

In-Custody Death of Kevin Jay Crocker
Los Angeles County Sheriff's Department

Deputy Zachary Vander Zanden #647539, Deputy Bryan Banales #641584, Deputy Amanda Rothans #548030, Deputy Oscar Lopez-Posada #649446, Deputy Daniel Rosales #647602, and Deputy Tyvette White #645319

J.S.I.D. File #21-0341



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

June 5, 2024

MEMORANDUM

TO: CAPTAIN ANDREW D. MEYER
Los Angeles County Sheriff's Department
Homicide Bureau
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Monterey Park, California 91755

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

SUBJECT: In Custody Death of Kevin Jay Crocker
J.S.I.D. File #21-0341
L.A.S.D. File #021-15138-1332-145

DATE: June 5, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 22, 2021, in custody death of Kevin Jay Crocker involving Los Angeles County Sheriff's Department (LASD) Deputies Zachary Vander Zanden (Vander Zanden), Bryan Banales (Banales), Amanda Rothans (Rothans), Oscar Lopez-Posada (Lopez-Posada), Daniel Rosales (Rosales), and Tyvette White (White). We have determined that the deputies used reasonable force under the circumstances and are not criminally liable for Kevin Jay Crocker's death.

The District Attorney's Command Center was notified of this in-custody death on August 22, 2021, at approximately 12:21 p.m. The District Attorney Response Team responded to the location and was provided a briefing and walk-through of the scene.

The following analysis is based on reports, radio transmissions, 9-1-1 calls, recorded interviews, photographs, body-worn camera video (BWV), residential surveillance video, and the autopsy report submitted to this office by LASD Homicide Bureau Detectives Kevin Acebedo and Alfred Jaime, on March 22, 2023. Deputies Vander Zanden, Banales, Rothans, Lopez-Posada, Rosales, and White's voluntary statements were considered in this analysis.

INTRODUCTION

On August 22, 2021, at approximately 6:45 a.m., 50-year-old Kevin Jay Crocker (Crocker) was driving a stolen Hyundai car on a residential street when he veered over to the opposite side of the road and crashed head-on into a parked pickup truck.¹ [REDACTED] was walking to his own truck when he saw the collision. (*Figure 1*)

¹ The Hyundai was stolen on July 24, 2021 and reported to the Downey Police Department on the same date.



Figure 1: Crocker drove onto the wrong side of the street before crashing head-on into a parked pickup truck.

█████ estimated the Hyundai was traveling 20-25 miles per hour when it crashed into the pickup truck. █████ walked over to the Hyundai and observed that Crocker was bleeding profusely from fresh wounds to his face. █████ saw that the Hyundai's airbags did not deploy and there was fresh blood on the steering wheel. █████ told investigators that he thought Crocker may have been on drugs and, "looked like he had been up all night."

████████████████████ the owner of the pickup truck involved in the collision, was an overnight guest inside █████ residence when he heard the noise from the collision. █████ exited the residence and approached █████, as █████ stood in the street talking to Crocker. Crocker exited his car, walked to the passenger side, and began collecting items from inside the car and putting them into backpacks. █████ told Crocker that he was going to call the police, but Crocker "angrily" told him, "No cops!" While holding both backpacks, Crocker began "running and walking" down Heiner Street toward Ardis Avenue.

█████ and █████ both yelled at Crocker to stay at the scene and began following him. █████ called 9-1-1 at 6:53 a.m. to report that the driver involved in a collision was leaving the scene. █████ handed his phone to █████ to update the operator. While Crocker was walking away, █████ saw Crocker reach for something in his left sock. █████ girlfriend, following Crocker in her car, yelled, "Knife!" █████ told the 9-1-1 operator that Crocker "had a knife." (Figure 2)



Figure 2: ██████ was on the phone with the 9-1-1 operator when Crocker (circled in red) bent down to get something in his sock. ██████ (shirtless with ██████, both circled in yellow) told the dispatch operator that Crocker had a knife.

As ██████ described the emergency to the operator, he was heard telling Crocker, “Where are you going, dude? Sit down! Hey, sit down!” ██████ ran to keep up with Crocker, and described his observations, “. . . he’s a white male bleeding from the mouth. He tried to brandish . . . he has a knife in his left . . . he just tried to brandish a knife . . .”

