

**In-Custody Death of Jeremy Spencer
Los Angeles County Sheriff's Department**

**Deputy Steven Ament, #615272
Deputy Robert Garay, #601700
Deputy Felipe Alejandre, #629461
Deputy Paul Mendez, #529452**

J.S.I.D. File #18-0073



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

February 24, 2022

MEMORANDUM

TO: CAPTAIN JOE MENDOZA
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 Jeremy Spencer
J.S.I.D. File #18-0073
L.A.S.D. File #018-02285-1197-058

DATE: February 24, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 3, 2018, in-custody death (ICD) of Jeremy Spencer involving Los Angeles County Sheriff's Department (LASD) Deputies Steven Ament, Robert Garay, Felipe Alejandre, and Paul Mendez. It is our conclusion that the deputies used reasonable force to arrest Spencer and are not criminally responsible for Spencer's death.

The District Attorney's Command Center was notified of this in-custody death on February 3, 2018, at approximately 6:31 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LASD Lieutenant Derrick Alfred.

The following analysis is based on reports, recorded interviews, and photographs submitted to this Office by the LASD Detective Division, Homicide Bureau. There is no video of this incident.

FACTUAL ANALYSIS

On February 1, 2018, LASD Deputies Ament and Garay responded to a call at Spencer's residence where neighbors alleged that Spencer made verbal threats to kill children who lived in the neighborhood. When Ament and Garay responded to the location, Spencer barricaded himself inside his house. As such, the deputies were unable to arrest Spencer and they left the location.

Prior to responding back to Spencer's residence to effectuate an arrest, Ament and Garay received a briefing about prior allegations of violence by Spencer. Ament and Garay were informed that many of Spencer's neighbors were living in fear of him. The neighbors had previously reported that Spencer had previously threatened them with an

axe and a pole in addition to threatening the neighborhood children. Furthermore, the officers were informed that Spencer had previously approached a Lancaster LASD deputy while armed with a pitchfork. Ament and Garay were aware that Spencer had two firearms registered to him.

On February 3, 2018, at approximately 4:45 p.m., Ament and Garay conducted a follow-up visit to the location to arrest Spencer for his prior criminal threats. Both deputies were in uniform. In an attempt to prevent Spencer from barricading himself inside his house for a second time, Ament and Garay planned to arrest him outside of his residence.

When they arrived at Spencer's residence, they observed him in his backyard talking to his neighbor Sergio.¹ Ament jumped over the fence south of the house and Garay jumped over the fence north of the house. Both deputies were able to enter Spencer's backyard without him noticing. They approached Spencer. Ament advised Spencer that he was a deputy sheriff and ordered him to place his hands behind his back. Ament then placed his hands on Spencer's forearm in an attempt to direct Spencer's arm behind his back to be handcuffed.

Spencer immediately pulled away, turned to face Ament, and struck Ament in the face with a closed fist. Ament fell to the ground and Garay ran over to assist. Spencer straddled Ament as he lay on the ground and continued punching Ament in the face and upper body. Garay fired his Taser at Spencer striking him in the lower left side of his abdomen, but the Taser appeared to be ineffective. Garay began punching Spencer in the face and back in an attempt to stop the assault on Ament.

Spencer turned towards Garay and tackled him to the floor. Garay fell onto his back and Spencer climbed on top of him and began punching him in the upper body. Ament grabbed the Taser that had fallen to the floor and drive stunned Spencer's lower left back and leg area. The Taser appeared to be ineffective, so Ament began punching Spencer in the back and face in an attempt to stop the assault on Garay.

Spencer returned his attention to Ament and wrestled him back to the ground. Garay's legs were pinned under Spencer's body so Garay was unable to get up off the floor. Garay saw a flashlight on the ground and struck Spencer on the back with the flashlight several times. At the same time, Spencer grabbed Ament's firearm and tried to pull it from the holster. Ament yelled out, "He's going for my gun! He's going for my gun!"

Sergio F. jumped over the fence and assisted deputies. He pushed Spencer off of the deputies and held Spencer to the ground. Garay and Ament were able to handcuff Spencer, as he continued screaming and kicking at the deputies. Garay held Spencer's upper body down to the ground as Ament held onto Spencer's legs and feet.

