



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE DATE: MARCH 27, 2018
State Attorney

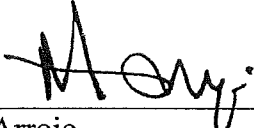
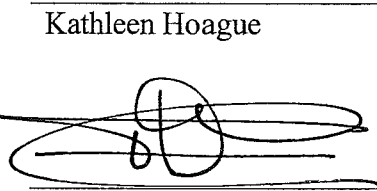

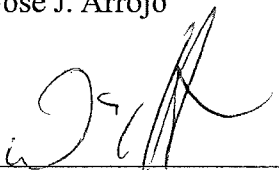
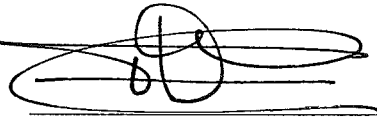
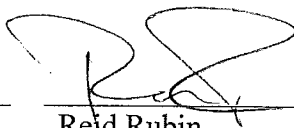
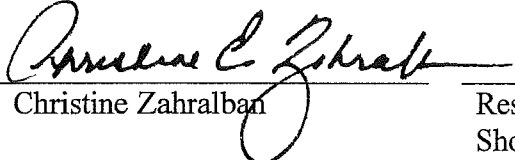
FROM: STAFFING/REVIEW TEAM RE: POLICE SHOOTING
CASE#: FDLE MI-27-0071
INJURED: PEARCE, Jason Brad

Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following: The investigation has determined that Mr. Pearce was trespassing a secure area of the airport and exhibiting aggressive behavior towards law enforcement including attempts to disarm an Officer.

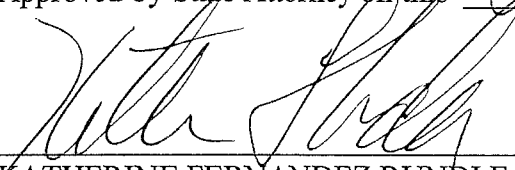
Considering these threatening actions, Sgt. Perez reasonably believed that the use of force was necessary to prevent death or serious bodily injury to fellow officers and/or others in the immediate area.

We find that Sgt. Humberto Perez' use of force in firing his weapon was legally justified.

The members of the staffing/review team for this case are:

 _____ Jose J. Arrojo	 _____ Kathleen Hoague	 _____ Esther Jacobo
 _____ Don L. Horn	 _____ Frank Ledee	 _____ Reid Rubin
 _____ Christine Zahralban	_____ Responding Member of Shooting Team	_____ Responding Member of Shooting Team

Approved by State Attorney on this 29 day of March, 2018.



KATHERINE FERNANDEZ RUNDLE
State Attorney





INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: MARCH 16, 2018

FROM: MARIE E. MATO
ALEJANDRA LOPEZ
ASSISTANT STATE ATTORNEYS

RE: POLICE SHOOTING CLOSEOUT MEMO
FDLE CASE #MI-27-0071
SAO CASE # 62-17-09-07-003

OFFICERS INVOLVED:	Sgt. Humberto Perez 030-1098, MDPD
INJURED	Jason Brad Pearce, DOB 12/2/83
INJURIES:	Multiple gunshot wounds
DATE & TIME:	September 7, 2017 Approximately 2130 hrs
LOCATION:	Miami International Airport, Terminal J, (2100 NW 42 Avenue)
WEAPON:	Sgt. Humberto Perez's firearm: Glock 34, 9mm semi-automatic pistol with Serial No. HSE972.
LEAD:	FDLE Special Agent Michael Stein
CASE #:	MI-27-0071
SAO CASE #:	62/17/09/07/003



SUMMARY

On September 7, 2017, at approximately 2041 hours, Miami-Dade Police Department Airport District received a non-911 call from Lorenzo Fanjol, a supervisor for Swiss Port Services at Miami International Airport regarding an intoxicated person in Terminal J-8. Miami-Dade Police Department Airport District Officers responded to Terminal J-8/J-9 and Sgt. David Dominguez was directed by airport workers to an individual running on the jetway into a building within the Terminal J ground level. Sgt. Dominguez entered the building and heard the individual in the ceiling area of J-7 Terminal Air Operations Building. Terminal J was then evacuated. Back up units from the Miami-Dade Police Department as well as members of the Incident Containment Team (ICT) located the individual, a white male (later identified as Jason Brad Pearce) armed with a knife, in the ceiling area of the building.