When Crocker reached Ardis Street, he dropped the backpacks and kept walking. Crocker jumped over the back fence of a residence on Betty Jean Avenue and stood in the backyard. ██████ and ██████ waited at the front of the residence for the deputies to arrive.²

The responding deputies were advised that the suspect in a hit and run collision on Heiner Street was armed with a knife. While ██████ and ██████ waited out front, the owner of the residence met Deputies Vander Zanden and Banales at the front door and escorted them through his home to the backyard. When the deputies exited the back door, they saw Crocker immediately stand up from a seated position. They ordered Crocker to get onto the ground and observed that he was visibly bleeding from his nose. (Figure 3)

² ██████ terminated the 9-1-1 call when the Deputies Banales and Vander Zanden arrived at the residence on Betty Jean Avenue.



Figure 3: When the deputies came into the backyard, Crocker stood up from a seated position. He had his right hand in his sweatshirt pocket and was visibly bleeding from his nose.

Vander Zanden ordered Crocker to put his hands on his head and keep his hands visible. Crocker refused to follow orders and kept his right hand concealed in his clothing as he turned and moved quickly towards the back of the property. (Figure 4)



Figure 4: Crocker ignored orders to get onto the ground and ran towards the back of the property. Banales' extended arm (holding his service weapon) is visible in the upper right-hand corner of the BWV.

Crocker was standing less than 10 feet away from the deputies when he stopped moving towards the back of the property. Banales was armed with his service weapon and Vander Zanden was armed with a Taser. Both deputies were pointing their weapons at Crocker while giving him orders to take his hands out of his clothing. Crocker ignored their commands and bladed his body towards the deputies with his right hand obscured in his clothing. (Figure 5)



Figure 5: While the deputies pointed both lethal and non-lethal weapons at Crocker, he refused to remove his right hand from his pocket.

Banales observed that even though it was overcast and cool that morning, Crocker was sweating profusely and appeared to be under the influence of a controlled substance. Vander Zanden and Banales both told investigators that they believed that Crocker had a weapon concealed in his clothing.

An unidentified deputy radioed into the emergency radio traffic line and was heard over the radio traffic telling Crocker to “take your fucking hand out [of your clothing]!” He advised the emergency radio traffic operator that they were “detaining a 417 suspect” who was “extremely uncooperative and had his hands in his pockets . . .”³ The deputies advised the operator that they were detaining Crocker at gunpoint and they requested additional units and a supervisor.

³ Penal Code section 417 is the crime of drawing or exhibiting a deadly weapon, other than a firearm, in a rude, angry, or threatening manner.

While Banales used his service weapon as lethal cover, Vander Zanden deployed his Taser at Crocker. Crocker was hit with the taser darts and incapacitated.⁴ Crocker fell with his right hand on his back but quickly moved his right hand under his body as the deputies approached. They yelled at him to put his hands “. . . where we can see them!” Both Vander Zanden and Banales struggled with Crocker to gain control of his hands, while Crocker resisted by putting both of his hands under his body. (Figure 6)



Figure 6: After being tased, Crocker fell with his right hand on his back (yellow circle), and then quickly moved his hands under his body (orange circle).

After a brief struggle, the deputies gained control of his hands and handcuffed Crocker. Rosales, Rothans, and White arrived to assist. While Banales and Vander Zanden were holding Crocker on his left side, Rothans saw Crocker “kicking and flailing with his legs.” Rothans asked White for a plastic zip-tie hobble to secure his legs and prevent Crocker from kicking the deputies.⁵ Rothans placed the hobble around Crocker’s ankles, but she intentionally left some slack in the hobble so that Crocker could stand up and walk out of the yard.

When Crocker would not stand up without assistance, Vander Zanden and Rosales carried him by the shoulders, while Banales assisted with Crocker’s legs. Deputies White, Rothans, and Posada assisted in clearing the path and opening the backyard gate.

