



**OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SOLANO**

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PRESS STATEMENT

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District Attorney Donald A. du Bain announced today that his office has completed its investigation and review of the shootings by Vallejo police officers of Mario Romero and Joseph Johnson on September 2, 2012, and found that the police officers acted lawfully in self-defense and defense of each other.

In addition to its parallel investigation and a thorough review of the facts and circumstances leading to the death of Mario Romero and the shooting of Joseph Johnson, the Solano County District Attorney's Office has conducted a careful analysis of the law as it pertains to the facts of the case. A copy of a letter to Chief Joseph M. Kreins of the Vallejo Police Department describing the findings and conclusions of the investigation, review and analysis is attached.

In summary, the District Attorney's Office found that on September 2, 2012, at approximately 4:30 a.m., two Vallejo police officers encountered a parked car, which was occupied by Mario Romero in the driver's seat and Joseph Johnson in the right front passenger seat, in an area of Vallejo known for a recent spike in gun-related violence. After Mr. Johnson reached under his seat and Mr. Romero reached toward his waistband, the officers decided to contact the car's two occupants.

As Mr. Romero stepped out of his car, he was still reaching toward his waistband. One of the officers recalled ordering him to show his hands. As Mr. Romero turned toward the rear of his car, the other officer saw the butt of a firearm in his waistband. As the officer drew his gun, he saw Mr. Romero holding the firearm, which he described as a black semi-automatic handgun. When Mr. Romero turned toward the officer with the gun in his hand, both officers began firing at Mr. Romero.

As Mr. Romero re-entered his car, the officers ordered him repeatedly to show his hands, but Mr. Romero ignored their commands and disappeared from view within the car. Mr. Romero remained either inside or behind the car without complying with the officers' repeated commands to show his hands, and twice rose up from the car causing the officers to fire additional shots. Meanwhile the passenger, Mr. Johnson, complied with the officers' commands.

Mr. Romero died from his injuries while Mr. Johnson, who remained in the passenger seat with his hands raised, survived but was inadvertently struck by a bullet in his pelvic area.

An imitation firearm - a Beretta PX4 pellet gun that closely resembles a Beretta semi-automatic handgun - was recovered from the interior of Mr. Romero's vehicle. Sixty methamphetamine pills were also found inside the vehicle. Toxicology results revealed that Mr. Romero had a blood alcohol level of .05%, which is equivalent to approximately three drinks in his system, and .11 mg/L of methamphetamine, which is more than twice what is considered to be an effective level of methamphetamine.

Both Mr. Romero and Mr. Johnson were on felony probation, which included a condition that they submit their persons and property to search and seizure by the police at any time of the day or night without a warrant, at the time of the incident.

Based on these findings, the Solano County District Attorney's Office has concluded that both officers acted lawfully in self-defense and in defense of each other due to the perceived threat of Mr. Romero's actions and his display of an imitation firearm that closely resembles a Beretta semi-automatic handgun.

In light of the public interest in this officer-involved shooting and at the request of Mayor Osby Davis of the City of Vallejo, District Attorney du Bain has agreed to take the additional, unusual step of referring the matter to the U.S. Department of Justice, Civil Rights Division, and the U.S. Attorney's Office, Eastern District of California, for their independent review and further action as they deem appropriate.

Attachment: Letter to Chief Joseph M. Kreins, dated June 12, 2013