

In-Custody Death of Starr Bivens
Los Angeles County Sheriff's Department

Deputy Raymond Johnson, #610525
Deputy Paul Morales, #652276
Deputy Mario Gomez, #523209
Deputy Skylar Ferreira, #636444
Deputy Cody Sandvig, #642102
Deputy Christopher Quinones, #521388

J.S.I.D. File #20-0060



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

March 3, 2021

MEMORANDUM

TO: CAPTAIN KENT WEGENER
Los Angeles County Sheriff's Department
Homicide Bureau
One Cupania Circle
Monterey Park, California 91755

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

SUBJECT: In-Custody Death of Starr Bivens
J.S.I.D. File #20-0060
L.A.S.D. File #020-01876-0375-496

DATE: March 3, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 24, 2020, in-custody death of Starr Bivens. We have concluded that the force used by the Los Angeles County Sheriff's Department (LASD) Deputies Raymond Johnson, Paul Morales, Mario Gomez, Skylar Ferreira, Cody Sandvig, and Christopher Quinones in detaining Starr Bivens was reasonable. We further find that the deputies' actions did not cause Bivens's death.

The District Attorney's Command Center was notified of this in-custody death at approximately 1:11 a.m., on February 25, 2020. The District Attorney Response Team (DART) responded to the location. They were given a briefing regarding the circumstances surrounding the incident, a "walk-through" of the scene, and participated in witness interviews.

The following analysis is based on investigative reports, audio recordings, photographs, and the autopsy report submitted to this office by LASD Homicide Bureau Investigator Jason Marx and Sergeant Stephanie Shrout. The voluntary statements of Deputies Johnson, Morales, Gomez, Ferreira, Sandvig, and Quinones were also considered in this analysis.

FACTUAL ANALYSIS

On February 24, 2020, at approximately 11:11 p.m., LASD Deputies Johnson and Morales responded to a residence in South Los Angeles after the homeowner, Sara R., called 9-1-1. Sara R. reported that an unknown man had broken a window to her home and was now on her front porch arguing with her son.¹ Johnson and Morales responded in uniform and a marked patrol vehicle. LASD Deputies Ferreira, Gomez, Sandvig, and Quinones were assigned to assist on the call and responded in uniform and two marked patrol vehicles.

¹ Sara R. incorrectly identified the person on her porch as a male.

Johnson and Morales arrived at the residence first and observed Bivens sitting on a wheelchair ramp attached to Sara R.'s front porch. Sara R.'s son, Jonathan R., was seated in a wheelchair on the porch next to Bivens. Jonathan R. identified Bivens to the deputies as the person who had broken their window. Bivens was sweating, had dilated pupils, and was making statements such as, "I can't go out there!" and "They're chasing me!"² Bivens appeared to be under the influence of a controlled substance. Johnson attempted to speak with Bivens and asked her to stand up. Bivens refused to stand up, stating, "I can't go out there. I don't want to get shot." Johnson attempted to assist Bivens to her feet by putting his hand on her tricep and lifting; however, he was unable to move her.³

Ferreira and Gomez arrived on the scene. Ferreira and Morales then handcuffed Bivens as she remained seated on the wheelchair ramp.⁴ Bivens did not resist being handcuffed. At this point, Ferreira attempted to get Bivens to stand up by grasping her left arm and asking her to go with him. Bivens refused to stand, and Ferreira left her seated. Quinones and Sandvig arrived at the location. Bivens remained unresponsive to questions from the deputies, but she continued making random statements. Based on Bivens' behavior and the fact that she appeared to be under the influence of narcotics, Morales radioed for paramedics to respond to the scene.

Approximately 30 seconds after being handcuffed, Bivens shifted her body downwards and "wiggled" down from the porch and onto the grass. Bivens appeared lethargic as she lay on the grass face down. Gomez rolled Bivens onto her right side and he and Johnson removed her handcuffs. Johnson checked Bivens' pulse and found it to be "extremely rapid." Bivens remained unresponsive, and seconds later Gomez was unable to find a pulse. After Johnson confirmed that Bivens had no pulse, Bivens was rolled onto her back and deputies performed chest compressions. Approximately three minutes later, paramedics arrived and conducted lifesaving measures for approximately 15 minutes, at which time Bivens was pronounced deceased.

Statement of Jonathan R.

