pain. He asked Officer Yanez where he was hurt, and Officer Yanez indicated below his waist and expressed that he was in pain. Officer Straka then helped remove Officer Yanez from the area to examine him for any

injuries. Officer Straka later assisted with life-preservation measures and conducted CPR on Mr. Valdez for several minutes until paramedics arrived.

As Officer Straka was leaving the scene that night, he was contacted by two individuals who live in the neighborhood. The first, W-11, who resides on Wake Court, approximately one block away from 7197 Big Sur Street, observed Mr. Valdez's behavior earlier that day, and stated that he had camera footage of Mr. Valdez on Wake Court pointing what appeared to be a firearm.

The other individual, W-10, who also resides on Wake Court, told Officer Straka that earlier that day, she witnessed Mr. Valdez running from police before he was arrested. Later that day, W-10 saw Mr. Valdez back in the area roaming the streets near Wake Court.

Officer Hector Iniguez

Officer Hector Iniguez of the FPD was on duty on the night of November 11, 2023, and responded as backup to Officer Yanez. When he arrived on scene, he saw a group of officers already on scene and saw Officer Yanez lying on his back on the ground screaming that he felt sharp pain between his legs and stated that he believed he had been stabbed. Officer Iniguez helped examine Officer Yanez for any obvious trauma and helped secure Officer Yanez's firearm in one of the patrol cars. He also observed Mr. Valdez in the driveway and saw several officers conducting CPR on him.

INTERVIEWS OF CIVILIAN WITNESSES

As part of the initial investigation, law enforcement from both FPD and DOJ interviewed several civilian witnesses. Some of those individuals were related to Mr. Valdez and were inside the residence at 7197 Big Sur Street at the time of the OIS. The other civilian witnesses were neighbors who heard part of the OIS or witnessed the events leading up to the OIS. The following are summaries of those interviews, describing the incident from the point of view of each person. The interviews contain facts relayed by the witnesses that may be inaccurate or inconsistent with the facts of this incident as they are currently understood.

Interview with W-1

On November 11, 2023, officers spoke with W-1, Mr. Valdez's cousin and the reporting party for the call for service that led to the OIS. W-1 stated that Mr. Valdez was recently homeless, but he was not allowed in the home due to his drug use. Several family members were at the home on November 11, and W-1 called the police that night after Mr. Valdez came to the house and threatened to kill the family, telling them they were "all dead." W-1 believed Mr. Valdez could act on his threat after a recent incident in which Mr. Valdez placed his aunt in a chokehold.

Interview with W-2

On November 11, 2023, officers also spoke to W-2, Mr. Valdez's uncle and the homeowner of 7197 Big Sur Street. W-2 stated that Mr. Valdez was "mentally unstable" and suffered from substance abuse. According to W-2, Mr. Valdez did not live there and was not welcome at the home, but had shown up several times that day, and W-2 had kicked him out three times earlier that day. Earlier that evening, W-2 received a text message from his neighbor, W-4, informing him that someone was in his driveway. Later on, W-2 heard gunshots but did not see the OIS incident.

Interview with W-3

On November 11, 2023, officers next spoke to W-3, W-2's wife and the aunt of Mr. Valdez. She stated that Mr. Valdez's mother resides at 7197 Big Sur Street, so Mr. Valdez always "comes around." However, the family did not want him at the home because he was "mentally unstable" and they believed it was unsafe for him to be there because there were children in the home. On the night of the OIS, W-3 heard several gunshots, but did not see anything that occurred outside.

Interview with W-4

On November 11, 2023, officers contacted W-4, who lived across the street from 7197 Big Sur Street. W-4 told officers that she saw Mr. Valdez earlier that evening standing on the street corner talking to himself and flailing his arms in the air. A short while later, around 6:30 PM, W-4 saw Mr. Valdez sitting in between two parked cars in the driveway of 7197 Big Sur Street, so W-4 sent a text message to W-2 to inform him that someone was in his driveway. Later, W-4 heard commotion coming from across the street and she heard gunshots. When she looked out of her window, W-4 saw a police officer standing behind the hood of his patrol car. The officer appeared to be injured, and W-4 heard the officer state that he was hurt. He was also giving commands and holding at gunpoint an individual lying in the driveway of 7197 Big Sur Street. Shortly thereafter, W-4 saw additional officers arrive on scene.

