

**Non-Fatal Officer Involved Shooting of
Menachem Mendel Perl
Long Beach Police Department
Officer Brian Sanchez, #11370**

J.S.I.D. File #21-0463



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

March 13, 2024

MEMORANDUM

TO: CHIEF WALLY HEBEISH
Long Beach Police Department
400 West Broadway
Long Beach, California 90802

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Non-Fatal Officer Involved Shooting of Menachem Mendel Perl
J.S.I.D. File #21-0463
L.B.P.D. File #21-0051897

DATE: March 13, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 31, 2021, non-fatal shooting of Menachem Mendel Perl (Perl) by Long Beach Police Department (LBPd) Officer Brian Sanchez (Sanchez). We have concluded that Officer Sanchez acted in lawful self-defense at the time he fired his service weapon, reasonably believing, based on the totality of the circumstances, that deadly force was necessary to defend against an imminent deadly threat.

The District Attorney's Command Center was notified of the shooting on October 31, 2021, at 3:24 a.m. The District Attorney's Response Team responded and was given a briefing and walk-through of the scene by LBPd Sergeant Dominick Scaccia.

The following analysis is based on body-worn camera video (BWV), NEST residential surveillance video, investigative reports, audio recordings and transcripts of witness interviews, crime scene photographs, the 9-1-1 recording, and medical reports submitted to this office by LBPd Detective Ethan Shear on January 29, 2024. Compelled statements, if any, were not considered as part of this analysis.

INTRODUCTION

On October 31, 2021, at approximately 12:59 a.m., Long Beach Police Officers were dispatched to Harbor Avenue and 20th Street for a "shots fired" call. Perl called 9-1-1 and told the operator his name was "Jack." He falsely reported seeing a man with a black gun running around the area, shooting at people.

After making the call, Perl waited in the area for an officer to arrive. Officer Sanchez responded to the location. When Sanchez arrived, Perl walked quickly towards the patrol car, stopped, and took a shooting stance. Perl extended both his arms and pointed a handgun, later determined to be a replica gun, at Sanchez. Sanchez opened the patrol car door and fired his service weapon 20 times at Perl while seeking cover behind parked cars.

Perl was shot in the foot and shin but remained standing with his arms outstretched, pointing the gun. Officer Vincent Fasullo (Fasullo) arrived while Sanchez was still shooting. Fasullo drew his service weapon and ordered Perl to get onto the ground. Perl immediately submitted to the officer's orders and was arrested without further incident.

After he was arrested, Perl was captured on body-worn video camera telling the officers he was trying to commit suicide and hoping the officers would have killed him. Officers later recovered the replica gun Perl pointed at Sanchez.

FACTUAL ANALYSIS

9-1-1 Call

On Sunday, October 31, 2021, at 12:59:39 a.m., a man identifying himself as "Jack" called 9-1-1 and reported "a guy shooting at 20th and Harbor . . . shooting at people." The caller told the operator that the location was 20th Street and Harbor Avenue. He described the shooter as a "white [man] wearing a black jacket, uh skull cap, in his twenties, he's wearing blue jeans . . . black jacket and a jersey, football jersey blue with uh white uh numbers . . . [holding a] black [gun]."¹

The caller told the operator that he could see the shooter holding the gun and requested that the operator "send help." The operator asked how many shots the caller heard, and he told her, "At least three or four [shots]." She asked for his phone number, and he said, "xxxxxxxxxxx." The call lasted two minutes and forty-one seconds. The dispatch operator sent out the following information to the officers:

"Info: [Penal Code section] 415 [disturbing the peace] shots [fired], unknown direction of travel on Harbor [Avenue], 3-4 [shots] heard, calling party states [subject is a] male white in his 20s wearing black jacket, blue jersey, and blue jeans, [caller] states subject has a black [Penal Code section] 417 [brandishing] handgun that he fired then ran around the block and came back and fired more shots. Calling party sounds paranoid and had no further details."

Video Evidence

Surveillance Video

A single residential NEST surveillance camera at xxxx Harbor Avenue captured the incident on video as Perl was shot in the driveway. The video shows Sanchez's police car, with activated lights and sirens, slow down in front of the residence on the opposite side of the street. As Sanchez opened his car door, a dark figure (Perl) walked quickly onto the driveway.

