

**In-Custody Death of Eric Rodriguez  
Santa Monica Police Department**

**Officer Evan Raleigh #3922, Officer Michael Ward #3957,  
Officer Benjamin Jenkins, #3688, Officer Jacob Emanuel #3937,  
Officer Elaina Hassan #3943**

**J.S.I.D. File #18-0133**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**February 10, 2020**

**MEMORANDUM**

TO: CHIEF CYNTHIA RENAUD  
Santa Monica Police Department  
333 Olympic Drive  
Santa Monica, California 90401

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

SUBJECT: In-Custody Death of Eric Rodriguez  
J.S.I.D. File #18-0133  
S.M.P.D. DR #18-43280

DATE: February 10, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 7, 2018, in-custody death of Eric Rodriguez. We have determined that Santa Monica Police Department (SMPD) Officers Evan Raleigh, Michael Ward, Benjamin Jenkins, Jacob Emanuel, and Elaina Hassan used legal force and are not criminally responsible for Rodriguez's death. For the reasons set forth below, this offices declines to initiate criminal proceedings.

The District Attorney's Command Center was notified of the in-custody death at approximately 2:30 p.m., on April 7, 2018. The District Attorney Response Team (DART) responded to the location. They were given a briefing regarding the circumstances surrounding the in-custody death and conducted a walk-through of the location.

The following analysis is based on investigative reports, audio and video recordings, Body Worn Video (BWV), photographs, and the autopsy report submitted to this office by SMPD Sergeant Frank Marnell. No compelled statements were considered in this analysis.

**FACTUAL ANALYSIS**

On April 7, 2018, at approximately 11:40 a.m., Ryan C. was in his office when he heard loud screams coming from Palisades Park. Ryan C. looked out his office window and observed a man (later identified as Eric Rodriguez) rolling on the ground while screaming and flailing his legs and arms. Believing Rodriguez could pose a danger to himself or other bystanders, Ryan C. called 9-1-1.

A radio call was broadcast to SMPD officers requesting a status check concerning a man rolling around, screaming, wearing all black clothing, and possibly high on drugs. Officer Hassan responded to the location and approached Rodriguez, who was seated on the ground. Rodriguez was breathing heavily, making furtive movements with his hands, and speaking incomprehensibly

in a rushed manner. Hassan stated over her radio, “This is going to be a 5150.” Hassan asked Rodriguez if he was injured, to which Rodriguez yelled, “No!” repeatedly, then stated, “I promise I won’t do this again.” A man on a bicycle rode by and told Hassan that Rodriguez “was down there trying to attack everybody.”<sup>1</sup> Hassan continuously stated to Rodriguez, “You’re safe. You’re okay.” Rodriguez continued to yell incomprehensibly, and eventually told Hassan that people were out to get him and he was scared of dying.

Emanuel and Raleigh arrived at the location and walked to the area where Rodriguez was seated on the ground. Emanuel stated to Rodriguez, “You’re going to be alright,” while Hassan continued speaking calmly to Rodriguez. Emanuel and Raleigh then walked up to Rodriguez. Emanuel and Raleigh each held onto one of Rodriguez’s arms and rolled him from a seated position onto his stomach while Hassan maintained control of Rodriguez’s legs.<sup>2</sup> Raleigh repeatedly instructed Rodriguez to relax as he attempted to place Raleigh in handcuffs. Rodriguez began yelling, “Stop! Don’t grab me! Don’t grab my hand!” while kicking and flailing his legs and arms. The officers continued to attempt to subdue Rodriguez, telling him to relax and that he would be okay.

Once the officers secured Rodriguez with handcuffs, they rolled him onto his right side. Rodriguez continued to kick violently, so Raleigh applied a hobble to Rodriguez’s legs and rolled him onto his stomach. Hassan asked Rodriguez, “Are you okay?” The officers began rolling Rodriguez onto his back, at which time Rodriguez appeared non-responsive. Hassan, Raleigh, and Emanuel immediately began performing chest compressions on Rodriguez and subsequently applied a CPR mask. Jenkins and Ward arrived on scene. Jenkins assisted the other officers with performing chest compressions.

As those officers continued administering CPR, Ward secured the scene by directing onlookers to move backward in order to create space for the Santa Monica Fire Department (SMFD) to enter and provide aid to Rodriguez.<sup>3</sup> SMFD arrived shortly thereafter and took over treatment of Rodriguez. Rodriguez was transported to UCLA Medical Center and pronounced dead at 12:51 p.m.

Rodriguez’s autopsy was conducted on April 20, 2018, by Department of the Coroner Doctor Timothy F. Dutra. Dr. Dutra noted a contusion and several abrasions on Rodriguez’s face. As to Rodriguez’s cause of death, Dr. Dutra opined as follows:

Eric... Rodriguez died as a result of acute methamphetamine toxicity with the other significant condition of hypoplastic right coronary artery and police restraint with the use of handcuffs and shackles... The toxicological examination of postmortem heart blood contained methamphetamine 1.1 ug/mL and amphetamine 0.04 ug/ mL.

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<sup>1</sup> The man did not specify where Rodriguez was trying to attack people. Rodriguez was seated near the top of a set of stairs leading down to the beach.

<sup>2</sup> It is uncertain why the officers chose to detain Rodriguez, as they did not provide investigators with voluntary statements. Based on Hassan’s radio broadcast, “This is going to be a 5150,” one can reasonably assume the officers were detaining Rodriguez in order to transport him to the hospital for mental health treatment under the belief that Rodriguez posed a danger to himself or others.

<sup>3</sup> Several civilians witnessed the incident and provided their accounts to investigators. Those accounts were consistent with the BWV footage described above. The witnesses were consistent in stating it appeared officers were attempting to help Rodriguez who was aggressively resisting them.

The blood concentration of methamphetamine is within the reported range for attribution of lethality.

## **LEGAL ANALYSIS**

“An officer may use reasonable force to make an arrest, prevent escape or overcome resistance, and need not desist in the face of resistance.” *Munoz v. City of Union City* (2004) 120 Cal.App.4<sup>th</sup> 1077, 1102. “Unlike private citizens, police officers act under color of law to protect the public interest. They are charged with acting affirmatively and using force as part of their duties, because the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it.” *Id.* (citations and internal quotations omitted). When protecting the public peace, a police officer “is entitled to the even greater use of force than might be in the same circumstances required for self-defense.” *Id.*

“The question is whether a peace officer’s actions were objectively reasonable based on the facts and circumstances confronting the peace officer.” *Id.*, at 1102. “The test is highly deferential to the police officer’s need to protect himself and others.” *Id.*

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

In this matter, Officers Raleigh, Ward, Jenkins, Emanuel, and Hassan were lawfully performing their duties when they attempted to subdue and detain Rodriguez, who appeared to be a danger to himself and others. They placed him in handcuffs and turned him onto his stomach. Because he continued to resist, they applied a hobble to his legs. Their actions were objectively reasonable under the circumstances, and therefore lawful.

## **CONCLUSION**

The evidence examined in this investigations shows that Officers Raleigh, Ward, Jenkins, Emanuel, and Hassan were justified in their use of force in subduing Rodriguez, and they are not criminally responsible for his death. We are closing our file and will take no further action in this matter.