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October 27, 2023

Chief Roxana Kennedy
Chula Vista Police Department
315 4th Avenue
Chula Vista, CA 91910

Chief David Nisleit
San Diego Police Department
1401 Broadway
San Diego, CA 92101

Re: Fatal shooting of Bradley Munroe involving Chula Vista Police Officer Alphonso Perdomo on December 18, 2022; San Diego Police Case No. 22054762; DA Special Operations Case No. 22-154PS; Deputy District Attorney assigned: Fredrick Washington

Dear Chief Kennedy and Chief Nisleit,

We have reviewed the reports and other materials compiled by the San Diego Police Department Homicide Unit concerning the shooting of Bradley Munroe. A District Attorney Investigator responded to the scene and was briefed by investigators. This case was submitted to the District Attorney's Office for review on May 5, 2023. We received the Medical Examiner's Report on September 5, 2023.

Summary

On December 18, 2022, the Chula Vista Police Department received multiple calls from people requesting police respond to the parking lot of a shopping center located at 1170 Broadway in Chula Vista. The callers reported a woman screaming for help and a male hitting the female. While one of the callers was on the phone with the 911 dispatcher, a female could be heard in the background talking to the caller. The woman was telling the caller her son is paranoid, schizophrenic, delusional, and was trying to save her from her car, which he believed was going to explode.

Officer Perdomo arrived at the location of the call and observed Bradley Munroe beating on a pickup truck with a metal object. Perdomo ordered Munroe to stop and get down on the ground. Munroe ignored Perdomo's order and climbed into the bed of the truck while holding a knife in his hand. Perdomo repeatedly ordered Munroe to put down the knife and get out of the truck bed. Munroe ignored Perdomo's orders and began pounding on the back window of the truck before eventually climbing out of the truck bed while still holding the knife in his hand. Perdomo ordered Munroe to get on the ground, but when Munroe stepped down out of the truck bed with the knife in his hand, he began walking toward Perdomo. Perdomo told Munroe to not walk toward him with the knife.

Munroe ignored him and began advancing toward Perdomo. Perdomo fired six shots from his handgun at Munroe, fatally wounding him.

The Medical Examiner determined Munroe's cause of death was multiple gunshot wounds and classified the manner of death as homicide. Toxicological testing of Munroe's blood revealed the presence of amphetamine at a level of 0.02 mg/L, methamphetamine at a level of 0.54 mg/L, ephedrine at a level of 0.03 mg/L, phencyclidine (PCP) at a level of 9.3 ng/L, 4-ANPP at a level of 85 ng/mL, and fentanyl at a level 550 ng/mL. Fluorofentanyl, acetyl fentanyl, and norfentanyl were also detected.

Persons Involved

Bradley Munroe was a 32-year-old resident of Chula Vista. Officer Perdomo had been employed by the Chula Vista Police Department for four years and was in full police uniform during the incident.

Civilian Witness One (CW1)

CW1 was putting things in her car after leaving Walmart when she heard a woman calling for help. CW1 thought it was a domestic violence situation and walked toward the Mission Federal Credit Union along with two other male bystanders whom she did not know. CW1 saw Munroe had a hold on a woman. One of the men pulled Munroe away from the woman and the woman then got into her car. Munroe began banging on the passenger window of the woman's car with something, but CW1 could not tell what it was. One of the men pulled Munroe back from the car and the woman drove away to another part of the parking lot and parked. The woman then got out of her car and CW1 spoke to her and learned the woman was Munroe's mother. Munroe's mother told CW1 that Munroe suffers from schizophrenia and was having an episode. Munroe believed his mother's car was going to explode and he was trying to save her from the car. Munroe's mother continued to drive around the parking lot and one of the men told Munroe the police had been called. CW1 called the police to report the incident and continued watching Munroe. Munroe pushed a wheelchair through the parking lot and stopped by a pickup truck parked in the lot. Munroe began beating on the side and back of the pickup truck with an object, but CW1 could not tell what the object was. A police officer arrived and took out his police canine. Two other officers arrived and had their guns out. Munroe was in the bed of the truck and the officer told him to get out. Munroe got out of the truck bed and began charging at the officer. Munroe had something in his hand as he was coming at the officer and CW1 heard four or five shots. Munroe fell to the ground and the officers began doing CPR until the paramedics and fire department arrived.

