



## Investigative Summary

Police Department

**Date of Investigation:** April 9, 2017

**Incident:** Officer Involved Shooting – Fatal via Suicide

**Location:** 3860 Decoto Rd, Fremont

**Suspect:** Roger Anthony Perez; 24 years old; Newark resident

**Officers Involved:**

Officer Brendan Johnson, an 11 year veteran police officer with the City of Fremont at the time of the incident.

Sgt. Miguel Sanchez, an 11 year police sergeant with the City of Fremont at the time of the incident.

This is a summary of the findings from the April 9, 2017, Officer Involved Shooting that occurred near the intersection of Fremont Blvd. and Decoto Rd. The investigation was conducted by the Fremont Police Department's Crimes Against Persons Unit. While the Alameda County DA's Office were informed of the incident, they did not conduct a full parallel investigation due to the Coroner's finding that suspect Roger Anthony Perez died from a self-inflicted gun-shot wound. All critical incidents are reviewed and looked at on a case by case independent basis. The Fremont Police Department takes our authority and obligation to the public and the Constitution with deep regard. We place a high priority on training to ensure our officers have the tools and resources they need to bring a higher level of proficiency in the performance of their everyday duties.

The criminal investigation completed by the Fremont Police Department determined that Officer Johnson and Sgt. Sanchez acted lawfully in defending themselves from immediate harm when suspect Perez fired his weapon in their direction multiple times. The internal use of force review process concluded this use of force was within department policy.

In 2019, Senate Bill 1491 amended the California Public Records Act and we are providing this detailed summary of the investigation to ensure community members have the opportunity to learn the findings from our investigation. Some of the information provided in the summary is graphic in nature and not appropriate for children. Regardless of the circumstances, the loss of life is tragic. These incidents have a lasting effect on family, friends and loved ones, as well as the officers who are involved and their family members.

On Sunday April 9, 2017, at 10:54 p.m., the Newark Police Department notified our Department of a shooting incident that had occurred in their City. Earlier in the evening, officers from the Newark Police Department had responded to a report of multiple gunshots heard near the area of Broadway Avenue in their city. A victim had reported that after hearing gun shots, they found the windows of their family

vehicle were shot out. An expended .40 caliber shell casing was located in the street and the victim called 911 to report the shooting.

Approximately 40 minutes later, a separate victim was walking to his vehicle in the parking lot of O'Sullivan's Bar, located on the 5600 block of Thornton Ave in Newark, when he was robbed. A suspect vehicle, occupied by multiple persons, pulled up next to the victim and started a verbal argument. One of the suspects, later identified as Roger Perez, a 24-year-old Newark resident, exited the vehicle and attempted to rob the victim. During the robbery, Perez pulled out a handgun, described by the victim as a Glock, and pointed it at the victim. One of the other suspects yelled at "Roger" to get back in their vehicle. The suspects then fled the area.

At 11:37 p.m., approximately 10 minutes after the robbery attempt at O'Sullivan's Bar, a 32-year-old victim was inside the 7-11 convenience store located at the intersection of Decoto Rd. and Fremont Blvd. purchasing snacks for his family. While at the register, the victim was approached by Perez who offered to sell him marijuana. The victim stated he didn't want any. As the victim was completing his transaction, Perez began to argue with the store clerk who wanted Perez to show his ID to purchase alcohol. The victim told Perez to "just show your ID." Perez began arguing with the victim and pulled up his shirt exposing the handle of a firearm in his right front waistband. The victim exited the store and attempted to call 911 to report the incident.

As the victim was exiting he noticed a marked East Bay Regional Park District (EBRPD) police vehicle pull into the parking lot. It was later learned that EBRPD Officer Lloyd Cardone had been in the area looking for the vehicle involved in the Newark robbery and pulled into the 7-11 parking lot to get a view of vehicles traveling eastbound on Thornton Ave. The victim waved down Officer Cardone, pointed at the suspect vehicle and stated a man in the vehicle had just pulled a gun on him inside the store. Officer Cardone pulled behind the suspect vehicle and activated his overhead lights. Officer Cardone advised EBRPD dispatch of the incident over his radio and requested Fremont Police Department officers to respond 'code 3' for assistance. Officer Cardone advised he had a vehicle stopped with someone armed with a firearm inside and activated his body-worn camera.

As Officer Cardone waited for backup units to arrive, Perez ran from the vehicle. Perez's flight from the vehicle stop was captured on Officer Cardone's body-worn camera. Perez ran eastbound across Fremont Blvd. and toward the Walgreens shopping center. Officer Cardone advised dispatch of Perez's direction of flight and provided a description of his clothing. Responding Fremont police units began to search the area while also assisting Officer Cardone with the other persons still seated inside the suspect vehicle. Eventually four occupants of the vehicle were safely detained (one adult and three juvenile males).