Interview with W-5 and W-6

On February 27, 2024, DOJ agents interviewed W-5 and W-6, husband and wife and neighbors who lived one block away from 7197 Big Sur Street. W-5 called police earlier in the day on November 11 to report that Mr. Valdez was loitering on the street corner, pacing back and forth, yelling, and punching the air. W-5 told investigators that she had seen Mr. Valdez in the neighborhood for the past two weeks, although she had never seen him bother anyone. She previously saw Mr. Valdez near the front door of 7197 Big Sur Street but did not see him interact with anyone at the residence. On another occasion, W-5 saw Mr. Valdez trying to start a fire in a nearby field, although she did not know if he had destroyed property or harmed anyone.

Interviews with W-7 and W-8

On February 26, 2024, DOJ agents also interviewed W-7 and W-8, neighbors who lived on Big Sur Street and who had contacted the police regarding Mr. Valdez earlier on the day of the incident. Shortly after midnight on November 11, 2023 (i.e., less than 24 hours before the OIS), W-7 saw Mr. Valdez standing in the middle of the road outside of their home, which he found odd since it was the middle of the night. W-7 contacted Mr. Valdez, who claimed that he was waiting for a ride and that he lived at 7197 Big Sur Street.

Later that day, at approximately 4:57 PM on November 11, W-8 called the police to report that Mr. Valdez was outside of their home acting suspiciously, that he had been there for the past two days, and it was making her uncomfortable. W-8 described seeing Mr. Valdez lying on his back, rolling around on the sidewalk, talking to himself, and punching the air. This was the second call for service that day regarding Mr. Valdez.

Interview with W-9

On February 27, 2024, DOJ agents also interviewed W-9, a neighbor who lived on Wake Court, a residential street one block east of Big Sur Street. According to W-9, he was bringing in groceries from his car earlier that afternoon when he saw Mr. Valdez jump over the brick wall that separated the neighborhood from an open field. A police car arrived a few minutes later, and W-9 saw Mr. Valdez

running from a police officer on foot towards W-9's home. W-9's son, who was in the front yard, intervened and helped police apprehend Mr. Valdez. Part of this interaction was recorded by an outdoor home security camera controlled by W-10.

A few hours later, W-9 and his wife were on their way to dinner when they saw Mr. Valdez loitering again in the area. W-9 then called police to report that Mr. Valdez was back. FPD responded to this third call for service that day regarding Mr. Valdez, but when the police arrived on scene, they were unable to locate Mr. Valdez.



Image from home security camera showing a foot pursuit several hours before the OIS involving a FPD police officer (left) and Mr. Valdez (right).

Interview with W-11 and W-12

On February 27, 2024, DOJ agents interviewed two other neighbors, W-11 and W-12, a husband and wife who resided on Wake Court, one block from 7197 Big Sur Street. Although W-11 did not directly observe any of the events of November 11, he provided agents with surveillance video showing part of the foot pursuit and arrest of Mr. Valdez earlier that afternoon. Several days earlier, on November 2, 2023, W-12 saw Mr. Valdez running in and out of traffic near the intersection of Baseline and Cherry Avenue.

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. (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; *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.5th 544, 571.) Malice is implied “when the killing results from an intentional act, the natural consequences of which are dangerous to life, which act was deliberately performed by a person who knows that his [or her] conduct endangers the life of another and who acts with conscious disregard for life.” (*People v. Dellinger* (1989) 49 Cal.3d 1212, 1215.)