Less than five seconds after Sanchez opened the car door, Perl took a shooting stance, extending both arms to point the gun at Sanchez. At the same time Perl raised his arms, Sanchez began shooting at Perl. (*Figures 1 and 2*)

¹ Perl described his exact clothing to the 9-1-1 operator, including his blue Los Angeles Chargers football team jersey with white numbering.



Figure 1: Perl (circled in red), with arms outstretched, pointed the replica gun at Sanchez as Sanchez opened the door to his car (door circled in yellow).



Figure 2: Muzzle flashes from Sanchez's gun appeared in the surveillance video.

Multiple bright flashes and loud bangs are seen and heard in the video. Gunshot impacts on the driveway produced small debris clouds near the area where Perl was standing. While he was still shooting, Sanchez jumped out of his slowly moving patrol car and took cover behind nearby parked cars.

Perl remained standing with his arms outstretched, pointing his gun towards Sanchez as Sanchez ran for cover. Fasullo arrived while Sanchez was still shooting and ran towards Sanchez's patrol

car while holding a flashlight. Perl was still standing with his arms outstretched when Fasullo drew his service and ordered him to get down onto the ground. Perl complied and was taken into custody without incident. It was approximately five seconds between the time Sanchez arrived at the location, opened his car door, and began shooting until he took cover.

Body Worn Video

As Sanchez arrived at the location, Perl immediately pointed the replica gun at him. Sanchez did not activate his BWV while jumping out of his moving patrol car.

While being detained, Perl was heard on Officer Alan Feldman's BWV, telling the officers he made the 9-1-1 call and that he used an "airsoft gun," hoping the officers would mistake it for a real gun and shoot him. Perl told them "I was trying to commit suicide . . . I got a suicide note in my right shoe. I just wanted you guys to kill me . . . Please kill me, please kill me . . . Please, I just want to die." He told officers that he had "tried to commit suicide nine times."

Perl was transported by ambulance to St. Mary's Medical Center. During the transport, Officer Austin Miller's BWV was activated. Perl was recorded telling the paramedic, "I looked online about suicide by cop. Most of the time, it works. Didn't work this time."

Witness Statements

Menachem Mendel Perl

On October 31, 2021, after being treated in the hospital for his injuries, Perl was interviewed by Detectives Jose Rodriguez and Ethan Shear. After the detectives entered the room and introduced themselves Perl told them, "I've been depressed for a couple of months now and I've been off my medication." Detective Shear advised Perl of his Miranda Rights. Perl acknowledged that he understood his rights and spoke to the detectives.

Perl stated, "I've been depressed for a while." He said he called the police because he wanted to commit suicide, and he wanted the officers to kill him. Perl told the detectives, "I bought that airsoft gun because I have been feeling suicidal, and obviously, it's a fake gun, and I planned this out. And I called [9-1-1] on myself, posing as a man named Jack. And I even gave my phone number [xxxxxxxxxx] which would be in the report . . . and then I waited for the cops to come. And then when they came, I ran as if as if to make it look legitimate . . . like . . . Cause if I was there, I wouldn't just be standing there with a gun; I would be running. So, I ran. And then they came out . . . I pointed it at them and then they started shooting at me and they got me in my foot and my shin in my right leg."

He said he called 9-1-1 because, "I was really done last night. I really wanted to die. I wanted [the officers] to shoot me in my head or my chest, and they ended up shooting me in my toe." Perl told them he wrote a suicide note 15-20 minutes before putting it in his shoe and calling 9-1-1.

Perl told detectives he painted the replica gun that [all] black [to look like a real gun] and carries it around in case he "wanted to die." Perl purchased the replica gun at a Big 5 Store, four days

before the incident and described it as, “black and it looks like a giant revolver.” Perl identified his replica gun taken as evidence from the incident, in a photograph provided by the detectives.

Perl had attempted “suicide by cop” on a prior occasion. He told the detectives he was on Washington and Dunn streets in Los Angeles when he called 9-1-1 to report “people shooting at people.” When officers arrived, he put his hand in a bag and pretended to have a gun. Officers ordered him to remove his hand from the bag, and Perl refused, telling them “No! Shoot me! Fucking, shoot me!”

