

HALL OF JUSTICE  
330 WEST BROADWAY  
SAN DIEGO, CA 92101  
(619) 531-4040  
SanDiegoDA.com

OFFICE OF  
**THE DISTRICT ATTORNEY**  
COUNTY OF SAN DIEGO

**DWAIN D. WOODLEY**  
ASSISTANT DISTRICT ATTORNEY

**SUMMER STEPHAN**  
DISTRICT ATTORNEY

October 31, 2024

Chief Roxana Kennedy  
Chula Vista Police Department  
315 Fourth Avenue  
Chula Vista, CA 91910

Chief Scott Wahl  
San Diego Police Department  
1401 Broadway  
San Diego, CA 92101

**Re: Fatal shooting of Mr. Perri A. Sammarco by Chula Vista Police Officer Alfonso Perdomo on February 4, 2023; Chula Vista Police Department Case No. 23-01628; San Diego Police Department Case No. 23-005229; DA Special Operations Case 23-021PS; Deputy District Attorney assigned: Samira Seidu**

Dear Chief Kennedy and Chief Wahl,

We have reviewed the reports and materials compiled by the San Diego Police Department's Homicide Unit concerning the fatal shooting of Mr. Perri A. Sammarco by Chula Vista Police Officer Alfonso Perdomo. A District Attorney Investigator responded to the scene and was briefed by officers and detectives from the San Diego Police Department's Homicide Unit. This case was submitted to the District Attorney's Office for review on May 15, 2023. On July 24, 2024, we received the Medical Examiner's Report.

***Summary***

On February 4, 2023, the Chula Vista Police Department received several calls regarding a disturbance at an apartment complex located at in the 600 block of Moss Street. Residents reported two homeless men camping under a stairwell, yelling, screaming, and banging on doors. Two officers responded and found Perri Sammarco and another male adult beneath an exterior stairwell. Sammarco yelled at the officers to back up. The other male informed the officers Sammarco had a knife. The officers pointed their firearms at Sammarco and ordered him to drop the knife. Sammarco grabbed and pulled the other male toward him, moved in front of the door to an apartment, and placed the knife at the male civilian's neck. Sammarco threatened to cut the man's throat.

Additional officers, including Perdomo, arrived on scene. Sammarco continued yelling at the officers to back up as he backed further into the corner in front of the apartment door while holding the other man in front of him with the knife to the man's neck.

A hostage negotiator took over communication with Sammarco. The hostage yelled that Sammarco was cutting him. His neck began to bleed where Sammarco held the knife. Because Sammarco and his hostage were backed into a corner and in front of the main door to the ground-floor apartment, Perdomo climbed over a waist-high wall onto the side porch of the apartment and entered the apartment through the sliding glass door. Once inside, Perdomo slowly unlocked and opened the front door, giving him a view of Sammarco and the other male. Perdomo fired one round from his department-issued rifle at Sammarco's head, hitting him and enabling the removal of the male hostage from Sammarco.

Sammarco was transported to Sharp Chula Vista Hospital, where he was pronounced deceased. An autopsy was conducted on February 9, 2023. The cause of death was determined to be a penetrating gunshot wound of the head and the manner of death was homicide. Toxicological testing of blood taken from Sammarco revealed a presumptive positive result for amphetamines, fentanyl, and methamphetamine. Fentanyl was detected at 0.050 mg/L, while 4-ANPP (4-anilino-N-phenethylpiperidine), norfentanyl, acetyl fentanyl, and fluorofentanyl were also detected. Amphetamine was detected as 0.12 mg/L and methamphetamine at 0.81 mg/L.

### ***Persons Involved***

Sammarco was a 37-year-old man experiencing homelessness at the time of the incident. Perdomo had been a police officer with the Chula Vista Police Department for five years. At the time of this incident, he was assigned as a canine officer. He had previously worked as an officer for two years with the San Diego Police Department.