Miami-Dade Police Department Sergeants Humberto Perez and David Dominguez along with Officers Alcides Velez, Joseph Quintana, and Franklin Morales entered an electrical room to extract Mr. Pearce from the secured area of the airport. Pearce had gained access into the electrical room by crawling through the cross space in the ceiling. While Pearce was standing on a cabinet in the electrical room armed with a four (4) to five (5) inch "Buck" knife, a confrontation ensued between him and Officer Alcides Velez, who was armed with his service weapon, a Glock 17, 9mm semi-automatic pistol bearing serial number MXL484. During this confrontation, Officer Velez gave Pearce verbal commands to drop the knife. Mr. Pearce dropped the knife on the cabinet and then swung down from the cabinet and struck Officer Velez. Pearce then grabbed Officer Velez's hands causing Officer Velez to lose control of his firearm. Sgt. Perez then discharged two (2) rounds from his firearm, a Glock 34, 9 mm semi-pistol serial number HSE972, striking Pearce. Two (2) spent casings were recovered from the crime scene: one (1) WCC+P+ 9 mm shell casing and one (1) WIN 9 mm spent shell casing. One (1) projectile was recovered at the scene.

Mr. Pearce was transported to Jackson Ryder Trauma by Miami-Dade Fire Rescue where he underwent surgery. A projectile was recovered from his body during surgery. Pearce survived his injuries.

Jason Brad Pearce, a white male, DOB 12/2/83, was found to be from Mississippi, came to work as a lineman in anticipation of Hurricane Irma.

Officer Velez never fired his weapon during this police shooting incident. Officer Velez's firearm was impounded from the scene and processed by Miami-Dade Police Department crime scene detectives.

Sgt. Perez's firearm was also impounded by crime scene detectives and found to have one (1) live cartridge in the chamber and thirteen (13) live cartridges in the magazine for a total of fourteen (14) live cartridges recovered.

As part of this investigation, body camera videos were obtained from Miami-Police Department Officers Ricardo Alvarez, Leonard Gonzalez, and Carlos Sanchez. Parts of the confrontation with Pearce were captured but none captured the actual police shooting incident.

There were no civilian witnesses to the actual police shooting incident. Additionally, airport surveillance video did not capture the police shooting incident as there are no cameras inside the electrical room where it occurred.

Upon the advice of counsel, Sgt. Perez did not provide a statement to investigators. However, the following officers from the Miami-Dade Police Department all provided sworn, voluntary, recorded statements to FDLE investigators: Officer Alcides Velez, Sgt. David Dominguez, Officer Joseph Quintana, Officer Franklin Morales, Lt. Steven Czyewksi, Sgt. Christian Smith, Officer Michael Lopez, Officer David Phillips, Jr., Officer Ruperto Peart, Officer Leonard Gonzalez, Officer Carlos Sanchez, and Officer Ricardo Alvarez. Summaries of their statements are contained in pages 7-13 of the 196-page Police Use of Force Report prepared by FDLE Agent Michael Stein. A complete copy of the Police of Use of Force Report is attached to this memorandum as Exhibit A. In addition, most of the actual recorded statements were transcribed and transcriptions are attached as Exhibits B-K.

FDLE investigators also interviewed several civilian witnesses. The following civilian witnesses provided sworn, voluntary recorded statements to FDLE investigators: Lorenzo Vega Fanjul, Felicia Martinez-Cruz, Martha Altamirano, Janeth Lopez-Rodas, Marisela Benitez, Maria Corrales-Fernandez, and Joel Suarez. Summaries of the civilians' statements are contained in pages 13-16 of Exhibit A and transcriptions of some of these statements are attached as Exhibits L-O. None of the civilians witnessed the actual police shooting incident.

