

**In-Custody Death of Henry Medina
Los Angeles Police Department**

**Officer William Pack, #25749, Officer Roberto Perez, #40233,
Officer Jae Lee, #40824, Officer Steven Angulo, #26360,
Officer Quentin Villanueva, #35877,
Officer James Sagbigal, #41681**

Los Angeles Port Police

**Officer Jose Magana, #96065, Officer Andrew Sklarsh, #96097,
Officer Alfredo Moya, #96078
J.S.I.D. File #15-0348**



JACKIE LACEY

District Attorney

Justice System Integrity Division

September 16, 2016

MEMORANDUM

TO: CHIEF THOMAS GAZSI
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COMMANDER ROBERT A. LOPEZ
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: In-Custody Death of Henry Medina
J.S.I.D. File #15-0348
L.A.P.D. File #F056-15

DATE: September 16, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 9, 2015, in-custody death of Henry Medina. It is the conclusion of this office that Los Angeles Police Officers (LAPD) William Pack, serial #25749, Roberto Perez, serial #40233, Jae Lee, serial #40824, Steven Angulo, serial #26360, Quentin Villanueva, serial #35877, James Sagbigsal, serial #41681, and Los Angeles Port Police Officers (LAPP) Jose Magana, serial #96065, Andrew Sklarsh, serial #96097, and Alfredo Moya, serial #96078, are not criminally liable for Medina's death.

The District Attorney's Command Center was notified of this in-custody death on July 9, 2015. The District Attorney Response Team responded and was given a briefing and walk-through of the scene by Los Angeles Police Department Detective Ronald Granados.

The following analysis is based on police reports, the autopsy report, witness interviews, surveillance videotapes, and police digital in-car video system (DICVS) recordings submitted to this office by LAPD Force Investigation Division Detectives Robert Solorza and Alma Burke.¹

FACTUAL ANALYSIS

On July 9, 2015, at approximately 6:55 a.m., LAPD Officers Jae Lee and Roberto Perez responded to a 9-1-1 call reporting a man, later identified as Henry Medina, running in traffic lanes at the intersection of Harry Bridges Boulevard and Avalon Boulevard in Wilmington.

¹There are a total of eight video recordings that show portions of the incident, including four surveillance videotape clips from LAPP surveillance cameras and four LAPD DICVS videotape clips.

A witness reported that Medina was behaving erratically and jumped from his moving pickup truck just before it crashed into the fence of a vacant lot.² The fire department arrived at the scene of the accident minutes later but Medina had already walked away. He removed his shirt, wandered in traffic, yelled at passing vehicles, threw various objects, and yelled, "Help me!"

Medina's behavior drew the concern of Los Angeles Port Police Security Officer Charles Middleton, who was stopped nearby in his security vehicle when he saw Medina approach Middleton's car, jump over the hood, and scream incoherently.³ Medina opened Middleton's passenger side door and tried to get inside but Middleton pushed him out.

When Perez and Lee arrived at the accident scene, a witness directed them to Medina who had walked several blocks away by that time. Perez and Lee saw Medina walking and stumbling along the westbound lanes of Harry Bridges Boulevard holding his shoes. Perez and Lee exited their police vehicle and Perez told Medina, "Hey, come here. Come here." Perez told Medina to put his hands on the patrol car and Medina responded, "Can I have some water?" and put his hands on the car.

When Perez and Lee approached Medina and began to handcuff him, Medina staggered and said, "I'm going to pass out. I'm having a heart attack." Medina was placed on the curb and handcuffed. Lee asked Medina what he was "on" and Medina said, "My mom gave me an Ativan. It was supposed to be an Ativan, but it wasn't."

Perez and Lee tried to place Medina in the back of their police vehicle but Medina struggled, twisting his torso from side to side and kicking his feet. Medina yelled, "I can't get in! I can't get in! I can't do this anymore! I can't do this!" Medina fell to the ground and yelled, "Heart attack! Heart attack!"