Civilian Witness Two (CW2)

CW2 was with her mother, CW1, during this incident. CW1 and CW2 were leaving Walmart and were in the parking lot when they heard a woman calling for help. CW2 stayed by their car and called 911 while CW1 went to investigate. CW2 saw Munroe pushing a wheelchair across the parking lot and begin slamming the wheelchair into the bumper of a pickup truck. CW2 saw a police car arrive in the area and thought the officer was coming to the call but the police car drove away. CW1 and CW2 got in their car and drove after the officer who left. They saw the officer conduct a traffic stop. They drove back to the parking lot to see if other officers had arrived. CW2 was riding in the passenger seat. When they returned, CW2 saw an officer with a police dog and saw another officer holding what CW2 believed to be a Taser. Munroe was in the bed of the truck and one officer was telling him to get on the ground. While they were driving past the police car, CW2 saw Munroe get out of the truck bed and begin running toward the officer when the officer began shooting. CW2 believed Munroe was going to attack the officer and the officer did what he had to do to protect himself.

Civilian Witness Three (CW3)

CW3 was parked in the shopping center parking lot and saw Munroe walking with an older female. Munroe was wearing casts on both legs, limping, and pushing a wheelchair. Munroe and the woman were walking and talking, and Munroe appeared to be angry. CW3 stopped watching them so she could respond to a text message and then heard the woman calling for help. CW3 looked up and saw Munroe pulling on the sleeve of the same woman's coat but he was not hitting her. A male bystander told Munroe to stop pulling on the woman. CW3 drove her car toward Munroe hoping it might distract him and stop him.

After Munroe let go of the woman, the woman got in a car and began driving away. CW3 called the police and began telling the dispatcher what she was witnessing. The woman in the car drove away and began driving in circles around the parking lot. CW3 stayed on the phone speaking with the dispatcher. Munroe used a wheelchair to hit a pickup truck parked in the lot. Munroe removed a footrest from the wheelchair and began hitting the pickup truck window with it. He then dropped what he was using and climbed in the bed of the truck. The first police officer arrived and had a police dog with him and told Munroe to stop. Munroe jumped out of the truck bed and as soon as he did this, the officer shot him six times. CW3 initially thought the officer fired four times. CW3 later learned her daughter (CW4), who was with her, took a video with her phone. After viewing the video, CW3 counted six shots fired by the officer. More officers arrived and they began performing CPR on Munroe. CW3 could not understand why the officer shot Munroe and did not use the dog. She believed it was unnecessary for the officer to shoot Munroe.

Civilian Witness Four (CW4)

CW4 is the 16-year-old child of CW3. CW4 left work and was walking to her mother's car, which was in the parking lot. She saw Munroe holding a woman by the arm and pulling on her and they appeared to be in some type of altercation. CW4 got in the back seat of CW3's car. CW3 was on the phone with the 911 dispatcher. They sat in the car and observed what was happening between Munroe and the woman while CW3 kept advising the dispatcher what was happening. CW4 lost sight of the woman Munroe was with and watched Munroe walk over to a truck. CW3 began driving toward Munroe's location and CW4 saw Munroe remove a part of a wheelchair and begin hitting the truck with it. CW4 began recording the incident with her cell phone. Munroe was hitting the passenger window of the truck for about a minute when the police arrived. The officer removed a police dog from his car and told Munroe to stop. Munroe got into the bed of the truck and the officer told Munroe to get out of the bed. Munroe got out of the truck bed and did not have anything in his hands. Munroe took about two steps toward the officer with his hands up at shoulder level. Munroe was walking fast, but not running. Munroe was between 10 and 15 feet from the officer. CW4 heard the shots and saw the officer shoot Munroe. Munroe fell to the ground and the officers began providing first aid to him.

Civilian Witness Five (CW5)

CW5 is the younger child of CW3 and was also with CW3. CW5 was in the front seat of CW3's vehicle during the entire incident. CW5 saw Munroe walking with a woman. Munroe began pulling on the woman's sweater until she called out for help. Munroe appeared to become angry and threw a wheelchair. Another male approached Munroe and was speaking with him, but CW5 could not hear what was said. While this was happening, the woman got in her car and Munroe began hitting her vehicle until the woman drove away. Munroe walked away to another part of the parking lot and started hitting a black truck parked in the lot.