### ***Statement of Civilian Witness One (CW1)***

CW1 is a transient adult male. He was in the area of Industrial Boulevard and Palomar Street in Chula Vista when Sammarco walked by his tent and began to speak with him. CW1 did not know Sammarco and initially sent him away. Sammarco then asked CW1 to walk to Wal-Mart with him and CW1 agreed to go along. At that point, Sammarco did not seem dangerous. As they were walking and speaking, CW1 realized Sammarco was "pretty psychotic" as Sammarco was becoming increasingly "agitated" and "weird." It seemed like Sammarco was attempting to evade the police. Sammarco said he had something planned for 8:00 and CW1 thought he was planning to "boost" something from Wal-Mart.

Sammarco suggested they move over to an apartment complex because Sammarco felt he was being followed. They went to the complex on Moss Street and Sammarco found a hiding spot under the stairwell in front of an apartment.

CW1 tried to slow down and break away as they were walking toward the apartment building. Every time CW1 slowed down, Sammarco would re-engage him in conversation. CW1 was slightly interested in what Sammarco had to say about conspiracy theories. Sammarco told CW1 the world was going to end in a few days or so, but people did not know it yet. Sammarco

thought he was being “gang-stalked” by some kind of unit that was keeping tabs on him. CW1 and Sammarco went down an alley to evade whoever was following him.

When they got to the apartment building, Sammarco pulled CW1’s Milwaukee duct knife out of the sheath on CW1’s belt. CW1 had just purchased the knife the day before from someone near the border. Sammarco took the knife from CW1 and made it seem like he did so in self-defense against whoever was trying to attack him. Sammarco started pointing the knife toward CW1 and then put it up to CW1’s neck. Sammarco made it seem like he was joking, but CW1 knew it was not a joke. Sammarco held the knife to CW1’s throat horizontally countless times. Sammarco was convinced gang members were trying to attack them. He was talking about cops in the area, but there were no cops. CW1 saw people walking around the apartment complex that were just normal people. A guy passed by and said he was going to call the cops, so CW1 knew the police would show up soon.

CW1 yelled for help and asked if someone had a phone. Sammarco acted as if both of them were being held hostage by someone, and CW1 did not know if they were or not. CW1 heard a car and then a door shut and he knew it was the police. CW1 told Sammarco, “Police are here now.”

The police came to where he and Sammarco were sitting. Sammarco “very seriously” put the knife to CW1’s throat and yelled threats to the police. For the first time, CW1 was struggling with Sammarco to prevent the knife from cutting him. CW1 didn’t care his hands were getting cut as he tried to keep the knife from his neck. He was trying to figure out how to get away. He hoped someone would get a good shot at Sammarco. CW1 decided the best thing to do was to go along with what Sammarco was saying. CW1 told the officers to “go away” in hopes that Sammarco would lower the knife and he could make a sprint for it. Sammarco was telling the officers to “leave” and kept asking for a bag of “fetties” (fentanyl) and stuff and to call his mom.

CW1 heard officers saying, “Remove the knife from the person’s neck,” “Drop the knife,” and, “Get on the ground.” Sammarco kept the knife at CW1’s neck and “went harder.” Another officer pulled his rifle out and set a sight like he was going to take a shot. An officer who was off to the right somewhere took a shot. CW1 wanted Sammarco to be shot because he had a knife to his throat. CW1 said that if he could have done it himself, he would have. CW1 said, “Fuck that dude. I hope he burns in hell.”

#### ***Statement of Civilian Witness Two (CW2)***

CW2 was alone watching television in his apartment when he heard yelling coming from outside his front door. He listened at the door. He heard a man yelling and demanding things. The man sounded like he was talking to someone, but CW2 initially only heard one voice. The person was demanding a cigarette, fentanyl, a phone to call his mother, and said he needed just five minutes. CW2 looked through the peephole but he was unable to see who was yelling. The yelling got louder and more intense. CW2 then heard loud banging on the front door. The person asked for a negotiator. CW2 assumed officers were already there. He later heard a second voice say, “He has a knife to my neck,” and “It’s cutting me.” CW2 saw lights on his porch and realized police officers were trying to come in through his (side) porch. He opened the porch door and three officers came in. They told him to go onto the porch. From the porch, CW2 could not see what

was happening, but he heard officers saying, "Put the knife down." He saw light enter his apartment from the hallway and knew an officer had opened the front door. He heard a loud bang. The officers grabbed Sammarco, put him on the ground, arrested him, and took CW1 off to the side.

