

**In-Custody Death of Sabino Plasola**  
**Los Angeles County Sheriff's Department**

**Deputy Carlos Porras, #633472,**  
**Deputy Joseph Perez, #627163**

**J.S.I.D. File #21-0167**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**March 3, 2023**

**MEMORANDUM**

TO: CAPTAIN ANDREW D. MEYER  
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 Sabino Plasola  
J.S.I.D. File #21-0167  
L.A.S.D. File #020-02214-0451-496

DATE: March 3, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 13, 2020, in-custody death of Sabino Plasola. We have concluded that the force used by Los Angeles County Sheriff's Department (LASD) Deputies Carlos Porras and Joseph Perez in detaining Plasola was reasonable and their actions likely did not cause Plasola's death.

LASD informed the District Attorney Command Center of this incident and indicated that it involved no use of force. Therefore, the District Attorney Response Team (DART) did not respond to this incident.<sup>1</sup>

The following analysis is based on investigative reports, recorded witness interviews, photographs, surveillance footage, 9-1-1 calls, and medical records submitted to this office by LASD Homicide Bureau. Neither the deputies nor their patrol vehicles were equipped with video recording devices.

**FACTUAL ANALYSIS**

**Introduction**

On February 13, 2020, at approximately 1:20 a.m., Cerritos City College police officers encountered Sabino Plasola trespassing on campus. Plasola complained of chest pain, admitted to smoking methamphetamine earlier in the evening, and said that someone was trying to kill him. An ambulance, requested by the officers, arrived and transported Plasola to Norwalk's

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<sup>1</sup> The DART protocol calls for a response when an individual dies while in the custody or care of a law enforcement officer or agency and the law enforcement agency investigating the death or the police agency in whose custody the deceased was confined requests the District Attorney's presence and assistance. This protocol will apply only to in-custody deaths where the use of force by a police officer may be a proximate cause of the death. Justice System Integrity Division Operations Manual section seven, page two (2017).

Coast Plaza Hospital. Upon arrival, Plasola refused medical treatment and walked out of the emergency room against the advice of medical staff.

At approximately 3:00 a.m., Sabino Plasola walked up to Deputies Porras and McDonald,<sup>2</sup> at the Norwalk Green Line station, and requested medical attention. Porras radioed for paramedics. Deputies Perez and Fierros arrived shortly after to detain Plasola in connection with a vandalism investigation. Plasola cooperated as Perez handcuffed him behind his back and began walking him to a patrol car. When they reached the car, Plasola sat down or volitionally fell to the ground, kicked his legs repeatedly, and spun in circles as Perez held onto him. Plasola was sweating on a cold night, shirtless, and had electrocardiogram (EKG) stickers connected to his chest. Plasola appeared to be delusional, stating multiple times that people were trying to kill him. Deputies eventually calmed Plasola with verbal commands. Porras applied a hobble to Plasola's ankles as he lay on his side.

At 3:09 a.m., medical personnel arrived at the scene. Plasola was unconscious, laying on his side, handcuffed from behind. He was still breathing and had a pulse. Plasola went into cardiac arrest as the medical personnel placed him onto a gurney. He was transported back to Coast Plaza Hospital and readmitted, at 3:19 a.m., still in cardiac arrest. Life saving measures were performed until he was pronounced dead by hospital staff at 3:44 a.m.

An autopsy determined that Plasola died of cardiac arrest but did not determine its cause. Toxicology testing revealed the presence of methamphetamine in his blood. The investigation revealed no evidence of force by deputies other than that incidental to handcuffing him and hobbling his ankles. Further, there was no evidence of asphyxiation; deputies kept Plasola laying on his side—not on his stomach—until medical personnel arrived.

### Cerritos College Incident

On February 13, 2020, at approximately 1:20 a.m., Cerritos City College Police Officers John Echeverria and David Perez contacted Plasola in a parking lot after maintenance workers reported that a man matching Plasola's description was trespassing inside the college's science building and behaving erratically.

Echeverria stated to investigators that he arrived first on scene. He spotted Plasola running out of a building into a parking lot. Before Echeverria could contact him, Plasola put his hands up and "proned out" on the ground. Perez arrived seconds later. Both officers stated that Plasola was panting, out of breath, and sweating on a cold night. Plasola repeated over and over, "They're chasing me! ... They're chasing me!" The officers called for paramedics, who arrived shortly after. Firefighter Joshua Swaney and Emergency Medical Technicians (EMTs) [REDACTED] and [REDACTED] provided statements to investigators.

Swaney stated that when he arrived at the scene, Plasola's pulse was 130 beats per minute. [REDACTED] and [REDACTED] stated that they transported Plasola to Coast Plaza Hospital via rescue ambulance. [REDACTED] had seen Plasola running in the middle of a nearby street minutes before he

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<sup>2</sup> All the deputies involved were in full uniform and driving marked patrol cars at the time of the incident.

responded to Cerritos College. Plasola admitted to smoking methamphetamine sometime earlier in the night, according to ██████████.

