

County of Santa Clara

Office of the Sheriff

55 West Younger Avenue
San Jose, California 95110-1721
(408) 299-2101



Laurie Smith
Sheriff

MEMORANDUM

To: Captain J. Hall, Sheriff's Office
Captain N. Brunot, Stanford Department of Public Safety
Commander J. Miles, Sheriff's Office

From: Sergeant L. St. Denis
Internal Affairs Unit

Date: July 9, 2002

Subject: Review of Internal Affairs Investigation IA02-07

Attached is the Internal Affairs Investigative Report of the March 20, 2002 shooting which involved Stanford Department of Public Safety Deputy Jeff Bell and Palo Alto Police Officer Jessica Perryman. This report addresses the actions of Deputy Bell. Officer Perryman's actions are to be addressed by the Palo Alto Police Department.

Undersheriff S. Cushing has directed this report be reviewed by Captain J. Hall of the Sheriff's Office, Captain N. Brunot of the Stanford Department of Public Safety and Sheriff's Commander J. Miles.

Please review the report and note on the attached Review Report whether the reviewer concurs or does not concur with the finding. If the reviewer does not concur, please note the reasons or concerns on a separate memo.

Your time in reviewing the report is appreciated.

Office of the Sheriff

Memorandum



TO	FROM
Undersheriff S. Cushing	Sergeant L. St. Denis, Internal Affairs Unit
SUBJECT	DATE
IA02-07, Statement of Findings Review	July 9, 2002

The Internal Affairs Unit has completed the attached Internal Affairs investigation. It is necessary for the Statement of Finding to be reviewed by staff officers of the Santa Clara County Sheriff's Office and the Stanford Department of Public Safety.

Please ensure the attached Statement of Findings is delivered to the appropriate personnel. Please instruct them to review the Statement of Finding and note if they CONCUR or DO NOT CONCUR with each finding. The responses are to be forwarded to the Internal Affairs Unit.

- I concur with the "Exonerated" finding of this investigation.
 I do not concur with the "Exonerated" finding of this investigation.

Jerry Hall #1143 *7/10/02*
Captain J. Hall, Santa Clara County Sheriff's Office Date

- I concur with the "Exonerated" finding of this investigation.
 I do not concur with the "Exonerated" finding of this investigation.

N. Brunot #AC *7-11-02*
Captain N. Brunot, Stanford Department of Public Safety Date

- I concur with the "Exonerated" finding of this investigation.
 I do not concur with the "Exonerated" finding of this investigation.

J. Miles #1148 *7-11-02*
Commander J. Miles, Santa Clara County Sheriff's Office Date

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Laurie Smith
Sheriff

MEMORANDUM

To: Undersheriff S. Cushing

From: Sergeant L. St.Denis
Internal Affairs Unit

Date: June 8, 2002

Subject: Administrative Review of Officer Involved Shooting
Internal Affairs Investigation IA02-07

Involved Officer: Officer Jeff Bell #102
Stanford Department of Public Safety

Secondary Officer: Officer Jessica (Jess) Perryman #P0113
Palo Alto Police Department

Suspect/Deceased:

Witnesses Interviewed:

Both witnesses are Community Service Officers employed by
Stanford University.

Date of Incident: March 20, 2002

Criminal Investigation: Santa Clara County Sheriff's Office Case 02-079-0220W

Criminal Investigators: Sergeant Dean Baker #1166
Sergeant Pedro Contreras #1262

Palo Alto Police Internal Investigation: 02-079-0119

Palo Alto Police Investigators: Sergeant James Zboralske
Sergeant Michael Honiker

Stanford Department of Public Safety Event Number: 02-0521

Attachments:

1. Diagram of the over all scene including a second page listing vehicle descriptions and associated identifying numbers.
2. Close up diagram of the shooting scene.
3. Edited transcript of the Palo Alto Communications tape with the associated transmissions.

Notification:

March 20, 2002, 1320 hours Sheriff's Office Commander Jeff Miles contacted Sergeant Larry St.Denis of the Internal Affairs Unit and advised of an officer involved shooting which just occurred on the campus of Stanford University. Commander Miles stated the shooting involved both a Stanford University Department of Public Safety Officer and a Palo Alto Police Officer. As the Stanford Department of Public Safety receives its powers of authority through deputization by the Santa Clara County Sheriff, Commander Miles directed that an internal affairs investigation be initiated immediately into the actions of the Stanford Officer.

Sergeant Cathy Watson and Sergeant St.Denis, both assigned to the Sheriff's Office Internal Affairs Unit, responded to the scene of the shooting arriving at 1405 hours.

Scene:

The location of this incident was Stanford Avenue between Raimundo Way and Junipero Serra Boulevard. This is an un-incorporated street bordering the Stanford University complex. This is a north-south roadway of paved asphalt and consists of one lane of travel in each direction with bicycle lanes on either side of the roadway. There are no residences or other structures bordering this portion of the street however residences from neighboring streets back up to this area. The west side of Stanford Avenue has heavy vegetation consisting of large bushes and trees. Behind this vegetation is a creek bed.

Both shoulders of the road are wide enough for the parking of cars and many vehicles were present as this is the only parking for a nearby popular jogging and walking area.

Due to this incident, the street was cordoned off with yellow crime scene tape. Numerous officers from the Stanford Department of Public Safety, the Palo Alto Police Department and the Sheriff's Office were present protecting the integrity of the scene. Sheriff's Office investigators and patrol officers were interviewing witnesses.

Within the inner perimeter were various civilian vehicles that were parked on both shoulders. Also present were marked and unmarked law enforcement vehicles from Stanford D.P.S. and Palo Alto Police Department. A burgundy colored Toyota was stopped in the southbound lane at the area of the actual shooting.