Munroe hit the truck a few times with the wheelchair he had and then removed a part of a wheelchair and began hitting the truck. Munroe hit the truck window several times and appeared to be very angry. Munroe got into the bed of the truck and a police officer with a police dog arrived and told Munroe to stop. Munroe got out of the bed of the truck and began walking toward the officer. Munroe had casts on both legs and could not walk very well. CW5 could see Munroe's hands and it did not appear Munroe was holding anything. Munroe had a confused look on his face and when he started walking toward the officer, the officer started shooting at him. Munroe fell to the ground. More officers arrived and began doing CPR on Munroe.

Civilian Witness Six (CW6)

CW6 was driving his semitruck through the parking lot and heard a sound he thought was coming from the truck but did not recognize. He stopped and saw a police car driving by and heard sirens from other police cars. CW6 continued to watch the officer who drove by him and then saw a man later identified as Munroe by a pickup truck. Munroe had a footrest from a wheelchair in his hand and he was hitting the side of the pickup truck with it. The officer got out of his car with the police dog and began to shout commands at Munroe. The officer told Munroe to stop what he was doing and lay down or he may be bitten by the police dog. Munroe hit the truck a few more times and then stopped and walked to the back of the pickup truck. Munroe got in the bed of the truck and started hitting the back window of the truck with something he had in his hand. The officer continued calling out to Munroe to stop what he was doing or he may be bitten by the police dog. Munroe stopped hitting the window and sat down in the bed of the truck. The officer continued to tell Munroe to get out of the vehicle and Munroe slid down in the bed as though he was trying to hide from the officer. Munroe got out of the truck bed and started heading toward the officer. CW6 could see something small in Munroe's hand, but he could not tell what it was. Munroe walked four to five feet closer to the officer when the officer began shooting at him. CW6 believed the officer fired five times. Munroe moved as though he was trying to avoid the bullets, but he fell to the ground. At the same time this was happening, two more officers arrived. One had a rifle and the other had a pistol. The officers were calling out to Munroe to get rid of the knife but CW6 could not tell if that was what Munroe had. The officers eventually handcuffed Munroe and began performing lifesaving procedures. CW6 estimated the entire incident took two to three minutes and the officer was telling Munroe the entire time to stop what he was doing and drop what he had in his hands. CW6 believes the officer gave Munroe plenty of time to comply with his commands.

Civilian Witness Seven (CW7)

CW7 was parking in the shopping center lot and heard a female calling for help. CW7 saw Munroe holding a knife in one hand and pulling on the back of the female's clothing at the neck. CW7 was afraid Munroe was going to stab the woman in the neck, so he went over and told Munroe to let the woman go. CW7 told Munroe he could help him. Munroe said he was hearing voices and was afraid something was going to happen. Munroe said the woman's car was making a noise. Munroe let go of the woman's neck and she got in her car and drove away. Munroe walked toward CW7 and told him to give him his money. CW7 had no cash and was about to run away when another man told Munroe to leave. Munroe turned around, got his wheelchair, and walked away. Since the female had driven away and Munroe was walking away, CW7 thought everyone was safe and it was over. CW7 bought some items in Walmart and when he returned to his car, he saw Munroe in the parking lot. Munroe had removed the footrest from a wheelchair and was using it to hit the side window of a pickup truck. CW7 got in his car and continued watching. CW7 heard sirens and saw police cars arriving. Munroe continued to hit the truck window.

Munroe took something from his waistband and climbed into the bed of the pickup truck and lay down almost out of view. A canine officer arrived and had his dog by the leash in his left hand and had either a Taser or handgun in his right hand. The officer told Munroe to drop the weapon. A second officer arrived and took something out of the left rear door of the police vehicle, but CW7 could not see what it was. CW7 heard shots and ducked down out of fear of being hit by stray bullets. CW7 did not see the shooting but heard six shots. After the shots, CW7 saw the officers begin to perform CPR on Munroe. Paramedics arrived soon afterward. CW7 used his phone to record the incident and provided the video to the investigators.

Civilian Witness Eight (CW8)

CW8 was sitting in the driver seat of his truck in the parking lot when he heard a thumping noise. CW8 looked up and saw Munroe in the bed of a pickup truck beating on the rear driver side window of the truck. Munroe was not hitting it very hard and CW8 assumed Munroe owned the truck and was trying to get inside it. CW8 could not tell what type of object Munroe was using to hit the window. CW8 saw a police officer arrive and the officer begin shouting at Munroe telling him to get on the ground. The officer, who also had a police dog with him, told Munroe two times to get on the ground. Munroe was about 10 to 12 feet from the officer and appeared to be disabled because he was having trouble walking. Munroe began slowly shuffling toward the officer and the officer shot him three times. CW8 thought the officer used a Taser to shoot Munroe but realized afterward it was a gun. Another officer arrived and kicked something away and began doing CPR on Munroe.

