

**Fatal Officer Involved Shooting of Saul Salgado
Whittier Police Department**

Officer David Perez, #858

J.S.I.D. File #20-0423



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

July 26, 2022

MEMORANDUM

TO: CHIEF AVIV BAR
Whittier Police Department
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CAPTAIN ANDREW D. MEYER
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FROM JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Saul Salgado
J.S.I.D File #20-0423
Whittier P.D. File #20-902899
L.A.S.D. File #020-00098-3199-011

DATE: July 26, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 9, 2020, fatal shooting of Saul Salgado by Whittier Police Department (WPD) Officer David Perez. We have concluded that Officer Perez acted lawfully in self-defense when he fired his weapon.

The District Attorney's Command Center was notified of the shooting on November 9, 2020, at 6:50 p.m. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, recorded interviews, photographs, video evidence, the autopsy report and witness statements submitted to this office by Los Angeles County Sheriff's Department (LASD) Detectives Daniel Machuca and Gustavo Carrillo. Perez's voluntary statement was considered as part of this analysis.

FACTUAL ANALYSIS

██████████

On November 9, 2020, ██████████ went with her husband ██████████ to pick up her 19 year old son Saul Salgado after he left his girlfriend's house. ██████████ was Salgado's step-father. ██████████ was driving his black Toyota Sequoia. Salgado told ██████████ and ██████████ that he had been kicked out of his girlfriend ██████████'s house after they argued and he hit her. ██████████ could tell that Salgado was under the influence of narcotics. ██████████ told Salgado he could only stay with him and ██████████ for a few days and Salgado needed to find another place to stay. This made Salgado angry and he began hitting

█████, Salgado began hitting █████ when █████ tried to call 9-1-1 as he drove. Salgado snatched █████'s phone away and continued to hit █████ and █████ until █████ stopped the car. █████ realized he was bleeding and that █████ was injured as well. He and █████ opened their doors to get out of the car, and █████ collapsed outside the passenger-side door. When █████ went to aid █████, Salgado lunged at █████ with a knife and stabbed █████. █████ ran away, and Salgado chased him down the street.



Photograph of the yellow knife used by Salgado to stab █████ and █████.

█████.

█████ was driving westbound on Telegraph Road towards Norwalk Boulevard in the city of Santa Fe Springs when he stopped at the stoplight to turn left onto southbound Norwalk Boulevard. █████ heard a commotion and screaming, saw █████ and Salgado running away from the scene, and saw █████ laying in the street next to the Toyota Sequoia. █████ was an Emergency Medical Technician (EMT), so he stopped to render aid and called 9-1-1. █████ assisted █████. The fire department arrived, and at that time Salgado and █████ returned to the scene. █████ told █████ that Salgado had stabbed him and his wife while they were in the vehicle. █████ told █████ that Salgado had a knife on him. █████ saw Salgado was acting paranoid and yelling, "They are not my parents. They are imposters!" █████ told one of the responding firefighters that Salgado had a knife. █████ saw LASD Deputy David Perez arrive in a marked police vehicle, and then saw a firefighter telling Perez that Salgado had a knife. █████ asked █████ if Salgado was on drugs, as he thought Salgado was acting erratically. █████ said that Salgado was on drugs.

█ saw Salgado walk behind the police car and onto the center median of Norwalk Boulevard. Perez drew his firearm and ordered Salgado to, "Drop it!" Perez told Salgado, "I don't want to shoot you!" █ said Salgado had the knife in his right hand so that █ could see the blade was visible. Salgado charged at Perez, who was standing next to his patrol vehicle. █ heard two volleys of approximately five gunshots each. He saw Salgado fall down after the first volley, then saw him get up and saw Perez tracking Salgado as he walked. █ focused on █ after the first volley and did not see Perez or Salgado during the second volley of shots. █ was not able to give an estimate of the distance between Salgado and Perez at the time of the first volley of shots.

█.

