

In-Custody Death of Idalia Deniz
Alhambra Police Department

Officer Kevin Kua, #203

Officer Kristopher Flores #287

Officer Cory Milleson, #171

Officer Jose Quinones, #196

J.S.I.D. File #19-0104



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

December 14, 2021

MEMORANDUM

TO: CHIEF ERIC PARRA
Alhambra Police Department
211 S. 1st Street
Alhambra, California 91801

CAPTAIN JOE MENDOZA
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 Idalia Deniz
J.S.I.D. File #19-0104
A.P.D. File #19-1220
L.A.S.D. File #019-00024-3199-499

DATE: December 14, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 26, 2019, in-custody death of Idalia Deniz involving Alhambra Police Department (APD) Officers Kevin Kua, Kristopher Flores, Efrain Tamayo, Cory Milleson and Jose Quinones. It is our conclusion that the cause of death in this case is methamphetamine toxicity, and that the officers applied lawful force in detaining Deniz and are not criminally liable for her death.

The District Attorney's Command Center was notified of the death on February 27, 2019, at approximately 9:59 a.m. The District Attorney Response Team responded and was given a briefing, a walk-through of the scene and interviewed several police officer witnesses.

The following analysis is based on police reports, witness interviews, the autopsy report and body worn camera (BWC) footage submitted to this office by Investigators Joseph Sumner and Chaffey Shepherd, LASD, Homicide Bureau. The officers provided voluntary statements which were considered as part of this analysis.

FACTUAL ANALYSIS

Eva A. resided with her 29-year-old daughter, Idalia Deniz, at [REDACTED] Commonwealth Avenue in the City of Alhambra. According to her brother, Jairo A., Deniz had been a heavy methamphetamine user for the past four years. Deniz was also under the care of a psychiatrist and prescribed medications for bipolar disorder and other mental health issues.

On February 26, 2019, shortly after 7:00 p.m., Eva A. returned home from work and found the entire house in disarray. Furniture had been overturned and items strewn about and thrown to the ground in every room. Deniz claimed an unknown person had entered the house and destroyed it. Deniz was naked and sweating profusely. Eva A. became frightened when Deniz began throwing things in the kitchen and falling to the floor. Eva A. exited the home and called her daughter-in-law, Nancy A., Jairo A.'s wife.

Statement of Nancy A.

Nancy and Jairo arrived and entered the residence. Deniz was naked and speaking incoherently. Nancy asked her husband to wait outside for the paramedics while she tended to Deniz. Nancy called 9-1-1 and requested an ambulance. The operator advised that the police would also be dispatched.

Deniz was in the bedroom closet talking to herself when APD officers arrived. The officers repeatedly asked Deniz to exit the closet. They physically removed her and sat her on the bedroom floor when she refused. The officers placed her on her stomach and handcuffed her when she began kicking at them. Deniz continued to physically resist the officers. Nancy and the officers attempted to calm her down, without success.

The officers tried to convince Deniz to move into the living room so she could be seated upright on the sofa. Instead, Deniz attempted to bite everything around her and to break free from the handcuffs. One officer crossed Deniz legs and bent them toward her buttocks when she refused to stop kicking at him. As Deniz continued to struggle, another officer placed some pressure to the middle of her back.

At one point, Deniz appeared to be trying to hold her breath. Nancy momentarily distracted her. However, Deniz took another deep breath as if she was about to jump into a pool. Deniz began to turn red in seconds. The officer holding her back immediately turned her over and checked her pulse. The paramedics arrived shortly thereafter and said that her vitals were good.

The handcuffs were removed and Deniz was moved into the living room. In the living room, paramedics noted that Deniz' heart rate was no longer normal. They administered chest compressions for 15 to 20 minutes until they stabilized her. Deniz was transported to the hospital where she passed away before her family arrived.

Nancy told the investigators that APD officers' behavior was "really good." Nancy said that the officers were a little on the defensive side, but she understood that was due to Deniz' attitude.

Statement of APD Officer Kevin Kua

Deniz was thrashing around the bedroom closet and claimed to be the daughter of El Chapo when he first contacted her. Based on his observations, she appeared to be under the influence of methamphetamine. Deniz refused to exit the closet so he and APD Officer Kristopher Flores grabbed her arms and removed her. Deniz was placed on her stomach and handcuffed while they waited for paramedics.

Deniz began kicking her legs at the officers. Kua crossed her ankles and placed them toward her buttocks so she would stop kicking. Flores secured her right shoulder area with his knee. Deniz continued to thrash around for two minutes then stopped.