⁴ Tasers have two modes: probe mode and drive-stun mode. In probe mode the Taser fires two darts that are connected to the Taser with insulated wires. When the darts attach to a person or their clothing, the Taser delivers an electrical charge between the two darts. The purpose of this charge is to cause neuromuscular incapacitation. Deputy Vander Zanden only utilized the probe mode to cause the initial neuromuscular incapacitation to Crocker.

⁵ Hobble restraints utilized by the LASD are made of one-inch-wide polypropylene webbed belting (with a tested strength of 700 pounds), a friction locking clip, and steel snap swivel.

During his transport to the front yard, Crocker was grunting heavily. However, during the brief transport, while he was still in the backyard, Crocker stopped grunting and one of the deputies asked, “Is he still breathing?”

Crocker was carried through the gate to the front lawn and placed down on the grass. He was immediately unhandcuffed. When Banales could not find a pulse, Deputy Rothans began manual chest compressions (i.e., CPR), while one of the deputies located an automated external defibrillator (AED). The deputies continued CPR, used the AED, and administered Narcan while waiting for the paramedics to arrive.⁶ When the paramedics arrived, they were unable to resuscitate Crocker and he was pronounced dead at the location.

EVIDENCE

Body Worn Camera Video

- 6:57:00 Vander Zanden and Banales arrived at the property on Betty Jean Avenue, where Crocker jumped the fence into the backyard.
- 6:57:49 Vander Zanden and Banales walked through the house with the homeowner. As they reached the back door security screen, Crocker was sitting on the ground, but jumped to his feet. They immediately ordered him to get down on the ground.
- 6:58:11 Deputy Banales drew his service weapon while Vander Zanden was armed with his Taser. Crocker faced them, turned, and ran towards the back of the property.
- 6:58:28 Crocker’s right hand was inside his bulky sweatshirt. Vander Zanden ordered him to put his hands on his head. Crocker backed up, refusing to remove his right hand from his sweatshirt.
- 6:58:44 Vander Zanden tased Crocker.
- 6:59:04 Crocker struggled with the deputies, refusing to remove his hands from under his body to be handcuffed. He told them, “I can’t breathe.” Crocker is heard breathing with audible rhythmic grunts.
- 6:59:17 Crocker was prone when he was handcuffed, but the deputies moved him onto his left side, holding his face off the ground.
- 6:59:37 Deputies requested the fire department.
- 7:01:02 Vander Zanden ordered Crocker to stand up, but Crocker did not.
- 7:01:11 Deputies carried Crocker to the front of the property.

⁶ Narcan is the brand name for the drug naloxone HCl, which is a medication commonly used to rapidly counter the effects of an opioid overdose (e.g., fentanyl, heroin, oxycontin, etc.).

7:01:44 Crocker was still heard audibly grunting while being carried.

7:02:16 One of deputies asked, “Is he still breathing?”

7:02:22 Deputies placed Crocker on the front lawn on his right side. They unhandcuffed him and Banales checked for a pulse.⁷

7:03:05 Rothans began CPR.

07:06:10 In conjunction with CPR compressions, Rothans attached an AED.

7:06:16 Banales administered Narcan to Crocker.

7:06:40 LAFD paramedics arrived.

7:41:00 Paramedics were unable to revive Crocker, and he was pronounced dead.

Deputy Vander Zanden’s Statements

On August 22, 2021, Vander Zanden responded to a hit and run (collision) call. He was updated by dispatch that the “suspect [was] armed with a knife.” Vander Zanden told the investigators that when he arrived at the location, he met the 9-1-1 callers who told them that [Crocker] was in the backyard of the home. Vander Zanden and Banales met the homeowner of the residence at his front door, and he told them that someone had jumped the fence and was in his backyard. The homeowner took them through the house and when they opened the back door screen the homeowner said, “There he is.”

Vander Zanden told the detectives that he saw Crocker in the backyard, approximately 10-15 feet away from the deputies. Vander Zanden described Crocker as “Six-feet [tall and] 250 pounds.” The detectives asked about Crocker’s demeanor and Vander Zanden described him as, “uncooperative, nonverbal, disoriented, with an unsteady gait. [He] was sweating, panting, breathing heavy, and bleeding.” Vander Zanden told them he believed that Crocker was under the influence of a drug.