The suspect in this case, _____ had been removed from the scene via ambulance and transported to Stanford Hospital. Palo Alto Officer Perryman also was transported to Stanford Hospital by ambulance and eventually driven to the Palo Alto Police Department to await further contact. Stanford Officer Bell suffered an abrasion to his shin which did not require immediate medical care. He was removed from the scene by Sergeant Tipton (Stanford D.P.S.) and was at the Stanford D.P.S. Office awaiting further contact. Community Service Officers _____ and _____ also were at the Stanford D.P.S. Office awaiting interview.

Investigating officers at the scene were:

Detective Dean Baker	Sheriff's Office Lead Investigator
Detective Pedro Contreras	Sheriff's Office Investigator
Sergeant Larry St.Denis	Sheriff's Office Internal Affairs Investigator
Sergeant Cathy Watson	Sheriff's Office Internal Affairs Investigator
Sergeant James Zboralske	Palo Alto Police, Administrative Investigation
Sergeant Michael Honiker	Palo Alto Police, Administrative Investigation
Lieutenant Ron Truhitte	Santa Clara County District Attorney Investigator
Investigator Mark Hatcher	Santa Clara County District Attorney Investigator

Also at the scene were members of the Sheriff's Office Crime Scene Unit and members of the Sheriff's Office Diagram Team.

Staff officers from the Stanford D.P.S., Palo Alto Police, the Sheriff's Office and the District Attorneys Office also were on scene.

Introduction:

As previously stated, the roadside shoulders of Stanford Avenue between Raimundo Way and Junipero Serra Boulevard are often used as parking areas for the joggers and walkers who use the nearby hills for exercise. Vehicles parked in this area have been burglarized and recently there had been an increase in the number of auto burglaries.

On January 28, 2002, two auto burglary suspects were observed on Stanford Avenue south of Raimundo Way. One suspect was described as a large Hispanic male wearing red shoes. Through normal police practices, this information was widely known to the various law enforcement officers working the Stanford campus.

On March 20, 2002, at approximately 1300 hours, Community Service Officer (CSO) _____ was driving northbound on Stanford Avenue from Junipero Serra toward Raimundo Way in a blue unmarked Ford Aerostar van. The passenger in his vehicle was CSO _____. Prior to reaching Raimundo Way, they observed a male looking into the interiors of the vehicles parked on the west shoulder of the road. This male subject resembled one of the suspects from the January 2002 auto burglary including the fact he was wearing red shoes.

These officers made a u-turn to get another look at the subject however when they drove past the location they could not see him. The CSOs went to the intersection of Junipero Serra, again made a u-turn and parked on the east shoulder of Stanford Avenue facing north in hopes of seeing the subject again.

At this time CSO broadcast the subject's description and location to the Palo Alto dispatch center. Stanford D.P.S. and Palo Alto P.D. share a radio frequency and officers from both agencies could hear this broadcast.

Stanford Officer Bell responded to the area to look for the subject. Palo Alto Officer Perryman was nearby so she too responded to the area to help locate the subject. As these officers drove into the immediate area, CSO attempted to guide them to the area where the subject was last seen. Officer Bell followed directions and parked along the west side of Stanford Avenue. Officer Perryman arrived and stopped quite a distance north of Bell.

Bell did not immediately see the subject so he looked in the area between the parked cars and the creek. He then saw the subject walking towards Officer Perryman's location. Officer Perryman had exited her patrol car and she spotted the subject hiding by a nearby parked vehicle.

Officer Perryman spoke to the subject however he did not acknowledge her and the subject walked past her and entered a silver colored BMW that was parked nearby. As the subject attempted to start the BMW, Officer Perryman leaned in through the open driver's window and there was a struggle for control of the ignition key.

The subject managed to start the car and attempted to drive away however by this time Officer Perryman was stuck on the door with the upper half of her torso inside the subject's car. The subject made various turning maneuvers during which his vehicle struck various other vehicles. During this period Perryman was half in and half out of the subject's car. The subject eventually sideswiped Perryman's patrol car causing Perryman's legs to strike her car. This maneuver knocked her to the ground and injured her. As the subject started backing, Perryman feared he would run her over with the car and she fired one shot from her handgun striking the subject.

Stanford Officer Bell came to the aid of Perryman. He observed the struggle for the keys, saw Perryman's position in the driver's window and was nearby when Perryman fired her handgun at the subject. After the shot was fired, Officer Bell observed the subject's vehicle backing in a sweeping u-turn and backing toward Officer Perryman who was now lying on the roadway injured. Fearing the subject was going to run over Perryman and himself, Officer Bell fired two shots from his handgun at the subject. One shot hit the BMW and the second is unaccounted for.

The subject then drove forward in a sweeping arc and the vehicle drove off the roadway and into the creek bed on the west side of Stanford Avenue where it came to rest.

During this time CSOs [redacted] and [redacted] had driven to the immediate scene and witnessed the incident.

Emergency medical services responded and both Suspect [redacted] and Officer Perryman were transported to Stanford Hospital for medical treatment. Suspect [redacted] was eventually pronounced dead. Officer Perryman was treated for her injuries and released from the hospital.

The Sheriff's Office Diagram Team responded to the scene and completed a diagram including evidence and the positioning of 28 vehicles in the crime scene. With the exception of a burgundy Toyota Camry (vehicle #6), the diagramed vehicles were either parked prior to this incident or arrived at the scene as a result of this incident (example being law enforcement vehicles). Reference will be made to this diagram, a copy of which is attached to this report.

Statements:

Community Service Officer for Stanford Department of Public Safety:

[redacted] was interviewed March 20, 2002 at 1840 hours in an interview room at the Stanford Department of Public Safety. The interview was conducted by Sergeant Larry St. Denis and Sergeant Cathy Watson, both assigned to the Internal Affairs Unit of the Sheriff's Office. The interview was audio recorded with the knowledge of all present.

