

**Officer Involved Shooting of Luis Perez
Long Beach Police Department**

Officer Adrian Guzman #11021

J.S.I.D. File #18-0043



JACKIE LACEY

District Attorney

Justice System Integrity Division

February 13, 2020

MEMORANDUM

TO: CHIEF ROBERT LUNA
Long Beach Police Department
400 W. Broadway
Long Beach, California 90802

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

SUBJECT: Officer Involved Shooting of Luis Perez
J.S.I.D. File #18-0043
L.B.P.D. DR #180004433

DATE: February 13, 2020

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office has completed its review of the January 20, 2018, non-fatal shooting of Luis Perez by Long Beach Police Department (LBPD) Officer Adrian Guzman. We have determined that Officer Guzman acted in lawful self-defense when he fired his duty weapon at Luis Perez.

The District Attorney's Command Center was notified of this shooting on January 20, 2018 at 7:50 p.m. The District Attorney Response Team responded to the scene and was given a briefing and walk-through by LBPD Detective Shea Robinson.

The following analysis is based on police investigative materials, submitted to JSID by the LBPD. The voluntary statements of Officers Adrian Guzman and Ernesto Perez were considered in this analysis.

FACTUAL ANALYSIS

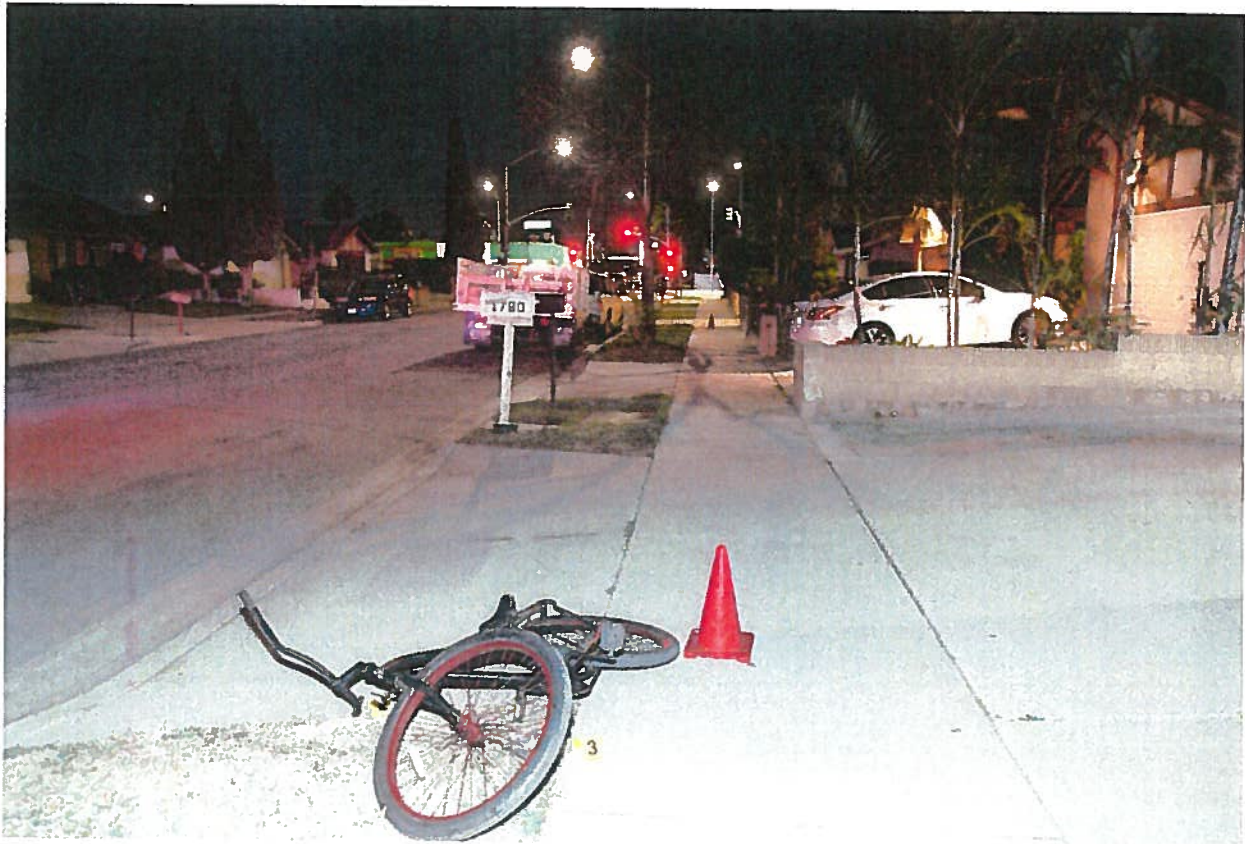
On January 20, 2018, shortly before 6:00 p.m., LBPD Officer Adrian Guzman and his partner Ernesto Perez were on duty patrolling on Santa Fe Avenue within the City of Long Beach.¹ The officers saw Luis Perez riding a bicycle near the corner of Santa Fe Avenue and Burnett Street.² The officers observed Perez violate numerous Vehicle Code sections by crossing Santa Fe Avenue against the red traffic signal, riding onto the sidewalk and riding his bicycle at night without a headlight.

