



RICHMOND POLICE DEPARTMENT

1701 Regatta Blvd, Richmond CA 94804

March 28, 2015

Eugene E Ruyle, President
Veterans for Peace, East Bay Chapter #162
c/o Grassroots House, 2022 Blake St.
Berkeley, CA 94704

Dear Mr. Ruyle,

I recently received a copy of the correspondence you sent to the Richmond City Council regarding the Perez officer-involved shooting (OIS). I appreciate your concern about this issue and your desire for the maximum transparency possible related to the various investigations related to this incident.

I understand there are family and friends of Pedie Perez, as well as some community members, who are suspicious of the investigation(s) into Mr. Perez's death. I want to assure you that our department has been committed to facilitating every legally and procedurally sanctioned option available to share information about processes and outcomes associated with these investigations. There are, however, legal constraints that do not allow us to produce all the documents and other evidence you've asked for at this time.

It's true, as you stated, that the Contra Costa County District Attorney's Office completed their investigation of the shooting. This investigation included obtaining and comparing witness statements, reviewing cell phone and other video evidence, conducting ballistics findings, analyzing toxicology evidence, and more. As soon as we received the letter from the D.A.'s Office that contained their findings, we shared it with the public. There was also a Coroner's Inquest regarding this case that was open to the public with a cause of death determination that was also made available to the public.

The Police Department worked with the City's Human Resource Department and City Attorney's Office to identify an outside investigator to assist with the Internal (administrative) investigation of this OIS. You are mistaken in your conclusion that this investigation is complete; it is ongoing at this time.

The Perez family has retained legal counsel and is suing the City as a result of Pedie Perez's death. We have repeatedly stated we respect their right to do this. That said, once the City and the officer are named as defendants in a lawsuit, we are significantly

constrained in what we can publicly say about this incident. In addition, document release, witness statements, and other evidence associated with the case have to come through the discovery process and other related legal proceedings.

You should also be aware that police officers involved in OIS incidents have certain due process and confidentiality rights afforded to them under California state law (the "Police Officer Bill of Rights"—known as POBR), as well as City Personnel Rules and officers' Collective Bargaining Agreements with the City. I'm sorry if you believe that by following the law and providing department personnel with these rights, this reflects a deliberate "lack of transparency" or attempt to obfuscate the truth. The simple fact is that we are legally and procedurally constrained from publicly releasing certain information at various stages of the process.

In your letter, you speak about the importance of getting answers to "tough questions." We support this process, which is why we have worked hard to insure our personnel cooperate fully with every aspect of the investigation(s) and to carefully consider all policy, equipment, and training issues that might stem from this case. The last thing we want is to have *any* avoidable officer-involved shootings.

Thank you for expressing your concerns. We will be presenting a Study Session to the City Council on April 28, 2015 to explain how our officers make use of force decisions, what our process is for investigating use of force incidents (including officer-involved shootings), the policies we have in place, and our ongoing efforts to avoid OIS incidents whenever possible. I understand many of your members are Berkeley residents, but I hope you will attend this presentation if possible.

Regards,

A handwritten signature in blue ink, appearing to read "Chris Magnus", with a stylized flourish at the end.

Chris Magnus
Chief of Police