Vander Zanden recognized Crocker and called him by his last name, “Crocker” when Vander Zanden told Crocker to put his hands on his head.⁸ Vander Zanden believed that Crocker was concealing a knife because he kept “shielding his right arm from [them].” While Banales provided cover with his service weapon, Vander Zanden told investigators that he deployed his Taser to disable Crocker. Vander Zanden said Rosales jumped the fence behind Crocker and ran to help them. Rosales requested LAFD paramedics over the radio. Vander Zanden said when he

⁷ Banales told investigators that when they put Crocker on the front lawn, Banales observed that Crocker was having difficulty breathing, but still had a weak pulse.

⁸ Vander Zanden recognized Crocker from when Vander Zanden worked at Men’s Central Jail and Crocker was an inmate. Vander Zanden interacted with Crocker daily for approximately three months and described his prior interactions with Crocker as positive. Vander Zanden did not believe that Crocker recognized him in the backyard.

was finally able to conduct a search of Crocker's clothing, he found edged weapons in Crocker's wallet, but he did not find a knife.

Forensic Evidence

Concerned for Rothans' safety while she performed CPR on Crocker, Vander Zanden searched Crocker for weapons. In addition to the edged weapons in Crocker's wallet, Vander Zanden found a small, zippered bag in Crocker's cargo shorts containing several small baggies containing a white substance. The substances in the baggies were tested and determined to be 1.98 grams of methamphetamine and 1.32 grams of a solid material containing a mixture of fentanyl and methamphetamine.

Coroner Investigation

When Los Angeles County Coroner Investigator Jerry McKibben examined Crocker's remains, he noted that there was "no major trauma" to Crocker's body. Investigator McKibben did observe "some bleeding" from Crocker's nose and a small puncture wound from the Taser on his left buttocks.

Autopsy Report

On August 28, 2021, Deputy Medical Examiner Scott Luzi, M.D., of the Los Angeles County Medical Examiner's Office conducted an autopsy of Crocker's remains and prepared a report as to his findings and his opinion. Dr. Scott observed evidence of injury by use of an electric conducted weapon, with two puncture marks consistent with barbs on the lower left back and posterior left thigh. Dr. Scott also noted abrasions to Crocker's scalp, cheek, nose, neck, and chest.

A toxicology analysis was conducted on Crocker's blood. Crocker tested positive for the presence of methamphetamine and amphetamine. Dr. Scott noted, based on Crocker's toxicology analysis that, "A lethal level of methamphetamine was detected in [Crocker's] blood." The laboratory analysis showed that Crocker had 0.16 µg/mL (micrograms per milliliter) amphetamine and 1.5 µg/mL of methamphetamine in his femoral blood, and 0.26 µg/mL amphetamine and 2.3 µg/mL methamphetamine in his heart blood at the time of his death.⁹

Dr. Scott ascribed the cause of death as "[A]cute methamphetamine intoxication. A lethal level of methamphetamine was detected in his blood. The mechanism of death involved cardiac arrhythmia . . . Additionally, the autopsy revealed an enlarged heart with changes in his kidneys

⁹ Postmortem blood methamphetamine concentrations had a median value of 0.96 mg/L (equivalent to 0.96 ug/mL) with a range between 0.09 mg/L to 18.0 mg/L in a study examining 13 adult deaths attributed to methamphetamine overdose. The data show that most methamphetamine deaths occur with blood concentrations greater than 0.5 mg/L but can occur with levels as low as 0.05 mg/L, though usually in conjunction with other drugs or significant natural disease. BK Logan, CL Fligner, & T Haddix, *Cause and Manner of Death in Fatalities Involving Methamphetamine*, 43(1) J. Forensic Sci. 28, 31 (1998). Crocker's methamphetamine concentration was 1.5-2.3 mg/L(ug/mL).

consistent with chronic hypertension. Both of these conditions (i.e., the methamphetamine and hypertension) may have contributed to his death by increasing susceptibility to an arrhythmia.”

Dr. Scott concluded in his autopsy report that Crocker died from “acute methamphetamine intoxication” and characterized the manner of death as an “accident.”