Prior to the actual interview Officer [redacted] was read two Sheriff's Office General Orders. The first being 2313:I,B,4 (shall obey any lawful order) and 2313:I,D,13 (shall not make false statements when questioned, interviewed or in submitting written reports). Officer [redacted] stated he understood both Orders by stating, "Yes sir, I do."

Officer [redacted] stated he was driving on Stanford Avenue returning to his office as the end of his shift was approaching. [redacted] was accompanied by CSO [redacted]. As [redacted] was driving from Junipero Serra towards Raimundo he saw a subject walking up Stanford Avenue looking into the parked vehicles. [redacted] said the subject did not appear to be dressed as would normally be the case for walking or hiking in the hills. Due to the subject's appearance and his actions of looking into the parked cars, [redacted] told "He's casing the vehicles."

[redacted] described the subject as a Hispanic male wearing a red shirt and red shoes. [redacted] recalled there had been a call about a month ago regarding suspects in an auto burglary, one suspect had been described as wearing red shoes. [redacted] distinctly remembered the red shoes being mentioned in the prior burglary suspect description. [redacted] said he mentioned to [redacted] "Hey, that guy's got red shoes, he might be our guy."

[redacted] said they turned onto Raimundo, came back out onto Stanford Ave. and as they headed back (southbound), [redacted] could not see the subject. [redacted] said the subject did

not have time to get into one of the parked vehicles so they drove to Junipero Serra, made a u-turn and parked facing north to watch for the subject.

By this time, [redacted] said he had advised radio of the suspicious person looking into cars and he included the description of the red shoes. [redacted] also advised that they (CSOs) had lost sight of the subject.

While parked, they observed the subject re-appear from the bushes. [redacted] saw Deputy Bell driving into the area and [redacted] advised Bell of the location of the subject ("he's adjacent to the two SUVs that are right there"[vehicles #21 & 24). At this time [redacted] saw the Palo Alto patrol car arrive (Officer Perryman) and pull over.

Due to the location of the two officers, [redacted] could not see them but he did hear the female officer (Perryman) yelling "Stop, stop". [redacted] said as he began to drive to the officers when he heard a radio broadcast for a "Code 3 fill, Code 3 fill." Upon arriving at their location, [redacted] saw the Palo Alto officer inside the vehicle and her buttocks and legs were hanging outside the window. [redacted] said the subject was now inside a silver BMW and was driving it with the Palo Alto Officer hanging out the window.

[redacted] saw the subject drive the BMW into the car to the front and to the rear, striking each of these vehicles. He described this action as "ramming" the parked cars. The subject then pulled out and hit a purple Camry (vehicle #6) and then rammed a white Volvo. [redacted] said the occupants of the Camry jumped out and ran from their car. [redacted] said the subject drove at a blue Honda or Toyota and he watched as the "officer's legs got scrunched between the back of that car and the side of the Beemer."

[redacted] then parked his blue van to try to block the subject in. He got out and ran to the BMW and yelled "turn it off, turn it off." [redacted] said the Palo Alto Officer was still fighting with the driver and [redacted] could hear her yelling "I'm gonna shoot you. I'm gonna shoot you." At that time the BMW started to pull out and the Palo Alto Officer fell to the ground and shots are fired. The BMW then goes around, right in between two parked vehicles and into the bushes out of sight.

[redacted] said he then went to the aid of Officer Perryman. Other officers had responded by this time. Shortly after, [redacted] was relieved at the scene by Captain Brunot (SUDPS) and directed to return to the station.

Officer [redacted] was asked if the suspect's actions were deliberate and [redacted] stated, "Oh yeah, he was intent, he wasn't gonna be arrested. He wasn't complying with any of the officer's demands. I know he knew that he injured her when he crushed her against the car." [redacted] added, "I was afraid that somebody else was gonna get hit."

Officer [redacted] was asked if, in his opinion, the crushing of Officer Perryman's legs between the two cars was intentional. "I can't say whether he crushed her legs deliberately or whether it was them fighting for the wheel that made him lose control. I

wasn't in a good enough vantage point to see that." did say that it appeared that the subject had the option of just driving from the scene southbound on Stanford Ave.

Regarding the verbal commands that were given, Officer stated Perryman was yelling, "I'm gonna shoot you. I'm gonna shoot you. Turn off your car. Turn off your car." During this time the subject appeared "totally calm, didn't look like he had any fear in his eyes."

does not recall Stanford Officer Bell issuing any verbal commands to the subject.

never heard the suspect say anything during this entire incident. did not see the suspect do anything (other aggressive actions) other than drive the vehicle.

Regarding the discharge of the handguns, Officer said Perryman had been knocked off the side of the BMW. did not see Perryman discharge her handgun and at the time of this interview, does not know if Perryman fired her weapon. said he did see Officer Bell fire one round from his gun. is not sure if that was the only round fired by Bell. said he heard a total of two or three shots fired. At the time the shots were fired, the BMW was "pulling out" and continued at high speed in a turning movement and drove between the parked cars and into the creek.

could not see any injury to Officer Perryman. As he had seen her legs crushed between the cars, he assumed she had leg injuries however her clothing hid the extent of any injury. He said she was wincing and in obvious pain and that she just laid her gun down on the pavement. He did not notice any injury to Officer Bell.

Officer was asked, in his opinion, was there a threat to Officer Bell and/or Officer Perryman. responded by saying "Yeah, I thought there was a threat to all of us, even to the people that were clients (citizens) because the way that this guy was driving, he could have ran over anybody. He basically had no regard for anybody else, he just wanted to escape." was asked if the threat was the manner in which the subject was driving and replied "I felt he was gonna do whatever he had to do to escape, whether it was run over a client or hit us or do...whatever it was."