¹ Spencer's backyard is enclosed by a chain link fence, which was clear of obstacles and visible to the public. Investigators noted that as they stood in the front of Spencer's residence, they could see into the backyard without any obstructions.

Deputies Felipe Alejandre and Paul Mendez arrived on scene and observed Ament and Garay holding Spencer down to the ground. Due to Spencer's erratic behavior, Ament placed a "Ripp Hobble" around Spencer's ankles and the four deputies attempted to escort Spencer to a police vehicle.² Spencer continued his combative behavior, so the deputies were unable to safely move him. The deputies completed the Total Appendage Restraint Position (TARP) in order to prevent Spencer from getting up off the ground and further injuring himself.³

While in the TARP position, deputies repeatedly rolled Spencer onto his side, however, Spencer kept rolling himself back onto his stomach. As the four deputies were holding Spencer down, Spencer's movements suddenly slowed and became unresponsive. The hobble and handcuffs were immediately removed, and deputies began cardiopulmonary resuscitation. Paramedics arrived and continued to render medical aid. Spencer was transported to Antelope Valley Hospital where he was pronounced dead at 5:26 p.m. by Doctor Hsieh.

Sergio F.

Sergio stated he was at his brother-in-law Freddie's place for a family barbeque when the incident occurred. Just prior to the incident, Freddie told Sergio all the problems that the neighbors were having with Spencer.

Sergio observed two deputies park their patrol vehicle and approach Freddie. The deputies asked Freddie if he had access to Spencer's backyard. Freddie led deputies to Spencer's gate. Simultaneously, Sergio heard Spencer yelling and screaming in his backyard. Sergio walked up to the fence, which separated Freddie's yard from Spencer's yard, and began talking to Spencer about tattoos. Sergio observed Ament enter Spencer's yard. Sergio tried to keep Spencer occupied to allow Ament time to detain Spencer.

Sergio observed Ament approach Spencer from behind and identify himself as a deputy sheriff. Spencer suddenly turned around and grabbed hold of Ament. Ament tried to take Spencer to the ground but was unable to do so. Spencer then knocked Ament to the ground and landed on top of him. Garay then approached Spencer and attempted to take control of his hands.

Recognizing the deputies needed help detaining Spencer, Sergio jumped over the fence to assist them. Sergio took control of Spencer's left hand and Garay struggled to control Spencer's right hand. Sergio then observed Spencer put his hand on Ament's firearm and pull at it, however, Spencer was unable to remove the firearm from the holster.

Garay and Ament were able to handcuff Spencer. Sergio heard sirens arriving outside of the house. Since Spencer was now detained, Sergio backed away to allow responding

² A Ripp Hobble is a restraining device used to secure the legs and ankles of a suspect.

³ A TARP is completed when the end of the Rip Hobble is secured to the subject's hands, thus simultaneously securing all of the subject's limbs.

deputies to assist Ament and Garay. Sergio walked back to his family yard to console his wife and kids who were now crying.

Sergio informed investigators that Spencer was extremely strong and that he had a hard time controlling him. Sergio hurt his wrist during the incident.⁴

Sergio saw Garay use a Taser on Spencer. Sergio recalled seeing the Taser prongs on Spencer's left side as he moved about. Sergio recalled hearing the "rattling" of the Taser as well, however, he opined it was ineffective because Spencer continued to resist. During the struggle, Sergio also recalled hearing Spencer yell and laugh at the deputies.

Sergio stated that he did not see the deputies use any other weapons on Spencer. Sergio also told the investigators that he believed the deputies actions were reasonable due to the amount of "violence" Spencer used. Sergio stated he felt compelled to get involved because he saw that the deputies needed assistance.

Donald H.

Donald H. told investigators that his mother Donna lived next door to Spencer and that he had been friends with Spencer for the past three years. Donald H. described Spencer as a nice guy with whom he would frequently have dinner. Recently, however, Spencer's mental health had changed. Donald H. told investigators that Spencer would drive up and down the street, running over his neighbors' trashcans in their driveway or in the street. He would also walk around the neighborhood threatening to kill all the children. Spencer would talk about "Zeus" and "genies" and how he had placed mason jars throughout his yard that were supposed to be "genie traps." Spencer also threatened that if the genies did not bring back his wife, everyone in the neighborhood was going to die.