At 1:59 a.m., Plasola arrived in the hospital's emergency room complaining of chest pain, according to hospital records. ██████████ and ██████████ stated that Plasola refused treatment and walked out of the emergency room shortly after arriving.

### Vandalism Incident

LASD Norwalk Station Deputies Javier Fierros and Joseph Perez were on patrol in separate cars the morning of the incident. Fierros provided a voluntary statement. Perez declined to provide a statement.

Fierros stated that he and Deputy Perez were dispatched at 2:40 a.m. to a vandalism incident on Ratliffe Street (two blocks from Coast Plaza Hospital). The call indicated that a bald, shirtless man had broken a resident's window, knocked on several other residents' doors, and was yelling for help. (Plasola fit the suspect description but was never identified by a witness.) At the scene, Fierros took a statement from the vandalism victim. Investigators later recovered Ring surveillance footage of the man (who appears to be Plasola) approaching the front doors of several homes and yelling unintelligibly. In one video he is heard breathing heavily as though out of breath.

### Green Line Incident

LASD Transit Services Bureau (TSB) Deputies Carlos Porras, Jamhari McDonald, and Juan Valencia were on patrol at the Norwalk Green Line Station the morning of the incident. Valencia was alone in a single person car; Porras and McDonald were partnered in another car. All three deputies provided voluntary statements.

McDonald, Porras, and Valencia were patrolling the Norwalk Green Line Station (about a half mile from the vandalism scene). McDonald and Porras stated that Plasola walked up to them—between 3:00 a.m. and 3:10 a.m. according to their reports—and said, “I need help.” Plasola appeared to be bleeding from lacerations on both arms. He was shirtless with EKG patches stuck to his chest. The deputies called for paramedics.

McDonald stated that Deputy Perez, with whom he is friends, was visiting with him at the Green Line station when Perez received the vandalism radio call and responded to it. McDonald and Porras encountered Plasola a few minutes after Perez departed. Believing that Plasola was likely the vandalism suspect, McDonald called Perez and told him to return to the Green Line station. McDonald stated that Perez (with Fierros) returned to the Green Line station before medical personnel arrived. Plasola cooperated as Perez handcuffed him from behind using no force according to all the deputies present. Valencia stated that Plasola said someone was trying to kill him and that he had just been released from “Patton” (likely referring to a state hospital in San Bernardino County).

Plasola at first was calm, but as Perez walked Plasola to his patrol car, McDonald and Valencia stated, Plasola “started freaking out.” McDonald stated that Plasola “fell” to the ground on his bottom. Perez held his arm, breaking his fall. Porras stated that Plasola “sat down.” Fierros and Porras heard Plasola say, “They’re trying to kill me.” Plasola laid on his side and started kicking his legs back and forth according to all the deputies present. Valencia stated that Perez placed his hand on Plasola’s back and shoulder area and “kind of just held him there.”

The deputies ordered Plasola to stop kicking. Plasola complied. Porras stated that he used the opportunity while Plasola was calm to hobble his ankles. He did not connect the ankle hobble to Plasola’s handcuffs. He stated he used no force, and Plasola did not resist. Plasola was lying on his side a short time later when deputies noticed he had lost consciousness, just before a rescue ambulance arrived. Valencia removed the hobble and handcuffs as paramedics placed Plasola on a gurney and began chest compressions. Porras overheard the paramedics say that Plasola still had a pulse but was not breathing. Each deputy denied using or witnessing force against Plasola during the incident.

██████████ ██████████ was one of the EMTs who transported Plasola to Coast Plaza Hospital the second time. She stated to investigators that when she arrived at the scene, Plasola was laying on his side, handcuffed from behind with his back to her. Plasola’s ankles were “strapped” but not connected to the handcuffs, and he was “wiggling around and trying to still kick and get up.” Deputies were “nearby ... just kind of holding their hands on him.” She did not see deputies strike or use a Taser on Plasola.

Cameras mounted to the front and back of the ambulance depict parts of the incident. As the ambulance arrives at the Green Line station, footage shows five deputies variously kneeling and standing close together in a circle, presumably surrounding Plasola, who cannot be seen clearly. All the deputies but one stand up as the ambulance comes to a stop. The one deputy remains kneeling over Plasola with his hands on him. He and Plasola appear still. Another deputy appears to place his hands on Plasola’s back or shoulder as though checking whether he is conscious. That deputy then appears to roll Plasola onto his back. EMTs approach with a gurney about one minute later. Multiple fire department personnel and two EMTs place Plasola on the gurney and roll it into the ambulance. A fire paramedic performs chest compressions on Plasola throughout.



*Figure 1: Ambulance video still showing deputies around Plasola, out of view, as the ambulance arrives.*

█████ stated that she arrived at the scene—at 3:09 a.m. according to medical records—shortly before fire department paramedics. As she retrieved the gurney, a deputy approached and told her that Plasola was unconscious but still breathing. █████ contacted Plasola and found that he still had a pulse. Fire department paramedics arrived at about this time. Plasola went into cardiac arrest as he was placed on the gurney, according to █████. █████ transported Plasola to Coast Plaza Hospital (where he had been transported after the Cerritos College incident) in a rescue ambulance while paramedics performed chest compressions until releasing Plasola to hospital staff.