Kua and Flores had Deniz get to her feet so they could move her to the living room to be treated by the paramedics. At that time, Nancy A. advised that Deniz was holding her breath and turning purple. Kua and Flores placed Deniz back to the floor and onto her left side. They removed the handcuffs when the paramedics entered the bedroom to render aid.

Statement of APD Officer Kristopher Flores

Deniz was in an agitated state, throwing items, acting paranoid and claiming to be El Chapo's daughter when Flores first observed her in the bedroom closet. Kua and Flores grabbed her hands and pulled her from the closet, placed her on her stomach and handcuffed her. Deniz immediately became combative and was kicking her legs at them. Flores held her upper body to the ground while Kua held her legs. Flores used his hand and knee to keep Deniz from turning around, but he did not use all of his body weight.

At one point, Flores and Kua attempted to bring Deniz into the living room so the paramedics could treat her, but she resisted. The officers laid her back on the floor and she remained agitated. Deniz started banging her head on the floor, so Flores placed a pillow beneath her head to prevent further harm. Flores and Kua attempted to take Deniz into the living room a second time, however, she was limp. Nancy A. stated that she was turning purple or blue. Flores placed Deniz in the recovery position on her side and summoned the paramedics into bedroom. Flores felt Deniz resisting up until the time Nancy A. said she was turning blue.

APD Officers Cory Milleson, Efrain Tamayo and Jose Quinones

The investigation revealed that Milleson and Quinones were never in direct physical contact with Deniz. The only physical contact Tamayo had with Deniz was after the handcuffs were removed and the paramedics were present.

Autopsy Report

Deputy Medical Examiner Odey C. Ukpo, M.D., ascribed the cause of death to methamphetamine toxicity and determined that the manner of death was accidental. Ukpo based his opinion upon the toxicology report, as well as the notes, diagrams and reports generated by Deputy Medical Examiner Joseph Vallone, M.D., who performed the autopsy on Deniz on March 5, 2019.

Ukpo stated that "[m]ethamphetamine is a central nervous system stimulant with high potential for abuse. At any concentration it can cause an arrhythmia (lethal heart rhythm) and sudden death." Toxicology results performed on blood samples taken at the autopsy showed Deniz had 2.4 ug/mL (micrograms per milliliter) of methamphetamine in her femoral blood and 4.2 ug/mL in her heart blood. The toxic range of methamphetamine in the blood is 0.6 ug/mL to 5.0 ug/mL.¹

¹ Winek CL, Wahba WW, Winek CL, Jr, Balzer TW. "Drug and chemical blood-level data 2001" *Forensic Science International*, 2 March 2001, p. 115.

The autopsy revealed small abrasions and contusions to Deniz' face, torso and extremities. Ukpo stated, "There were multiple small abrasions, and contusions that in and of themselves were not lethal. The report of a knee to her back is noted but there are no anatomical findings to suggest that this contributed to death. Ms. Deniz was reportedly able to speak during this restraint, which is indicative of an open airway."

LEGAL ANALYSIS

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

A peace officer may legally detain someone if: (1) the specific facts known to the officer lead him or her to suspect that the person to be detained has been, or is about to be, involved in activity relating to a crime, and (2) a reasonable officer who knew the same facts would have the same suspicion. See, CALCRIM No. 2670.

CONCLUSION

Based upon the evidence examined in this investigation, we conclude that the officers used reasonable force while lawfully detaining Deniz. It was reasonable for the officers to conclude that Deniz was under the influence of methamphetamine based upon her family's statements, the condition of the residence and her behavior. In addition, based upon her aggressive behavior, agitated stated and incoherent statements, Deniz was a danger to herself and in need of immediate medical care. Under the circumstances, it was reasonable for the officers to restrain Deniz until it was safe for the paramedics to make contact with her in order to render aid.

There is no evidence that the officers used anything other than reasonable force to detain Deniz. Nancy A., who was present in the bedroom during the entire interaction between Deniz and the officers, corroborated this fact. The autopsy did reveal small abrasions and contusions to Deniz' face, torso and extremities. These injuries, however, are consistent with Deniz upending furniture and throwing property throughout the residence. The injuries are also consistent with Deniz thrashing around on the ground, physically resisting officers while handcuffed and purposefully banging her head on the floor.

Most notably, the deputy medical examiner ascribed Deniz' cause of death to methamphetamine toxicity, and ruled the manner of death accidental due to the high levels of methamphetamine detected in her blood. Based on the foregoing, it is our conclusion that the officers are not criminally liable for Deniz' death.