

In-Custody Death of Alex Jimenez

Los Angeles Police Department

**Officer Jeremy Paiz #40919
Officer Victor Partida #41080**

J.S.I.D. File #15-0177



JACKIE LACEY

District Attorney

Justice System Integrity Division

February 25, 2020

MEMORANDUM

TO: COMMANDER TIMOTHY NORDQUIST
Los Angeles Police Department
Force Investigation Division
100 West First Street, Suite 431
Los Angeles, California 90012

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

SUBJECT: In-Custody Death of Alex Jimenez
J.S.I.D. File #15-0177
L.A.P.D. File #F030-15

DATE: February 25, 2020

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office has completed its review of the April 13, 2015, in-custody death of Alex Jimenez. It is the conclusion of this office that the minimal force used to arrest Jimenez was reasonable under the circumstances and not the proximate cause of his death. Accordingly, we find that Los Angeles Police Department (LAPD) Officers Jeremy Paiz and Victor Partida are not criminally liable for Mr. Jimenez's death.

The following analysis is based on police reports, an autopsy report, recorded interviews, photographs and other investigative material submitted to JSID on July 30, 2018.

The departmentally compelled statements of Paiz and Partida were considered in this analysis.

FACTUAL ANALYSIS

Shortly after 1:30 a.m. on April 13, 2015, LAPD Officers Jeremy Paiz and Victor Partida were dispatched to a 9-1-1 call regarding a family dispute. The text of the dispatch stated that the suspect was "on unknown narcotic" and "throwing unknown objects inside the residence, possibly threatening family members."

At approximately 1:41 a.m., Paiz and Partida arrived at the location, exited their patrol vehicle and approached the wrought iron gate surrounding the apartment complex. They were met by Alex Jimenez' 9-year old sister who admitted them to the property. The officers followed her to the front of the building where they encountered Jimenez.

Paiz stated that Jimenez matched the description provided in the 9-1-1 call, had tattoos on his face, was sweating profusely and had glazed eyes. After a brief delay, Jimenez was handcuffed without incident.

Paiz remained with Jimenez while Partida entered the apartment to contact Jimenez' mother and investigate further. During this period, Paiz noted that Jimenez was drenched with sweat, did not stand still and ignored Paiz' attempts to conduct a field interview.

Jimenez' mother told Partida that Jimenez had been acting strange, throwing objects around the apartment and she believed that he was on drugs. Partida observed numerous objects scattered around the bathroom and kitchen. He also saw Jimenez' room in profound disarray. Jimenez' mother told Partida that she did not want Jimenez to remain at the apartment because she and her daughter were afraid of him. She wanted Jimenez to be arrested and taken to a hospital.

Paiz ran a want and warrant check for Jimenez. He obtained information that appeared to show that Jimenez had an outstanding felony warrant but the warrant check was not conclusive as to Jimenez' identity. Paiz conducted an additional assessment of Jimenez' physical condition. In addition to his earlier observations, Paiz noted that Jimenez had a pulse rate over 160 beats per minute and that his pupils were dilated and nonreactive to light. He formed the opinion that Jimenez was under the influence of an unknown narcotic.

At 2:08 a.m., Paiz and Partida summoned a rescue ambulance advising that Jimenez appeared to be under the influence of an unknown narcotic. The officers walked Jimenez from the apartment complex to their patrol vehicle. As they walked, Jimenez was stumbling, calling for his mother and trying to turn his body back toward the apartment complex. Paiz perceived Jimenez' demeanor becoming more non-compliant as they approached the patrol car. While Partida stood with Jimenez near the trunk of the police car, Paiz moved to the cabin of the vehicle in order to activate the car's DICVS.¹ At the same time, Jimenez spun his body to the left, lost his balance and both he and Partida fell to the ground.

