THE CITY OF SAN DIEGO

MEDIA ADVISORY
POLICE DEPARTMENT

SENT: January 18, 2007

What: District Attorney's Shooting Review Letter to Chief William Lansdowne

When: This is the in-custody arrest and death of Alberto Peraza with the San Diego Police Department and San Diego County Sheriff's Department on Wednesday, July 26, 2006.

This letter is a copy of the District Attorney's Shooting Review Letter to Chief William Lansdowne.

Re: In-custody death of Alberto Cruz Peraza; San Diego Police Department Case #06045488; San Diego County Sheriff's Department Case #055272H; DA Special Operations Case No. 06-089CD; Deputy District Attorney Assigned: A. Craig Rooten

Dear Chief Lansdowne:

We have reviewed the reports and other materials submitted by your department and the San Diego Sheriff's Department concerning the arrest and in-custody death of Alberto Cruz Peraza.

The deceased, Alberto Cruz Peraza, was 34 years old and last resided at 3954 Bancroft Street in San Diego. His criminal record dated back to June 1987 and included arrests or convictions for auto theft, under the influence of narcotics, possession of narcotics, violation of parole, burglary, armed robbery, receiving stolen property and resisting arrest.

At the time of his death, Mr. Peraza had been identified as a suspect, but not yet arrested, in a residential burglary that occurred fourteen days earlier on July 12, 2006.

Police personnel involved in Mr. Peraza's arrest and transport to County Jail included Officers Ernest Pierce, Charles Nagy, Shannon Hart, Matt Randolph, Leslie Stewart, and Lori Nelson. Sheriff's personnel involved in taking custody of Mr. Peraza included Deputies Roberto Cardenas, Shawn Kobs, Edward Wilt, Saul Rodriguez, Diane Brown, Steven Hoenig, and Aaron Rhinelander. Witnessing personnel during this incident include SDPD PERT Clinician Jefferson Edmonds and Sheriff's personnel Lt. Sylvia Licon, Sgt. Steven Wicklander, Sgt. Timothy Simmons, Sgt. Julie Schroeder and Deputy Richard Crites.

The investigative reports indicate that on July 26, 2006 at 7:30 p.m., Officer Ernest Pierce was dispatched to a 911 call regarding a "5150 Mental Case" screaming for help, stating people were chasing him with guns, and who eventually stopped and forcibly boarded a National City Transit bus.

The bus driver and civilian witnesses were interviewed and confirmed that Alberto Cruz Peraza was screaming that people were chasing him with guns and were going to kill him. He appeared nervous, crazy and afraid, became more and more irrational, and appeared to be on drugs. One witness said the police officers at the scene never hit or mistreated Mr. Peraza. They also verified that Mr. Peraza ran in front of and stopped the transit bus and then climbed into the bus through the driver's window, breaking off a transmission key in the process.

When Officer Pierce arrived, Mr. Peraza jumped into the backseat of Officer Pierce's patrol car and kicked out the rear driver's window. Officer Pierce drew his weapon and ordered Mr. Peraza to put his hands up, but Mr. Peraza tried to climb out of the police car through the broken window. Officer Pierce sprayed Mr. Peraza with OC, requested emergency cover and held Mr. Peraza at bay until Officers Hart and Nagy arrived.
Mr. Peraza was then arrested, handcuffed and transported to SDPD Headquarters by Officer Hart for a blood draw and a drug evaluation.

While at SDPD Mr. Peraza became combative and tried to bite and kick Officers Hart, Randolph and Stewart as they placed him in a restraint chair. Officer Hart conducted an evaluation of Mr. Peraza and obtained a forced blood withdrawal. Officer Hart determined that Mr. Peraza was under the influence of drugs. Before being transported to County Jail, Mr. Peraza was handcuffed to the rear and his ankles secured together with a cord cuff which was attached to his belt loop. Officer Hart contacted jail personnel and informed them he was en route to that facility with a combative prisoner. When Officer Hart arrived at the jail, he turned over custody of Mr. Peraza to Sheriff's Central Jail personnel.