█ was driving at the location and saw █'s Sequoia stopped and █ on the ground bleeding next to it. █ stopped her car and got out, trying to help █, but █ was unresponsive. █ thought that █ had been hit by a vehicle, and when she saw Salgado and █ leaving the scene, she figured they had been responsible, so she followed them. She saw █ had wounds to his face and chest. █ told █ he had been driving when Salgado attacked him. █ took her camera out and filmed as she walked back towards the Sequoia. █ filmed Salgado while he had his hand in his jacket pocket and was shouting, "They are not my parents!" and "They took my baby momma!" █ thought that Salgado was under the influence. The fire department arrived and she told them that █ had told her that Salgado had stabbed █ and █

Perez arrived and Salgado walked behind the patrol car to the middle of the street, where he pulled out a knife. Salgado began walking away from Perez, who told Salgado to stop. █ took cover behind Perez's car, attempted to start taking a video recording, and then heard pops. █ thought Perez used a Taser when she heard the first pops, and she saw Salgado fall to the ground. █ saw Salgado get up and charge towards Perez again. Perez said "Stop!" Salgado did not stop, and Perez fired four to six rounds, paused, and fired another two rounds. █ said Salgado was angry and focused on Perez when the confrontation started. Prior to the second volley of shots she estimated that Salgado was 30 feet away from Perez. Salgado closed the distance to ten to 12 feet away from Perez when Perez fired the last two rounds and Salgado fell to the ground. █ thought Salgado was trying to attack Perez when Perez fired. Perez was the only officer at the location.

█ took two videos that evening. In the first recording, Salgado can be seen walking on the sidewalk with blood on his hand yelling, "They're not my real family! They're clones!" █ is seen in the video walking in front of Salgado with his neck and face bloody.



Photograph from [redacted] video showing Salgado walking in street yelling, "They're not my parents!" with bloody hands.



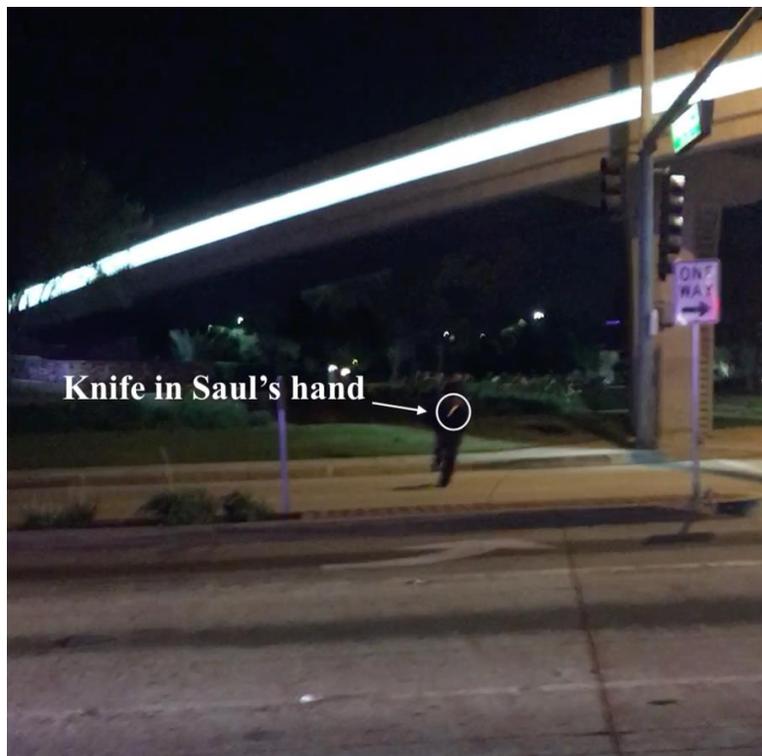
Photograph from [REDACTED] video showing [REDACTED] walking in front of Salgado with a bloody neck and face

In the second recording, Salgado is standing in the street with a knife in his hand across the street from Perez.

