

City of Richmond, California
 Community Police Review Commission
PUBLIC CASE SUMMARY

| Case # | Date Received | Date Completed |
|--------|---------------|----------------|
| | N. A. | April 26, 2018 |

CATEGORY OF CONDUCT: (check one)

| Unnecessary Force | Racial Bias |
|-------------------|-------------|
| <u>X</u> | |

FINDING OF FACT: (brief summary of complaint and investigation)

On the night of September 14, 2014, Richmond Police Officer Wallace Jensen made a routine stop at Uncle Sam’s Liquor store at 3322 Cutting Blvd. Richmond, CA. When he entered the store, the shopkeeper told Officer Jensen that Richard “Pedie” Perez was drunk and causing problems such as trying to buy alcohol on store credit or attempting to shoplift alcohol.

Officer Jensen confronted Mr. Perez outside the store on a public sidewalk. Perez was obviously intoxicated but did not appear to be a threat to himself or others. Mr. Perez was unarmed. Officer Jensen’s statement gave no indication that Jensen thought Perez was armed with a weapon.

Mr. Perez initially complied with Officer Jensen’s commands. He sat on the curb as instructed by Officer Jensen, and gave his name and address. On multiple occasions he stated that he wanted to go home. Mr. Perez then got up and began walking toward his home. Officer Jensen tackled him, using a ‘judo take-down’ to knock Mr. Perez to the ground. This ‘take-down’ was the initiation of violence and the use of force. Mr. Perez physically resisted Officer Jensen’s attempts to handcuff him. A struggle ensued, culminating in Officer Jensen firing three rounds at Mr. Perez, causing his death.

The commission found, by clear and convincing evidence, the testimony of Officer Jensen attempting to justify his use of lethal force was inconsistent with the evidence presented to the commission. Officer Jensen stated that Mr. Perez had his hand on his (Jensen’s) service handgun and was attempting to grab it from its holster. DNA analysis showed no evidence of Mr. Perez’s DNA on the gun or holster. Officer Jensen stated that Mr. Perez was charging toward him when he fired. Gunshot trajectory analysis shows that Mr. Perez was close to the ground and likely facing away from Officer Jensen when he was struck by the first bullet.

Jensen initiated physical violence directed at Mr. Perez despite Perez posing no threat to Jensen or anyone else at the scene. Jensen was unable to physically dominate Mr. Perez and escalated to shooting his gun at Mr. Perez, causing his death. Officer Jensen had lesser, nonlethal alternatives available to him that he did not employ.

Conclusion: The investigator finds that there is evidence that Officer Jensen violated RPD’s Use of Force policies (300). Officer Jensen did not properly escalate his actions and his story regarding Mr. Perez lunging toward him to attack him and grab his weapon was found to be, at the least, embellished. .

RECOMMENDED FINDING: (check one)

| <u>SUSTAINED</u> | <u>NOT-SUSTAINED</u> | <u>UNFOUNDED</u> | <u>EXONERATED</u> |
|------------------|----------------------|------------------|-------------------|
| <u>X</u> | | | |