Civilian Witness Nine (CW9)

CW9 is a PERT (Psychiatric Emergency Response Team) Clinician who was working with LE1 when they responded to the call. When CW9 and LE1 arrived at the call, CW9 stayed in the car, which was parked about 30 feet from Munroe. Munroe was crouched down in the bed of the truck and began climbing out of the truck bed. CW9 could not hear the officers because he stayed seated in the police car. When Munroe got out of the truck, CW9 could clearly see a knife in Munroe's right hand. Munroe was about 10 feet from Perdomo and Munroe began approaching Perdomo. It looked like Munroe was mouthing something, but CW9 could not hear what he was saying. CW9 saw Perdomo restraining his police dog with his left hand while holding his gun in his right hand. When Munroe got within a few feet of Perdomo, Perdomo fired four to five shots at Munroe and Munroe fell to the ground. Munroe held onto the knife for a few seconds, but then dropped it and some of the other officers got it away from him.

Law Enforcement Witness One (LE1)

LE1 responded to assist Perdomo on the call. While he was driving to the call, LE1 heard Perdomo broadcast on the radio that Munroe was armed with a knife. Perdomo asked for an officer with a less lethal shotgun (beanbag shotgun) to respond to the scene. When LE1 arrived in the parking lot, he saw Munroe at the back of a pickup truck waving his arms around, appearing very animated. LE1 drove to a position next to Perdomo's vehicle and stopped his vehicle. LE1 saw Perdomo outside his vehicle restraining his police dog with one hand and holding his handgun in his other hand. LE1 could hear Perdomo addressing Munroe but could not tell what he was saying. LE1 had difficulty getting the locking mechanism that holds the beanbag shotgun to disengage. This caused LE1 to take his eyes off Perdomo. When the lock disengaged, LE1 removed the bean bag shotgun and chambered a round. As LE1 did this, he saw Munroe begin to lunge toward Perdomo. LE1 then heard shots being fired. Munroe fell to the ground. LE1 did not see Munroe with a knife but based on Perdomo's advisement over the radio, he believed it to be true. LE1 believes he heard between three and five shots.

LE1 kept his shotgun trained on Munroe because he did not know if Munroe was still armed. LE1 moved closer to Munroe with another officer, and LE1 saw a knife on the ground. LE1 kicked the knife away from Munroe and did not see any other weapons. Other officers helped handcuff Munroe. LE1 did not fire the bean bag shotgun during this incident.

Investigation

The shooting took place in the parking lot of a shopping center in Chula Vista. The scene was secured, photographed, and investigated by the San Diego Police Homicide Unit. All officers' and detectives' reports, audio and video recorded interviews, dispatch recordings, body worn camera footage, along with the Medical Examiner's report, were reviewed. The events leading up to, and the incident itself, were captured on officers' body worn cameras. Two civilian witnesses recorded the incident with their cell phones. All these items were found to provide evidence that corroborates the officers' statements.

In total, 16 civilian witnesses were interviewed. Nine of them witnessed portions of the incident. Seven of the witnesses heard the shots fired but did not see the shooting. 20 Chula Vista police officers responded to this incident. Four of the officers heard the shots being fired as they arrived, but no officers witnessed the shooting. Perdomo declined to meet with investigators and participate in an interview. Perdomo's body worn camera was activated prior to the shooting and captured the events leading up to the shooting as well as the actual shooting.

At the time of the incident, Perdomo was armed with a SIG Sauer P320 9mm handgun and extra magazines. Following the shooting incident, a San Diego Police Department Crime Scene Specialist retrieved and examined the handgun and extra magazines. Perdomo's gun had 12 rounds remaining. One round was in the chamber and 11 rounds were in the seated magazine. The two extra magazines Perdomo carried were loaded to capacity with 17 rounds each. Six cartridge casings were collected from the ground at Perdomo's shooting position. This was found to be consistent with Perdomo having fired six rounds.

At the time of the shooting incident, Munroe was armed with a folding knife with a blade measuring approximately 10 centimeters. The knife was recovered at the scene in an open and locked position with the blade exposed.