LEGAL ANALYSIS

The Law

A peace officer who has reasonable cause to believe that a person has committed a public offense may use objectively reasonable force to make an arrest, prevent an escape, or to overcome resistance to an arrest. Penal Code § 835a(b). The decision by a police 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.

In evaluating whether a police officer’s use of force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. “The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

The most important factor in *Graham* is whether the suspect posed an immediate threat to the safety of the officers or others, but the *Graham* factors are not exclusive. *Id.* Courts may also examine “the availability of alternative methods of capturing or subduing a suspect.” *Smith v. City of Hemet* (9th Cir. 2005) 394 F.3d 689, 701. Rather, they must act within the range of reasonable conduct. See, *Scott v. Henrich* (9th Cir. 1994) 39 F.3d 912. The use of a Taser falls within the category of non-lethal force. *Bryan v. McPherson* (9th Cir. 2010) 630 F.3d 805, 825. This use [of a Taser] constitutes an “intermediate, significant level of force that must be justified by the government interest involved.” *Id.* at 826.

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.

Analysis

A civilian witness saw Crocker drive a car across one side of the street into the opposite lane and crash head-on into a parked pickup truck. Even though Crocker was injured and bloody, he refused to remain at the scene or provide his information to the owner of the truck. It was later determined that Crocker was driving a stolen car while under the influence methamphetamine, and in possession of illegal drugs.

As a result of the hit and run collision, a violation of Vehicle Code section 20002(a), the deputies had probable cause to lawfully arrest Crocker. However, the evidence shows that when Crocker was confronted by the deputies in the backyard, he jumped up and he tried to flee. When Crocker became trapped in the back of the yard, he stopped moving but still refused to follow the deputies' orders. Crocker was approximately 10 feet away from the deputies as the three of them were trapped between two side walls and the backyard wall.

The civilian witness told the 9-1-1 operator that Crocker was "armed with a knife." That information was relayed to the deputies who were present at the scene, interacting with Crocker. Their belief that Crocker was armed with a knife increased their level of fear for themselves and their partners and it was reasonable for Deputy Vander Zanden to arm himself with a less lethal taser while his partner, Banales provided lethal cover with his service weapon.

Despite being ordered to show his hands at gunpoint, Crocker refused to show his hands and kept his right hand in his pocket. He was injured from the car collision, acting erratic, and close enough to injure the deputies if he lunged at them with a weapon. Vander Zanden deployed his Taser to prevent Crocker from injuring them and gain control over his hands.

Even after Crocker was tased and incapacitated, he quickly regained control of his muscles and struggled with Vander Zanden and Banales to keep his hands concealed under his body. Vander Zanden and Banales did not strike Crocker but used their bodyweight to handcuff and hobble him. This physical force was reasonable because they were in an enclosed area and unable to effectively search Crocker for weapons after he was arrested. It was not until Crocker was carried to the front yard, that deputies were able to search his clothing for weapons. The only additional force used after Crocker was tased, was necessary to restrain Crocker as he pinned his hands beneath his body to prevent deputies from handcuffing him. It was approximately four minutes from the time that Crocker was handcuffed to when he was placed on the front lawn and deputy Rothans began CPR.

Prior to his contact with the deputies, Crocker had significant underlying health conditions including an enlarged heart, kidney problems and chronic hypertension, and he had ingested a lethal amount of methamphetamine. While the coroner noted that Crocker was "arrested with the use of a conducted electrical weapon," he did not ascribe any further significance to the use of the Taser or the movement of Crocker from the backyard to the front yard and characterized Crocker's death as an accident involving a "lethal level of methamphetamine."

Picking up Crocker and moving him to the front yard enabled the deputies and the paramedics to reach Crocker and administer aid safely. Even though Crocker did not survive the efforts of the deputies and paramedics, the non-deadly force used by the deputies, including use of the Taser, the handcuffs, and the hobble was reasonable under the totality of the circumstances.

CONCLUSION

Based upon the totality of the circumstances in this case, we find that Deputies Zachary Vander Zanden, Bryan Banales, Amanda Rothans, Oscar Lopez-Posada, Daniel Rosales, and Tyvette

White applied lawful force in detaining Kevin Crocker and are not criminally responsible for his death.