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

Voluntary Manslaughter

Manslaughter is an unlawful killing without malice. (Pen. Code, § 192; *People v. Thomas* (2012) 53 Cal.4th 771, 813.) Several factors may preclude the formation of malice and reduce a killing that would otherwise be murder to voluntary manslaughter including: (1) heat of passion, and (2) imperfect self-defense. (*People v. 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 that the use of deadly force is necessary to defend against that danger. Such a killing is deemed to be without malice and thus cannot be murder. (*People v. Cruz* (2008) 44 Cal.4th 636, 664.) The doctrine of imperfect self-defense cannot be invoked, however, by a person whose own wrongful conduct (for example, a physical assault or commission of a felony) created the circumstances in which the adversary’s attack is legally justified. (*People v. Booker* (2011) 51 Cal.4th 141, 182.)

Self-Defense

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

Penal Code sections 196 *et. seq.* sets 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 requires an actual and reasonable belief in the need to defend against an imminent danger of death or great bodily injury. (*Humphrey, supra*, 13 Cal.4th at p. 1082.) Thus, self-defense has both subjective and objective components. The subjective element 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.) If that belief exists, then the objective element requires that it was a reasonable belief in light of all the circumstances and from the point of view of a person in a similar situation with similar knowledge. (*Humphrey, supra*, 13 Cal.4th at pp. 1082-1083; CALCRIM 505.)

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

The DOJ has completed an independent investigation and review of the facts and circumstances that led to the death of Jaime Valdez. This analysis is based on all of the evidence that DOJ received, including voluntary statements from the involved officer, witness interviews, law enforcement reports, analyses of firearms and ballistics, physical evidence, the autopsy and toxicology reports, BWC camera footage, photographs, and communication evidence.

Because a prosecuting agency would need to affirmatively prove beyond a reasonable doubt that Officer Yanez did not act in lawful defense of himself, self-defense is the primary issue in determining whether criminal charges should be filed. A detailed analysis of the evidence demonstrates that a prosecution could not establish that Officer Yanez was objectively unreasonable in determining that lethal force was necessary to protect himself or others, or that he did not actually hold this view. Therefore, the evidence is insufficient to support criminal charges.

Subjective Component of Self-Defense

The totality of the evidence shows that Officer Yanez actually believed in the need to defend himself against imminent peril or great bodily injury.

In his interview, Officer Yanez described his initial mindset as he responded to the call for service on the evening of November 11, 2023. He was aware of the fact that he was working alone and responding to this call by himself. It was also a very busy evening for FPD, his beat partner was unavailable, and his fellow patrol officers were handling other calls around the city. Although Officer Yanez did not listen to W-1's 911 call, some basic details from that call were conveyed through the CAD log, which he saw on the mobile computer in his patrol car. He knew that the nature of the call was a "disturbance" involving an individual who was at a family member's home in violation of a criminal protective order (i.e., a "stay away" order), and who had threatened to kill everyone in the home. Officer Yanez also saw that there was a previous incident attached to the call where Mr. Valdez was contacted by the police but not arrested. Altogether, that information would have supported Officer Yanez's initial belief that Mr. Valdez posed a threat.

During the encounter, Mr. Valdez was generally uncooperative. The BWC video shows Mr. Valdez initially ignoring Officer Yanez's repeated attempts to speak with him. When Mr. Valdez finally responded to Officer Yanez, he refused to answer basic questions and told him to go away and knock on the door to the house.

Officer Yanez's reaction to Mr. Valdez's conduct further supports his subjective belief that Mr. Valdez might be armed with a weapon. At one point, Officer Yanez told Mr. Valdez that he was unable to see if he had anything on him due to his baggy clothes and ordered him not to place his hands in his pockets. Although the angle of the BWC video does not show Mr. Valdez's hands, Officer Yanez gives commands not to place his hands in his pockets. In his interview, Officer Yanez stated that his training and experience taught him that subjects often conceal weapons in their pockets. Officer Yanez then attempted to handcuff him, and Mr. Valdez resisted, leading to a physical struggle.