LAPD Officers William Pack, Steven Angulo, Quentin Villanueva, and James Sagbigal arrived to assist Perez and Lee, along with Los Angeles Port Police Officers Alfredo Moya, Jose Magana, and Andrew Sklarsh. Medina struggled on the ground with the officers, who held Medina down and placed a hobble restraint device on his legs.

Moments later, the officers rolled Medina onto his side and broadcast a request for paramedics, who were already nearby because of their response to the previous car accident. The officers noticed that Medina was turning blue so Lee updated the radio broadcast and requested that the paramedics respond Code 3. The officers placed Medina in a seated position and checked Medina's pulse. When no pulse was detected, the officers laid Medina down, Pack and Sagbigal performed CPR, and the hobble device was removed.

Minutes later, the fire department arrived and transported Medina to the hospital. He was pronounced deceased at 7:43 a.m.

A postmortem examination was performed. Medina had the presence of methamphetamine and marijuana in his bloodstream. The cause of death was determined to be accidental due to

³ Port security officers are non-sworn personnel employed by the Los Angeles Port Police.

“methamphetamine effect with idiopathic cardiomyopathy, chronic obstructive pulmonary disease, and obesity” and that no injury contributed to Medina’s death.

Statement of John Pagel

Pagel was exiting a construction trailer when he heard Medina yell, “Help me! Help me!” Pagel observed Medina exit his vehicle and wander around the intersection while continuing to scream, “Help me!” Medina appeared to be searching through the driver’s seat area of his car, throwing objects into the street. Pagel watched Medina return to his vehicle and drive away. Medina jumped out of his moving vehicle. Medina’s car rolled over a curb and into a fence. Pagel directed his co-worker to call 9-1-1. Medina wandered in the street and attempted to enter the car of another motorist. Medina removed his shirt and continued to walk in the street.

Statement of Michael Rodriguez

Rodriguez saw Medina abandon his vehicle and attempt to flag down cars in the middle of the street. A vehicle stopped for Medina and handed him a bottle of water. Medina tried unsuccessfully to get in that vehicle. Medina approached a second vehicle and entered the passenger side. The driver pushed Medina out of the vehicle. Medina continued to wander erratically in the street.

Statement of Terry Boteler

Boteler was working at a construction site when he saw Medina jump out of his moving vehicle. The vehicle rolled into a tree and a fence. Medina took his shirt off and was cursing as he walked away. Boteler later saw Medina on the ground and it appeared that officers were performing CPR on him.

Statement of Port Security Officer Charles Middleton

Middleton provided a compelled statement to investigators.

Middleton was in his security vehicle when Medina ran up to him. Medina jumped over the hood of Middleton’s car and opened the passenger door. Medina was acting “crazy” and yelled at Middleton. Medina put his foot in the car and Middleton yelled at him to get out of the car. Middleton pushed Medina out of the car and Medina ran away. Middleton saw Perez and Lee handcuff Medina and he saw Medina attempt to kick the officers. The officers used their body weight to hold Medina down on the ground and they placed a hobble on his legs.

Statement of Port Security Sergeant Richard Rand

Rand provided a compelled statement to investigators.

Rand responded to Middleton’s radio broadcast for assistance. Rand arrived and saw Medina behaving erratically in the middle of the street. Medina was shirtless and screaming and yelling. Rand and Middleton followed Medina in their respective security vehicles as they waited for the police to arrive. He saw Perez and Lee arrive and make contact with Medina, who was initially compliant with the officer’s instructions. Medina became combative when he was asked to

enter the police vehicle, struggling and kicking the police officers. Rand saw Medina fall to the ground as he was being restrained by the officers. He saw the officers place a hobble on Medina's legs and roll Medina onto his side. Shortly after, Pack began CPR on Medina.

Statement of LAPD Officer Alejandro Downey

Downey provided a compelled statement to investigators.