End of Statement.

Community Service Officer for Stanford Department of Public Safety:

is a Community Service Officer with the Stanford University Department of Public Safety. Officer was interviewed regarding this incident on March 20, 2002 at 1722 hours. The interview was held in an interview room within the Stanford D.P.S. Sergeant Larry St.Denis and Sergeant Cathy Watson from the Sheriff's office Internal Affairs Unit conducted the interview. It was audio recorded with the knowledge of all present.

Prior to the start of the actual interview, Officer [redacted] was read two Sheriff's Office General Orders, the first being 2313:I,B,4 (shall obey any lawful order issued by a superior officer) and 2313:I,D,13 (shall not make false statements to superiors when questioned, interviewed or in submitting written reports). When asked if he understood these Orders, Officer [redacted] stated, "Yes, I do."

Officer [redacted] stated he was with Officer [redacted] and they were enroute to pick-up relief officers for their foothill detail. At approx 1250 hours they were driving on Stanford Avenue toward the El Camino when Officer [redacted] observed a male subject wearing red shoes on the left side of the roadway (west shoulder). [redacted] remembered an auto burglary suspect who was described as wearing red shoes.

[redacted] said [redacted] made a left turn onto Raimundo Way at which time [redacted] broadcast the suspect description over their channel one which is also monitored by Palo Alto Police Department. Officer [redacted] made a u-turn and drove back onto Stanford Avenue, back to where the suspect was last seen. Officer [redacted] said they were unable to see the subject. [redacted] drove south to Junipero Serra, made another u-turn and parked on the right shoulder of Stanford Ave. (facing northbound) in hopes of spotting the subject.

Officer [redacted] used his police radio to advise the incoming Stanford deputy of the subject.

Prior to the deputy's arrival, the subject came out of the bushes and [redacted] noticed he was wearing a bright red shirt, black pants and red shoes. [redacted] said the subject then retreated back into the bushes.

The first Stanford officer on scene was Deputy Jeff Bell. [redacted] said CSO [redacted] guided Bell to the general area of where the suspect was last seen. Bell pulled over as directed.

About this time a Palo Alto Police patrol car pulled up. [redacted] said he could not see the female Palo Alto officer however he said he heard her say, "I've got him." He then saw the Palo Alto officer partly inside the driver's window of a car saying he could see from her waist to her feet protruding from the window. The officer's upper torso was inside the car. The vehicle started to take off with the officer hanging out the window.

Officer [redacted] told his partner [redacted] to drive forward and try to block the subject's car, which he described as a silver "Beemer" (BMW) with paper dealer plates (advertisement) on the back. As [redacted] started driving, the subject's car pulled out and made a u-turn on Stanford and started to go toward the El Camino with Officer Perryman still hanging out of the window. [redacted] said the vehicle then turned toward the bushes (west side of the road) and toward a parked police car. The BMW continued and struck the Palo Alto patrol car at the left rear corner. As he watched these movements, [redacted] said he thought the officer was going to lose her legs. He stated, "It's so close that I thought her legs were going to be impinged and I said something like, "Oh my God." After this impact, [redacted] was surprised to see the officer still hanging out the window of the BMW.

said [redacted] stopped their vehicle and he [redacted] got out and went towards the passenger side window of the BMW with the idea of using his pepper spray to spray the driver in the face. When [redacted] looked into the BMW he saw the officer had her gun out and had it pressed against the subject's left side (upper rib cage or left breast area). At this time she was commanding the subject to "Stop, stop. I'll shoot you." [redacted] said when he saw Officer Perryman's gun against the subject's side and heard her say she would shoot, he decided not to use the pepper spray as he did not want to inadvertently spray Perryman and blind her.

At this time the subject looked at [redacted] and the subject said something similar to, "What am I doing?" [redacted] thought the incident had come to an end however the vehicle then began to back up. He said Officer Perryman had been in the window of the BMW when it struck the rear of the patrol car. As the BMW backed up, Perryman somehow became free and she was on the ground. [redacted] watched as the BMW backed into and grazed another car and started southbound on Stanford toward Junipero Serra. About that time [redacted] said he heard a single shot followed by two shots.

[redacted] said he thought the vehicle was going to continue southbound however it veered hard toward the bushes. He looked at the subject (driver) and described him as "he was out, he was like, eyes closed, head to the right and the car just went..." ([redacted] voice diminished). [redacted] later said the car accelerated into the bushes.

Officer [redacted] said both patrol officers were behind him and he did not see either officer fire a weapon. He also said that Officer Perryman and Deputy Bell were the only armed officers on the scene at this time.

By the sound of the weapons being fired, [redacted] believes Deputy Bell was standing slightly behind and to his left while Officer Perryman was behind and to the right of [redacted]

Also based upon the sound, [redacted] believes Officer Perryman fired the first shot and that Deputy Bell fired the next two times. [redacted] also recalled hearing one bullet casing hitting the ground and that was from the area of Deputy Bell. [redacted] does not recall if either officer said anything just prior to the shots being fired.

After the shots were fired and the BMW drove into the bushes/creek bed, numerous other officers arrived and medical assistance was summoned.

Officer [redacted] was asked if he thought there was a threat to the officers. He stated, "Absolutely...because when she was inside the vehicle it seemed to me that he was trying to squash her off the vehicle." He added, "I thought she was gonna lose her life."

When asked about injuries, [redacted] said that when the emergency medical personnel began treating Officer Perryman, he saw abrasions and swelling to her thigh and she was

“obviously in pain.” said Deputy Bell had an abrasion to the calf and shin area of one leg.

