

In-Custody Death of Jeffrey Dunford
Long Beach Police Department

Officer Jose Castro #10763
Officer Joseph Marino #11083

J.S.I.D. File #18-0193



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

September 26, 2022

MEMORANDUM

TO: CHIEF WALLY HEBEISH
Long Beach Police Department
400 W. Broadway Avenue
Long Beach, California 90802

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

SUBJECT: In-Custody Death of Jeffrey Dunford
J.S.I.D. File #18-0193
L.B.P.D. File #2018-03737

DATE: September 26, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 14, 2018, in-custody death of Jeffrey Dunford involving Long Beach Police Department (LBPd) Officers Jose Castro and Joseph Marino. It is our conclusion that Castro and Marino applied lawful force while detaining Dunford and are not criminally liable for his death.

The District Attorney's Command Center was notified of the death on May 14, 2018, at approximately 3:43 a.m. The District Attorney Response Team responded and was given a briefing and walk-through of the scene.

The following analysis is based on the police reports, recorded interviews, crime scene photographs, 9-1-1 recordings, radio traffic and the coroner's report submitted to this office by detectives with the LBPd Homicide Detail. Officers Castro and Marino provided voluntary written statements which were considered as part of this analysis.

FACTUAL ANALYSIS

On May 13, 2018, [REDACTED], went to the beach in the City of Long Beach to calm her anxiety. At approximately 11:15 p.m., [REDACTED], was seated on a bench near the public restrooms, charging her phone. A man, later identified as Jeffrey Dunford, approached her on a bicycle and began talking to her. [REDACTED], did not know Dunford. Dunford made sexually inappropriate comments to [REDACTED]. He asked if she was a virgin, if she knew what an orgasm was and whether she ever had sex in public. Dunford also told [REDACTED], he had not had a girlfriend for 15 years and that he wanted a woman.

[REDACTED], felt uncomfortable and frightened. She ignored Dunford hoping he would leave her alone. After approximately five minutes, Dunford said, "Watch this," and grabbed her cellphone from her hand and fled on his bicycle. [REDACTED], screamed for help and chased Dunford behind

the restrooms. [REDACTED] caught up with Dunford and used a personal taser on him. Dunford pushed [REDACTED] to the sand. [REDACTED] tried to tase Dunford again, but it had no effect.

[REDACTED] was opening the front door to his residence a block from the beach, when he heard a woman screaming for help. It appeared to be coming from the beach. The screams were so loud, [REDACTED] thought someone was being raped or murdered. [REDACTED] went to the beach and observed [REDACTED] and Dunford struggling with each other near the restrooms. Dunford was on a bicycle. [REDACTED] was holding Dunford from behind as Dunford attempted to flee. [REDACTED] believed that [REDACTED] was being robbed.

Dunford threw his bicycle at [REDACTED] as he approached. [REDACTED] was able to evade the bicycle and tackled Dunford to the ground. Dunford landed on his side. Dunford tried to punch [REDACTED] as they wrestled on the sand. [REDACTED] positioned his body behind Dunford and wrapped his right arm around his neck and throat, placing him in a chokehold. [REDACTED] leaned his upper body on Dunford to keep him on the ground. An unknown man assisted [REDACTED] by holding Dunford's legs. Dunford was still breathing, but was no longer resisting.¹

By this time, a crowd of 10 to 15 people had gathered. [REDACTED] repeatedly yelled that Dunford had her cellphone. [REDACTED] saw a cellphone in Dunford's hand and it was eventually returned to [REDACTED]. [REDACTED] stated the police arrived two to three minutes later and that he only used the chokehold for 15 to 30 seconds. [REDACTED] said that he was not trying to hurt Dunford, and was only detaining him for the police. When the police arrived, Dunford was breathing and appeared conscious.²

LBPD Marine Patrol Officers Joseph Marino and Jacob Daniels arrived to the scene, followed by LBPD Officer Jose Castro. Dunford was lying on his left side in the sand. The crowd surrounding Dunford pointed to him and stated he was the "suspect." [REDACTED] told Marino, "That's the guy. I had him in a chokehold. He's still breathing."