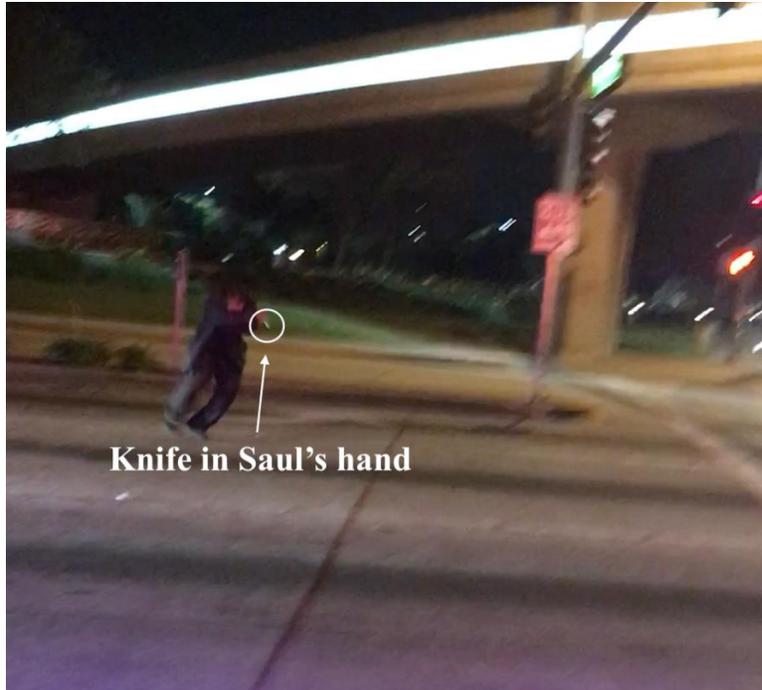
Salgado begins to run towards Perez as Perez yells, "Stop!" Salgado keeps running towards Perez, gunfire is heard and Salgado falls to the ground. Salgado gets back up with the knife still in his hand and staggers in the street, first heading towards Perez and then walking away from Perez. Perez follows Salgado with his firearm drawn and saying, "Drop the knife!" and "Stop!" before Salgado falls to the ground again. Perez and another police officer approach Salgado as he lays on the ground.



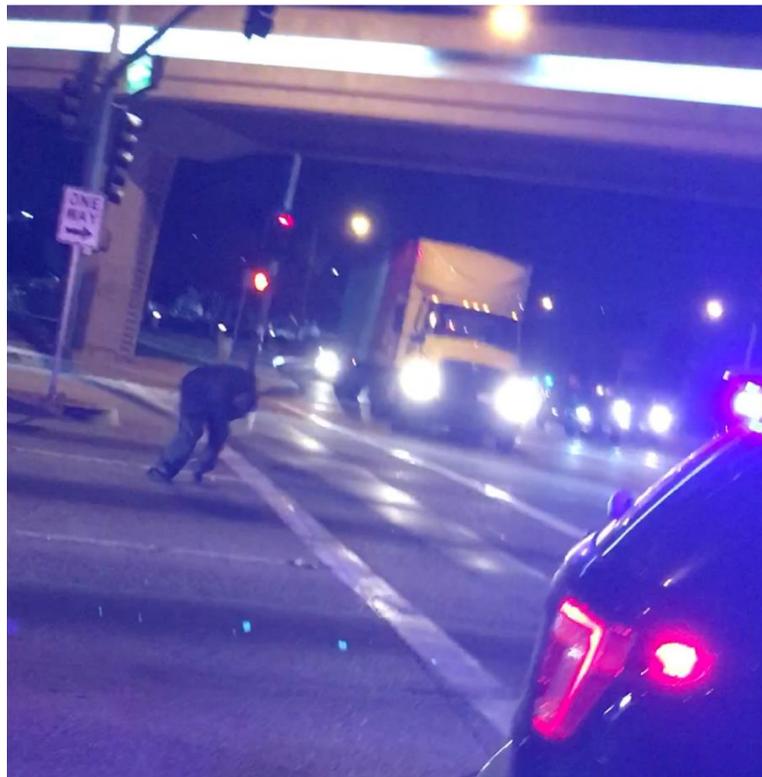
Photograph from [redacted] video showing Salgado across the street from Perez with a knife in his hand.



Photograph from [redacted]'s video showing Salgado run across street towards Perez with a knife in his hand



Photograph from [REDACTED] video showing Salgado approaching Perez with knife out just as Perez begins firing at him.



Photograph from [REDACTED]'s video showing Salgado falling to the ground after Perez's last shots are fired.

██████████.