Officer described the subject’s actions as “The guy never gave up, never gave up and I thought he was going to. He never did.”

believes that during this incident, the subject was the person in control of the vehicles movements and not Officer Perryman.

End of Statement.

Officer Jessica Perryman, Palo Alto Police Department:

Officer Perryman was interviewed by Sheriff’s Detective, Sergeant Dean Baker the evening of March 20, 2002, 2031 hours at the Palo Alto Police Department. Also present at this interview was Sheriff’s Detective, Sergeant Pedro Contreras and legal counsel for Officer Perryman. This interview was held in a conference room and video fed into an adjoining room for other investigators to monitor. Officer Perryman was aware of this video feed as she was aware that the interview was also being audio recorded by Detective Baker. None of the investigators in the adjoining room asked or submitted any questions to Officer Perryman.

(Officer Perryman, like many others do, will refer to Stanford Avenue as an east-west roadway. The map shows Stanford as basically a north-south street however because it intersects the El Camino Real, the locals refer to it as east-west. For purposes of this interview, description of travel may be used instead of the compass direction.)

Officer Perryman was an on duty Palo Alto police officer. She stated she was driving on Stanford Avenue from the El Camino towards the foothills bordering Junipero Serra Blvd. to check on an unassociated vehicle from a prior detail.

At this time she heard a “G-Unit” (Stanford CSO radio designation) broadcast a description of a suspicious person on Stanford and Junipero Serra. The broadcast described the suspicious person as male Hispanic wearing red shoes and it included the information that the suspicious person matched the description of a suspect in a prior vehicle burglary.

Officer Perryman said she was aware of the prior auto burglaries and as she was close by, she responded to the area to assist in locating this subject. Her feeling was that if the subject tried to flee, he would travel in her direction in hopes of reaching the El Camino to blend in with the other people in that area.

Officer Perryman continued driving on Stanford Avenue and she pulled over north of Peter Coutts Road. As the Stanford officer (Deputy Bell) drove past her, the CSO’s advised that the subject was now standing near two sport utility vehicles and that the subject was now looking into the parked vehicles. The CSOs then gave a more detailed

description of the subject describing him as a Hispanic male, with facial hair and was wearing a red long sleeve shirt and red shoes.

Deputy Bell continued to the area and stopped next to the two sport utility vehicles. Perryman said she drove into the area and pulled over north of Bell's location (she stopped south of Raimundo Way). At this time she noticed something red duck down by a vehicle. As she stepped out of her vehicle, she noticed Deputy Bell outside his car and noticed the subject in the red shirt walking in her direction on the gravel side of the parked cars. The subject got to within one or two vehicle lengths of her when he stood up. Officer Perryman said she attempted to talk to him by saying something similar to, "Hi. Can I talk to you?" She said the subject looked at her but did not say anything. He walked into the bike lane and continued in her direction. She then asked him to stop which he failed to do. She then directed him to sit on the ground which he did not do.

Officer Perryman said the subject then ran immediately to the door of a silver BMW and she followed him. They struggled as he was trying to enter the car. She said the subject won the struggle and got into the BMW and attempted to start it with the keys in his right hand.

Perryman went on to say that the car window was down and "I dived into the window and I've got his right hand and were struggling. He's trying to put the key in the ignition and I'm struggling to keep the key out of the ignition. And we're struggling and eventually he wins that struggle and he gets the key into the ignition. He turns the car on and I turn it off. He turns it on and I turn it off. He gets it on and puts it into drive."

By this time Officer Perryman is still in the vehicle, through the window, with her legs dangling outside and her upper body and head inside the car. She says she is screaming at the subject, phrases similar to "Police, police. Don't start it." three or four times. During this time she is trying to use her police radio to call for emergency help ("Code 3 Fill".)

The subject then started to drive the car forward and the car turned. Perryman is stuck in the car by her gun belt which is hung up on the doorframe. She went on to say that her left arm was through the steering wheel and her right arm was around the steering wheel and pulling on his wrist. Perryman stated her head was just about in the subject's lap and although she felt the car moving and turning, she was not able to see the direction it was traveling in.

During this time she feels the impact of the BMW hitting another car. She is screaming, "I'm stuck, I'm stuck." and yelling at the subject to stop the car. The subject starts driving again.

At this time she feels the presence of someone else next to her on the outside of the car. She continued screaming, "I'm stuck, I'm stuck. Shoot. Shoot." The BMW starts moving again.

Officer Perryman said she felt the back her legs being pulled down underneath the vehicle. She feels that they obviously rubbed against something which she believes was another vehicle. She described herself as sandwiched between the two cars. The BMW continued to move at which time her legs were being pulled down and towards the back of the car. She was still stuck on the car door. She described the feeling as "I'm kind of having my legs ripped off." She said the BMW hit something else and she is completely jarred from the doorframe, "completely tossed from the vehicle."

At this time she realized that she is between one vehicle and the silver BWM and that as the BMW starts to back, she will be struck by it. She drew her weapon and tried to stand. She screamed orders at the subject, "Get your hands up in the air. Get your hands up in the air." She was stilling yelling "Police" and was trying to get on the police radio to ask for help.

At this time she sees a figure on the other side of the BMW and she assumed it is Deputy Bell. He (the figure) is also screaming at the subject. At one point the subject puts his hands up in the air and leans back. The subject looked toward the deputy and then looked back at Officer Perryman. He did this a couple of times and then he (the subject) put the car in reverse. The BMW started backing in a sweeping motion causing the front of the BMW to come in her (Perryman's) direction.

As she believed she was about to be run over, Officer Perryman recalled thinking, "Oh my God, here it goes." At this point she shoots and then dove landing on the ground. She said she was pushed up against a white vehicle that she later discovered to be her patrol car. She attempted to stand however she could not feel her legs and she stayed on the ground.

