

**In-Custody Death of Troud Dakarmenjian
Los Angeles County Sheriff's Department**

J.S.I.D. File #18-0029



JACKIE LACEY

District Attorney

Justice System Integrity Division

July 23, 2018

MEMORANDUM

TO: CAPTAIN CHRISTOPHER BERGNER
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 Troud Dakarmenjian
J.S.I.D. File #18-0029
L.A.S.D. File #017-00914-1286-453

DATE: July 23, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 18, 2017, in-custody death of Troud Dakarmenjian. It is the conclusion of this office that the manner of Dakarmenjian's death was suicide and there is insufficient evidence to prove beyond a reasonable doubt that anyone, including any members of the Los Angeles County Sheriff's Department (LASD), including LASD Custodial Assistants and inmate workers, are criminally liable for Mr. Dakarmenjian's death.

The following analysis is based on police reports, an autopsy report, recorded interviews, photographs, jail calls and associated Call Detail Report, and surveillance recordings from the Crescenta Valley Sheriff's Station.

No compelled statements of any LASD personnel, if they exist, were considered.

FACTUAL ANALYSIS

On the afternoon of May 18, 2017, several hours after being detained and arrested, a LASD Custody Assistant discovered Dakarmenjian hanging from the water spout of a sink in a housing cell at the Crescenta Valley Sheriff's Station. Dakarmenjian was 42 years of age at the time of his death.

Dakarmenjian's Arrest and Booking

On May 18, 2017, peace officers from the Los Angeles County Probation Department (Probation), along with the Los Angeles Police Department (LAPD) and Los Angeles County Sheriff's Department (LASD) Taskforce for Regional Auto Theft Prevention (TRAP) conducted simultaneous probation compliance checks of Dakarmenjian's residence in Encino, and Porsche dismantling business in Sun Valley.¹

¹ Dakarmenjian was on formal probation in two felony cases in Los Angeles County.

At approximately 6:45 a.m., law enforcement personnel entered through a secure gate at Dakarmenjian's residence as another vehicle arrived and opened the gate. The driver of the vehicle was the nanny to Dakarmenjian's four children, who was returning from dropping off two of his children at school. Dakarmenjian opened the front door and was handcuffed. Dakarmenjian's wife, Sara, and their two other children, ages five and seven-years-old, were home. The residence was searched, and police recovered several loaded firearms, including handguns, assault handguns, and assault rifles throughout the house. Several thousand rounds of ammunition, numerous knives, and other weaponry were also recovered.²

At Dakarmenjian's Porsche dismantling business in Sun Valley, police recovered additional firearms and bulk ammunition in his private office. In the yard of the business, components to several active outstanding stolen Porsche vehicles were recovered.

Dakarmenjian was arrested for several offenses: felon in possession of firearms, in violation of Penal Code section 29800(a)(1); owning or operating a chop shop, in violation of Vehicle Code section 10801; and, child endangerment, in violation of Penal Code section 273a(a).³ Dakarmenjian's wife was also arrested for child endangerment. Probation contacted the Department of Children and Family Services (DCFS) due to the vast amounts of unsecured dangerous weapons at the house. A representative from DCFS responded to the residence and took custody of the children.

LAPD Sergeant Joe Tellez was the Supervising Detective of the TRAP Team and spoke to Dakarmenjian at his residence when he was detained and arrested. Tellez did not believe that Dakarmenjian showed any signs of being suicidal. LASD Detective George Molina requested uniformed patrol deputies to transport Dakarmenjian and his wife for booking at the Crescenta Valley Sheriff's Station, a LASD jail facility located in La Crescenta. LASD Deputy Marvin Alvarado transported Dakarmenjian and his wife in his vehicle. Alvarado did not ask them any questions during the drive, and Dakarmenjian and his wife remained relatively quiet.

At 2:27 p.m., Alvarado, as part of the booking process, completed a "Los Angeles County Unified Arrestee Medical Screening Form" with Dakarmenjian. Alvarado asked Dakarmenjian if he was suicidal during the booking process, and Dakarmenjian said he was not. Alvarado read the questions directly from the form to Dakarmenjian. The first question is, "Do you feel suicidal or feel like hurting yourself?" Alvarado checked the box indicating, "No." On the same form, and in response to whether the arrestee threatened suicide or attempted "suicide by cop" during the arrest, Alvarado checked a box indicating, "No."