According to Perl, he was not killed because one of the officers, “[a] Caucasian cop, older gentleman started [sic] talked me out of it, ‘like it’s not worth it son . . . it’s not your time [to die].’” Perl wanted to commit “suicide by cop” on this occasion, but “it didn’t work out.” He believed God was looking out for him in the current incident since he was only injured in his leg and foot after being shot at 20 times.

Officer Statements

Officer Brian Sanchez

Officer Sanchez did not provide a voluntary statement or a written report regarding this incident.

Officer Vincent Fasullo

On November 1, 2021, Officer Fasullo wrote a report detailing his involvement in the incident. On October 31, 2021, he responded to a report of gunshots at Harbor Avenue and West 20th Street. Dispatch provided a description of the shooter and notes describing the caller as “paranoid.”

It was Halloween night, and there were several parties in the area. People in the neighborhood told Fasullo that they had not heard any gunshots, nor had they seen a person matching the description of the shooter. Fasullo radioed dispatch and told the operator that no one in the area had heard gunshots.

As Fasullo drove down Harbor Avenue, he saw a police car with lights and sirens activated. He “immediately heard 15-20 loud bangs in rapid succession.” He exited his patrol car and drew his service weapon and ran over to the sounds of shooting. When Fasullo looked across the street, he saw a person standing on the sidewalk holding a black object with both arms extended in a shooting stance. Fasullo immediately recognized the object as a firearm, but he was 30 yards away and could not tell if the person was Sanchez or the “shooter.”

Fasullo could not see Sanchez but heard him over the police radio announce that he had been involved in a shooting. Fasullo saw Sanchez’ car slowly rolling towards him. He thought Sanchez might be injured and still inside the police car. However, when Fasullo looked inside the car, he saw that it was unoccupied.

Fasullo ran towards the area where he believed Sanchez might be injured and saw Perl standing on the sidewalk with his hands at his sides. Fasullo pointed his service weapon at Perl and told him to get down on the ground. He saw Sanchez crouched behind a parked car, reloading his

service weapon but Fasullo was still unsure whether Sanchez was injured. Fasullo radioed for additional resources when he heard Perl say, “Just shoot me . . . I want to die.” He ordered Perl, who was on the ground, to crawl towards him from across the street. Perl crawled across the street and was handcuffed without any further incident.

Forensic Evidence

The Replica Handgun

The handgun that Perl pointed at Sanchez was described by Perl as an “airsoft gun.” However, the gun was later identified by LBPD Forensics as a UMAREX model T4E TR50 (serial number 21E89926), .50 caliber paintball gun, powered by carbon dioxide (CO₂) cartridges. (*Figure 3*)



Figure 3: The .50 caliber paintball gun that Perl pointed at Sanchez.

Medical records

Perl was shot two times, once in the right shin and the other to his left foot on the left lateral side. He was treated at St. Mary Medical Center for the two-inch laceration to his foot and a gunshot wound to his shin. He was discharged with instructions to return in 14 days for staples and stitches removal. The treating physician wrote in his notes that Perl was a “high risk for suicide . . . [and had] suicidal ideation.

Perl's suicide letter

Perl told officers about a suicide letter he had written earlier that evening and placed in his right shoe. The letter explained the motive for his actions and in the event of his death, provided his family's names and contact information. (Figure 4)

The suicide letter states:

"I just want to die Im tired of this cruel world
Im Menachem Perl Im depressed beyond belief. This is a way to die thats quick I love you ma
and ta.