#### ***Additional Witness Statements***

Officers interviewed multiple witnesses throughout the apartment complex. Several witnesses relayed they heard yelling and profanity that was followed by police activity. The statements were consistent with the recorded 911 calls and footage from the officers' body worn cameras.

#### ***Statement of Law Enforcement Officer One (LE1)***

LE1 is a police officer employed by the Chula Vista Police Department. He responded to a disturbance call regarding transients yelling, banging on walls and doors, and setting up camp under a stairwell. LE1 and LE2 arrived at the same time. A resident directed them to the stairwell where LE1 saw a wagon with a blanket draped over it. LE1 flashed his light. Someone immediately started yelling to back away. LE1 announced "Chula Vista Police" and the person responded, "Back the fuck up." LE1 saw only Sammarco's head since the rest of Sammarco was blocked by the blanket. Sammarco continued yelling at LE1 to back up and then a different male voice yelled, "He's got a knife." LE1 pulled his weapon and gave commands to Sammarco to get out of the stairwell and show his hands. Sammarco continued yelling at officers to back up. LE1 moved the wagon to see the rest of Sammarco's body. At that moment, LE1 saw CW1.

Sammarco grabbed and pulled CW1 toward him. CW1 again yelled out, "He's got a knife." LE1 then saw the knife come out. Sammarco had the knife pointed down toward CW1's abdomen area and was continuously yelling, "Back up, back up." CW1 was trying to get away so Sammarco was moving the knife around. At certain points, the knife was touching CW1's abdomen as CW1 was moving around and trying to get away. Sammarco grabbed CW1's shirt and pulled it over CW1's head, covering his face. Sammarco appeared to be using CW1 as a shield to cover his own body and head. LE1 considered taking a shot but Sammarco was moving around so much there was no way LE1 could have taken a shot. LE1 backed up to increase distance. He started calling for less lethal options. At certain points, CW1 told LE1 to go away so that he could make a run for it. LE1 continued to ask Sammarco to drop the knife. He also tried to ask Sammarco's name, but Sammarco kept telling the officers to back up. LE1 remembered that he had noticed a can of spray paint in the stairwell before they had contacted Sammarco and CW1. He noticed Sammarco's face had gray or silver paint on it and it appeared Sammarco had been "huffing."

Sammarco started to get up and pulled CW1 up with him. Sammarco walked backward toward an apartment and wedged himself in the corner between the door and the wall. Sammarco grabbed CW1's head with his right hand and put the knife up to the CW1's throat. LE1 believed Sammarco was going to cut the CW1's throat or stab him. Sammarco "mule-kicked" the apartment door. It appeared he was trying to break the door down to gain access into the apartment.

Additional officers arrived on scene, including a canine officer. Sammarco told them he was going to gut CW1 and stab the police dog. As additional officers arrived, LE1 began to back away to see the overall picture. The officers discussed gaining access to the apartment through a sliding glass door. Three officers knock on the sliding glass door on the porch-balcony. The resident came out and allowed officers to go inside his apartment. LE1 did not know what the plan was but later heard a shot.