On the night of the incident, Jonathan R. was on his porch talking to his friend Zach.⁵ Jonathan R. heard an argument coming from next door between his neighbor, Shante H., and another female.⁶ Jonathan R. heard Bivens say, "You're trying to kill me!" Bivens exited Shante H.'s home and walked toward his house. Bivens' eyes were wide and she looked paranoid. Bivens entered Jonathan R.'s open side gate and began banging on a bedroom window on the south side of the residence. Jonathan R. heard the sound of a window breaking and heard Bivens yell, "They're trying to kill me!"⁷

Bivens walked around the house and up the wheelchair ramp attached to the porch. Johnathan R. and Zach confronted Bivens and asked her what she was doing. Bivens grabbed the bottom of

² Johnson stated that Bivens' comments were not directed at anyone and that Bivens was "talking past [them]."

³ Bivens was 5'6" and weighed approximately 350 pounds.

⁴ Due to Biven's size, two pairs of handcuffs were joined together.

⁵ Jonathan R. did not know Zach's last name and was unable to provide further identifying information.

⁶ The other female was later determined to be Bivens. Johnathan R. did not know Bivens and had never seen her before.

⁷ Jonathan R. could not see Bivens from his position on the porch.

Jonathan R.'s foot. Zach grabbed Bivens' hands and put them behind her back so she could not grab Johnathan R. Johnathan R. rolled his wheelchair to the opposite side of the porch and told Sara R., who was inside the residence, to call the police. Bivens sat down on the porch and began scratching her head. The police then arrived at the scene. According to Jonathan R., the police were "chill" with Bivens and appeared to be trying to help her. After Bivens refused to stand up when requested by deputies, she was handcuffed. Shortly after, Bivens slid down to the bottom of the ramp and appeared to be unconscious. Deputies removed the handcuffs and performed CPR until the fire department arrived.

Statement of Shante H.

Shante H. told investigators that she and Bivens had been friends for over 20 years. Bivens was visiting from out of town, and she and Shante H. had spent the previous two nights in a hotel room drinking and smoking marijuana. On the day of the incident, Bivens and Shante H. spent the day at Shante H.'s house and consumed approximately one 750 milliliter bottle of vodka. Shante H. was unaware if Bivens had consumed any narcotics. That evening, Shante H. fell asleep on the living room couch and was woken by a commotion. Bivens was acting strange and kept saying, "Don't let them hit me!" Due to Bivens' unusual behavior, Shante H. left the house with her young children and sat in a car parked in front of the residence. Bivens ran out the front door of Shante H.'s house and entered the gate to Johnathan R.'s residence. Shante H. and her children went back inside her home. Shante H. then heard glass shattering, and the police arrived approximately three minutes later.

Other Witness Statements

LASD investigators interviewed Johnathan R.'s mother, Sara R., and his stepfather, Javier M. Both parties observed the incident from inside the residence. Although some discrepancies existed, their descriptions of the event's material aspects were consistent with that of Johnathan R. and the deputies. Neither witnesses observed the deputies use any force on Bivens before she fell to the ground, aside from trying to help her to her feet and handcuffing her. Sara R. opined that the deputies "did the right thing," and Javier M. described the deputies' conduct as attempting to help Bivens.

Autopsy

On February 27, 2020, a postmortem examination was conducted by Deputy Medical Examiner Dr. J. Daniel Augustin. The cause of death was determined to be accidental, caused by the effects of cocaine with contributing factors of obesity, cardiomegaly, and multinodular goiter. Bivens had an enlarged heart, an enlarged liver, and an enlarged thyroid. Toxicology results revealed the presence of cocaine in Bivens' blood. Dr. Augustin also noted Bivens had a small hemorrhage on the anterior area of her chest near the third rib, likely caused by chest compressions. No other signs of trauma were observed on Bivens' body.

LEGAL ANALYSIS

Any peace officer who has reasonable cause to believe that a person has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. Penal Code section 835a(b). The decision by a peace officer to use force shall be evaluated from the perspective of the reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgements about using force. Penal Code section 835a(a)4.

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

In this matter, deputies went to the location to conduct a vandalism investigation in response to a 9-1-1 call. When the deputies arrived, Bivens appeared to be under the influence of a controlled substance, and she was detained. When she was handcuffed, Bivens did not resist and minimal force was used. Deputies radioed to have paramedics respond to the scene. Shortly after being handcuffed, Bivens fell to the ground and became unresponsive. Deputies quickly removed Bivens' handcuffs and attempted lifesaving measures. Aside from attempting to help Bivens to her feet by grabbing her arm and handcuffing Bivens, the deputies did not use any force. The deputies' actions were lawful and reasonable under the circumstances. Furthermore, Bivens' death resulted from cocaine ingestion combined with preexisting health conditions and was not caused by the deputies' actions.

CONCLUSION

The evidence examined in this investigation shows that Deputies Johnson, Morales, Gomez, Ferreira, Sandvig, and Quinones used reasonable force to detain Starr Bivens, and their actions did not cause Bivens' death. We are closing our file and will take no further action in this matter.