Mother: (xxx) xxx-xxxx

Father: (xxx) xxx-xxxx

Sister: (xxx) xxx-xxxx"

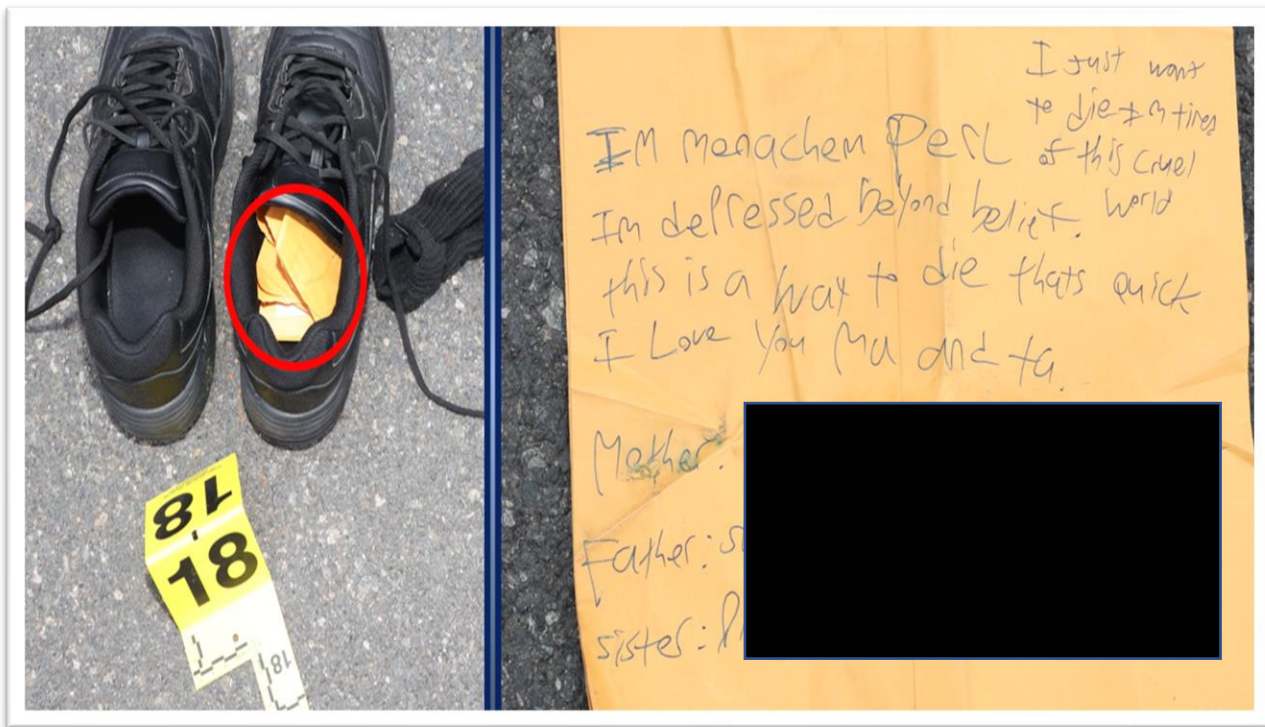


Figure 4: Suicide note (circled in red) recovered from Perl's right shoe.

Evidence Collected

Officer Brian Sanchez was approximately 38 feet away from Perl when he discharged 20 rounds from his service weapon in approximately 4.55 seconds. (Figure 5) The Long Beach Police Department forensics analysts documented the location of all 20 rounds and the associated 12 fragments. (Figures 5 and 6)