***Statement of Law Enforcement Officer Two (LE2)***

LE2, a police officer with Chula Vista Police Department, was dispatched to a radio call regarding a male yelling and knocking on doors at the apartment complex between 7:30 and 8:00 p.m. LE1 also responded. The call said the disturbance had been going on for 45 minutes to an hour. Once on scene, they were flagged down by an individual who pointed them in the direction of a male who seemed agitated. They saw Sammarco, who was yelling at the top of his lungs for officers to back away. Next to Sammarco was a basket containing clothes and miscellaneous items underneath a blanket. Sammarco and the basket were underneath a staircase. Sammarco was sitting down and was partially covered by the blanket. LE2 then heard another voice coming from the direction of the basket. The voice was screaming as if they were in danger. LE1 and LE2 asked to see Sammarco's hands. After about 10 to 15 seconds, the blanket flew off and they saw CW1, who was saying something along the lines of "just back up." It appeared CW1 had been crying. His voice was shaking and high.

LE2 then saw the knife. Sammarco brought the knife to CW1's head. Sammarco put the knife underneath CW1's right ear and told officers to back up or he would kill CW1. Sammarco pulled CW1 closer to him, using CW1 as a shield. Sammarco started to move himself and CW1 backward toward an apartment door. Sammarco stood up with CW1. It appeared CW1 was bleeding from somewhere on his face. Sammarco continued to tell the officers to back up. LE2 and LE1 told Sammarco to drop the knife. LE2 tried to deescalate the situation. He initially had his firearm out but then pulled his Taser out as a de-escalation tactic. LE1 was still providing lethal coverage. They continued to go back and forth with Sammarco until cover units arrived. LE2's sergeant tapped him on the shoulder and told him to obtain the apartment resident's information. LE2 spoke to CW2 and got as much information as he could. He then began to walk back to the stairwell area when he heard a "boom" that sounded like a gunshot. He saw CW1 run toward the officers. CW1 was covered in blood and wearing baggy clothing. They initially handcuffed CW1 but moved him to a staircase and removed the handcuffs once they confirmed he was not armed with any weapons.

***Statement of Law Enforcement Officer Three (LE3)***

LE3 is a Chula Vista Police Department patrol sergeant. She was monitoring a radio call of a possible 5150 evaluation at an apartment complex on Moss Street. Officers on scene broadcast that they had encountered a subject with a knife holding someone hostage. LE3 responded directly to the scene, where she assumed the role of Incident Commander. Several officers were on scene already. LE3 tried to disperse officers because it was a tight space. There was a canine officer as well as officers with lethal and non-lethal options. Sammarco was yelling and holding CW1 by the neck. He was manipulating CW1 by standing him up, sitting him down, and pulling him around. Sammarco had the knife to CW1's throat and kept yelling that he would kill CW1 if

officers did not back up and get out of the way. LE3 gave Sammarco commands to put the knife down and told him officers would back up if he put the knife down. Sammarco calmed down for a little but started yelling again and got animated. An officer who had worked with the crisis negotiation team took over negotiations with Sammarco. LE3 stepped back and noticed officers banging on the apartment's sliding glass door. The owner came out and gave them information. Officers continued to give Sammarco commands to put the knife down and let CW1 go. Sammarco refused to comply. Perdomo, along with LE4 and LE5, entered the apartment through the sliding glass door after receiving the owner's consent. There was a plan to have another officer clear out the units behind where Sammarco was standing. LE3 knew why Perdomo was going into the apartment which is why she wanted to evacuate the nearby apartments. As she was waiting to get confirmation that the units were clear, LE3 heard a gunshot.

***Statement of Law Enforcement Officer Four (LE4)***

LE4, a police officer with the Chula Vista Police Department, was not interviewed. However, he wrote a report detailing his involvement. LE4 and another officer responded to the Moss Street address to assist with a hostage situation. Upon arrival, LE4 grabbed his department-issued less-than-lethal shotgun. Other officers were already on scene with their weapons drawn and pointed at Sammarco. The officers were talking to Sammarco and telling him to put the knife down. Sammarco was in the corridor where there are front doors to four apartment units. Sammarco was backed up into a corner under the stairs next to one of the doors.

