



*Office of the New York State Attorney General Lettla James*

Office of Special Investigation

December 12, 2023

# Report on the Investigation into the Death of Malick Williams

## SUMMARY

New York Executive Law Section 70-b (Section 70-b) authorizes the Attorney General's Office of Special Investigation (OSI) to investigate and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer. When OSI does not seek charges, Section 70-b requires issuance of a public report.

This is the public report of OSI's investigation into the death of Malick Williams, which was caused by Police Officer Jeffrey Perez, a member of the New York City Police Department (NYPD), on July 9, 2022.<sup>1</sup> After a full evaluation of the facts and the law, OSI will not seek charges against PO Perez because we conclude that a prosecutor would not be able to disprove beyond a reasonable doubt that his use of deadly force against Mr. Williams was justified under New York law.

## FACTS

### Overview

On July 9, 2022, NYPD Officers Alex Campuzano, Danny Rodriguez, and Jeffrey Perez, of the 88<sup>th</sup> Precinct Public Safety Unit, were on patrol in Brooklyn.<sup>2</sup> PO Campuzano was driving, PO Rodriguez was in the front passenger seat, and PO Perez was a passenger in the back. At 5:32 p.m.<sup>3</sup> PO Campuzano saw a tan 2007 Nissan Murano fail to signal a left turn from westbound Dekalb Avenue onto southbound Flatbush Avenue. PO Campuzano followed the Nissan Murano onto southbound Flatbush Avenue and saw the car fail to signal a right turn onto westbound Nevins Street. PO Campuzano turned on the lights and sirens of his police car and directed the Nissan to pull over. The car complied and pulled over at the intersection of Nevins Street and Flatbush Avenue. PO Campuzano approached the front driver side door, PO Rodriguez approached the front passenger side door, and PO Perez approached the rear driver side door. The Nissan Murano was occupied by four men: J.H.<sup>4</sup> was in the driver's seat, K.M. was in the rear driver side seat, Ja.H. was in the rear passenger side seat, and Mr. Williams was in the front passenger side seat. PO Campuzano asked for J.H.'s license and registration, but J.H. did not provide valid identification. The officers directed the occupants to get out of the car. When Mr. Williams got out of the car he broke into a run, and PO Perez chased him.

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<sup>1</sup> PO Perez has worked as an NYPD officer since January 2016. He is assigned to the 88th Precinct.

<sup>2</sup> According to the NYPD Organization Guide 161-02, precinct public safety teams employ creative crime reduction and community engagement strategies in coordination with other department resources to effectively improve the quality of life for the people and communities of New York City, while increasing community trust and building relationships. Public safety units address issues within the community based on analysis of crime data, current crime trends and statistics with a purpose of reducing violent street crimes within the patrol borough of assignment.

<sup>3</sup> All times are approximate.

<sup>4</sup> OSI does not publish civilians' names.



*Figure 1: A still from the body worn camera of Officer Perez showing Mr. Williams run from the police during the traffic stop.*

PO Perez's body worn camera (BWC) and a civilian cell phone video captured the pursuit. As Mr. Williams ran northbound on the east side of Flatbush Avenue, at 5:42 p.m., he pulled a gun out of his waistband, turned toward PO Perez, and fired. Though not hit, PO Perez fell to the ground. He fired back four times, striking Mr. Williams once in the chest. PO Perez went to Mr. Williams, who lay on the sidewalk, and called for an ambulance; other officers began to render aid. Mr. Williams was taken to New York-Presbyterian Brooklyn Methodist Hospital where he was pronounced dead.