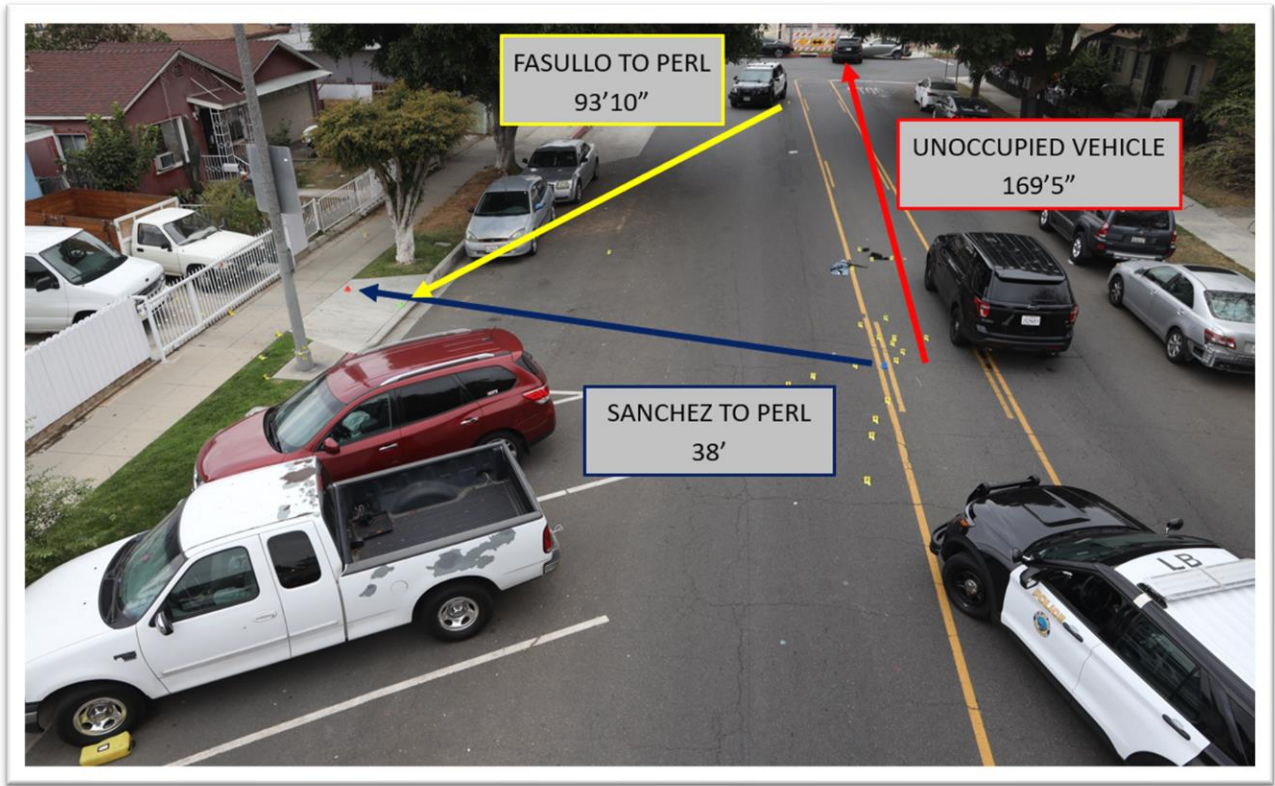


Figure 5: Overhead view showing the distances between Officers Fasullo and Sanchez to Perl.



Figure 6: Forensics documented the location of all 20 strike marks and the 12 bullet fragments.

LEGAL ANALYSIS

The Law

A peace officer is justified in using deadly force 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 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) &(B).

Deadly force shall be used “only when necessary in defense of human life,” and officers “shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” Penal Code section 835a(a)(2).

“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, are 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).

There is sufficient evidence to show that Perl formulated and carried out a plan to “commit suicide by cop” by forcing the officers into using lethal force against him. He used their heightened sense of fear that an active shooter was going to kill civilians in a residential neighborhood on Halloween weekend. Perl knew that this immediate threat would cause responding officers to be on high alert while looking for the active shooter, and he guaranteed that he would be their target by providing the 9-1-1 operator with his exact physical description.

Perl told the detectives he waited for an officer to respond. He knew that he could appear more threatening by moving quickly towards the police car and using a shooting stance, to draw attention to himself. He had researched his plan and identified the behavior that would make the officers perceive him as a legitimate threat:

“. . . I waited for the cops to come. And then when they came, I ran as if as if to make it look legitimate . . . like . . . Cause if I was there, I wouldn’t just be standing there with a gun; I would be running. So, I ran. I looked online about suicide by cop. Most of the time it works.”

Officer Sanchez received information that an active shooter was in the neighborhood. When he saw Perl standing in a shooting stance, with his arms fully extended, holding what appeared to be an operational gun, it was reasonable for Officer Sanchez to believe that his life was in danger when he fired his service weapon at Perl.

As a result of Perl's conduct prior to the arrival of the officers and his conduct towards Sanchez, it was reasonable for Sanchez to believe that the use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury to himself and others. This conclusion is not altered by hindsight knowledge that Perl possessed a replica handgun, not an actual firearm.

CONCLUSION

For the foregoing reasons, we find that Officer Sanchez acted lawfully in self-defense when he used deadly force against Menachem Perl.