Officer Perryman was asked the distance between her and the BMW at the time she fired the shot. She described the distance as "close, really close" (possibly four to five feet estimated during the interview).

She went on to say the BMW continued straight back and then "forward and wide, in between a couple of cars and right into the ditch."

After she had been knocked off the car and the subject had his hands in the air looking back and forth, at some time during this period, Officer Bell sprayed the subject with o.c. spray. She remembered this as she was slightly exposed to the spray.

Officer Perryman explained that earlier when she yelled, "shoot, shoot" she was telling the other person who she believed to be Deputy Bell, to shoot the subject. Perryman said she was stuck, the subject was trying to move forward and "I thought I was dead." When asked if she felt her life was in danger at this point, Perryman answered, "I thought for sure I was gonna be dead."

When asked about the actual shooting, Perryman said she fired her weapon because the situation had deteriorated to the point that it was necessary to shoot to save herself. She

explained that she was now free of the car and she thought the subject was giving up when he had his hands up in the air. However when he lowered them and put the car in gear, there was no doubt in her mind that she would be run over. She was pinned. She thought, "He's gonna take my legs off."

When asked of Deputy Bell's actions, Officer Perryman said she felt his presence at the second impact and she saw Bell at the opposite side of the BMW when the subject briefly put his hands in the air. She is also aware of Bell spraying the o.c. spray.

After Perryman fired her weapon the one time, she heard and felt someone else shoot a weapon. Although she feels it was Deputy Bell, she did not see him shoot his weapon.

Further, as the subject had earlier raised his hands when told to do so, Officer Perryman said the subject driver did understand her commands and she believes he understood what she was saying during the entire incident.

End of statement.

Statement of Deputy Jeff Bell, Stanford University Department of Public Safety:

This statement is based on Deputy Bell's interview with Detectives Baker and Contreras. He was interviewed March 20, 2002 and was represented by his attorney,
It was audio recorded with the knowledge of all present.

Deputy Bell stated he was at his Department's annex when he heard Community Service Officer broadcast a description of a suspicious person looking into vehicles on Stanford Avenue. Deputy Bell believed the time to be just before 1300 hours.

As Deputy Bell began to respond to location, CSO broadcast the suspicious person's description as a male Hispanic wearing a red shirt, black pants and red shoes. was watching as the subject walked among the vehicles looking into the cars.

Deputy Bell said that lost sight of the subject and as Bell was driving on Stanford Avenue, the subject reappeared. Bell said he passed a Palo Alto unit stopped on Stanford Avenue and he was hoping the Palo Alto officer would respond also. As Bell drove southbound, CSO advised that the subject was on the other side (creek side) of the two SUVs (sport utility vehicles) parked on the side of the road. As Bell did not see the subject at the SUVs, he continued south along the street, parked and got out of his car. Bell walked around to the west side of the parked cars and saw the subject walking northbound toward the Palo Alto officer.

Bell said he heard the female Palo Alto officer say something over the radio but he was not able to understand what was said. The tone of her voice indicated she needed help. Bell said he started running towards the Palo Alto officer who was north of his location.

When he arrived, Bell saw Officer Perryman hanging half way into the driver's door window struggling with the driver's arms. The driver was the same person described as the suspicious person. Perryman was saying something to the subject but Bell does not know exactly what was said. Deputy Bell said he reached behind Perryman and attempted to grab the subject by the hair to pull his head back and distract him. As the hair was short, Bell's hand slipped off and he lost his grip.

At this time the vehicle was driven forward and started moving in a circle with Perryman still hanging out the window. He watched the car turn in an arc across the roadway and then strike another car. The impact was on the BMW's passenger side and Perryman was still in the driver's window.

At this time Bell ran to the passenger side of the BMW and through the open window Bell said something like, "Stop, get out of the car." to the driver. The driver looked in Bell's direction and said something similar to, "I didn't do anything wrong. Leave me alone. Let me go." Bell said he then sprayed the driver with mace and there was no reaction from the driver. Bell noticed a single key in the ignition. He threw his mace canister in the car and he reached through the window, grabbed hold of the ignition key and as Bell was pulling on the key, the driver knocked Bell's hand and arm away.

During the time the BMW was backing, Bell said it grazed his body and came in contact with his left leg and hip causing a slight abrasion to his left shin. His wrist also came in contact with the car which caused his wristwatch to be knocked off. His uniform pants were torn during this action.

The next thing Bell remembers was hearing one round being fired. The vehicle was backing slowly and Bell remembers seeing Officer Perryman lying on the ground, not moving, with her gun in her right hand. Bell believed Officer Perryman had just been run over by the subject's vehicle. Bell said he yelled at the driver to stop.

Bell said he believed the driver was going to continue backing and Bell feared the driver was preparing to run him down. Bell said he believed Perryman had been run over and now the driver was going to run him over also. At this time Bell fired two rounds from his weapon at the suspect driver.

The vehicle then accelerated quickly forward and into the ditch. Deputy Bell went to the suspect's vehicle and saw the driver slumped across the passenger seat. The subject was not moving and Bell believed the subject was dead. Other officers were arriving and medical aid was responding. When another officer and a paramedic came to the BMW Bell returned to Officer Perryman to check her condition. Bell said Perryman told him she thought her leg was broken.

The first time Deputy Bell saw a weapon in Officer Perryman's hand/s was when she was lying on the ground after the one shot was fired.

Bell said he had retrieved his mace canister (also described as pepper spray) from the BMW after it came to rest in the ditch or creek bed.

Further, Bell said that while he was at the passenger side window of the BMW, he gave directions to the driver such as "Stop, get out of the car". The driver responded by saying he "didn't do anything." Based on this exchange, Bell believes the driver understood the commands from Perryman and himself, which were spoken in English.