Sammarco was holding a knife to CW1's neck area and shouting for officers to get back. CW1 also told officers to back up. CW1 was yelling at Sammarco to let go of him because officers were going to kill him. Sammarco told CW1 officers were not going to hurt him because he was innocent. Sammarco grew more and more agitated and grew more aggressive toward CW1. CW1 began to yell at Sammarco to stop because he was cutting him. Officers took a step back to try to de-escalate the situation. The sergeant on scene was talking to Sammarco and asking him to put the knife down so that they could talk and address the issue. Sammarco refused and pressed the knife tighter to CW1's throat area. CW1 began to bang on the door of apartment. LE4 believed that if the resident of the apartment opened the door, the situation could lead to potentially more hostages or could escalate further and become more dangerous for officers.

The apartment Sammarco and CW1 were in front of had a porch with a sliding door. LE4 jumped over the porch wall and knocked on the sliding door, announcing he was Chula Vista Police. LE4 wanted to get the residents that were inside the apartment out of harm's way, as well as prevent Sammarco and CW1 from potentially entering the apartment.

CW2 came to the door holding an open pocketknife with his right hand and holding his dog in his left hand. CW2 looked very scared and asked what was going on. LE5 (who had also climbed over the porch wall) asked CW2 to put away the knife and step outside. CW2 put his knife away and stepped outside onto the porch. LE4 placed his less-than-lethal weapon over his back and drew his department-issued pistol. LE4 held the position at the entrance of the porch door and could see the front door of the apartment. Sammarco was on the other side of the front door with CW1. There was banging on the door. LE4 pointed his weapon at the door and waited in case Sammarco broke through the door.

Perdomo jumped over the porch wall to the position where LE4 and LE5 were. They entered the apartment through the sliding glass door and went through the living room to the front door. LE4 placed himself at the edge of the living room and pointed his weapon at the door. The situation on the other side of the door sounded like it was beginning to escalate. As LE4 held his position, Perdomo climbed onto the couch directly next to the front door and opened the door about six inches. Perdomo pointed his rifle through the opening at Sammarco. LE4 heard a very loud bang followed by one rifle gunshot. LE4 moved forward, opened the door completely, then retreated to his position. Officers on the outside moved to Sammarco, who was lying against the wall. He was not moving and blood was coming from his head. LE4 determined Sammarco was no longer a threat and holstered his weapon. LE4 exited through the porch to see if he was needed anywhere else.

***Statement of Law Enforcement Officer Five (LE5)***

LE5, an officer with Chula Vista Police, heard an officer on the police radio ask for "emergency traffic" and mention "hostage" and "knifepoint." LE5 responded to the scene and saw several officers in front of a stairwell giving commands to "drop the knife." Sammarco and CW1 were sitting in front of a door. One had a shiny metal object in his hand. LE5 assumed it was a knife based on the officers' commands. She could not tell who had the knife because the two males were so close together. It appeared Sammarco was "straddling" CW1. LE5 saw the apartment had a walled patio area. She jumped over the concrete wall and started knocking on the sliding glass door to see if any residents were inside. LE5 planned to have any residents vacate the apartment for their safety. CW2 came out with a folding knife in his hand. LE5 told CW2 to put the knife down and to come out onto the patio for his safety. CW2 retrieved his dog from the apartment and came out onto the patio. LE5 stood by with CW2 until a plan could be established.

While waiting on the patio, LE5 could hear someone banging on the door to the apartment from outside. She said another officer (LE4), who was also posted in the patio, asked her what the plan was. LE5 told the officer that there was no plan. They were just going to remain there until they received further instructions. LE5 was concerned Sammarco would force the apartment door open and barricade himself inside. At some point, Perdomo jumped into the balcony area and advised LE4 and LE5 of his plan to go inside, open the door, and "go from there." The three officers entered the apartment. Perdomo went toward the front door. LE5 was behind him. Perdomo went to the front door but LE5 did not feel that area was safe. There was a couch near the front door. LE5 suggested they use that area to gain access to the front door. The front door's handle was close to the couch and easy to reach from that area. LE5 and Perdomo jumped on the couch and Perdomo slowly opened the front door. As Perdomo opened the door, LE5 heard a shot. LE5 stepped down from the couch and approached the front door. LE5 saw Sammarco on the ground and slumped over with blood coming from his head. Other officers rendered aid.