During their investigation following this shooting incident, detectives interviewed Munroe's family members. Detectives learned Munroe had been suffering with mental illness for many years. Eight years prior to the incident, he was diagnosed with schizophrenia, paranoia, and anxiety. Chula Vista Police were called to the Munroe residence eight times in the six years prior to the shooting incident for issues related to Munroe's mental health. Following each of those calls, Munroe was committed to a mental health facility for evaluation and was eventually released. The first two incidents involved Munroe having suicidal thoughts. Over time, the incidents became progressively more violent with Munroe using a knife to either harm himself or threaten family members.

On December 17, 2022, a day before the officer-involved shooting, Munroe's family called Chula Vista Police because Munroe was experiencing another psychotic episode and began breaking out the windows in the home. During that event, Munroe also went to a neighbor's house with a pocketknife and tried to get inside through a window. Officers arrived and used a police dog, Taser, and a less lethal beanbag shotgun to subdue Munroe. Munroe was taken to a mental health facility and placed on a 72-hour hold. However, he was released within hours due to a lack of bed space.

Autopsy:

An autopsy was performed by a Deputy Medical Examiner on December 20, 2022. Five gunshot wounds were identified on Munroe's body consistent with the shooting incident. The projectiles and projectile fragments recovered were turned over to a Crime Scene Specialist present at the autopsy. Multiple abrasions and contusions in different stages of healing were observed in various locations on Munroe's body. Samples of blood were retained for toxicological testing. The cause of death was classified as multiple gunshot wounds and the manner of death was classified as homicide.

Later testing of the peripheral blood taken from Munroe revealed the presence of amphetamine at a level of 0.02 mg/L, methamphetamine at a level of 0.54 mg/L, ephedrine at a level of 0.03 mg/L, phencyclidine (PCP) at a level of 9.3 ng/L, 4-ANPP at a level of 85 ng/mL, and fentanyl at a level 550 ng/mL. Fluorofentanyl, acetyl fentanyl, and norfentanyl were also detected.

Body Worn Camera:

All officers were equipped with body worn cameras (BWC), but only Perdomo's BWC captured the shooting. LE1 was the closest officer to Perdomo when the shooting occurred, but he did not activate his BWC during this incident. At 0:03:09 on Perdomo's BWC, he arrives in the parking lot and stops his car facing Munroe. The headlights from Perdomo's police vehicle illuminate the area where Munroe is standing next to a black pickup truck. Perdomo removes his police dog from the vehicle and began calling out to Munroe. Perdomo calls out to Munroe telling him to get down on the ground or he will be bitten by a police dog. Perdomo then broadcasts on his radio that Munroe is armed with a knife. At this point, there are four vacant car spaces separating Perdomo and Munroe. Perdomo begins walking toward Munroe, repeatedly telling him to get on the ground. Munroe climbs into the bed of the pickup truck, sits down, and begins hitting the rear window of the pickup truck. Perdomo orders Munroe to get out of the truck and get on the ground 11 times. Perdomo broadcasts over the radio that Munroe is attempting to break the truck window with a knife he is holding. Perdomo asks for officers to respond with a pepper ball launcher, a beanbag shotgun, and requests a supervisor. Perdomo stops advancing toward Munroe and two vacant car spaces separate them. Perdomo continues to tell Munroe to get out of the truck bed and get on the ground while Munroe continues hitting the truck window. Munroe stops hitting the window and climbs out of the truck bed holding an object in his left hand. As Munroe climbs out of the bed, Perdomo tells him four times not to walk toward him with the knife. Munroe gets out the truck and begins walking toward Perdomo. Munroe quickens his pace toward Perdomo while still holding the object despite Perdomo telling Munroe to stop. Perdomo fires six times from his handgun and Munroe falls to the ground. Other officers move in and handcuff Munroe before assessing his injuries and providing first aid.

Civilian Cell Phone Video

CW7 began recording Munroe before Perdomo arrived. In the footage, Munroe is standing beside the black pickup truck. Munroe removes the footrest from a wheelchair and is hitting the rear driver side window over and over, but the window does not break. Perdomo arrives and can be heard shouting commands to Munroe. Munroe reaches into his right front pant pocket with his right hand. He appears to pull something out of his pocket, but the distance is too great to see what he may be holding. Munroe then climbs into the bed of the truck and goes out of sight as the camera focuses on Perdomo. The camera stays focused on Perdomo. Perdomo is seen holding his police dog at his left side with his left hand. Perdomo withdraws something from his right side and points his right hand forward. LE1 arrives in a police vehicle and stops the vehicle at a location that obstructs the camera's view of

Perdomo. However, Munroe is seen standing up in the pickup truck bed and appears to be stepping out of the truck bed in Perdomo's direction. Both Munroe and Perdomo are then obstructed. The camera pans away and as it pans back, gunshots are heard. No video recording of the shooting was captured due to the position of LE1's vehicle.