██████████ was driving in his car with his son when his son directed him to what he thought was a traffic accident. ██████████ saw Salgado and ██████████ walking away from the location, so he followed them. ██████████ saw Perez arrive and saw bystanders directing Perez to Salgado. Perez told Salgado to stop, not to leave, and to drop the knife. ██████████ saw Salgado waving the knife and then running at Perez with the knife pointed out towards Perez. Perez fired five to six times. Salgado fell down, got back up and kept advancing on Perez. Perez fired again. ██████████ said the incident took place very quickly and that Salgado wanted to “get killed.”

██████████.

██████████ was driving with her daughter in the area when she saw a commotion in ██████████ Sequoia. She saw ██████████ exit the vehicle and saw Salgado jump into the front seat. Salgado got out of the Sequoia and both Salgado and ██████████ ran away. ██████████ saw ██████████ lying in the street next to the car. ██████████ tried to help ██████████, who was having trouble breathing. ██████████ saw ██████████ and Salgado reappear and saw that ██████████ had a gash on the side of his face and looked dazed. ██████████ heard Salgado yelling, “They’re not my parents. They’re droids!” ██████████ tried to calm Salgado. When paramedics came to take care of ██████████, ██████████ asked ██████████ if Salgado was on drugs. ██████████ answered yes. When Perez arrived, America saw bystanders tell him that Salgado was the person for whom he was looking. Salgado began to run towards the back of Perez’s patrol vehicle. Perez drew his gun and told Salgado to get down. ██████████ saw Salgado walk towards Perez rapidly with a kitchen knife over his head while shouting unintelligibly, then she heard several gunshots. ██████████ estimated that Salgado was approximately 15 feet away from Perez after the first volley of gunshots. ██████████ saw Salgado get up and move towards Perez again while Perez shouted, “Get down! Get down!” Salgado was once again approximately 15 feet away from Perez when she heard more gunshots. ██████████ thought Salgado was going to hurt Perez. ██████████ thought Salgado was having a psychotic episode.

██████████.

██████████ was in the area and saw Salgado run in the street towards Perez with a knife in his hand. ██████████ heard Perez tell Salgado to stop, then she heard three pops. Salgado kept running towards Perez, she heard three more pops and Salgado fell to the ground.

██████████.

██████████ was driving in the area when he saw Salgado with an object in his hands. ██████████ saw Perez get out of his car and say, “Stop! Stay back!” ██████████ thought that Salgado was drunk and disoriented. Salgado did not listen to the verbal commands and did not put his hands in the air. Salgado flailed his arms holding the object and advanced on Perez. Perez fired three to four times. ██████████ said that witnesses on the scene also told Salgado to stop. ██████████ said the whole incident happened quickly.

██████████.

██████████. was driving by and saw ██████████ who had been stabbed, and Salgado, who was yelling unintelligible words. Salgado yelled to ██████████ something to the effect of, "Come here," and "Don't leave." ██████████ thought something was not right about Salgado, but did not think that he was aggressive. He saw ██████████ lying on the side of the road, injured, and figured that she had been hurt in a car accident, so he called 9-1-1. After calling 9-1-1, Salgado was becoming aggressive and yelling, "I didn't do anything! They aren't my parents! I don't know them!" Salgado appeared to be under the influence of something and became irate as Perez arrived. As Perez got out of his patrol car, other people at the location directed Perez towards Salgado, who yelled, "It wasn't me!" Perez gave commands to Salgado, such as "Go to the ground. I don't want to shoot." Perez was about ten to 12 feet away from Salgado when Salgado pulled out a knife. Salgado advanced on Perez, and Perez fired his duty weapon at Salgado. After the first rounds, Salgado again walked towards Perez and ██████████ heard additional gunshots. ██████████ thought Salgado was going to ██████████. The shooting took place approximately ten seconds after Perez exited his vehicle.

██████████ recorded a video that he eventually gave to Fox News and that they aired on television. ██████████ video begins with Salgado on the ground in the crosswalk of the intersection of Norwalk Boulevard and Telegraph Road struggling to get up after having already been hit by Perez's gunfire. The video is substantially the same and taken from virtually the same angle as ██████████ video.