LE5 did not have her BWC with her. When she heard the call, she grabbed her vest and ran out of the station, not realizing her camera was not on her vest.

***Statement of Officer Perdomo***

Perdomo was on duty and had a civilian ride-along with him in his patrol vehicle along with his police dog. A police radio transmission aired of another officer asking for emergency air traffic. Perdomo started to drive to the location. An update to the call aired stating, "He has a knife to his throat. He's holding him hostage." The officer requesting assistance asked, "Where's canine?" Perdomo responded that he was a few blocks away.

Perdomo arrived at the scene and removed his dog from the car. He told his ride-along he could get out of the car but to stay away from the actual scene. Perdomo ran to the location of the incident and noticed there was already a canine officer on scene. Perdomo also noticed the suspect (Sammarco) was next to a ground-level apartment door under a staircase in a breezeway. Perdomo could see that Sammarco was holding a large knife to another male's (CW1) throat.

Perdomo decided the incident was a hostage situation and not one where he needed his dog. As a SWAT officer, he was trained not to deploy a dog in a hostage situation. Perdomo returned to his vehicle and put his dog back in the car. He retrieved his rifle and chambered a round while he ran back to the scene.

At the scene, Perdomo pointed his rifle at Sammarco. He tried to talk to and build a rapport with Sammarco by asking him his name and asking him to drop the knife. Sammarco became verbally agitated, telling Perdomo to back up. Sammarco kept yelling for officers to back up, so Perdomo told his team to back up a little. As the officers backed up, Perdomo dropped to a prone position while still pointing his rifle at Sammarco. He wanted the most stable position in case he had to take a "hostage shot." Perdomo explained that when a hostage-taker is using a person as a shield and has a deadly weapon to their neck or head, there is very little room to shoot the hostage taker, so one has to wait for the perfect window of opportunity to take the shot when it presents itself without shooting the hostage. He had been trained for a hostage shot situation by his agency and SWAT.

Sammarco was holding the knife to CW1's throat. Sammarco kept popping his head up and down and out from the side of CW1 while using CW1 as a shield. Perdomo didn't really have a clear shot and didn't feel comfortable taking one. Sammarco was taunting him by saying, "Don't take the shot. What if you miss and kill the hostage?" and "What if you miss and kill innocent civilians?" Sammarco kept popping his head up and down and there was a lot of movement.

Perdomo noticed blood on the wall and on the door of the apartment. It looked like there was blood on CW1 and/or Sammarco. It appeared Sammarco was cutting CW1, but he may have been just moving his hand. CW1 started screaming and it looked like CW1 was trying to get Sammarco off of him.

Perdomo thought Sammarco was going to kill CW1. He asked another officer if there was a way to gain entry into the apartment right behind where Sammarco was sitting. Perdomo stood up and asked another officer to take his spot and told him that he was going to take a team through the apartment patio door. Perdomo jumped over a little wall into the patio area. He spoke to the resident, who told him, "Yeah, go ahead." Perdomo assembled a team of officers and told one agent to keep Sammarco talking or distracted so Perdomo could open the door from the inside.



Perdomo thought Sammarco was killing CW1 from what he saw and heard. The officers on scene were telling Sammarco to “drop the knife, drop the knife” and Sammarco was getting more agitated. The scene was getting more intense, uncertain, and was rapidly evolving, so Perdomo made a plan. He told his team, “Hey, on me. We’re going to move up. I’m going to unlock the door.” They moved up and Perdomo slowly and quietly unlocked the door. Perdomo was standing on the couch in an angled-down shooting position. As the door opened, he could see Sammarco holding CW1 in the same position. He could not see the knife in his hand because CW1’s neck was covering it. Perdomo took one shot as the opportunity presented itself.