Dakarmenjian was placed in a booking cell, number 239, along with another arrestee, Carlos A. His wife was placed in booking cell number 238. Arrestees are held in bookings cells while being processed. Arrestees can make telephone calls from these cells.

² Dakarmenjian's convictions barred him from legally possessing any firearms.

³ Dakarmenjian's arrest would have, at the least, likely resulted in the execution of a five year suspended sentence for violating the terms of his probation.

Statement of Carlos A.

On June 15, 2017, LASD investigators interviewed Carlos A., who was in custody at the San Francisco County Jail. On May 18, 2017, Carlos A. was arrested and shared a booking cell with only one person, Dakarmenjian, at the Crescenta Valley Station. He recalled that Dakarmenjian's wife was in the cell next to their cell. Carlos A. did not speak to Dakarmenjian. Dakarmenjian appeared calm and sat most of the time. Dakarmenjian spoke to his wife regarding making arrangements for their children, and he was not too distressed about it as they appeared to be "working something out." Carlos A. recalled that Dakarmenjian asked to use the toilet, and was taken out of the cell as there was no toilet in the booking cell. Carlos A. later saw Dakarmenjian being carried out on a gurney. Carlos A. asked a deputy what had happened, and was surprised to hear that he had attempted to take his life.

Inmate Telephone Monitoring System (ITMS)

LASD investigators reviewed five recorded jail calls made by Dakarmenjian and his wife from cell numbers 238 and 239. His wife made three telephone calls to the nanny, and she did not make any statements about her husband being suicidal. Dakarmenjian made two telephone calls from cell number 239. At 4:50 p.m., Dakarmenjian spoke to a male, possibly a family member or friend, who told Dakarmenjian that his children were being taken to his mother's house and that his wife would soon be released on bail. The phone call lasted approximately two minutes and Dakarmenjian did not make any statements related to being suicidal. At 5:03 p.m., Dakarmenjian spoke to his attorney for approximately five minutes. Due to the potential confidential nature of this communication, the District Attorney's Office did not obtain or listen to this telephone call.

Cell Number 245

At approximately 5:11 p.m., after Dakarmenjian was fingerprinted and detained in cell number 239 for approximately two hours, Custody Assistant Joseph Narciso moved Dakarmenjian to cell number 245 because he had asked to use the toilet. Cell number 245 is a housing cell. Dakarmenjian was the sole occupant of cell number 245. Carl T., another inmate, was housed in cell number 246.⁴ Prior to being moved to cell number 245, Dakarmenjian had requested Narciso to assist his wife in getting through on the telephone to make arrangements for their children, but never indicated that he was suicidal.

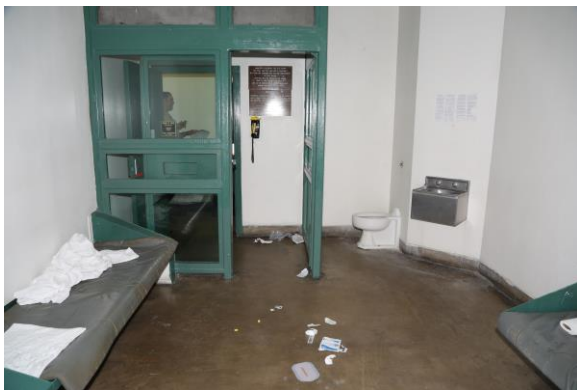
At approximately 5:50 p.m., Narciso and an inmate worker, Joseph J., were feeding the inmates in the jail. As Narciso opened the door to cell number 245, he discovered Dakarmenjian in a seated position hanging from the water spout on the sink. Narciso told Joseph J. to go back to the trustee dorm and wait.⁵ Narciso ran out of the jail area and informed Deputy Josh Pluimer and Deputy Anthony Pelaez, the Watch Deputy, that an inmate had committed suicide by hanging himself. Pelaez instructed LASD personnel to call the fire department.

⁴ Carl T. was subsequently interviewed by LASD investigators, and appeared reluctant to provide any information. He stated he did not see or hear anything unusual because he mostly slept during his detention on May 18, 2017.