The BWC video further shows that Officer Yanez gave numerous commands for Mr. Yanez to place his hands behind his back, but Mr. Valdez refused to comply. Working alone that night, Officer Yanez faced the additional challenge of trying to control Mr. Valdez while communicating essential information over the radio. In his interview, Officer Yanez explained that each time he used his radio, he had to reach across his chest with one hand, leaving only one other hand to control Mr. Valdez. Thus, at times he had only one free hand to subdue Mr. Valdez and defend himself from escalating physical resistance. From the BWC video, Officer Yanez also appears to use increasingly more assertive tactics to gain compliance—from a raised voice, to physical contact, to handcuffs, to the Taser. That use of escalating force further supports a subjective belief Mr. Valdez posed an increasingly serious threat, and that he was not complying.

In the moments leading up to the fatal shots, the evidence from Officer Yanez's interview and the BWC video provide additional support for his subjective belief in the need for self-defense. Just prior to the shooting, Office Yanez deployed his Taser against Mr. Valdez. In the interview, he stated that at this point, Mr. Valdez's strength appeared to increase and he was met with additional resistance. After the two Taser cartridges were ejected, Officer Yanez dropped the Taser on the ground, leaving him with no other less-lethal force options easily accessible. The audio from the BWC captures sounds of an intense struggle, and both Mr. Valdez and Officer Yanez are heard breathing heavily, grunting, screaming, and

cursing. Throughout the struggle, Officer Yanez gave multiple orders for Mr. Valdez to place his hands behind his back.

At this point in the struggle, Officer Yanez felt the sharp and sudden pain in his groin—the sharpest pain he had ever experienced in his life. He believed that he had been stabbed in his testicles, and he noticed that Mr. Valdez was sounding more and more aggressive. In his interview, Officer Yanez stated that at this point, he did not believe it was feasible to push away from Mr. Valdez, as he was trying to maintain control, and retreating likely would have created an even more dangerous situation. He was also feeling increasingly weak and exhausted from the struggle. When Officer Yanez felt Mr. Valdez’s hand on his firearm and noticed his holster slipping down his leg, he believed that Mr. Valdez was grabbing the firearm to use as deadly force against him. The BWC audio captures the moment that Officer Yanez ordered Mr. Valdez to let go of his firearm. Officer Yanez stated in his interview that just before the shooting, he was terrified, weak, lightheaded, and felt intense pain between his legs. He was able to stand up and, as he did so, he saw Mr. Valdez advancing towards him, which led to the fatal shots.

Officer Yanez was aware that Mr. Valdez had violated a stay-away order from the Valdez family home and had threatened to kill everyone in the home. Although Officer Yanez was unaware of Mr. Valdez’s prior acts of violence toward law enforcement, his conduct of resisting arrest earlier in the day, or the recent incident of putting his aunt in a chokehold, such prior conduct would be relevant to a claim of self-defense to the extent it corroborates Officer Yanez’s account that Mr. Valdez was physically combative and violent on the evening of November 11, assaulting him in the groin, and attempting to take his firearm. (*People v. Wright* (1985) 39 Cal.3d 576, 587 [noting the long-recognized rule that when self-defense is raised in a homicide case, evidence of the aggressive or violent character of the decedent is admissible]; see Evid. Code, § 1103, subd. (a).)

Finally, Officer Yanez’s behavior immediately after the shooting further establishes his actual belief in the need to defend himself against imminent peril. In the moments following the shooting, Officer Yanez broadcast on the radio that he was hurt and requested backup. From his BWC footage, he was out of breath and appeared to stagger down the driveway while groaning and cursing. He then turned back in the direction of Mr. Valdez and shouted, “keep your hands out where I can see them” and held Mr. Valdez at gunpoint from a distance until backup officers arrived. While awaiting backup officers, a neighbor inquired of Officer Yanez, who replied that he was hurt but did not believe he was shot. He also advised the neighbor to stay inside in case Mr. Valdez tries to “come up.” Around that same time, another neighbor, W-4, looked out her window and saw Officer Yanez, who appeared to be injured, standing behind his patrol car and giving commands while holding Mr. Valdez at gunpoint in the driveway.