██████████.

██████████. was driving in the area and saw Salgado with a large knife in his hand pointed to the ground, and Perez with his gun out. Salgado kept advancing on Perez with the knife out until Perez fired two to three shots, causing Salgado to fall to the ground. Salgado tried to get back up while still threatening with his knife, then he collapsed. ██████████ thought Salgado would stab Perez if Perez did not fire.

██████████.

██████████. sat in the front seat of ██████████'s car and similarly saw Salgado advancing on Perez with a knife.

██████████.

██████████. was in the back of ██████████'s car and saw Salgado with a knife moving towards Perez when Perez shot him.

Fire and Rescue Personnel at the Scene

Santa Fe Springs Fire Department (SFSFD) Captain Michael Beeghly responded to the location for a traffic accident call. After arriving and seeing [REDACTED] and her injuries, the woman who first had flagged him down told Beeghly that Salgado had a knife and had stabbed [REDACTED]. He looked over and saw Salgado in the area acting agitated. Beeghly called for police backup and attempted to calm Salgado down, and succeeded in doing so until Salgado saw Perez arrive. When Perez arrived Beeghly briefed Perez about Salgado and Salgado's weapon. Salgado became more agitated as Perez arrived. Salgado approached Perez and Perez fired his pistol at Salgado. Beeghly saw a yellow object that he thought was a knife in Salgado's hand as he approached Perez with the object above his shoulder. Beeghly could tell there was a verbal exchange going on prior to the shooting between Perez and Salgado, but he could not make out what was being said.

SFSFD Engineer William Graham drove the fire truck to the location and saw [REDACTED] in the gutter next to the car, and began to treat her. He saw Salgado acting agitated nearby and went to talk to him. One of the people nearby said Salgado had a knife. Graham backed off and Salgado got aggressive towards him, so Graham backed off even more. Beeghly called for police assistance. Perez arrived and Salgado walked over towards Perez with his knife out when Graham heard five to six shots. Graham looked over and saw Salgado again approaching Perez with his knife out when Graham heard the rest of the shots. Graham did not see the knife until Salgado approached the officer. The incident happened quickly from the time Perez arrived.

Officer Perez's Voluntary Statement

WPD Officer Perez gave a voluntary statement to investigators. Perez was working patrol on the day of the incident in full uniform and driving a marked patrol vehicle. Perez first received a call of a traffic accident while he was finishing up his shift after what he termed as a slow day. After receiving the call, Perez left the substation drove to the scene of the incident, which was about a minute away. On the way over to the intersection of Norwalk Boulevard and Telegraph Road he received information from dispatch there was a male and female involved, and that the man had a knife. Perez arrived at the scene less than a minute later. When Perez arrived at the scene he saw a fire engine at the corner of Norwalk Boulevard and Telegraph Road parked at the intersection.

As he parked, Perez saw a firefighter coming towards him with urgency who told him that a man there had a knife. Perez asked where the person was, and the firefighter pointed over to his left where he saw Salgado, who was looking at Perez with his hand in his waistband and a look on his face like he was "pissed off." Perez described Salgado's attitude towards him as hostile as soon as he encountered Salgado. Perez did not have enough information or contact with Salgado to determine if Salgado was under the influence or going through some kind of a mental crisis. At the time Salgado was standing near several other bystanders and walking away from Perez, threading his way between cars that were stopped in traffic.

Perez repositioned his car as Salgado moved away from him, then Perez got out of the car as Salgado pulled a knife out of his waistband. Perez gave commands such as, "Get back here,"

and “Drop the knife.” Salgado turned in Perez’s direction with the knife up at Salgado’s shoulder height. Perez described the knife as yellow and ten to 14 inches long. Salgado yelled something at Perez that Perez could not understand, and Salgado began moving towards Perez. Perez told Salgado to stop and called on his radio to dispatch to get back-up to him “now, code 3.” Salgado kept coming at Perez and Perez fired at him approximately eight times from approximately 20 feet away.