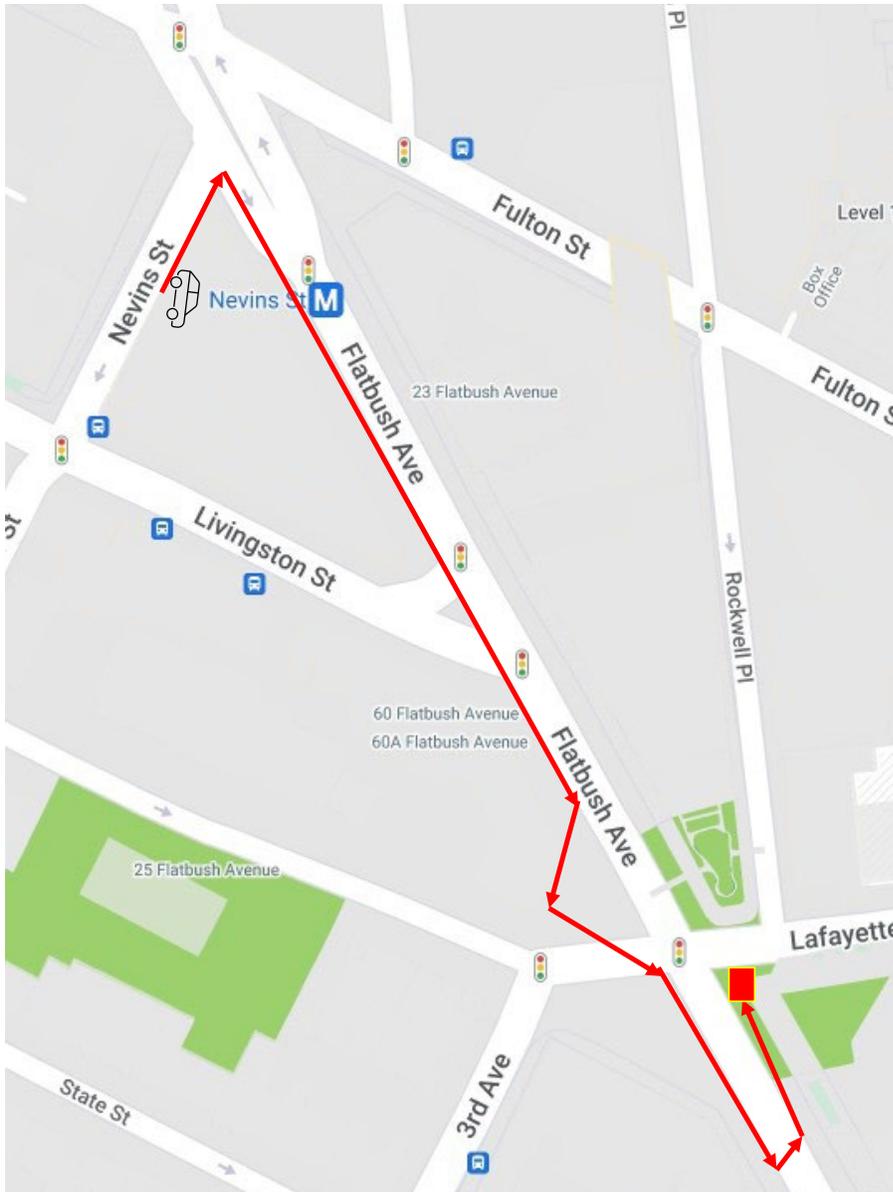


Figure 2: A map showing where the Officers first stopped the car containing Mr. Williams and the route that Mr. Williams ran from the car to the point where he was shot. The arrows show the direction Mr. Williams ran.

## Video

### *BWC*

The descriptions in this section are based on the BWCs of the three officers involved in the initial traffic stop, PO Campuzano, PO Perez, and PO Rodriguez.<sup>5</sup>

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<sup>5</sup> OSI reviewed video from thirty-four NYPD BWCs, which were downloaded by NYPD Force Investigation Division (FID) detectives. Apart from the three officers involved in the traffic stop, the BWCs were from officers who responded to reports of the shooting.

At 7:31 p.m. video shows PO Campuzano, PO Perez and PO Rodriguez driving in an unmarked car, in uniform, on patrol. PO Campuzano was in the driver seat operating the car, PO Rodriguez was in the front passenger seat, and PO Perez was in the back on the driver's side. At 7:32 p.m. video shows PO Campuzano activated the lights and pulled to a stop behind a tan Nissan Murano.

Video shows that at 7:32:33 p.m. all three officers got out of their car. PO Campuzano approached the front driver side door of the Nissan, PO Rodriguez went to the front passenger side, and PO Perez was on the driver side of the Nissan toward the back of the car.

The Nissan was occupied by four men: J.H. was in the driver seat, K.M. was in the rear driver side seat, Ja.H., was in the rear passenger side seat, and Mr. Williams was in the front passenger side seat. At 7:32:49 p.m. video shows PO Campuzano asked the driver for his license and asked all the occupants why they weren't wearing seatbelts. The driver said he did not have his license on him, and PO Campuzano asked if he had anything else with his name on it; the driver was unable to produce identification. PO Campuzano asked who owned the car, and the driver got the registration out of the glove compartment, handed it to the officer, and said the car was his, but that his stepmother was the registered owner.

Video shows that at 7:40:02 p.m. PO Campuzano asked everyone to get out of the car. J.H., who was shirtless, got out from the driver seat and stood at the back driver side of the car. PO Perez was on the driver side of the car. The rear driver side passenger got out, was patted down by PO Perez, and then stood by J.H.



Figure 3: A still from the BWC of PO Perez showing J.H. standing at the back of the Nissan. PO Campuzano is standing at the driver side of the car as the back driver side passenger gets out, and PO Rodriguez is standing by the front passenger side.

At 7:40:43 p.m. video shows that Mr. Williams opened the front passenger door, got out of the car, and started running toward Flatbush Avenue. PO Perez chased Mr. Williams as he turned southbound on Flatbush Avenue.

