

In-Custody Death of Johnny Araniva
Los Angeles County Sheriff's Department

Deputy Sean Phaneuf, #523431
Deputy Matthew Belen, #529377

J.S.I.D. File #17-0334



JACKIE LACEY

District Attorney

Justice System Integrity Division

April 16, 2018

MEMORANDUM

TO: CAPTAIN CHRISTOPHER BERGNER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: In-Custody Death of Johnny Araniva
J.S.I.D. File #17-0334
L.A.S.D. File #016-05982-1517-495

DATE: April 16, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 1, 2016, in-custody death of Johnny Araniva by Los Angeles County Sheriff's Department (LASD) Deputies Sean Phaneuf and Matthew Belen. It is our conclusion that Deputies Phaneuf and Belen used reasonable force to arrest Araniva and are not criminally liable for his death.

The District Attorney's Command Center was not notified and the District Attorney Response Team did not respond.

The following analysis is based on reports submitted to our office by LASD Detective Gary Sloan. The reports include videos and audio-recorded interviews of witnesses. The voluntary statements of Deputies Phaneuf and Belen were considered in this analysis.

FACTUAL ANALYSIS

On August 1, 2016, at approximately 4:19 p.m., LASD's Pico Rivera station received a 9-1-1 call from Johnny Araniva who stated to the operator, "Hey. Uh, I think I'm ODing." Araniva provided his location to the operator and the operator requested that the Los Angeles Fire Department respond to the location.

At approximately 4:33 p.m., the Pico Rivera station received another 9-1-1 call from a woman stating there was a man, later identified as Araniva, "running around, acting crazy" in her place of business, Extra Space Storage. The woman further stated that Araniva got really close to a customer, swung his arms and stated, "I need help." The woman provided her address and stated Araniva was running all over the place and running in the street. The woman told the operator Araniva was not wearing a shirt, was barefoot, running around, banging on cars and yelling.

LASD Deputies Sean Phaneuf and Matthew Belen responded to the location. Araniva fled on foot, running into various businesses and into traffic. Phaneuf and Belen detained Araniva by taking him to the ground. Phaneuf and Belen then handcuffed, and used a hobble to restrain Araniva. As Phaneuf and Belen restrained Araniva, they noticed Araniva became unresponsive. Phaneuf and Belen removed the handcuffs and hobble restraint, and immediately began CPR until paramedics arrived. Araniva was treated and transported to the hospital where he was later pronounced dead.

Statement of Deputy Matthew Belen

Deputy Belen was working patrol for LASD's Pico Rivera station when he responded to a call regarding a man who stated that he may be overdosing. When Belen arrived, he saw an ambulance parked, and two paramedics standing in front of the location.¹ Belen heard a man yelling, "Fuck! Shit! Motherfucker! Bitch!" Belen then heard a woman screaming in Spanish east of his location. Belen entered his patrol vehicle and drove in the direction where he heard the screaming. Belen saw a man attempting to flag him down and as Belen got closer, he saw more people standing near an intersection. Belen stopped his vehicle and saw Araniva sweating profusely, running into neighbors' yards. Araniva was yelling profanities and unintelligible words while flailing his arms in the air.

Belen attempted to talk to Araniva to calm him down, but Araniva looked at Belen and said, "Fucking Police. You're here to kill me. You're here to shock me." Belen told Araniva he was there to help him and, again, attempted to calm him down. A few seconds later, Deputy Phaneuf arrived to assist. Araniva looked at Phaneuf and ran north. Belen got into his patrol vehicle and drove north to follow Araniva. Belen was advised by an assisting unit via radio of Araniva's location. As Belen approached the location, he saw Phaneuf approach in his patrol vehicle, driving toward Araniva. Araniva looked at Phaneuf and walked into a parking lot. Both Belen and Phaneuf parked their vehicles on either side of Araniva in the parking lot and approached him on foot. Belen and Phaneuf attempted to calm Araniva down, but he was still sweating profusely and appeared to be out of breath.