A few minutes later, when the first backup officers arrive, Officer Yanez was escorted away from his patrol car so that he could be examined closer for injuries. DOJ investigators interviewed three backup officers who first saw Officer Yanez after the shooting; each of them described Officer Yanez in obvious signs of pain and distress, that he looked pale, flushed, and that he complained of pain in his groin. One of the backup officers, Officer Iniguez, described seeing Officer Yanez lying on his back on the ground screaming that he felt sharp pain between his legs and that he believed he had been stabbed. The BWC footage generally supports those observations and corroborates Officer Yanez’s subjective belief that he was injured, possibly stabbed, in a very sensitive part of his body. Later that evening, he reiterated

his belief to paramedics, who transported him by ambulance to the hospital. A few weeks later, in his voluntary interview with DOJ, he repeated and elaborated on that belief.

Based on the totality of Officer Yanez's actions before, during, and after the shooting, as well as his contemporaneous statements on the radio, his statements to the first neighbor, corroborated by a second neighbor, and the observations of the responding officers, the evidence strongly supports his subjective belief in the need for self-defense against someone who was noncompliant and had just assaulted the officer and was now fighting for the officer's firearm. Officer Yanez's behavior was consistent with someone who was injured, and who genuinely believed that Mr. Valdez posed a threat of serious bodily injury or death that night.

Objective Component of Self-Defense

Moreover, the evidence shows that Officer Yanez's belief in the need to use deadly force was objectively reasonable based on the totality of the circumstances. Evaluating that reasonableness from the perspective of the involved officer, deadly force was necessary in this case to defend against the imminent threat of death or serious bodily injury that would follow if Mr. Valdez had succeeded in further advancing toward Officer Yanez and taking his firearm.

As a patrol officer working alone and without any other officers nearby, Officer Yanez had no support when he responded to the final call for service. Under those circumstances, a reasonable officer contacting an individual who has violated a court order and threatened to kill everyone in the home would prioritize the safety of the officer and any civilians in the area above all else. Such concerns would justify Officer Yanez's reaction when Mr. Valdez placed his hands in his pockets and supports his decision to handcuff Mr. Valdez while trying to confirm or dispel whether he was armed with a weapon. Even after one of his hands was handcuffed, Mr. Valdez was still able to violently resist being further detained. In his interview, Officer Yanez noted that after one of Mr. Valdez's hands was handcuffed, it was unrestrained and could have been used with the loose handcuffs as a makeshift weapon to swing at or strike the officer.

After Officer Yanez deployed the Taser, Mr. Valdez continued to physically resist and ignored additional commands to place his hands behind his back. A reasonable officer in that situation would interpret Mr. Valdez's physical resistance as an intent to cause bodily injury to the officer. Indeed, moments later, Mr. Valdez assaulted Officer Yanez in the groin, causing him immense pain and leading him to believe that he had been stabbed. Such a belief was not unreasonable, considering that Officer Yanez had never been able to fully handcuff Mr. Valdez or check him for any weapons.

Furthermore, once the Taser cartridges were deployed, the Taser fell to the ground but was still usable as a stun gun. It would not be unreasonable for Officer Yanez to believe that Mr. Valdez, having just assaulted him in the groin, could use the Taser to further injure or incapacitate him. This reasonable concern is supported by both the BWC video and the results of the DNA analysis on the Taser. The BWC video shows that in the moments after the Taser deployed, at some point in the struggle, the green laser emitted from the end of the Taser was pointed at the BWC camera located on Officer Yanez's chest, suggesting that someone was now pointing the Taser directly at Officer Yanez. Moreover, the DNA results provide "very strong support" that Mr. Valdez grabbed the Taser at some point in the struggle. Although it is unclear whether Mr. Valdez perhaps used the Taser as a stun gun on Officer Yanez, causing the sudden and debilitating pain, such a conclusion is not unreasonable based on the timeline of the struggle, the presence of Mr. Valdez's DNA on the Taser trigger, and the fact that