While on the ground, Jimenez grabbed hold of Partida's fingers and attempted to grab Partida's shirt and Sam Browne belt. In an effort to maintain control of Jimenez, Partida placed his knee onto Jimenez' back while holding onto the handcuff chain. Paiz moved to assist Partida with controlling Jimenez. Jimenez continued to try to grab onto the officers with his handcuffed hands and kicked Paiz in the ankle and thigh. Paiz attempted to control Jimenez' legs and directed Jimenez to stop resisting.

After a few moments, Jimenez began vomiting. At 2:12 a.m., Paiz broadcast an updated ambulance request advising the responding emergency medical personnel that Jimenez now appeared to be unconscious.

At 2:15 a.m., the ambulance arrived. Paiz removed the handcuffs and updated the emergency medical personnel with Jimenez' physical condition. The medical personnel took control of Jimenez, loaded him into the ambulance and transported him to Gardena Memorial Hospital. Jimenez was treated at the hospital, but did not respond. At 2:47 a.m., Jimenez was pronounced dead.

A postmortem examination was conducted of Jimenez' remains by Deputy Medical Examiner Odey Ukpo M.D. Jimenez' blood was positive for Methamphetamine (1.3 ug/mL), Mirtazapine

¹ The officers were not able to activate their DICVS because the moment that Paiz attempted to activate the system, Partida and Jimenez fell to the ground and Paiz was forced to intervene in the physical struggle.

(.20 ug/mL), and Amphetamine (.08 ug/mL). Doctor Ukpo noted trauma to Jimenez' upper back, lower back and scalp and abrasions to his eyebrow, cheek, chin, wrist, elbow and knee. None of these injuries were deemed fatal. Doctor Ukpo opined that the injuries were consistent with the described fall to the ground behind the police car. Doctor Ukpo determined that the manner of death was accidental and the cause of death was methamphetamine toxicity.

LEGAL ANALYSIS

A person or entity may be guilty of involuntary manslaughter for failing to act if: 1) the defendant had a legal duty to the decedent; 2) the defendant failed to perform that duty; 3) the defendant's failure was criminally negligent; and 4) the defendant's failure caused the death of the decedent.² A person acts with criminal negligence when "The way he or she acts is so different from the way an ordinarily careful person would act in the same situation that [the] act amounts to disregard for human life or indifference to the consequences of that act."³ An act causes death if the death is a direct, natural, and probable consequence of the act and the death would not have happened without the act.⁴ A natural and probable consequence is defined as a result that a "reasonable person would know is likely to happen if nothing unusual intervenes."

There is no question that the LAPD has a legal duty to use reasonable care in safeguarding persons in their custody. The evidence reviewed in this matter indicates that Officers Partida and Paiz behaved reasonably and did not violate their duty of care. They were summoned to the Jimenez' residence because of his erratic, threatening and destructive behavior. Jimenez' mother told Partida that she believed Jimenez was on drugs and had caused damage to the property. She also stated that she did not want him to remain at the residence because she and her daughter were afraid of him. Paiz also noted that Jimenez appeared to be under the influence of drugs, a conclusion supported by the toxicology results. Paiz and Partida behaved reasonably in arresting Jimenez. They took additional reasonable precautions to safeguard Jimenez, by summoning a rescue ambulance because of Jimenez' obvious physical impairment. It is important to note that the officers summoned the ambulance before Jimenez began physically resisting and before Jimenez' physical condition deteriorated.

Jimenez' physical resistance increased when he was taken to the police car and that physical resistance resulted in his and Partida's fall to the pavement. The officers used reasonable force to try to control Jimenez as he struggled with the officers on the ground. Further, given the coroner's conclusion that Jimenez died as a result of methamphetamine toxicity, there is no evidence to support the conclusion that the reasonable force used by the officers in trying to control Jimenez was a proximate cause of his death.

CONCLUSION

Based on a review of the totality of the evidence in this case, we conclude that Officers Jeremy Paiz and Victor Partida behaved reasonably and that their actions did not cause Jimenez's death. Accordingly, we are closing our file and will take no further action in this matter.

² *California Penal Code § 192(b); CALCRIM No. 582.*

³ *CALCRIM No. 582.*

⁴ *Id.*