The officers followed Perez onto Burnett Street and stopped him mid-block. Guzman exited the police car and directed Perez to walk to the front of his patrol car. Perez responded, "For what?" Guzman told Perez he would advise him of the basis for the stop when Perez walked to the front of the police vehicle as directed. Instead of complying with Guzman's directions, Perez reached

¹ Both officers were dressed in full police uniform and driving a marked police car.

² Because Luis Perez and Officer Ernesto Perez share a surname, Luis Perez will be referred to as Perez and Officer Perez will be referred to as Officer Perez.

into the front pocket of his shorts. Guzman ordered Perez to remove his hand, Perez initially complied, but then reached into the front pocket of his shorts. Guzman repeatedly ordered him to stop reaching. Guzman advised Perez that he was being stopped for Vehicle Code bicycle violations. Perez looked left and right, said, "man" and fled, running east on Burnett Street.



Photograph Depicting Where Perez Abandoned his Bicycle and Fled from the Police

Guzman and Officer Perez both ran after Perez. Guzman repeatedly yelled, "Stop!" Perez did not comply and instead ran north across Burnett Street then east on Burnett Street. Guzman observed Perez holding his right hand in front of his body as he ran while his left arm pumped back and forth in a normal manner. This action caused Guzman to fear that Perez might be hiding a weapon. Guzman ordered Perez to, "Stop reaching for your waistband!" Perez failed to comply and continued to run from Guzman.