Deputy Bell said both he and Officer Perryman were wearing their respective police department uniforms and, in Bell's opinion, the subject must have known they were law enforcement officers.

Further, Bell said the video camera in his patrol car was not turned on and would not have recorded this event.

End of statement.

Investigation:

This segment of the report is based on evidence at the scene, statements of various officers and civilian witnesses and Detective Baker's investigative report.

This incident occurred on Stanford Avenue, approximately 110 feet south of Raimundo Way. The evidence located at the scene indicate this incident took place on both the northbound and southbound lanes of Stanford Avenue as well as the southbound bicycle lane. Two bullet casings and Officer Perryman's handgun were observed in the southbound bicycle lane. An additional bullet casing, keys, Deputy Bell's wristwatch and various vehicle debris were located in the southbound traffic lane. Additional vehicle debris and an arcing acceleration tire mark were observed in the northbound lane. Additionally, a southbound burgundy colored Toyota Camry with front end vehicle damage was observed stopped at a slight angle across the double yellow street line separating the north and southbound lanes. This vehicle was being driven at the time this incident was taking place and it was struck by the suspect's vehicle. It is designated as vehicle #6 on the attached diagram. The scene also included the silver colored BMW driven by the suspect which came to rest in the creek bed west of the roadway.

Officer Perryman's vehicle (vehicle #8) was 110 feet south of Raimundo Way, facing southbound with the left front tire on the bicycle lane and the three remaining tires on the west gravel shoulder. This patrol car showed fresh damage to the left rear quarter panel near the tail lamps.

Deputy Bell's patrol car (vehicle #28) was parked in front of the two sport utility vehicles (vehicles #18 and 21). It was located 405 feet south of Raimundo Way parked on the west shoulder of Stanford Avenue, 295 feet south of Officer Perryman's patrol car.

The vehicle driven by the suspect, a silver colored BMW (vehicle #10) was observed facing west and nose down into a creek bed. This car showed major front end damage and major right or passenger side damage with burgundy paint transfer. The left or driver's side showed what appeared to be white paint transfer. Burgundy paint transfer was also present on the front bumper. There was also what appeared to be a bullet hole in the left side of the trunk lid in the area of the back window or hinge.

Both Deputy Bell and Officer Perryman had been wearing their departmental uniforms and both were driving marked patrol vehicles.

The suspicious person was eventually identified as _____

Although _____ criminal arrest record is minor, he does have auto burglary arrests going back to when he was a juvenile. _____ is a suspect in numerous other crimes of recent including a car jacking, a drive-by shooting, auto theft and auto burglary.

At the beginning of this incident _____ was observed by CSO _____ who compared _____ to a suspect seen committing a prior auto burglary. That prior incident involved a vehicle that was parked on Stanford Avenue between Raimundo Way and Junipero Serra Blvd. When that crime occurred, January 28, 2002, _____ was one of two officers the citizen witness first approached and spoke to. This citizen provided a description of the suspect she saw throw a brick through a car window and then take a purse from the interior of that car. The suspect in that case was described as a male Hispanic, 6 feet, 200 plus pounds, age of 20's last seen wearing, among other items, dark pants and red shoes. In that case, the witness watched as the suspect emerged from the creek bed, committed the theft and then returned to the creek bed and disappeared. Refer to Sheriff's Office Case number 02-028-0225/Stanford D.P.S report 02-0161F.

During the investigation of this current incident, it was discovered that one of the many cars parked on Stanford Avenue had been burglarized. That vehicle, a silver Honda Civic, (labeled #20 on the attached diagram) was parked between the two sport utility vehicles, the location where CSO _____ saw suspect _____ Stolen items from the burglarized vehicle were eventually found inside the silver BMW the suspect was driving.

The silver colored BMW that _____ ran to, started and in which he attempted to flee was reported stolen to the San Mateo County Sheriff's Office on March 01, 2002, report 02-06001. The victim of this auto theft was also a victim of an earlier carjacking in which a Lincoln Navigator was stolen. In this Lincoln was a spare set of keys to this BMW. Suspect _____ matches the description of one of the carjackers and is a suspect in that San Mateo County case. The Lincoln was later used in a drive by shooting. When it was recovered, the BMW keys were not in it.

Stanford D.P.S. has radio frequencies assigned to their inner campus communications and these frequencies are used by the community service officers for routine transmissions. The community service officers and others do have the capability of switching their

radios to the main Palo Alto Police frequency for law enforcement related issues. Upon seeing the suspicious person, CSO [redacted] did switch from the campus frequency to the Palo Alto Police frequency.

CSO [redacted] did broadcast his observations and suspicions of Suspect [redacted] and Deputy Bell and Officer Perryman did respond to the scene to attempt to locate [redacted]. He was located in the area of Officer Perryman and according to her statement; he refused to obey any of her verbal commands. After a brief struggle he entered the silver BMW which was parked on the shoulder, facing south. Suspect [redacted] then attempted to drive from the scene.

Officer Perryman at this time leaned in through the open driver's window to attempt to reach the ignition key and shut off the car. This window was in the down position with the exception of the lower three to four inches. She was so far into the car that her gun belt eventually hung up on the window as evidenced by black smudges on the inside of the glass believed to have been caused by her gun belt. As Perryman's feet could not touch the ground for leverage, she was in fact stuck half in and half out of the BMW. About this time, the burgundy Toyota (vehicle #6) was being driven southbound on Stanford Ave. Perryman was dangling out of the car when the suspect made a left handed u-turn and drove head-on into the Toyota. After striking the front of the Toyota, the BMW backed up approximately ten feet and again was driven into the Toyota. This time the right or passenger side of the BMW struck the right front of the Toyota and caused moderate damage to both cars. There is a large amount of burgundy paint transfer on the passenger side of the BMW.