Officer Yanez experienced critical pain but did not have any visible injuries. If Mr. Valdez did pick up the Taser and use it as a stun gun against Officer Yanez, that attempt would have explained the third trigger pull that was registered in the Taser log two seconds after the second cartridge was deployed. In any event, the evidence shows that Mr. Valdez took some action, either by Taser or other means, to injure Officer Yanez, providing additional support for the objective reasonableness of Officer Yanez's belief that Mr. Valdez had the ability and intent to inflict serious bodily injury on him.

When he resorted to deadly force, Officer Yanez had exhausted all other less-lethal force options immediately accessible to him. He had given numerous orders, to which Mr. Valdez failed to comply; he had tried to physically restrain Mr. Valdez, which then progressed into a physical fight; and he had tried to use the Taser to incapacitate Mr. Valdez. Although Officer Yanez had a retractable baton, a 40-millimeter less lethal cartridge launcher, and pepper spray inside his patrol car at the end of the driveway, once the physical struggle began, he was unable to retrieve them. A reasonable officer in that position would most likely view retreating to their patrol car in the middle of a physical fight to access one of those other force options as not feasible and more dangerous.

In the final moments before the shooting, Officer Yanez was struggling to maintain control of his firearm, and he described feeling Mr. Valdez's fingers pulling on his holster as it was sliding down his leg. The audio from the BWC supports this description, capturing Officer Yanez scream at Mr. Valdez to "let go" of the firearm twice. In his interview, he stated that the only reason why an individual would attempt to take a police officer's firearm in that moment would be to use it as deadly force against them. Based on Mr. Valdez's other combative and violent behavior towards the officer that evening, physically resisting and then physically assaulting him, the only reasonable interpretation of his grabbing and pulling on the firearm holster was that he intended to take the firearm to use against Officer Yanez. As the thigh holster began to slide down his leg, Officer Yanez was on the verge of losing control of his firearm, and by his own description, he was feeling increasingly weak and unable to defend himself further.

The DNA analysis of the officer's firearm neither corroborates nor contradicts the above sequence of events. The BFS identified the presence of at least five contributors on the firearm, leading to inconclusive results as to whether Mr. Valdez was one of those contributors. The BWC footage from the minutes after the shooting shows that Officer Yanez handed his firearm to a fellow FPD officer as he was lying on the ground to be examined for any immediate injuries to his groin area. Investigators processed the firearm and holster several hours later at the hospital where Officer Yanez was under evaluation. With that cross-handling of the firearm and passage of time, no useful DNA analysis could be completed.

After the final command to "let go," there is a gap of approximately two- to three seconds. In his interview, Officer Yanez described how in that moment, he was able to regain control of his firearm and stood up, at which point he saw Mr. Valdez advancing towards him. Assuming that was the last thing Officer Yanez saw before drawing his firearm and shooting Mr. Valdez, it was objectively reasonable for him to believe that Mr. Valdez posed a grave threat to his life. Having physically fought him for the preceding two minutes before engaging in a brief but intense struggle to control his firearm, a reasonable officer would believe that Mr. Valdez intended to cause further physical harm, possibly with the firearm, and Mr. Valdez's attempt to take the firearm reflects upon his intent. Officer Yanez, facing such a threat alone, without any backup officers, having exhausted all less-lethal options available to him, and on the verge of completely losing the ability to defend himself, acted reasonably in resorting to deadly force.

On these facts, a reasonable officer in the same situation would believe that Mr. Valdez had the apparent intent to immediately cause death or serious bodily injury to him and that deadly force was necessary.