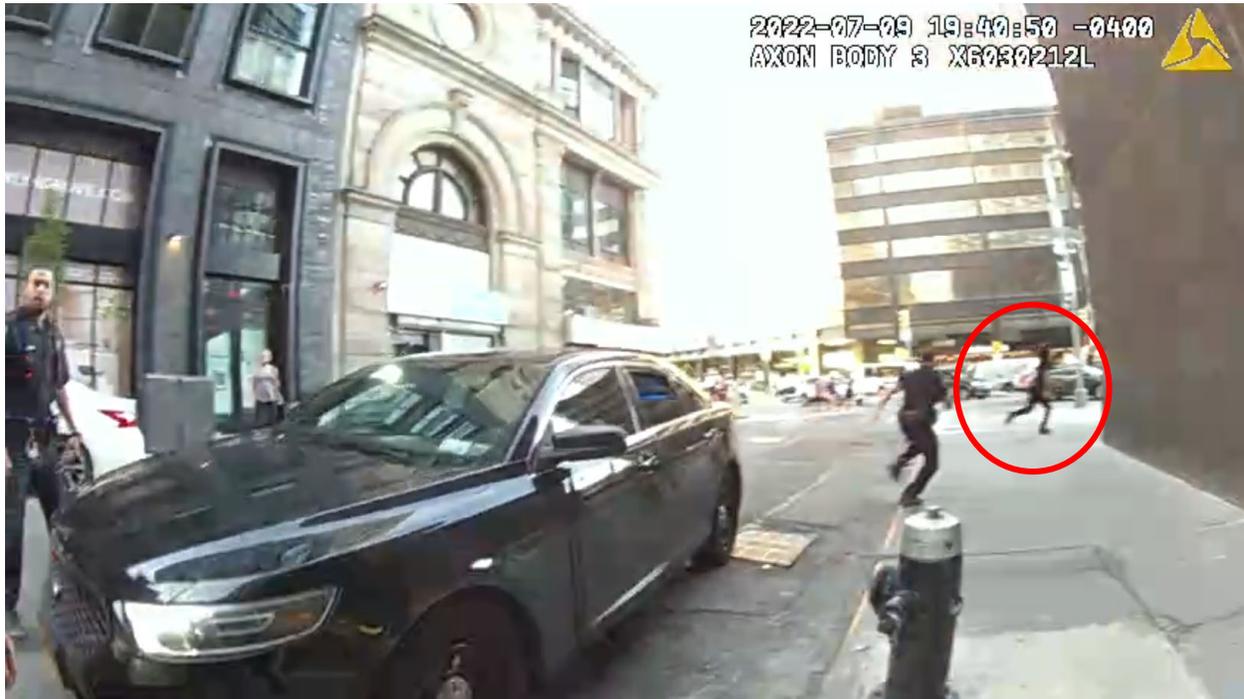


Figure 4: A still from BWC of PO Campuzano showing Mr. Williams running from the traffic stop and turning right onto Flatbush Avenue (southbound), with PO Perez chasing him.

Video shows that PO Perez chased after Mr. Williams while shouting, “stop running!” As PO Perez ran, he radioed his locations: “Flatbush by Whole Foods” and then “Flatbush and Lafayette”. PO Perez yelled again for Mr. Williams to stop running. Video shows PO Perez maintained visual contact with Mr. Williams while he ran; he had his radio, but not his gun, in his hand.



Figures 5 and 6: Stills from BWC of PO Perez showing PO Perez's left hand holding the radio and right hand empty while chasing Mr. Williams.



Figures 7 and 8: Stills from BWC of PO Perez showing that PO Perez's left hand was empty and that his right hand was holding the radio while chasing Mr. Williams.

Video shows that at 7:41:50 p.m. PO Perez yelled, again, for Mr. Williams to stop running. Mr. Williams turned his head and looked back at PO Perez while he crossed Flatbush Avenue. PO Perez followed Mr. Williams across the street and onto the sidewalk. Video shows PO Perez again radioed his location, "Flatbush and Lafayette." At 7:42:03 p.m. Mr. Williams stopped running, turned around, pulled a firearm out of his waistband, and fired a shot at PO Perez.



Figure 9: Still from BWC of PO Perez showing that Mr. Williams turned toward PO Perez and pointed a gun at him.

Video shows that PO Perez immediately dropped to the ground following Mr. Williams's shot.