Donald H. told investigators that Spencer had recently sent Donald H.'s mother approximately 40 to 50 threatening text messages. Spencer also nailed chicken heads to the tops of fence posts that lined the front yard. Spencer stated he was not going to help anyone anymore until "aliens" released his wife. Although Spencer was not married, Donald H. told investigators that Spencer had sent someone \$6,000 to \$7,000 in an online scam. Spencer had also purchased the person online a phone, at which point, they stopped communicating with Spencer.⁵

Donald H. and the neighbors had repeatedly called the police to report Spencer's behavior. The neighborhood, however, believed the police were not doing enough to protect them from Spencer, so some of the neighbors had planned to knock down Spencer's front door to take "care of business" on their own. The neighborhood no longer felt safe because of Spencer's recent behavior. The children would no longer play outside because Spencer would chase them with an axe or a bat whenever they did.

⁴ Sergio declined medical attention at the scene.

⁵ Spencer's father, Don S., informed investigators that Spencer had told Don S. that he had met a Nigerian princess online and they had gotten married. Don S. informed Spencer that he believed Spencer was being scammed out of money.

On this date, Donald H. received a call from his mother who informed him that deputies were detaining Spencer in the backyard and she wanted Donald home to be with her. When Donald H. came home he entered Spencer's backyard and saw Spencer on the ground handcuffed. He observed one deputy sitting on Spencer with two additional deputies holding each arm. A fourth deputy was holding Spencer's feet and Spencer was resisting by kicking and squirming. Donald H. noted that Spencer appeared to be very strong during the altercation.

The deputies then tied a "rope" between Spencer's feet, then tied the rope to the handcuffs. Spencer was on his stomach and Donald H. heard him yell, "I can't breathe! I can't breathe!" The deputies told Spencer to calm down. Donald H. then heard one of them say Spencer was no longer breathing. The deputies rolled Spencer onto his right side, removed the handcuffs and rope, rolled him onto his back, and began CPR.

Don S.

Don S. is Spencer's father. He told investigators that Spencer had previously served in the U.S. Army for eight years. Spencer was injured in a vehicle accident during the Iraq war and was medically discharged in 2010 after having back surgery. Prior to his discharge, Spencer had worked as a Chemical Specialist and held the rank of Sergeant.

Don S. was unaware of any PTSD diagnosis Spencer may have suffered as a result of his tour of duty. Don S. stated that after Spencer was discharged, he went back to school and earned an associate degree in music. Don S. noted that Spencer was very respectful and courteous after he was discharged from the military.

In November 2017, however, Don S. noticed a drastic change to Spencer's personality. One day, Spencer came over to his house and pleaded with Don S. to give Spencer money. Spencer stated that his wife was in jail and he needed money to get her out. Don S. believed Spencer was being scammed by someone online and gave Spencer \$200.

Spencer then went back to his house and began asking all of his neighbors to borrow money. The neighbors refused and advised Spencer that he was being scammed. Spencer then became angry with them and started threatening his neighbors.

Don S. stated that the days prior to the incident with the police, Spencer had begun talking to "Zeus" and "genies." Don S. encouraged Spencer to speak with the deputies when they came over to Spencer's house. Spencer told Don S. that the deputies were "alien imitators" and that Spencer had power over them.

Don S. told the investigators that he inquired into getting mental help for Spencer, however, Don S. was informed that Spencer would need to voluntarily commit himself. Don S. knew Spencer would refuse to do so, so Don S. hoped that Spencer would be arrested one day in order for him to get help.

Don S. allowed the investigators to listen to the last voicemail that Spencer left him on January 31, 2018. Investigators heard Spencer on the recording rambling about witches and genies, who he referred to as “fallen angels.” Spencer claimed the reason marijuana was illegal was because it was used to catch genies. Spencer spoke of time machines and teleports between the city of Palmdale and Nigeria. The voicemail appeared to be that of a delusional individual.

Postmortem Autopsy

On February 7, 2018, Los Angeles County Department of Coroner Deputy Medical Examiner Doctor Martina Kennedy performed a post-mortem examination of Spencer. The autopsy revealed no fatal blunt force traumatic injuries. A toxicology test revealed the presence of marijuana.