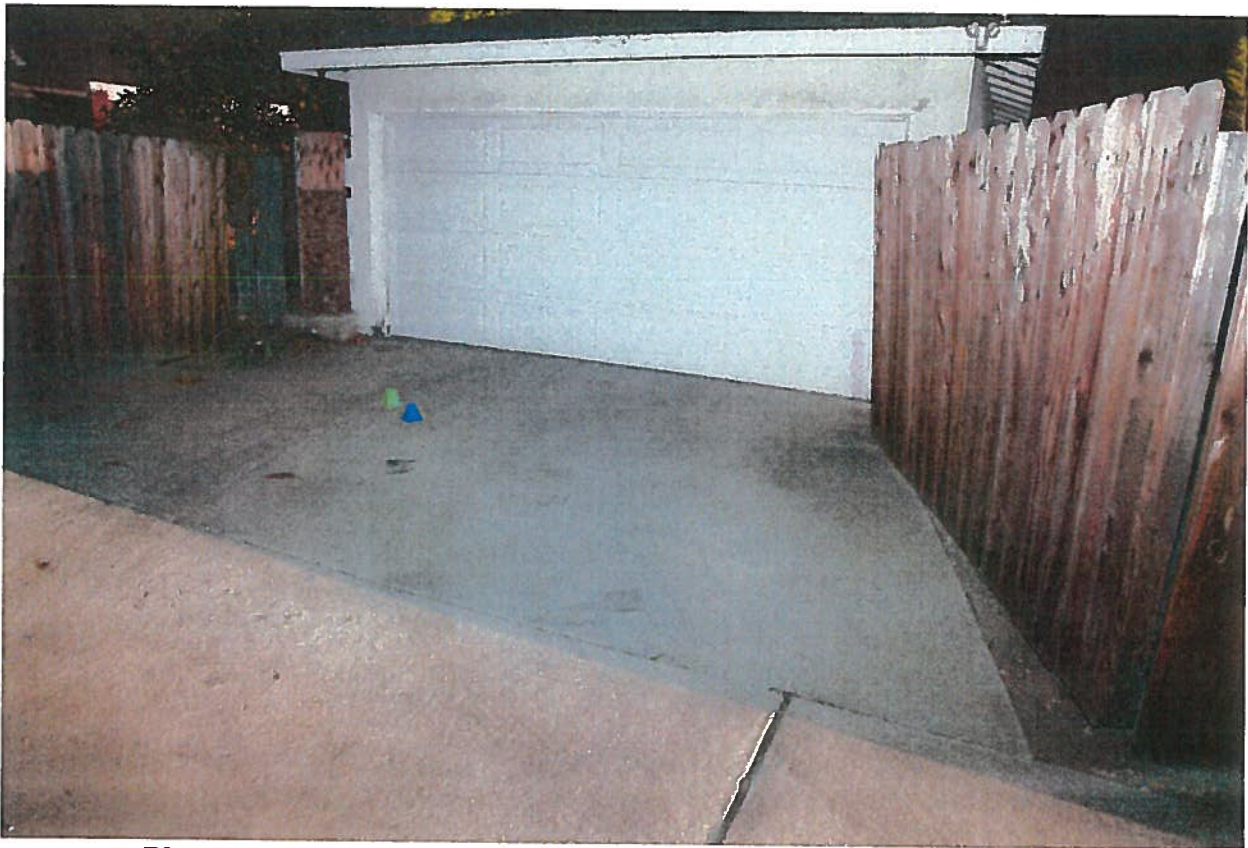
Perez ran eastbound into the roadway of Santa Fe Avenue against the red traffic signal. Guzman slowed his pace in order to safely cross the busy street, but continued to pursue Perez east on Burnett Street. Perez ran south across Burnett Street, jumped over a cinder block wall and into the yard of a residence. Guzman attempted to jump the cinder block wall, but his baton struck the top of the wall causing him to fall to the ground. Guzman saw Perez climb over a fence separating the property from another property on Adriatic Avenue.

Officer Perez observed Perez exit the property on Adriatic Avenue. Officer Perez drew his duty weapon, pointed it at Perez and ordered him to stop and to get on his knees. Perez refused and ran northbound on Adriatic Avenue towards Burnett Street.

Guzman ran back to Burnett Street and saw Perez now running northbound on Adriatic Avenue pursued by Officer Perez. Guzman ran past his partner and continued pursuing Perez. He saw Perez again reach into the front of his shorts and yelled, "Get your hand out of your waistband!"

Perez ran north into an alley between Adriatic and Baltic Avenues. Guzman pursued. The alley was much darker than the surrounding streets. It was bounded on both sides with fences separating the alley from the residences on Adriatic and Baltic Avenues. Small cutouts leading from the alley to garages also lined the alley.

Perez ran into one of these cutouts and attempted to scale a fence. Guzman ran towards him and tackled Perez, pulling him down off the fence. Both Guzman and Perez landed on the ground. Guzman was concerned that his partner would not be able to see them because they were several feet from the edge of the alley inside one of the cutouts.



Photograph Depicting the Driveway where the OIS Incident Occurred

Guzman attempted to gain control of Perez by wrapping his arms around Perez' waist. Perez resisted by pushing Guzman's left arm away. This push caused Guzman to lose control of his flashlight. Guzman again attempted to take physical control of Perez by wrapping his arms around Perez' hips. This movement caused Perez and Guzman to be face to face. In an effort to get Perez to submit, Guzman punched Perez twice in the head while ordering him to place his hands behind his back. The blows and orders had no effect. Perez placed his hands on Guzman's

face and neck, pushing Guzman's head backwards. Guzman punched Perez again but Perez continued to force Guzman's head backwards.