Finally, the fact that Officer Yanez fired three shots at Mr. Valdez within the short span of less than two seconds, further supports the claim of self-defense, as it is consistent with an officer reacting to an advancing threat. Of the three shots, two struck Mr. Valdez in the front left shoulder and one struck him in the rear lower right area of his skull. Although the Coroner could not determine the sequence of the shots, the entry to the back of Mr. Valdez's head was likely the last of the three shots. This would be consistent with Officer Yanez's statement that Mr. Valdez was approaching him when he fired, resulting in the first two shots to the shoulder, which caused Mr. Valdez to spin around and start to fall, exposing the back of the head, and thus the third shot striking the back of his head. Studies show that when facing a potential threat, a responding officer must perceive a threat, make the decision to take action, and then take action. Each step requires time measured in fractions of a second and the entire process can have a significant range of total response time depending on the complexity of the variables. Tobin and Fackler's 2001 study⁸ found a rough average of 1 second for total response time for shooting decisions. This delay between stimuli and response is what is often referred to in the industry as the "reactionary gap." If Mr. Valdez was turning or falling after the first two shots, Officer Yanez would not have had sufficient time to react to such a change in posture before he recognized, processed, and decided to stop firing the third shot. The fact that the three shots were in quick succession over the span of less than two seconds further supports this conclusion.

The totality of the evidence shows that Officer Yanez held the subjective belief that deadly force was necessary to defend himself from imminent deadly force, and that such belief was objectively reasonable. The evidence proves that Officer Yanez acted in self-defense, and a criminal prosecution, therefore, could not prove beyond a reasonable doubt that the officer's use of force was unlawful.

CONCLUSION

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

⁸ Tobin, E. J., & Fackler, M. L. (2001). Officer decision time in firing a handgun. *Wound Ballistics Review*, 5, 8-10. See also Jason, A. (2010). *Shooting Dynamics: Elements of Time & Movement in Shooting Incidents*. *Investigative Sciences Journal*, 2(1), 1-19.



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 Jaime Valdez on November 11, 2023

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

February 2026



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, through its Police Practices Section, 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. The Police Practices Section 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. The Police Practices Section’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 November 11, 2023, at approximately 8:16 p.m., Officer Yanez of the Fontana Police Department (Fontana PD) self-dispatched to a disturbance call at a residence regarding Jaime Valdez (Mr. Valdez). The reporting party was Mr. Valdez’s cousin, who informed dispatch that Mr. Valdez had threatened to kill everyone inside the house and may have used drugs. Mr. Valdez’s cousin told the dispatcher he did not believe Mr. Valdez was armed. This was the fourth call for service to Fontana PD that same day regarding Mr. Valdez’s behavior in the neighborhood. Earlier that day, neighbors called 911 about Mr. Valdez.¹

Officer Yanez arrived at the residence and activated his body-worn camera, which remained active throughout the event. The video footage from the body-worn camera is hard to see due to poor lighting in the area at night. As Officer Yanez approached the driveway of the residence, he located Mr. Valdez lying on the driveway between two parked cars. During the initial contact at approximately 8:19 p.m., Officer Yanez asked Mr. Valdez if he needed medical attention and Mr. Valdez told the officer to go away. As Mr. Valdez remained lying on the ground, Officer Yanez approached Mr. Valdez and started to handcuff him. During the handcuffing, the two struggled. Officer Yanez broadcast on his radio that he was “fighting with one.” Officer Yanez was able to deploy two cartridges of his TASER,

¹ Earlier in the day neighbors had called 911 three times to report Mr. Valdez in the neighborhood at approximately 12:35 p.m., 4:57 p.m., and 6:18 p.m. Different officers from Fontana PD responded each time. In response to the first 911 call, officers detained and transported Mr. Valdez to West Valley Detention Center where he was evaluated and found to have an elevated heart rate. An ambulance was summoned to take Mr. Valdez to the hospital, but he declined. Therefore, officers gave him a citation for being under the influence of a controlled substance and obstructing or resisting arrest, then released him. In response to a second 911 call, officers contacted Mr. Valdez, questioned him and left him without incident. In response to a third 911 call, an officer responded, but Mr. Valdez was not around.

which appeared to contact Mr. Valdez but did not incapacitate him. Based on the audio recording, there was an ongoing struggle between Mr. Valdez and Officer Yanez and the officer shouted, “let go of my gun!” twice before three shots were fired at approximately 8:22 p.m. Two rounds struck Mr. Valdez in the shoulder, and one bullet struck him in the head which resulted in his death.