Araniva was stumbling around the parking lot, looking inside parked vehicles, and pounding on the windows with his fists. Phaneuf grabbed Araniva's left arm while Belen grabbed Araniva's right arm. Belen and Phaneuf continued to talk to Araniva to calm him down and attempted to put his arms behind his back. Araniva began to struggle with Belen and Phaneuf by pushing and pulling his body in different directions. Belen and Phaneuf had a difficult time keeping their grip on Araniva due to his constant sweating. Araniva started walking, dragging Belen and Phaneuf with him. As Araniva began to approach an intersection, Belen and Phaneuf took Araniva to the ground because they were concerned Araniva would enter the intersection and possibly be struck by traffic.

Once they were on the ground, Araniva continuously moved his upper torso and extremities, and started pulling away from Belen and Phaneuf's grasp. Phaneuf requested assistance via his radio while he and Belen struggled to keep control of Araniva. Belen and Phaneuf placed Araniva in handcuffs. Araniva repeatedly kicked his feet, so Belen requested a hobble restraint from

¹ The paramedics told Belen they had not made contact with anyone at the residence.

another deputy. Belen, Phaneuf and two other deputies, Parra and Reyes, placed the hobble restraint on Araniva and turned him to his side. At this time, Belen and Phaneuf realized Araniva was unconscious and not breathing. Belen, Phaneuf, Parra and Reyes, removed the handcuffs and hobble restraint from Araniva. Belen and Phaneuf immediately began CPR. Phaneuf requested paramedics via radio to respond immediately. Belen and Phaneuf continued CPR, taking turns between chest compressions, while Parra gave rescue breathing until paramedics arrived. Paramedics arrived, continued CPR on Araniva, and transported him to the hospital.

Statement of Deputy Sean Phaneuf

Deputy Phaneuf was working patrol at LASD's Pico Rivera Station when he responded to a call to assist Belen. Phaneuf did not have additional information to add surrounding the incident described by Belen, and his description of the events was consistent with Belen's statement.

Statement of Deputy Leticia Reyes

Deputy Reyes was working patrol for LASD's Pico Rivera Station with her partner, Deputy Pedro Parra, when they responded to an assistance request via radio by Phaneuf. When they arrived, Reyes saw Araniva on the ground, face down, and handcuffed, kicking his feet. Phaneuf was holding one of Araniva's arms and Belen was holding the other. Reyes parked their patrol vehicle and told Parra to get the hobble restraint. Reyes, Parra, Belen and Phaneuf applied the hobble restraint on Araniva. Reyes said Araniva stopped kicking, which worried her as she was concerned Araniva may have stopped breathing. The deputies turned Araniva on his side and Reyes noticed Araniva was unresponsive. The deputies removed the handcuffs from Araniva and turned him onto his back. Belen and Phaneuf began performing CPR on Araniva while Parra went to his patrol vehicle to retrieve his mouth shield to provide rescue breathing. Parra began giving Araniva breaths while Belen and Phaneuf took turns giving chest compressions until paramedics arrived and took over.

Statement of Imelda

Imelda, Araniva's mother, was interviewed by investigators regarding her son. She told investigators that Araniva became very nervous the afternoon of the incident and wanted to speak to his social worker. Araniva spoke to his social worker over the phone, but Imelda did not know what was said. After Araniva got off the phone, he told Imelda that his stomach was burning. Araniva called 9-1-1 and when deputies arrived, Araniva walked away from the location.

Statement of Ariel D.

Ariel was working in the front office of Extra Space Storage when Araniva walked inside. Araniva was asking for help and aimlessly looking at people in the lobby. Ariel asked Araniva what was wrong, but he did not respond. Araniva was waving his hands up and down, and his eyes were wide open. It appeared to Ariel that Araniva was under the influence of drugs.

Araniva walked up to the counter and pushed a female customer's arm. The female customer appeared scared and ran out of the office. Araniva then ran out of the office.