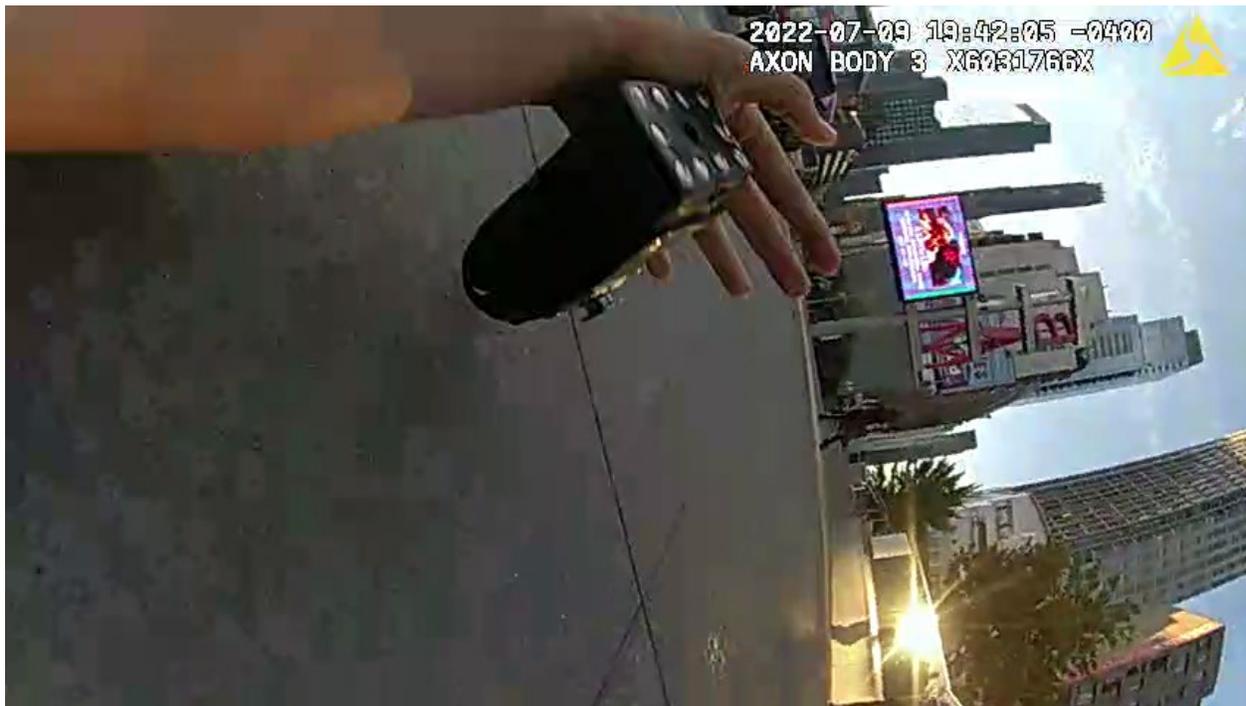


Figure 10: Still image from BWC of PO Perez showing him on the ground after being shot at by Mr. Williams.

Video shows that at 7:42:07 p.m. PO Perez drew his gun, got to his feet, and fired twice in Mr. Williams's direction. Mr. Williams fell to the ground while PO Perez grabbed his radio and said, "Shots fired! Shots fired!"



Figure 11: Still image from BWC of PO Perez showing him firing at Mr. Williams.

Video shows that at 7:42:13 p.m. PO Perez moved closer to Mr. Williams with his gun drawn and yelled, "Get down!" Mr. Williams got up and PO Perez fired two more shots in his direction.