Salgado stopped and Perez loaded another magazine into his firearm. Salgado began taking more steps towards Perez with the knife. Perez yelled for him to get down as Salgado moved towards a vehicle that was stopped at the area in traffic. Salgado eventually collapsed, and a sergeant who had just arrived approached Salgado and moved the knife away. Salgado was handcuffed and officers called for the paramedics at the scene to treat Salgado. Perez was able to view ██████’s video prior to his statement to investigators. Perez indicated he was in fear for his life when Salgado came towards him with the knife out and shot Salgado to defend himself out of fear for his life.

Numerous other WPD officers responded to the scene, but none of them arrived in time to witness the shooting.

Medical Treatment and Physical Evidence

Officers at the scene found 13 shell casings at the intersection of Telegraph Road and Norwalk Boulevard. They also recovered a yellow Cuisinart kitchen knife at the location

Dr. David Jones at St. Francis Hospital pronounced Salgado dead at 7:02 p.m. that evening. Dr. Odey Ukpo conducted an autopsy of Salgado on November 13, 2020 and determined the cause of death to be from multiple gunshot wounds: one to his left shoulder, two to his lower abdomen, and two to his left arm. Salgado’s toxicology report showed he had THC, amphetamines and methamphetamines in his system at the time of his death.

Dr. Almass Shaikh at St. Francis hospital pronounced ██████ dead at 6:57 p.m. Dr. Odey Ukpo performed ██████’s autopsy on November 14, 2020 and determined her cause of death to be two stab wounds – a 4.5 inch deep stab wound to her upper right chest, and a five inch deep stab wound to her left axilla.

Dr. Almass Shaikh treated ██████ at St. Francis Hospital, where he was admitted for multiple stab wounds and was in critical condition upon arrival. ██████ survived his injuries from the following stab wounds: left side of neck, left chin, middle chin, two to the right side of face, right side of chest, scapula, right shoulder and right ear.

LEGAL ANALYSIS

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM No. 505.

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. Penal Code section 835a.

A peace officer is justified in using deadly force upon another person when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (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 for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Penal Code section 835a(c)(1)(A) and (B).

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 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).

When considering the totality of the circumstances, all facts known to or perceived by the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force is taken into consideration. Penal Code section 835a(a)(4) and (e)(3). The peace officer's decision to use force is not evaluated with the benefit of hindsight and shall account for occasions when officers may be forced to make quick judgments about using force. Penal Code section 835a(a)(4).

In evaluating whether a police officer's use of force was reasonable, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

Perez responded to the scene of an accident and a report of a man with a knife and encountered Salgado, whom had been identified by Fire personnel on the scene as the person with a knife involved in ██████'s stabbing. Perez saw that Salgado appeared hostile as soon as Perez encountered him. Perez told Salgado not to walk away, at which time Salgado turned towards Perez and began to approach him. As Perez gave commands to Salgado not to approach him any further, Salgado brandished the large knife at Perez. Salgado approached Perez in an aggressive manner at which time Perez fired eight shots at Salgado to prevent what reasonably appeared to Perez to be an attack on him by Salgado. The video taken by witnesses shows Salgado still attempting to approach Perez after having been shot, and other witnesses at the scene as well as

Perez indicated that they felt Salgado would have attacked and harmed Perez had Perez not defended himself by shooting Salgado.

While it was unbeknownst to Perez at the time he fired his weapon, Salgado had also just stabbed his mother (who subsequently died of her injuries) and his step-father (who was hospitalized in critical condition from his injuries). He was also captured on video yelling that his parents were clones and were not really his parents. The violent and erratic behavior that Salgado had just engaged in moments before Perez arrived mirrored the violent and erratic behavior that Perez observed when he ordered Salgado to drop his knife. This information corroborated Perez's fear that Salgado would attack him with the knife and led to Perez firing his duty weapon at Salgado to prevent his death or serious bodily injury. The evidence of Salgado's stabbing his mother and step-father, as well as his erratic behavior just before Perez arrived is made admissible in trial by Evidence Code Section 1103(a)(1), which admits prior acts of violence as evidence to prove Salgado acted in a similar manner in his confrontation with Perez.

CONCLUSION

We conclude that Officer Perez used reasonable force to defend himself against the attack on him by Salgado, and, under the circumstances, used deadly force in lawful self-defense.