Perdomo said if he would have asked Sammarco to drop the knife and Sammarco would have looked over and seen Perdomo after Sammarco had asked all the officers to back up, Sammarco would have killed CW1. At that point, speaking to Sammarco was not an option. The last time Perdomo spoke to Sammarco, Sammarco was cutting CW1’s throat.

Perdomo explained he had already put his dog away and sending in a dog in a hostage situation is not an option. The dog could have bitten Sammarco or CW1, and Sammarco could still kill CW1. Other less-than-lethal options, like a taser or a beanbag, might cause a muscle jerk reaction and Sammarco could still cut CW1’s throat. The only thing that was going to stop Sammarco from killing CW1 was one well-placed head shot that would completely demobilize Sammarco and allow CW1 to get up and leave.

After Perdomo shot, he saw blood coming from Sammarco’s head and CW1 got up and ran. The scene was chaotic and Perdomo slowed everyone down. He told the officers he shot one round. He told an officer to grab the knife and told another officer to start rendering aid to Sammarco.

### ***Investigation***

The scene was secured, photographed, and investigated by the San Diego Police Department’s Homicide Unit. All detectives’ reports, crime scene investigators’ reports, 911 calls, police communication recordings, audio-recorded witness interviews, and body worn camera recordings were reviewed. All items were found to provide evidence corroborating the officers’ statements.

Several residents from the apartment complex called 911 to report at least one person, possibly on drugs, possibly experiencing homelessness, knocking on doors and yelling. Some reported the disturbance had been going on for two hours. Residents reported only one person seemed to be yelling but there were possibly two people camped under the apartment complex stairs.

Body worn camera footage shows officers giving Sammarco commands to drop the knife. CW1 is heard yelling at officers to back up. Sammarco tells CW1 that officers would not shoot him. CW1 responds, “Yes, they will.” At various points, CW1 is also heard yelling, “Stop,” “He’s cutting me,” and “Please.” Sammarco is heard yelling, “Put your guns down now,” and “Get them the fuck back now.” CW1 tells officers, “Just back up and he will surrender.” When an officer says, “We can back off. The fact that you have a knife to his throat scares us,” Sammarco responds, “Right. It’s the fact that he’s going to get killed...” The videos show officers

strategizing and attempting to negotiate with Sammarco throughout. As officers are strategizing and negotiating, a gunshot is heard. CW1 runs toward officers and is taken into custody.

Perdomo's body worn camera footage shows him arrive on scene with his dog. Perdomo asks the other canine officer if he's comfortable. The officer responds, "No." Perdomo asks the officer if Sammarco has a knife. When the officer responds in the affirmative, Perdomo states, "I'm getting my rifle." He returns to his patrol car where he leaves his canine and retrieves his rifle. Perdomo runs back to the scene and positions himself closest to Sammarco and CW1. Perdomo gives Sammarco commands to drop the knife. CW1 is yelling at officers to back up and Sammarco yells at CW1 to stop and tells him, "They're not gonna shoot you," and "You're innocent." CW1 responds, "They'll kill me." Sammarco yells at officers to let them out and CW1 yells, "He's cutting me." CW1, Sammarco, and a negotiator are heard on the BWC. Perdomo walks to the side porch of the apartment and climbs over the wall enclosing it. He tells other officers he is going inside and instructs them, "We're going to get this guy out the way." One of the officers asks if they are going to use a Taser on Sammarco and Perdomo responds, "No. He's got a knife to his throat." Perdomo and other officers walk through the apartment. Perdomo unlocks the front door, but did not open it. He says, "I want him to open the door." When the door opens, Perdomo fires one shot. When the door is fully opened, Sammarco is on the ground, slumped over. Perdomo announces, "I fired. I fired. I fired one shot."

During the incident, Sammarco was armed with a Milwaukee brand 11-inch stainless steel clip point partially serrated duct knife with an approximate 5 3/4-inch fixed blade. The knife had a black handle with hand guards.