After the shooting, and prior to notifying DOJ of the incident, Fontana PD requested assistance from the San Bernardino County Sheriff’s Department (Sheriff’s Department) to help secure the scene.

The Police Practices Section has completed a thorough review of the Division of Law Enforcement’s investigation file, all available multi-media, and a review of the involved agency’s policies and training materials. Based upon the review, the Police Practices Section has two recommendations:

RECOMMENDATION ONE: EVIDENCE DOCUMENTATION AND PRESERVATION

After the shooting, several items of physical evidence were not thoroughly documented and preserved by Fontana PD to properly reflect the continuity and chain of custody. Fontana PD contacted Sheriff’s Department Crime Scene Specialists to assist with evidence processing. Sheriff’s Department Scientific Investigations Division provides general forensic science services to other area law enforcement agencies. (Sheriff’s Department Manual Section 1.340.66.)

Fontana PD policy requires the proper collection and preservation of evidence after an officer-involved shooting: “Care should be taken to preserve the integrity of any physical evidence present on the involved officer’s equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.” (Fontana PD Policy No. 310.5.5, Involved Officers.)

Following the shooting, and prior to DOJ’s arrival, Officer Yanez was medically assessed at the scene and then transported by ambulance to the hospital. At the scene, Fontana PD Corporal Campa took possession of Officer Yanez’s firearm and brought it to the hospital. (Fontana PD Policy No. 804.3, Property Handling.)²

Once at the hospital, Fontana PD collected Officer Yanez’s equipment and uniform prior to the Sheriff’s Department arrival at the hospital. Fontana PD did not take photographs of Officer Yanez after the shooting in his uniform, duty belt, and thigh holster prior to collecting his uniform and equipment.

The failure to photograph Officer Yanez in his uniform and duty belt immediately following the shooting denied investigators, including the DOJ, of evidence which may have provided further insight into the availability and placement of Officer Yanez’s thigh holster, TASER, and OC spray during the physical altercation with Mr. Valdez. While the circumstances may have necessitated removal of the officer’s uniform for medical evaluation, Fontana PD policy specifically requires preservation and documentation of the officer’s equipment or clothing, which could have been accomplished in this

² Fontana PD Policy No. 804.3, Property Handling states: “Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.”

instance by taking photographs prior to removal of the uniform. (Fontana PD Policy No. 310.5.5, Involved Officers.) Additionally, there is no documentation by Fontana PD regarding the final disposition of the officer's uniform, including duty belt and thigh holster, after they were photographed or collected at the hospital.

In addition, although there was a forensic analysis of the officer's pistol and magazine, including DNA and fingerprinting, there was no forensic testing or analysis performed on Officer Yanez's thigh holster by any agency. Given that Officer Yanez stated that Mr. Valdez grabbed his firearm from the thigh holster which, contributed in part, to his decision to use deadly force, attempts should have been made to collect and preserve touch DNA and fingerprints. (Fontana PD Policy No. 804, Property and Evidence.)

The Police Practices Section recommends Fontana PD evaluate their evidence documentation and preservation policies and procedures to ensure thoroughness and comprehensiveness in an investigation and revise such policies as needed.

RECOMMENDATION TWO: WEBSITE POSTING OF AGENCY POLICIES

Penal Code section 13650 requires that each local law enforcement agency shall "conspicuously" post on their website all current standards, policies, practices, operating procedures, and education and training materials to promote transparency for the public. While Fontana PD's policies are on its website, they are not "conspicuously post[ed]" as required by law because they are located in its training portal which requires users to navigate and click through to find. Police Practices Section recommends that Fontana PD ensure its policies are conspicuously posted on its public information portal, instead of its training portal, for better transparency and accessibility.