On September 8, 2017, FDLE Agents Michael Stein and Dean Wellinghoff along with Miami-Dade Police Department Detective Jessica Alvarez responded to Jackson Ryder Trauma Center where Jason Brad Pearce was being treated for gunshot wounds sustained in the police shooting incident. He provided an audio recorded post Miranda statement. He admitted that he had ingested methamphetamine on September 7, 2017. He could not remember how he got into the electrical room at Miami International Airport where he was shot. A summary of his post Miranda statement is contained in page 16 of Exhibit A and a transcription of his statement is attached to this memorandum as Exhibit P.

Gunshot residue kits were collected from Sgt. Perez, Officer Velez, and Pearce. These kits were submitted and analyzed by the Miami-Dade Police Department's Trace Evidence Unit. Kits for Sgt. Perez and Pearce were positive for the presence of primer residue particles. A kit for Officer Velez contained an insufficient quantity for a more conclusive determination.

The findings and evidence at the crime scene were consistent with our observations at the scene and the statements of the witnesses.

ANALYSIS AND CONCLUSION

The role of the State Attorney in this investigation and in conducting this review is limited to determining whether a criminal violation of Florida law has occurred, whether any person may be held criminally responsible, and whether such criminal responsibility can be proven beyond a reasonable doubt in a court of law. The State Attorney does not establish law enforcement agency policy, procedures, and training requirements. Nor does the State Attorney have any responsibility for determining disciplinary action or pursuing civil litigation in these matters. In other words, given the applicable law, do the actions of Sgt. Humberto Perez constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt?

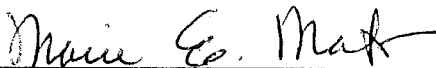
We have reviewed the Florida Department of Law Enforcement Investigative Summary into the Police Use of Force in this incident. We have also reviewed the sworn statements, crime scene reports, police reports, video surveillance, body camera footage, and other evidence compiled by FDLE under

FDLE Case Number MI-27-0071. We find the summary to be complete, thorough, and consistent with the witness statements as well as consistent with our observations at the scene. We adopt and attach that Investigative Summary hereto and offer our conclusions based on the results of our investigation and review.

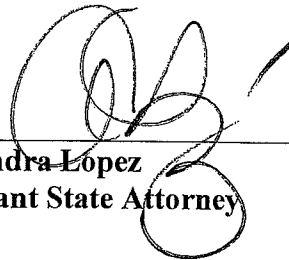
Section 776.012, Florida Statutes, permits the use of deadly force when a person reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another or to prevent the commission of a forcible felony. Section 776.05, Florida Statutes, permits a law enforcement officer to use any force that he believes is necessary to defend himself or another from bodily harm while making an arrest.

Based on the facts of this case, as delineated above, it is clear that Mr. Pearce was trespassing in a secure area of the airport. As a result, Sgt. Perez and Officer Velez responded to the location in their official capacity and tried to contain and arrest him. While acting in the course of his official duties, Sgt. Perez witnessed Pearce's aggressive behavior towards law enforcement including the physical struggle between Pearce and Officer Velez and Pearce's attempts to disarm Officer Velez of his Glock firearm. Pearce's actions toward Officer Velez at this point amounted to an aggravated battery on a law enforcement officer and resisting arrest with violence, both forcible felonies. Sgt. Perez reasonably believed that the use of deadly force was necessary to prevent death or serious bodily injury to Officer Velez and the other officers present in the room had Pearce successfully disarmed Velez. Therefore, we find that, based on the evidence in the case, the shooting of Jason Brad Pearce was legally justified pursuant to Florida law.

Prepared by:



Marie E. Mato
Assistant State Attorney



Alejandra Lopez
Assistant State Attorney