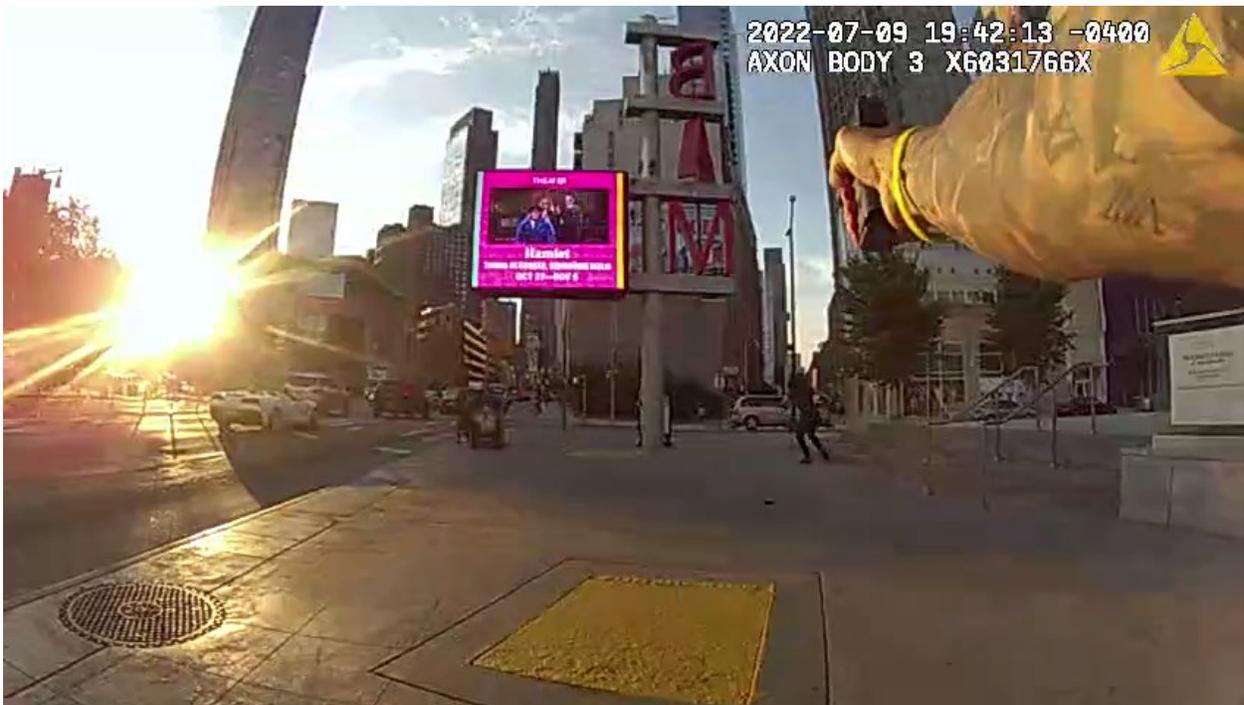


Figure 12: Still image from BWC of PO Perez showing Mr. Williams back on his feet.

At 7:42:16 p.m. Mr. Williams fell to the ground, holding his chest. PO Perez approached Mr. Williams while radioing, "Shots fired central, need a bus [common NYPD term for ambulance]." At 7:45 p.m. responding members of NYPD began to render aid; at 7:47 p.m. an ambulance pulled up; and at 7:48 p.m. officers and EMTs put Mr. Williams on a stretcher to be loaded into the ambulance. Link to PO Perez's BWC can be found here: [PO Perez body worn camera](#).

### ***Cell phone video***

An unidentified civilian shared a video on TikTok with the caption, "he really shot at the cops." The video appears to be taken from within a car facing northbound on the same block of Flatbush Avenue where the shooting occurred. The video shows PO Perez and Mr. Williams running on the sidewalk, with Mr. Williams ahead and PO Perez behind. It shows that Mr. Williams took a gun from his waistband and turned and fired at PO Perez; PO Perez dove to the ground after the shot was fired. Link to video can be found here: [Civilian Tik Tok video](#).

### **Witness Interviews**

#### ***PO Perez***

OSI interviewed PO Jeffery Perez of the 88<sup>th</sup> Precinct Public Safety Unit. PO Perez said that on July 9, 2022, he and POs Campuzano and Rodriguez were assigned to patrol an area in the precinct where two shootings had recently happened. PO Campuzano was driving with PO Rodriguez the front passenger's seat, and he was in the back seat. While on patrol, they noticed a car pulled over which contained 4-5 men and, as they drove past, PO Perez said he could smell marijuana. PO Perez said they resumed patrol and later saw the car again about a block away from where they had seen it parked previously. PO Perez told OSI that they began following the car and one of the officers ran the plates. While following, they saw the car turn multiple times without signaling and observed some of the passengers not wearing a seatbelt. The officers to decide to pull over the car on Nevins and Flatbush Ave.

PO Perez said he got out of the police car and approached the car they pulled over. PO Perez went to the back driver's side window, while PO Campuzano asked for the occupants' IDs and asked why none of them wore seatbelts. Mr. Williams was the only person that provided his ID to the officers. PO Perez said they decided to ask all the occupants to step out of the vehicle for safety reasons. Two of the occupants came to the back bumper of the car near PO Perez, but when Mr. Williams got out from the front passenger's seat, he started to run.

PO Perez said he followed Mr. Williams, who ran southbound on Flatbush Ave. PO Perez repeatedly yelled for Mr. Williams to stop running but he kept going. PO Perez radioed that he was chasing someone on foot and provided locations. PO Perez followed Mr. Williams as he

turned around and ran northbound through traffic on Flatbush Avenue toward Lafayette Avenue.

PO Perez said that as he ran northbound on the sidewalk he saw Mr. Williams reach towards his waistband and turn around to face him. PO Perez saw the muzzle of the gun, saw a flash, and heard a shot. PO Perez tried to draw his gun, but for his safety, threw himself on the ground. From the ground, PO Perez grabbed his gun and shot twice. PO Perez radioed “shots fired” after the first round of shots. PO Perez got back up, saw Mr. Williams stand up, and gave verbal commands to Mr. Williams to “get down” and “stop running.” PO Perez said he saw Mr. Williams start to turn towards him again. PO Perez told OSI he thought Mr. Williams would shoot again, since the abrupt turn was like when he fired previously. PO Perez stood up and shot two more times. He saw Mr. Williams drop to the ground and went immediately to check on him as well as to see if he had any other weapons. PO Perez said that when he reached Mr. Williams, Mr. Williams asked him for help. PO Perez immediately called on the radio for an ambulance and told Mr. Williams to remain calm and stop trying to move. PO Perez saw a gunshot wound on Mr. Williams’s chest and a hole in his shirt. Other officers arrived on scene, and PO Perez pointed at Mr. Williams’s gun, which was on the sidewalk, to make sure it was secured.