The suspect continued forward in a westerly direction, headed toward Officer Perryman's parked patrol car. The BMW struck the left rear corner of the patrol car at a slight angle. This is the movement or contact that caused Perryman's legs to be wedged between the two cars, causing her injury and knocking her free of the BMW.

As the BMW starts to back, Perryman is in a position of being run over by its front wheel. Already injured and fearing she would be severely injured or killed by the backing car, Perryman shoots one bullet from her service weapon at the suspect, striking him in the upper left shoulder blade area.

The BMW continues backing in a full circle around the disabled Toyota and is now backing toward Deputy Bell and Officer Perryman who by now has collapsed onto the asphalt. Deputy Bell, fearing he or both he and Perryman will be run over, shoots two bullets from his handgun at the suspect driver. At this point, the BMW stops, changes gears and starts driving forward in a right arcing movement (south and southwest). The BMW continues on this path until it runs off the asphalt coming to rest in the creek bed with the driver slumped onto the front seat.

During this period, Deputy Bell and/or Officer Perryman had been:

1. in their departmental uniform,
2. giving verbal commands to the suspect to stop,

3. unsuccessfully struggled with the suspect to prevent his entering the BMW,
4. attempted to physically shut off the car's ignition,
5. attempted to subdue the driver (hair pulling and oleoresin capsicum spray/pepper spray) and
6. warned by Officer Perryman that his actions could result in him being shot.

This escalation of force was either ignored by the suspect or overcome by the suspect.

Either way, both officers individually felt that their lives were in danger and because of that, each discharged their weapon at the suspect.

The Stanford University Department of Public Safety Operations Manual outlines their Use of Force Policy and Firearms Policy in Sections 1-101 through 1-103. Section 1-101 authorizes the use of force to "effect an arrest, prevent an escape or overcome resistance." It further states, "It shall be permissible for the officer to use that level of force necessary to overcome the resistance encountered."

Section 1-102 addresses the escalation of force. It allows the use of physical force when "It is necessary to overcome resistance to a lawful arrest" or when it is necessary to protect a person or officer from an injury due to an assault or other violent attack. Various steps are listed ranging from verbal control to the use of a firearm with the clarification that, depending upon the situation and resistance, each step need not be followed.

Section 1-103 addresses the use of firearms and states "It shall be the policy of the Stanford University Department of Public Safety that Deputy Sheriffs shall exhaust all reasonable means of apprehension and control of a suspect before resorting to the use of firearms."

Section F of this section states in part "Justification for the use of deadly force must be limited to what reasonably appears to be the facts known or perceived by an officer at the time he decides to use deadly force."

Section G of Section 1-103 directs that "A Deputy Sheriff shall only discharge his firearm in the performance of his duties after all other reasonable methods of control and apprehension have been exhausted:

1. In the defense of another person when the officer has reasonable cause to believe that the other person is in imminent danger of death or grave bodily harm.
2. In defense of himself when the officer has reasonable cause to believe that he is in imminent danger of death or grave bodily harm.
3. To effect an arrest, to prevent an escape or to recapture an escaped or escaping felon when the officer has reasonable cause to believe the subject may cause death or great bodily harm if apprehension is delayed."

Deputy Bell did issue verbal commands, did attempt to physically control the subject and he did use a chemical agent to attempt to take Suspect _____ in to custody. It was

after these attempts failed that he discharged his handgun at the suspect and then only when he saw Officer Perryman injured on the ground and the suspect vehicle backing towards her and himself.

Stanford's Procedure Manual, Section 1-107:A, restricts the carrying of a handgun other than the Departmental issued Glock 22 or 23 models. At the time of this incident, Deputy Bell was carrying a Department issued Glock model 22, .40 caliber semi-automatic handgun with the serial number of [redacted]. This is the weapon issued to Deputy Bell and the weapon he used when he qualified on August 10, 2001. Per the Department's training records, Deputy Bell was currently qualified at the range. Stanford Procedure 1-509 calls for firearms qualification at least once during a six month period. As such, Deputy Bell was qualified until the end of June 2002.

Opinion:

As directed, this investigation was to address the actions of the members of the Stanford University Department of Public Safety during this incident. Officer Perryman's actions are to be addressed through an internal investigation conducted by the Palo Alto Police Department.

As is often the case in such traumatic and chaotic situations, statements of various witnesses, even trained officers, can vary. This is human nature as not everyone views the entire incident and not everyone sees the incident as do others. The interviews of Community Service Officers [redacted] and [redacted] and Deputy Bell do vary however it is the opinion of this investigator that all were truthful as to what they believed they saw and as to their participation.

Based on personal observations, officer interviews, evidence and the review of the criminal report, it is known that Community Service Officer [redacted] was correct in requesting a patrol unit to his location to contact Suspect [redacted]. [redacted] observations and actions were basic, good police work. He observed the suspect, recalled the prior auto burglary, conducted a surveillance and guided Deputy Bell into the scene.

Deputy Bell did respond and, with the assistance of Officer Perryman, did locate the suspect. Bell used an escalation of force from his verbal commands of "Stop, get out of the car" to physically trying to control [redacted] with a hair pull. When that failed, he sprayed the suspect with his o.c. spray which proved ineffective. Deputy Bell then attempted to shut off the suspect's car however the suspect knocked Bell's hand away. Once Officer Perryman was injured and lying on the ground with the suspect backing toward them, Deputy Bell had to go to the highest level of force, discharging his handgun, to prevent injury or death to Perryman, himself or both of them.

Finding:

Deputy Bell did follow his Department's procedures in this incident and it is felt the proper finding to this investigation is exonerated, that Deputy Bell's actions were justified, lawful and proper.

Investigation report submitted.

Sergeant L. St.Denis #1142