Ariel saw Araniva running outside, knocking on the windows of a business. Araniva then ran west through a parking lot. Ariel saw a police officer arrive and Araniva ran away from the officer. Another officer arrived and approached from the other side of Araniva. Ariel drove a golf cart to where Araniva and the officers were in case the officers needed help because Araniva was acting "crazy." The officers told Araniva to slow down and to calm down. The officers took Araniva to the ground. Araniva was on his stomach squirming while the officers were trying to hold him down. The officers told Araniva to calm down and that they were trying to help him. When additional officers arrived at the location, Ariel went back inside the office.

Johnny Araniva

At the time of this incident, Araniva was 28 years old.²

Autopsy

On August 9, 2016, Deputy Medical Examiner Vadims Poukens, M.D., performed an autopsy on Araniva. Dr. Poukens concluded Araniva's death was caused by the effects of methamphetamine.

Araniva also sustained fractured ribs and minor abrasions to his body. Dr. Poukens found the fractures to be consistent with CPR that the deputies and paramedics performed on Araniva at the scene.

A toxicology analysis revealed Araniva had 62 ng/mL amphetamine and 2200 ng/mL methamphetamine in his heart blood at the time of his death. A toxicologist at the coroner's office was interviewed and indicated that the amount of methamphetamine detected in Araniva's blood sample was at a fatal level.

LEGAL ANALYSIS

A police officer may use reasonable force in making an arrest, preventing an escape, or in overcoming resistance.³ Reasonableness is judged from the perspective of a reasonable officer at the scene considering the circumstances surrounding the use of force including: (1) whether the suspect poses an immediate threat to the safety of the officers or others, (2) whether the suspect is actively resisting arrest or attempting to evade arrest by flight, and (3) the severity of the crime at issue.⁴

The evidence presented in this investigation shows that Araniva appeared to be under the influence of drugs or alcohol, was disoriented, stumbling, and agitated. Araniva was running

² Phaneuf searched Araniva's pockets and removed a metal canister from his left front pocket. When Phaneuf removed the canister, a cloud of white dust resembling crystal methamphetamine emitted. Phaneuf also removed a small zip-lock baggie from Araniva's pocket that appeared to be crystal methamphetamine.

³ *Penal Code* § 835a.

⁴ *Graham v. Connor* (1989) 490 U.S. 386.

around a parking lot, hitting various vehicles. Belen and Phaneuf attempted to calm Araniva down several times, but were unsuccessful. To prevent Araniva from hurting himself or others, Belen and Phaneuf took Araniva to the ground and handcuffed him. Araniva struggled with the deputies. Araniva was kicking his feet at which time the deputies applied a hobble restraint to subdue him. Immediately after, the deputies realized Araniva stopped breathing and was unconscious. The deputies uncuffed Araniva and removed the hobble restraint. Belen and Phaneuf began chest compressions while Parra began rescue breathing until paramedics arrived. The deputies and paramedics were unable to revive Araniva and he was pronounced dead at the hospital a short time later. The coroner examined Araniva's remains and concluded his death was due to the effects of methamphetamine.

The deputies use-of-force was reasonable and appropriate under the circumstances to overcome Araniva's resistance and in an attempt to prevent him from harming himself or others.

Moreover, although Araniva struggled with the deputies, there is no evidence that the struggle was a factor in Araniva's death. Therefore, Deputies Belen and Phaneuf are not the legal cause of Araniva's death and no criminal liability attaches.⁵

CONCLUSION

The force used by Deputies Matthew Belen and Sean Phaneuf was reasonable under the circumstances. They are not criminally liable for Araniva's death. We are therefore closing our file and will take no further action in this matter.

⁵ "For liability to be found, the cause of the harm not only must be direct, but also not so remote as to fail to constitute the natural and probable consequence of the defendant's act." *People v. Roberts* (1992) 2 Cal. 4th 271.