The officers approached Dunford and ordered him to show his hands. Marino shook Dunford, but he was unresponsive. Castro and Daniels rolled Dunford to his stomach and handcuffed him. At that time, officers noticed that Dunford was unconscious and not breathing. Marino checked for a pulse. There was none. The officers immediately removed the handcuffs and rolled him to his back.³ Marino and Castro began administering chest compressions while Daniels opened his airway. Paramedics were requested.

Personnel from the Long Beach Fire Department arrived and continued to administer cardiopulmonary resuscitation (CPR). After approximately 25 minutes, Dunford was pronounced deceased at the scene at approximately 12:04 a.m.

¹ The man who assisted [REDACTED] has never been identified.

² [REDACTED] said that while waiting for the police, one man poured beer on Dunford's face and another struck Dunford on the wrist with a baseball bat. The two men fled when police arrived and have not been identified.

³ Dunford was in handcuffs for approximately five to seven seconds.

██████████, ██████████, and three other civilian witnesses stated that the responding officers did not use any force against Dunford other than placing him in handcuffs. The only force used against Dunford was by ██████████ and the unidentified male that assisted him.

Autopsy Report

Lawrence Nguyen, M.D., Deputy Medical Examiner, performed an autopsy on Dunford on May 17, 2018. Dunford sustained three rib fractures. It is unclear what caused the rib fractures, however, the location of the fractures was not typical from the administration of CPR. The only visible external trauma was a faint, red contusion to Dunford's right bicep. There was no visible trauma to the neck, externally or internally.

Dunford's heart showed cardiomegaly with left ventricular atrophy.⁴ Toxicological testing detected the presence of THC as well as 0.67 mg/L of methamphetamine. Dunford's cause of death was determined to be acute methamphetamine intoxication combined with a violent struggle. The manner of death was homicide.

Nguyen stated that deaths of this nature are typically caused by the combined effects of the physiological consequences of high intensity physical activity and the effects of drug intoxication. The effects of stress on Dunford's already compromised heart (cardiomegaly with left ventricular atrophy), greatly increased the risk for cardiac arrhythmia and sudden cardiac death. The physical exertion component of the violent struggle plays a greater role, rather than any direct injury. However, since the violent struggle occurred with interaction between two or more individuals, the manner of death was classified as homicide. Nguyen stated his classification of homicide does not imply an opinion about intent or criminality.

Recovered Evidence

Methamphetamine was recovered from Dunford's right pants pocket.

THE LAW

A police officer may use reasonable force in making an arrest or in overcoming resistance to arrest. Penal Code §835a.

In *Graham v. Connor* (1989) 490 U.S. 386, the United States Supreme Court held that the reasonableness of the force used "requires careful attention to the facts and circumstances" of the particular incident "including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." at 396. Further the Court stated, "[t]he 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." at 397. Moreover, "[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make

⁴ Cardiomegaly refers to an enlarged heart. Ventricular atrophy is the reduction in size of the left ventricle of the heart, the chamber of the heart responsible for pumping freshly oxygenated blood to the rest of the body.

split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.” at 397-398.

CONCLUSION

The evidence examined shows that Dunford’s cause of death was determined to be acute methamphetamine intoxication combined with a violent struggle. There is no evidence that Castro and Marino were involved in a struggle with Dunford. According to all the witnesses interviewed as part of this investigation, the only individuals to use force against Dunford were [REDACTED], the unidentified man who held Dunford’s legs and an unidentified man who stuck Dunford on the wrist with a baseball bat. Dunford did not sustain any trauma to his neck as a result of the chokehold. Additionally, the only visible trauma to Dunford during the autopsy was a contusion to his right bicep and three rib fractures.

Based on the foregoing, it is our conclusion that the officers are not criminally liable for Dunford’s death.