Doctor Kennedy stated that given Spencer’s unusual behavior it is possible he suffered from undiagnosed schizophrenia or other psychosis. She stated there is a reported association between schizophrenia and sudden cardiac death, however, the mechanism is not well understood.

Additionally, a fatal cardiac arrhythmia is not established or excluded at the autopsy which may have been caused by several things: an endogenous catecholamine production during a struggle, an acute metabolic abnormality, drug use not detected by toxicology results, or a congenital abnormality such as a cardiac channelopathy.

Finally, Doctor Kennedy stated that there is a temporal relationship between cardiopulmonary arrest and being prone during physical restraint. However, the relationship is due to asphyxia causing the cardiopulmonary arrest, and there were no findings from the autopsy that established asphyxia.

Doctor Kennedy opined that the cause of death was cardiopulmonary arrest during law enforcement restraint. She opined that the manner of death was undetermined and may be multifactorial.

LEGAL ANALYSIS

“An officer may use reasonable force to make an arrest, prevent escape or overcome resistance, and need not desist in the face of resistance.” *Munoz v. City of Union City* (2004) 120 Cal.App.4th 1077, 1102. “Unlike private citizens, police officers act under color of law to protect the public interest. They are charged with acting affirmatively and using force as part of their duties, because the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it.” *Id.* (citations and internal quotations omitted). When protecting the public peace, a police officer “is entitled to the even greater use of force than might be in the same circumstances required for self-defense.” *Id.* “The question is whether a peace officer’s actions were objectively reasonable based on the facts and circumstances

confronting the peace officer.” *Id.*, at 1102. “The test is highly deferential to the police officer’s need to protect himself and others.” *Id.*

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code section 835a. An officer “may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him.” *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146.

An act causes death if the death is the direct, natural and probable consequence of the act and the death would not have happened without the act. *CALCRIM No. 582*

The evidence examined in this investigation shows the deputies used only the force necessary to subdue Spencer. Responding LASD deputies were aware of the criminal conduct Spencer’s neighbors had reported to the police. They went to the location with the intent to arrest Spencer. The deputies were aware Spencer had registered firearms and had previously barricaded himself when they tried to arrest him in the past. Equipped with this knowledge, and the ongoing threat Spencer posed to the neighbors, deputies went to his residence with a plan to arrest Spencer outside of his house.

The deputies arrived at his location and observed Spencer in his backyard talking to a neighbor. Ament jumped the fence and approached Spencer without his knowledge. Ament announced his presence, placed his hands on Spencer’s forearm to try to arrest him, and Spencer pulled away and punched Ament in the face. Ament fell to the ground and Spencer straddled him and continued punching him. Garay intervened by deploying his Taser which appeared to have no effect. Spencer then turned his attention to Garay, tackled him to the ground, and started punching Garay. Spencer then turned again towards Ament and tried to take possession of his firearm.

Spencer posed such a danger to the deputies that Sergio F. felt compelled to intervene. He jumped over the fence and assisted the deputies in holding Spencer down, which permitted the deputies to handcuff him. Despite being handcuffed, Spencer continued to resist violently by screaming and kicking at the deputies. Additional deputies arrived and secured Spencer’s feet with a hobble device. The deputies attempted to escort Spencer to a police vehicle, however, Spencer remained combative, so the deputies were unable to move him safely. Deputies attached the hobble device to the handcuffs to prevent Spencer from getting up.

While in the TARP, deputies rolled Spencer onto his side. Spencer kept resisting, causing him to roll onto stomach. Spencer became unresponsive, and the deputies immediately removed the TARP and handcuffs, and began cardiopulmonary resuscitation.

Subsequent post-mortem examination revealed that Spencer suffered no fatal blunt-force trauma, nor was there any evidence of asphyxia. Furthermore, the coroner opined that

the manner of death was undetermined and likely multifactorial. Therefore, the evidence is insufficient to prove beyond a reasonable doubt that the deputies caused Spencer's death. Moreover, the force used by the deputies was both lawful to take a combative suspect into custody, and in lawful self-defense and defense of others. Therefore, the deputies are not criminally responsible for his death.

CONCLUSION

Based upon the foregoing analysis, we find Deputies Ament, Garay, Mendez, and Alejandro acted lawfully and are not criminally responsible for Spencer's death.