

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

Case #	Date Received	Date Completed
2019-3 (NPerez)	2/28/2019	10/7/2020

**CATEGORY OF CONDUCT:** (check one)

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

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

On the evening of February 27, 2019, Richmond Police Officers responded to two calls for service from convenience stores in the same area related to a person acting erratically and displaying a weapon. In neither case was the suspect found at the location of the calls. Nevertheless, while patrolling the area afterward in a marked police car, Officers Anderson and Bermudez located Nahun Perez, who matched the description of the suspect, walking on Barrett Avenue. As the officers pulled up in the car next to Perez, Perez immediately fled. One of the officers pursued on foot, while the other followed in the police car. While fleeing, Perez stopped and threw a handgun he was carrying into the yard of a residence. While doing so, the gun went off and fired a round. Pursuing officers heard the round fired and reported it over the radio to dispatch, where other RPD officers heard it.

Both Detectives Carrillo and Palma drove to the area in response to the radio traffic, as the pursuit of Perez by the responding officers continued, with officers providing information about locations over the radio. Officers converged on Nevin Avenue near the Nevin Community Center, as Perez arrived there. While there is dispute in the evidence on this issue, it appears that Detective Palma fired several shots at Perez, as Perez ran up on him, believing that Perez was armed with a handgun. Only Palma and Perez provided statements indicating that they observed the entire incident, and their statements are in conflict on significant issues material to resolving whether the shots fired by Palma were a reasonable use of force. Among those issues are 1) whether Perez was still carrying a gun magazine in his hand; 2) whether Palma, who was in plain clothes and an unmarked car, announced that he was a police officer and ordered Perez to “drop the gun”; and 3) whether only Palma fired shots at Perez. In addition, neither of the uniformed officers pursuing Perez had AVR footage of the incident during the time of the pursuit and the shooting, although RPD policy required that the AVR units be activated during this time.

Given the conflicting statements of the two eye witnesses, and the absence of AVR video during the most crucial aspect of the incident in apparent violation of agency policy, the Commission finds that the potential violation of unreasonable force by Detective Palma shall be “NOT SUSTAINED”, meaning there is not sufficient evidence to reach a finding on this issue.

**RECOMMENDED FINDINGS:** (check one)

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