### *PO Campuzano*

OSI interviewed PO Alex Campuzano of the 88<sup>th</sup> Precinct Public Safety Unit. PO Campuzano said that on July 9, 2022, he was assigned to patrol in an unmarked police car with PO Perez seated in the driver side back seat, and PO Rodriguez seated in the front passenger seat. PO Campuzano drove. During patrol, he saw a group of people around a Nissan Murano who appeared to be drinking and smoking. He passed them and continued driving around the area.

PO Campuzano said that later in the afternoon, while driving down Flatbush Avenue, he saw the same Nissan driving. He saw the Nissan fail to signal twice when turning. PO Campuzano and the other officers discussed whether to pull over the vehicle, and they agreed to make the stop. They did not immediately radio that they pulled over the car. PO Campuzano said he activated the lights and the Nissan stopped on Nevins and Flatbush. All the officers got out of their car and walked towards the Nissan Murano. PO Campuzano and PO Perez approached on the driver’s side, and PO Rodriguez approached on the passenger’s side.

PO Campuzano said that, after the stop, he saw the occupants were not wearing seatbelts. PO Campuzano asked the driver for his license. The driver said he did not have his license with him and was unable to provide insurance documents. He heard PO Perez ask the rear driver side passenger for information, who responded with a false name. The officers asked the passengers to step out of the car and go toward the back bumper. When PO Rodriguez asked the front passenger, Mr. Williams, to step out of the car Mr. Williams took off running.

PO Perez followed Mr. Williams and PO Rodriguez and PO Campuzano stayed with the other passengers.

PO Campuzano does not remember exactly what came over the radio related to the car stop and learned about the shooting afterwards.

### ***PO Rodriguez***

OSI interviewed PO Danny Rodriguez of the 88<sup>th</sup> Precinct Public Safety Unit. PO Rodriguez said on July 9, 2022, he on patrol in an area where a shooting had occurred the day before. While on patrol, he saw a car with four people around it, which seemed suspicious to him. PO Rodriguez said they continued to drive around the area. PO Rodriguez said that later, while they drove southbound on Ashland, they saw the car again driving in the same direction as the officers. PO Rodriguez said they decided to follow the car and saw it turn left onto Flatbush Avenue without signaling. The car turned onto Nevins St without signaling. PO Rodriguez said the officers discussed whether to pull over the car, and after they saw them fail to signal the second time made the decision to pull them over.

PO Campuzano was the driver of the patrol car. PO Rodriguez said when they pulled the car over on Nevins Street and Flatbush Avenue the officers got out of their car and approached the car. PO Campuzano went to the front driver side, PO Perez was at the rear driver side, and PO Rodriguez worked with both passengers on the passenger side. PO Rodriguez asked the front passenger, Mr. Williams, for his ID because he didn't have a seatbelt on. Mr. Williams provided him with the ID, and he ran his information before giving Mr. Williams the ID back. At this point, he waited for PO Campuzano and PO Perez to finish, and could vaguely hear that one of the occupants didn't have an ID and another was providing the wrong name. The officers asked the occupants to step out of the car and walk to the rear bumper. Mr. Williams got out of the car and began running. PO Perez followed Mr. Williams. PO Campuzano then grabbed hold of the driver, and PO Rodriguez held onto the passenger from the driver side rear seat by the wrist, and tried to block the other passenger in the car so he didn't run away. PO Rodriguez radioed to request for assistance and more officers arrived to help.

PO Rodriguez doesn't remember what else came over the radio because he was focused on the other 3 occupants, who were later brought back to the 88<sup>th</sup> precinct.

### ***PO Lewis***

OSI interviewed PO Natasha Lewis, a Neighborhood Coordination Officer in the 88<sup>th</sup> Precinct. PO Lewis said on July 9, 2022, she heard PO Perez come over the radio screaming locations. PO Lewis and her partner, PO Jackson, jumped into a marked RMP and went to Flatbush and Lafayette. Upon arrival, PO Lewis saw PO Perez giving CPR to Mr. Williams. She approached

them and told PO Perez to step away because he wasn't wearing gloves. PO Lewis took over aid by assessing Mr. Williams's injuries, putting pressure on his wounds, and offering him water. She saw one gunshot wound to the upper chest area. PO Lewis said Mr. Williams went in and out of consciousness until the ambulance arrived. PO Lewis said while she was administering aid to Mr. Williams she was unaware that it was a police-involved shooting. PO Lewis helped Emergency Medical Services (EMS) move Mr. Williams onto the bed and brought him to the ambulance. She rode with EMS to the hospital and saw two paramedics providing CPR. Once they arrived at the hospital, Mr. Williams was unresponsive and pronounced dead.