Perdomo was armed with his department-issued Colt M4 Carbine "CAL. 5.56mm" rifle. The rifle was loaded with 30 rounds of department-issued ammunition contained in a 30-round capacity magazine seated in the rifle. After the shooting incident, a San Diego Police Department Field Evidence Technician collected Perdomo's rifle and magazine for processing. The rifle was received with a seated magazine containing 29 live rounds. There was no round in the chamber of the rifle. Based on the condition of the rifle upon recovery, coupled with Perdomo's statement that after the shooting, he ejected the live round that was in the chamber of the rifle and placed it back into the seated magazine, it was determined Perdomo fired one round from his rifle. A San Diego Police Department Criminalist conducted a test fire of Perdomo's rifle for operability and determined it to be operable. The rifle magazine also was determined to be the correct magazine for the rifle and the ammunition it contained was consistent with department-issued ammunition.

One expended cartridge case with the headstamp "SPEER 16 223 REM" was found in the center of the floor along the east edge of the living room of the apartment where Perdomo was standing when he fired his rifle.

### ***Autopsy and Toxicology Report***

On February 9, 2023, an autopsy was performed on Sammarco. The autopsy was performed by San Diego County Deputy Medical Examiner Doctor Greg Pizarro with Dr. Yecena Reyes assisting. The autopsy demonstrated the presence of a penetrating gunshot wound originating in the left ear, the bullet traveling in a left-to-right, downward, and slightly forward direction. Dr.

Pizarro determined the cause of death to be a penetrating gunshot wound of the head and the manner of death as homicide. Toxicological testing of antemortem blood samples taken from Sammarco revealed a presumptive positive result for amphetamines, fentanyl, and methamphetamine. Fentanyl was detected at 0.050 mg/L, while 4-ANPP (4-anilino-N-phenethylpiperidine), norfentanyl, acetyl fentanyl, and fluorofentanyl were also detected. Amphetamine was detected as 0.12 mg/L and methamphetamine at 0.81 mg/L.

### ***Legal Standard***

Penal Code section 835a(c) sets forth the standard to evaluate a peace officer's use of deadly force. The law provides that "a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary "to defend against an imminent threat of death or serious bodily injury to the officer or to another person." Penal Code section 835a(c)(1)(A).

"'Deadly force' means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm." Penal Code section 835a(e)(1).

"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." Penal Code section 835a(e)(2).

"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).

"'Totality of the circumstances' means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force." Penal Code section 835a(e)(3).

"In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques, if reasonably safe and feasible to an objectively reasonable officer." Penal Code section 835a(a)(2).

"The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of circumstances shall account for occasions when officers may be forced to make quick judgments about using force." Penal Code section 835a(4).

Chief Roxana Kennedy

Chief Scott Wahl

Page 12 of 12

***Conclusion***

Officer Perdomo encountered a highly volatile situation when he responded to a hostage situation and saw Sammarco holding a knife against CW1's neck. Law enforcement on scene attempted to deescalate the situation by backing away from Sammarco while continuing to communicate with him. A hostage negotiator was utilized to further deescalate the tense interaction. However, Sammarco refused to comply with the officers' many commands and refused to drop the knife. He made it clear he did not intend to release his hostage. Perdomo recognized that Sammarco was becoming more agitated and that the situation was rapidly evolving. As a SWAT officer trained to address hostage situations, Perdomo determined the only way to safely ensure CW1's rescue was to demobilize Sammarco through the application of deadly force. Less-than-lethal options were not viable.

When Perdomo fired a single shot at Sammarco, he reasonably believed that such force was necessary to defend against the imminent threat of death or serious bodily injury to CW1. Based on the totality of the circumstances, Perdomo believed Sammarco would kill CW1. A reasonable officer in the same situation would similarly conclude that Sammarco had the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to CW1. Therefore, Officer Perdomo bears no state liability for his actions. A copy of this letter, along with the materials submitted for our review will be retained in our files.

Sincerely,



SUMMER STEPHAN

District Attorney

cc: Captain Miriam Foxx, Chula Vista Police Department  
Captain Manuel Del Toro, San Diego Police Department