

**In-Custody Death of Eduard Jesse Matos
Los Angeles County Sheriff's Department**

**Deputy Luis Capilla #526345
Deputy Michael Fillpot #552621
Deputy Luisa Basurto #524034
Deputy Maricela Dusky #542310**

J.S.I.D. File #18-0281



JACKIE LACEY

District Attorney

Justice System Integrity Division

October 9, 2020

MEMORANDUM

TO: CAPTAIN KENT WEGENER
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 Eduard Jesse Matos
J.S.I.D. File #18-0281
L.A.S.D. File #018-08820-1443-064

DATE: October 9, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 4, 2018, in-custody death of Eduard Jesse Matos involving Los Angeles County Sheriff's Department (LASD) Deputies Luis Capilla, Michael Fillpot, Luisa Basurto, and Maricela Dusky. It is the conclusion of this office that the manner of Matos' death is an accident due to the effects of methamphetamine and the involved deputies are not criminally liable for Matos' death.

The District Attorney's Command Center was notified of this in-custody death on July 4, 2018, at approximately 7:00 p.m. The District Attorney Response Team responded to the scene and was given a briefing and walk-through by LASD Lieutenant Rodney Moore.

The following analysis is based on reports and other materials, including a 9-1-1 call, radio communications, videos, photographs, recorded witness interviews, and an autopsy report submitted to this office by Detective Kasey Woodruff of LASD's Homicide Bureau. No compelled statements of any LASD personnel, if they exist, were considered.

FACTUAL ANALYSIS

On the afternoon of July 4, 2018, Matos arrived to Janet F.'s house in the City of Valinda. Matos was Janet F.'s boyfriend and the father of their two children. Matos did not live at this location. Matos brought a backpack, which he placed inside the house. Janet F. and Matos engaged in a verbal argument, and Matos left without his backpack. After Matos left, Janet F. discovered a handgun in the backpack and did not allow Matos to return inside to retrieve it. Janet F. believed Matos was acting "high" and under the influence of methamphetamine. At approximately 2:44 p.m., Janet F. called LASD's Industry Station to report the incident.¹ While Janet F. was speaking to the operator, Matos removed a window screen to a bathroom window

¹ Prior to Matos' arrest, Janet F. provided the handgun, which was loaded with eight cartridge casings, to an LASD deputy. The investigation determined the handgun was reported stolen in December 2016.

and partially entered Janet F's house. Matos fled on foot without the backpack and gun as deputies arrived at the location.

Matos jumped over several walls of neighboring houses and jumped onto the roofs of several houses. At one point, a man bear hugged Matos in the backyard of his residence. Deputies told the civilian to release Matos, who followed their instructions. Matos climbed up another roof and continued to jump rooftop to rooftop.

Matos remained on the roof of a single-story house located on La Seda Road in La Puente for approximately 40 minutes to an hour. During this time, the deputies gave Matos several commands to come off the roof. The temperature was approximately 90 degrees Fahrenheit and Matos was under direct sunlight. Matos was pacing, ducking, and acting strangely on the roof. Matos appeared to wrestle with a satellite dish on the roof, causing damage to the satellite dish. Matos stated to deputies that he was hot and wanted water, and the deputies attempted to negotiate his safe surrender off the roof. Ultimately, Matos fell approximately two feet from the roof to an aluminum patio cover, and then Matos descended from the patio cover to the ground. A video camera in the rear of the backyard captured Matos coming down from the patio cover.



Screenshot of video as Matos descended from the patio cover.

Deputies Luis Capilla and Michael Fillpot grabbed Matos by the arms and laid him on his stomach. Matos was conscious and still moving. Deputy Luisa Basurto handcuffed Matos and Deputy Maricela Dusky hobbled Matos' feet due to concerns that Matos may kick or attempt to flee again.² Deputies turned Matos on his side and noticed Matos become unresponsive and foaming from the mouth. Deputies removed the restraints and began chest compressions. The paramedics, who were staged nearby, arrived within minutes and transported Matos to the hospital where he was pronounced dead at 6:03 p.m.

On July 10, 2018, the Los Angeles County Medical Examiner's Office conducted an autopsy of Matos. In the autopsy reports, the forensic pathologist determined Matos' cause of death to be an accident ascribed to the "effects of methamphetamine. Other significant conditions include

² Video surveillance captured deputies hobbling Matos. Matos was outside the frame of the video footage from the knees up as he was laid on the ground.

atherosclerotic cardiovascular disease.” Toxicology studies showed the presence of methamphetamine and one of its metabolites, amphetamine, in Matos’ blood. “There was no evidence police intervention caused the decedent’s death. The physical activity related to police intervention did not appear to be significant with respect to the decedent’s physical activity prior to arrest.”

LEGAL ANALYSIS

A police officer may use reasonable force to effect an arrest, to prevent escape, or to overcome resistance.³ Reasonableness is judged from the perspective of a reasonable officer at the scene considering the circumstances surrounding the use of force including: (1) whether the suspect poses an immediate threat to the safety of the officers or others, (2) whether the suspect is actively resisting arrest or attempting to evade arrest by flight, and (3) the severity of the crime at issue.⁴

Deputies responded to a 9-1-1 call reporting Matos’ unlawful entry into Janet F.’s house. Matos, who was under the influence of methamphetamine, exerted considerable energy to evade law enforcement. Matos climbed over several walls and jumped rooftops on a hot summer day. Matos remained on one rooftop for an extended period of time while acting erratically. When Matos finally descended from the roof, deputies used reasonable force by handcuffing and hobbling Matos. At about the same time, Matos became unresponsive and deputies removed the restraints. Despite immediate medical attention, Matos died shortly thereafter. An autopsy deemed Matos’s death an accident due to the effects of methamphetamine. Specifically, the autopsy report indicated that no evidence existed that police intervention caused Matos’ death.

CONCLUSION

Based upon the evidence in this case, we find that Deputies Luis Capilla, Michael Fillpot, Luisa Basurto, and Maricela Dusky are not criminally responsible for Matos’ death. We are closing our file and will take no further action in this matter.

³ Penal Code § 835a.

⁴ *Graham v. Connor* (1989) 490 U.S. 386.