Downey and his partner, Officer Villalobos, arrived at the scene as Medina was struggling and being restrained on the ground by other officers. Downey did not have physical contact with Medina. He saw Medina flailing and attempting to kick the other officers. He did not see the officers apply excessive downward force or punch, kick, or hit Medina. A hobble was placed on Medina's legs and he was sat upright. A rescue ambulance was called a short time later.

Statement of LAPD Officer James Sagbigal

Sagbigal provided a compelled statement to investigators.

[REDACTED]

Statement of LAPD Sergeant Joel Sydanmaa

Sydanmaa provided a compelled statement to investigators.

Sydanmaa arrived at the scene to assist other officers. He saw Medina handcuffed and restrained on the concrete, but continuing to fight against the officers, kicking his legs and screaming incoherently. Sydanmaa saw that each of Medina's extremities was restrained by an officer, with other officers applying bodyweight onto his torso. Another officer secured Medina's head and neck to prevent him from smashing his head into the concrete. Deducing that Medina was under the influence of methamphetamine, Sydanmaa made a radio broadcast for a rescue ambulance to treat Medina. He saw Pack apply a hobble to Medina's legs and noticed that Medina was suddenly quiet. Sydanmaa ordered the officers to roll Medina onto his side and then sit Medina upright to assist with his breathing, but Medina was unconscious at that point. Pack commenced CPR and Sydanmaa asked another officer to get a breathing mask. Medina was uncuffed and treated by paramedics.

Henry Medina's Background and Cause of Death

Medina was 45 years-old, 264 pounds, and stood five foot nine. The postmortem examination showed that Medina was obese and had chronic obstructive pulmonary disease. [REDACTED]

[REDACTED] Medina's toxicology report indicated methamphetamine and marijuana were present in his bloodstream. Medina had

abrasions to his forehead, back, and lower extremities. Deputy Medical Examiner Ogonna Chinwah determined the cause of death to be “methamphetamine effect with idiopathic cardiomyopathy, chronic obstructive pulmonary disease, and obesity.” The forensic pathologist also determined that no injury contributed to Medina’s death and it was accidental.

LEGAL ANALYSIS

A police officer may use reasonable force in making an arrest, preventing an escape, or in overcoming resistance.⁴ 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.⁵

The evidence presented in this investigation, including videotape recordings, support witness and officer accounts that Medina appeared to be suffering from mental and physical disorders, was under the influence of drugs or alcohol, and was confused, disoriented, stumbling, and agitated. He jumped from his moving vehicle, attempted to get into the vehicles of two other motorists, removed his shirt, walked erratically in the street, cursed, and threw objects at cars. When Perez and Lee first contacted Medina, he was compliant with their commands but became combative as the officers tried to put him in the back of a police car. Medina and the officers fell to the ground and the struggle continued. Medina flailed his arms and legs and kicked at the officers, which caused them to apply a hobble to Medina’s legs. After struggling with the officers for approximately three minutes, Medina, who had chronic obstructive pulmonary disease, was obese, and had ingested methamphetamine and marijuana, stopped breathing. The officers immediately started CPR. Approximately eight minutes elapsed from the time officers first contacted Medina to the time the fire department arrived, treated Medina, and transported him to the hospital.

In sum, the officers’ use-of-force was reasonable and appropriate under the circumstances to overcome Medina’s resistance and in an attempt to prevent him from further harming himself or others.

Cause of Death

Although Medina struggled with the officers, there is no medical evidence that the struggle was a factor in Medina’s death. Medina’s death was unforeseeable and not a natural and probable consequence of the officers’ actions, and therefore the officers are not the legal cause of his death and no criminal liability attaches.⁶

⁴ *Penal Code* § 835a.

⁵ *Graham v. Connor* (1989) 490 U.S. 386.

⁶ “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.

CONCLUSION

The force used by Officers Perez, Lee, Pack, Angulo, Villanueva, Magana, Moya, and Sklarsh, and the medical treatment provided by Sagbigal, was reasonable under the circumstances. They are not criminally liable for Medina's death. We are closing our file and will take no further action in this matter.