### *Detective Metelus*

OSI interviewed Detective Tahirah Metelus of the 88<sup>th</sup> Precinct Detective Squad. On July 9, 2022, Detective Metelus was the patrol supervisor in charge of instructing officers to respond to jobs and providing back-up in emergency situations from the 88<sup>th</sup> Precinct stationhouse. She told OSI that she heard over the radio that there was a foot pursuit on Flatbush Avenue. Shortly after, she heard someone radio "shots fired" and responded to Flatbush and Lafayette Avenues. Detective Metelus said when she arrived, she saw an officer bending down over a civilian. The ambulance had not arrived on scene yet. She saw the officer providing aid but had not yet begun CPR. That officer continued to provide aid until EMS arrived. After Mr. Williams was put in the ambulance, Detective Metelus talked with PO Perez, who told her that he and other officers had attempted a car stop; the victim ran from the car, and PO Perez chased him. He said Mr. Williams turned around and shot his gun, and PO Perez returned fire. Detective Metelus called for an ambulance for PO Perez and secured his gun and body camera for FID (NYPD's Force Investigation Division). Detective Metelus checked on PO Campuzano and PO Rodriguez at the car on Nevins and Flatbush and they explained that they originally pulled over the car because of the failure to signal.

### *Ja.H.*

OSI interviewed civilian witness Ja.H., who was in the car and friends with Mr. Williams. Ja.H. said on July 9, 2022, he was with Mr. Williams and other friends. He was in the back seat of the car, and they were going to a nearby store. He doesn't remember the car driving crazy or going through any lights. Ja.H. said he did not notice the police car until the officers got out of the car. When the officers approached, Ja.H. was on his phone and remembered two officers on the right side and one officer on the left side of the car. The officers told them that they were pulled over because seatbelts were not worn, but he said they all wore their seatbelts because if they didn't the alarm would keep going off in the car. Ja.H. said Mr. Williams was sitting quietly in the front passenger's seat and one of the officers asked for his ID. When the officer asked Ja.H for his ID, he provided a different name, and they were all told to get out of the car. Ja.H saw Mr. Williams get out of the car and run off around the corner. Ja.H. tried to leave the car but was blocked by an officer. More officers arrived and Ja.H, J.H. and K.M. were

all placed in handcuffs. Ja.H. admitted to giving a fake name and told the officer his ID was in his back pocket. Ja.H. said he didn't know Mr. Williams had a gun and never saw it.

### ***EMT Luca Eisen***

OSI interviewed Luca Eisen, an Emergency Medical Technician (EMT) for NYU Hospital. On July 9<sup>th</sup>, EMT Eisen was the driver of an ambulance that responded to a 911 call to Flatbush and Lafayette Avenues. When he got there, he saw many police officers already there, with three to five officers providing care to a civilian. EMT Eisen and his partner took over care from officers who had held pressure on Mr. Williams's wounds. Mr. Williams was still conscious and spoke to EMT Eisen, but seemed in distress. About 20 seconds later, Mr. Williams became unconscious. EMT Eisen assessed the patient and saw a gunshot wound to the shoulder, with an exit wound in the back. He brought Mr. Williams to the ambulance. In the ambulance, Mr. Williams went into cardiac arrest, and they started CPR. EMT Eisen moved to the driver's seat while an FDNY Paramedics crew and his partner were in the back rendering aid. EMT Eisen drove to Methodist Hospital, the closest trauma center, and arrived about 8 minutes later.

### **Ballistics evidence**

Following the incident, while still on scene, PO Perez surrendered his firearm to FID. Members of the NYPD Crime Scene Unit (CSU) responded to the scene and collected ballistics evidence, which included five shell casings and two firearms. CSU Detective Kimberly Cenizal processed and photographed PO Perez's and Mr. Williams's firearms. FID Detective Jennifer Lew submitted the firearms to the lab for ballistics comparison and testing.

PO Perez's firearm was a black Glock, model 19, 9mm semi-automatic pistol with a magazine capacity of 15 rounds; Detective Cenizal recovered 11 live rounds from PO Perez's gun.

Mr. Williams's firearm was a silver and black SCCY CPX2 model, 9mm semi-automatic pistol with a magazine capacity of 10 rounds (pictured below); Detective Cenizal recovered 4 live rounds from Mr. Williams's gun.

CSU collected five expended 9mm caliber shell casings from the scene at Flatbush and Lafayette Avenues. Four of the shell casings were 9mm Speer +P shell casings, consistent with NYPD-issued ammunition. The fifth shell casing was a Blazer 9mm Luger brass casing, which is not consistent with NYPD-issued ammunition.