Responding Fremont officers arrived to the area and immediately began searching for Perez. Officer Brendon Johnson was the first officer to begin checking the Walgreens parking lot. He also began setting up a perimeter around the shopping center. Officer Johnson contacted a community member who had seen suspect Perez run in the "breezeway" area behind the commercial center. Officer Johnson activated his in-car camera, drove to the rear of the complex and located a large U-Haul truck parked in the back lot. Officer Johnson spotted Perez attempting to hide atop of the U-Haul truck and ordered him to put his hands up. Initially Perez complied, stood up on the U-Haul roof and showed his hands. Officer Johnson notified dispatch of what he saw. However, Perez then quickly ducked out of sight. Officer Johnson continued to give Perez verbal announcements to show his hands.

Sgt. Miguel Sanchez and K-9 Officer Jason Macciola arrived on scene to assist. Both activated their in-car cameras prior to arriving at the scene. Officer Johnson communicated he had seen Perez on top of the U-Haul initially but had lost sight of him. He believed he may have ducked onto the top of the vehicle's roof. While all three patrol vehicles had in-car cameras activated, only K-9 Officer Macciola's vehicle was positioned in a manner which captured a straight-on view of the U-Haul truck.

Without warning, Perez stood up from atop the U-Haul's roof and fired two rounds in the direction of the officers. At the time of the shooting, officers were approximately 60 feet away from Perez. Perez shot from an elevated height of approximately 11 feet. Officer Johnson fired five rounds from his service weapon in the direction of Perez who immediately disappeared from view. Per the in-car camera video evidence, the total time it took for Perez to stand up on top of the U-Haul, fire two rounds, and duck back down was approximately 1.55 seconds. After a short pause, an additional gunshot could be heard coming from the suspect's location and Sgt. Sanchez discharged his service weapon twice in Perez's direction. No officers were struck by the gunfire.

A perimeter was immediately established around the truck. Members of the FPD Hostage Negotiations and SWAT teams were called out to assist in the incident. SWAT members utilized a Fremont Fire Department Unmanned Aerial Vehicle (drone) to fly over the U-Haul and search surrounding areas. The drone captured images of Perez lying on top of the U-Haul cab bleeding from a visible head wound. A firearm could also be seen in Perez's right hand. At about 2:00 a.m., Fremont Fire Department personnel approached Perez on top of the vehicle and pronounced him deceased. A loaded Glock 22 .40 caliber firearm was removed from Perez's right hand. Two .40 caliber shell casing were found near the driver's side area of the U-Haul.

A search warrant was authored for the suspect vehicle. Inside the vehicle, multiple .40 caliber bullets were found. These bullets matched the firearm found in Perez' possession and also matched the expended casings found on the ground at the Newark shooting scene from earlier in the evening. The Newark Police Department later showed photo lineups to their robbery victim who positively identified Perez as the suspect who attempted to rob him at gunpoint.

The Alameda County Coroner concluded Perez's only injury was a single gunshot wound to the head. Their finding matched physical evidence at the scene and the same conclusion drawn by Fremont Crime Scene Investigators. A single round was found inside the U-Haul truck which appeared to be fired downward through the roof. The coroner ruled the cause of death to be a self-inflicted gunshot wound.

The four male associates who had been in the vehicle with Perez were interviewed by Fremont detectives. They relayed that prior to the shooting, Perez and his associates had been smoking marijuana and drinking alcohol for several hours. The group had gone to the 7-11 convenience store in Fremont to obtain more alcohol. Once Perez got back into the vehicle, the group saw a marked police car pull behind them (vehicle occupied by East Bay Regional Park District PD Officer Cardone). The group acknowledged they saw the red and blue lights flashing and knew it was a police vehicle behind them. They heard the officer on his vehicle's public address system tell them to stay in their vehicle. Perez told the driver to "pull out" of the stall in an attempt to flee the officer and stated several times, "We got to go!" The driver refused to listen to Perez. Perez then told all of the occupants that they should all run on the count of three. The other adult in the vehicle told Perez that he was not going to run and that they should all stay in the car. Perez counted down and fled out of the vehicle towards Fremont Blvd. The adult vehicle occupant and the three juvenile occupants were all released.

During the interviews of Officer Johnson and Sgt. Sanchez, both stated when Perez shot at them it caused them to fear for their lives and the lives of their fellow officers.

Suspect Roger Perez was well known to law enforcement. Perez had prior arrests for robbery in 2009 and an arrest for carrying a concealed firearm in June, 2011. In July/August of 2011, Perez and eight other co-defendants were arrested for involvement in a series of fifteen armed convenience store robberies, a residential burglary and a planned robbery of a patron at a bank. During this robbery series, Perez entered a convenience store and robbed the business at gunpoint. Behind that robbery series, Perez was sentenced to three years state prison and was on parole at the time of this officer involved shooting. This armed robbery series was documented in Fremont Police Department report #110812016 and documented in a press release posted to the Department's Nixle account.

The Alameda County District Attorney's Office relayed that if Perez had survived, he would have been charged with three separate counts of attempted murder of a police officer.



**Roger Anthony Perez; 24 years old; Newark resident**



**Perez inside 7-11 (prior to the OIS)**



Perez holding firearm (after OIS)



Perez and Charles Woods (2<sup>nd</sup> suspect) from 2011 robbery series



Firearm recovered from Perez following OIS