Perez got to his feet with Guzman still holding onto his waist. Perez said, "Fuck you nigga," then punched Guzman in the face several times with his fist, causing Guzman pain and making Guzman feel dizzy. Guzman feared that Perez' attack would incapacitate him, allowing Perez to gain control of Guzman's firearm. Guzman got to his feet and felt Perez' hands on his waist in the area of Guzman's firearm. Guzman placed his own hand on his firearm and felt the holster hood was unlocked. Guzman tried to push Perez back but Perez continued to advance. Guzman drew his gun and stated, "Get down on the ground or I will shoot you." Perez replied, "No. No. No." and advanced quickly. Perez grabbed Guzman's right arm which was the hand in which Guzman was holding his duty weapon. Fearing he was about to be disarmed, Guzman fired three rounds causing Perez to fall to the ground.

Guzman was able to back away from Perez and broadcast that he had been involved in a shooting. Additional officers arrived on the scene, detained Perez and summoned an ambulance. Perez was transported to Long Beach Memorial Hospital.

Perez suffered a through and through gunshot wound to his left leg and a graze wound to the front of his torso.

Guzman was injured during this incident as well. He suffered scrapes, bruising and abrasions to his left elbow, face and left knee.



Photographs Depicting Injuries to Guzman's Arm and Slight Redness to his Cheek

Statement of Luis Perez:

On January 20, 2018, Luis Perez was interviewed at Long Beach Memorial Hospital by LBPD Detectives Irving and Collier. Perez stated he was on his way to his friend's house when the police stopped him. He realized that the people stopping him were police. Perez admitted that he had smoked "four or five hits" of methamphetamine earlier in the day. Perez stated that he ran to his house, then jumped over a wall and continued running from the police. Perez admitted

that the police ordered him to stop “a lot” of times. Perez stated that one of the police officers chased him into the alley. Perez tried to jump over a wall but was not able to do so. The police officer pulled him off the fence. The officer told him to get on the ground, but Perez stated that he decided to run away. Perez denied hitting, punching or fighting with the officer. He also denied reaching for the officer’s gun. When asked, Perez refused to provide a DNA sample. Perez stated that the officer was professional.

Perez also had injuries that were consistent with his fighting with Guzman, including swelling and abrasions to both of his hands.



Photographs Depicting the Injuries to Perez’s Hands

On February 6, 2018, as a result of his actions in this incident, Perez pled no contest in court case number NA108306 to obstructing or resisting an executive officer in violation of Penal Code section 69.

LEGAL ANALYSIS

California law permits any person to use deadly force in self-defense or in the defense of others if he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. CALCRIM No. 3470. In protecting himself or another, a person may use that amount of force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. *Id.* If the person’s beliefs were reasonable, the danger does not need to have actually existed. *Id.*

In California, the evaluation of the reasonableness of a police officer’s use of deadly force employs a reasonable person acting as a police officer standard, which enables the jury to evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation. *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146.

In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, 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 with 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.

CONCLUSION

In this case Perez was initially contacted by the police for minor Vehicle Code violations. Possibly as a result of his having consumed methamphetamine, Perez elected to run from the police, leading them on a foot pursuit. Despite being ordered to stop running, Perez scaled a block wall to avoid being detained. When he was finally cornered in an alleyway by Officer Guzman, Perez attacked Guzman striking him numerous times in the face. Perez also placed his hands on or near Guzman's duty weapon, leading Guzman to believe that Perez was attempting to take possession of Guzman's firearm. To stop the attack, Guzman drew his firearm with his right hand and ordered Perez to the ground. In response, Perez grabbed hold of Guzman's right hand. Fearful that Perez was going to disarm him and use the firearm to harm or kill him, Guzman discharged his duty weapon in order to end the continuing threat posed by Perez' attack.

We conclude that Officer Adrian Guzman acted in lawful self-defense. We are closing our file and will take no further action in this matter.