Figure 13. Photograph taken by CSU Detective Cenizal of Mr. Williams's firearm.

## Medical Examiner

OSI interviewed Dr. Sean Kelly, of the Office of Chief Medical Examiner, who performed the autopsy of Mr. Williams, and reviewed the autopsy report he prepared. Dr. Kelly said Mr. Williams sustained one gunshot wound to his right upper back which perforated his chest wall and right lung before exiting through the right subclavian region of the chest. Dr. Kelly determined that the cause of Mr. Williams's death was a gunshot wound of the chest and the manner of his death was homicide.<sup>6</sup>

## LEGAL ANALYSIS

Article 35 of the New York Penal Law defines the circumstances under which a person is justified in using deadly force against another. Justification is a defense, not an affirmative defense, Penal Law Section (PL) 35.00. Unlike an affirmative defense, the prosecutor has the burden at trial of disproving a defense beyond a reasonable doubt, PL 25.00(1). In order to obtain a conviction at trial, "The People [would be] required to prove beyond a reasonable doubt that [PO Perez] was not justified" in using deadly physical force against Mr. Williams, N.Y. Criminal Jury Instructions 2d, PL 35.15(1). "[W]henver justification is sufficiently

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<sup>6</sup> Toxicology results were positive for recent methamphetamine and marijuana use. Dr. Kelly did not believe drug use was a direct contributing factor in Mr. Williams's death. Due to the length of time that marijuana can remain in a person's system Dr. Kelly was unable to determine how recently Mr. Williams had used either of these drugs.

interposed ... the People must prove its absence to the same degree as any element of the crime charged.” *People v. McManus*, 67 N.Y.2d 541, 546-47 (1986).

Article 35 contains a provision defining justification when a police officer uses deadly force while effecting or attempting to effect an arrest for an offense (PL 35.30). Once Mr. Williams shot at PO Perez, PO Perez had reasonable cause to arrest Mr. Williams for an Attempt to Commit Assault in the First Degree, PL 120.10 and PL 110.00, and other crimes.

PL 35.30(1) provides:

“A police officer or a peace officer, in the course of effecting or attempting to effect an arrest ... of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest ... or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force; except that deadly physical force may be used for such purposes only when he or she reasonably believes that ... (c) regardless of the particular offense which is the subject of the arrest ... the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force.”

Police officers using deadly physical force pursuant to PL 35.30(1) are under no duty to retreat, PL 35.15(2)(a)(ii).

The Court of Appeals, in *People v. Goetz*, 68 N.Y.2d 96 (1986), said that “reasonable belief” has both subjective and objective components: the subjective component is satisfied if the person using force actually believed, “honestly and in good faith,” that deadly force was about to be used against that person or another, and that the use of deadly force was necessary to prevent or stop the danger, whether or not the belief was accurate, 68 N.Y.2d at 114; the objective component is satisfied if a “reasonable person” under the same circumstances could have held the same belief, 68 N.Y.2d at 115. See also *People v. Wesley*, 76 N.Y.2d 555 (1990).

Based on his interview with OSI, PO Perez subjectively believed that shooting Mr. Williams was necessary to stop Mr. Williams’s use of deadly force. PO Perez was on patrol when he and other officers effectuated a car stop of a car containing Mr. Williams and others. After asking all occupants of the car to get out, Mr. Williams ran away. PO Perez chased after Mr. Williams while radioing his location and directing Mr. Williams to stop running. PO Perez saw Mr. Williams stop, turn toward him, and fire a gun in his direction while on a sidewalk among other people. PO Perez dropped to the ground for his protection, and, recognizing the imminent threat to himself, and the civilians on the street, fired back. PO Perez said that after he fired

two shots, he saw Mr. Williams stand up and gave him verbal commands to “get down” and “stop running.” Mr. Williams did not comply with these commands and got up and turned to run again. Fearing Mr. Williams would turn and fire at him again, PO Perez fired his gun two more times, striking Mr. Williams.

Under the circumstances presented above, OSI would be unable to prove that PO Perez’s subjective belief that deadly force was needed to stop Mr. Williams from using deadly force was unreasonable.

PO Perez’s account is corroborated by his BWC footage as well as the civilian cell phone video. The evidence also corroborates PO Perez’s assertion that Mr. Williams was the first to fire. Video also shows that Mr. Williams fired while running on a sidewalk with other people nearby. PO Perez’s BWC shows he did not draw his gun during the chase, and that Mr. Williams was the first one to produce a weapon.

For these reasons, OSI concludes that a prosecutor could not disprove beyond a reasonable doubt that PO Perez’s use of deadly force was justified under Article 35 of the Penal Law and will close this matter with issuance of this report.

Dated: December 12, 2023