CW4 began recording video with a cell phone shortly before the arrival of LE1's vehicle. Perdomo is seen using his left hand to hold onto his police dog while holding his firearm in his right hand, pointing it in the direction of a black pickup truck about two parking spaces in front of him. The sound of police sirens obscures any words spoken by Perdomo. LE1 arrives and stops beside Perdomo's vehicle, blocking the camera's view of Perdomo. Munroe is seen climbing out of the truck bed. After stepping to the ground, Munroe begins to quickly walk toward Perdomo. The sound of gunshots can be heard, and Munroe falls to the ground. Due to the distance from where the video was recorded, anything Munroe may have had in his hand cannot be seen.

Legal Standards of Criminal Liability

Penal Code section 835a(c) sets forth the circumstances in which a peace officer may use deadly force and the standard to evaluate the use of such force. The law provides that "a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person." Penal Code section 835a(c)(1)(A).

The statute defines "deadly force" as "any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm." Penal Code section 835a(e)(1).

An imminent threat of death or serious bodily injury is one where "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 another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed." Penal Code section 835a(e)(2). The statute defines totality of the circumstances as "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." Penal Code section 835a(e)(3).

The statute further states, "In determining 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." Penal Code section 835a(2). "[T]he decision by a peace officer to use force shall be evaluated 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. The totality of circumstances shall account for occasions when officers may be forced to make quick judgments about using force." Penal Code section 835a(4).

Additionally, "[a] peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts because of resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right of self-defense using objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or prevent escape or overcome

resistance. For purposes of this section "retreat" does not mean tactical repositioning or other de-escalation tactics." Penal Code section 835a(d).


Penal Code section 196 provides that homicide is justified when committed by peace officers and those acting by their command in their aid and assistance when the homicide results from a peace officer's use of force that is in compliance with Section 835a.

Conclusion

Perdomo responded to a rapidly evolving event. Multiple civilians had called 911 to report Munroe was assaulting a woman. Perdomo was the first of several responding Chula Vista Police officers on scene. When Perdomo located Munroe, Munroe was vandalizing a truck by repeatedly hitting it. When Perdomo made verbal contact with Munroe, it was objectively clear Perdomo was an officer. He arrived in a police vehicle with emergency lights activated, he identified himself as an officer, was wearing a police uniform, and was accompanied by a police dog. Perdomo ordered Munroe to stop what he was doing and to lie on the ground. Munroe ignored Perdomo and climbed into the bed of the pickup truck and began hitting the rear window with a knife. Perdomo ordered Munroe to get out of the truck bed and lie on the ground. After ignoring repeated commands, Munroe eventually climbed out of the truck bed but maintained the knife in his hand. Perdomo told Munroe to lie on the ground and not to come toward him with the knife. Munroe began advancing on Perdomo while armed with the knife. When the folding knife was recovered after the shooting, the blade was in an open and locked position and was measured to be approximately 10 centimeters long. It is reasonable to conclude the 10-centimeter-long blade was in that same open and locked position while Munroe was advancing on Perdomo. Perdomo repeated the command four times. Munroe, armed with the knife, began to quicken his pace as he moved toward Perdomo. When Munroe was within approximately two car spaces, Perdomo fired six shots, striking Munroe. Perdomo ultimately fired his weapon only after employing other techniques to deescalate the situation. Perdomo had given Munroe numerous commands. Perdomo displayed a police dog at his side, a technique often employed to deter action or to gain compliance. Perdomo pointed his firearm at Munroe while repeating commands. Despite all of this, Munroe began to quickly close the physical space between himself and Perdomo.

Based on the facts known to Perdomo at the time, it was reasonable for Perdomo to believe that Munroe had the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury and that it was necessary to defend against that threat by use of deadly force. Based on the totality of circumstances, Perdomo bears no state criminal liability. A copy of this letter, along with the materials submitted for our review, will be retained for our files.

Sincerely,


SUMMER STEPHAN
District Attorney

cc: Captain Miriam Fox
Chula Vista Police Department
Captain Richard Freedman
San Diego Police Department