At 3:19 a.m., Plasola was admitted to Coast Plaza Hospital in full cardiac arrest, according to hospital records. Life saving measures were continued until he was pronounced dead by hospital staff at 3:44 a.m.

An autopsy was performed by Doctor Julie Huss-Bawab of the Los Angeles County Coroner's Office. Doctor Huss-Bawab ascribed the cause of death to cardiac arrest "during law enforcement restraint while under effects [sic] of methamphetamine." The manner of death was "undetermined," and "[l]ikely multifactorial including drug intake and temporal association with law enforcement restraint." The "etiology of the cardiopulmonary arrest [was] not definitively established at autopsy and may be multifactorial." Noting the "temporal relationship between the cardiac arrest and the restraint by law enforcement," Doctor Huss-Bawab observed, "[a] component of asphyxia due to possible compression of the body may be contributory to cardiopulmonary arrest," but concluded, "examination findings can neither exclude nor confirm such an event." Toxicology testing of Plasola's blood revealed the presence of methamphetamine in his system.

Doctor Huss-Bawab also documented numerous apparently unrelated injuries to Plasola: non-fatal abrasions, contusions, and lacerations in various stages of healing.

## LEGAL ANALYSIS

When supported by probable cause, an officer may arrest a person for a misdemeanor offense not committed in the officer's presence if the offense is reported to the officer by a citizen in whose presence the offense was committed. Penal Code §§ 836, 837; *People v. Johnson* (1981) 123 Cal.App.3d, 495, 499.

A peace officer 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 a 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.

### *Application*

The deputies lawfully placed Plasola into custody after receiving a report, and confirming the report through a percipient witness, that a bald, shirtless man broke a residence's window, on Ratliffe Street. Minutes after the vandalism report, Plasola turned up at the Green Line station, on foot, a short walk's distance from the vandalism scene. Plasola was not wearing a shirt and sported a bald haircut.

There is no evidence that deputies used unreasonable force when they detained Plasola as a vandalism suspect. Every deputy stated that Plasola was initially cooperative, and that Perez used no force when he handcuffed Plasola and walked him toward his patrol car. The deputies stated that Plasola "freaked out" and sat down or volitionally fell to the ground, where he began struggling against his restraints by kicking and spinning himself in circles. Deputies stated that they were able to calm him down with verbal commands. Porras stated that he hobbled Plasola's ankles when he stopped kicking. As when Perez handcuffed Plasola, there is no evidence Porras used force, or that Plasola resisted the hobble.

Plasola appeared to be suffering from methamphetamine-induced delusions, stating that someone was trying to kill him. He admitted to using methamphetamine, and toxicology reports later showed methamphetamine in his bloodstream. The deputies called for paramedics. They kept Plasola in as safe a position as possible—lying on his side with the ankle hobble unconnected to Plasola's handcuffed wrists.

Although most of the incident was not caught on camera or witnessed by any civilians, the deputies' account is partially corroborated in its similarity to the earlier incident, at Cerritos College, in which Cerritos College police officers stated that Plasola volitionally fell to the ground and was yelling that people were chasing him. Similarly, the only available video footage, from the ambulance, shows no force by deputies, and EMT [REDACTED] stated that she did

not see deputies use any force. ██████ saw Plasola handcuffed, lying on his side, “wiggling around and trying to still kick and get up.”

Moreover, there is no evidence other than a coincidence in time that the deputies’ actions caused Plasola’s death. Less than two hours prior, Plasola was transported via ambulance to the same emergency room with a complaint of chest pain and a pulse of 130 beats per minute. He declined treatment and left the hospital against medical advice. Plasola had admitted to recent methamphetamine use (confirmed later by toxicology tests) and was likely symptomatic with paranoid delusions. According to the autopsy, “The effects of methamphetamine alone are able to cause sudden cardiac death.” And the autopsy did not “definitively establish” the cause of the cardiac arrest, noting only a “temporal relationship between” it and “the restraint by law enforcement.”

Whatever danger police restraint presented to Plasola appears primarily to be of his own creation because he physically resisted—after he was already handcuffed—by dropping to the ground, kicking, and contorting his body. This behavior was detailed by deputies and corroborated by EMT ██████. In response, the deputies attempted to decrease that danger by placing Plasola on his side and hobbling his ankles to prevent him from continuing to kick and thrash. The totality of the evidence thus shows that Plasola’s death was not a “direct, natural, and probable consequence” of the deputies’ acts, or that Plasola’s death would not have happened without their acts.

## **CONCLUSION**

We find that Deputy Perez—in handcuffing Plasola and placing his hands on Plasola’s shoulder and back to stop Plasola from struggling against the handcuffs—did not use more force than reasonably necessary while detaining Plasola, and his actions likely did not cause Plasola’s death.

We find that Deputy Porras—in hobbling Plasola’s ankles to prevent Plasola from continuing to kick and struggle—likewise did not use more force than reasonably necessary while detaining Plasola, and his actions likely did not cause Plasola’s death.