Upon arrival at the jail, Officer Hart and PERT Clinician Edmonds briefed Sgt. Schroeder and Deputies Cardenas, Wilt and Kobs regarding the circumstances surrounding Mr. Peraza's arrest, his combative nature and the fact they thought he was under the influence of methamphetamines.

Because of Mr. Peraza's combative nature, which continued at the jail, the Watch Sergeant instructed the deputies to place Mr. Peraza in a second floor sobering cell for his safety. The deputies obtained a wheelchair and placed Mr. Peraza in it so they could transport him to the second floor cell. After Mr. Peraza was placed in the wheelchair, he began dragging his feet and head butted Deputy Wilt in the stomach. Deputy Wilt responded by kneeing Mr. Peraza in the back through the chair's padding. Deputies Cardenas and Kobs pushed Mr. Peraza's upper body and head down toward his lap to keep him from standing up and out of the chair.

During transit to the second floor cell Mr. Peraza tried to break free from the chair. In response, Deputies Kobs and Cardenas used their bodyweight to control Mr. Peraza's physical movement. Mr. Peraza eventually was able to stand up from the chair, but was forced to the ground and physically controlled by Deputies Kobs, Cardenas, Wilt, Hoenig and Rhinelander.

When Mr. Peraza began spitting at the deputies, Deputy Rhinelander used a jail T-shirt as a temporary spit sock by draping the shirt over Mr. Peraza's head. At about 9:23 p.m., Mr. Peraza was lifted from the floor and placed in a "Pro-Straint" chair with the lap, shoulder, leg and ankle straps secured. One minute later, at 9:24 p.m., Mr. Peraza suddenly stopped resisting. Jail staff checked for a pulse but found none. At about 9:25 p.m., jail staff began CPR and summoned emergency medical personnel.

Emergency medical personnel arrived about eight minutes later, at 9:33 p.m., and began resuscitation efforts. Mr. Peraza was revived about four minutes later at 9:37 p.m., and transported by ambulance to UCSD Medical Center. He died in the hospital two days later on July 28, 2006 at 6:35 p.m., when life support was removed.

On July 29, 2006, Deputy Medical Examiner Doctor Steven Campman performed an autopsy on Mr. Peraza's body. Dr. Campman determined that the cause of Mr. Peraza's death was "Anoxic Encephalopathy" (lack of oxygen to the brain) due to complications occurring during resuscitated cardiac arrest due to excited delirium due to methamphetamine toxicity. The manner of death was determined to be "Accident."
Dr. Campman commented in his report: "In this case it does not appear that the restraint by law enforcement caused asphyxiation or other significant injury that contributed to his death; instead, his death resulted from methamphetamine toxicity, while in custody."

Toxicological examinations revealed the presence of methamphetamine and THC in Mr. Peraza's body.

There was evidence of blunt force trauma injuries (bruises and contusions) that are consistent with the force and restraining efforts employed by the arresting officers and the jail staff personnel as well as self-inflicted injuries Mr. Peraza caused to himself by flailing around in the patrol car. However, the autopsy revealed the hyoid bone and laryngeal cartilages were intact and normally formed and that there were no fractures or hemorrhage along those structures. There were also no cervical fractures or posterior neck hemorrhage and no evidence of any skull fractures.

In this case a number of circumstances came together and may have contributed to Mr. Peraza's death—his violent struggling, preexisting mental condition, and most notably, the level of methamphetamine in his body as noted by the Medical Examiner. Accordingly, we conclude that the law enforcement personnel involved in Mr. Peraza's apprehension and restraint acted reasonably under the circumstances. They bear no criminal liability for their actions.
Compliance with your department's policies and procedures, tactical considerations, possible ways to improve training, and issues involving civil liability were not considered in our review. Accordingly, our decision should not be interpreted as expressing any opinion on the propriety, if any, of further action by you in these or other related areas.

Sincerely,

BONNIE M. DUMANIS
District Attorney

By:

JULIE KORSMEYER
Deputy District Attorney
Chief, Special Operations Division

Cc: Captain Mary Cornicelli

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