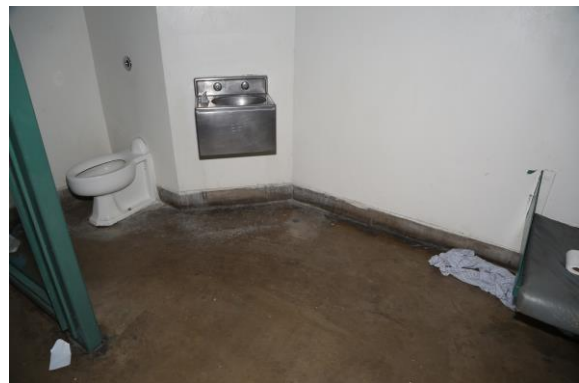
⁵ Joseph J. heard Narciso yell, "Hey!" Joseph J. did not see Dakarmenjian as he returned to his dorm, nor did he have any contact with him earlier in the day.

Narciso, Pelaez, and Pluimer ran into the jail, and Narciso unlocked the door to cell number 245. Pluimer entered first, followed by Pelaez and Narciso. Dakarmenjian was inside the cell in a seated position, with his back facing the sink. Dakarmenjian's button down, short sleeve dress shirt was wrapped around his neck, with one end tied to the water spout of the sink. Pluimer unhooked the shirt from the water spout, then unwrapped the shirt from around Dakarmenjian's neck and dropped it on the floor of the cell.

Pelaez and Pluimer laid Dakarmenjian on the floor. Pelaez determined that Dakarmenjian was not breathing and did not have a pulse. Pelaez began chest compressions while Pluimer and Narciso ran to retrieve the suicide prevention kit and returned to the cell. Pluimer utilized a CPR mask and began to give Dakarmenjian mouth to mouth breaths, as Pelaez continued chest compressions. Both deputies administered CPR until the arrival of Los Angeles County Fire Paramedics, who then took over and continued to administer CPR. After a short time, the paramedics advised that Dakarmenjian had a pulse, and they transported him to Verdugo Hills Hospital. At the hospital, Dakarmenjian was breathing on his own and had a pulse, but he was in a coma. Dakarmenjian was transported to LAC-USC hospital later that evening. On May 25, 2017, Dakarmenjian was pronounced dead.



Cell number 245 depicting toilet and sink.



Dakarmenjian's shirt lies next to a bed.

Surveillance Recordings

The booking area of Crescenta Valley Sheriff's Station is located at the southeast area of the building. The booking cells, 238 and 239, are adjacent to the jailer's office, and have surveillance cameras inside. Cameras are mounted outside of the cells covering the booking and processing area. Additional cameras are positioned to cover the hallway leading to the housing cells. There are no cameras inside the housing cells, including cell number 245.

Cell number 245 is situated on the south side of the hallway, with its toilet and sink situated at the north wall of the cell. The sink is metal, and affixed to the north wall. The sink has a small spigot for a faucet. The sink is approximately two feet and 10 inches from the ground.

Since there are no cameras inside cell number 245, Dakarmenjian's movements inside the cell leading to his hanging were not recorded. However, his movements inside booking cell number 239 were recorded. The surveillance footage is date and time stamped, but is approximately 50 minutes ahead of the actual time. Surveillance footage shows Dakarmenjian using the telephone

in cell number 239. Dakarmenjian exited cell number 239 three minutes after his last phone call and went directly to cell number 245. No other persons entered or exited cell number 245 until Narciso discovered Dakarmenjian hanging from the water spout approximately 37 minutes later.

Coroner Report and Cause of Death

On June 3, 2017, Deputy Medical Examiner Timothy Dutra, M.D. of the Los Angeles County Medical Examiner's Office conducted an autopsy of Dakarmenjian's remains. Dr. Dutra ruled that the cause of Dakarmenjian's death was hanging, and the manner of death was suicide.

LEGAL ANALYSIS

Manner of Death

Dakarmenjian was alive when he was left alone in cell number 245. Surveillance video confirms that no other person entered or exited the locked cell until he was discovered unresponsive approximately 37 minutes later. Accordingly, the evidence is conclusive that the manner of Dakarmenjian's death was suicide, which is corroborated by the Deputy Medical Examiner's findings.

Criminal Negligence and Involuntary Manslaughter

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.⁶ 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."⁷ 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.⁸ 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 dispute that LASD has a legal duty to use reasonable care in caring for persons in their custody. Here, no evidence exists that LASD failed to reasonably care for Dakarmenjian. Dakarmenjian did not exhibit any signs of mental health issues. Dakarmenjian, in response to specific questions in LASD's medical screening form, denied having any suicidal or harmful ideations. Dakarmenjian did not convey any suicidal ideations to any LASD personnel, nor did his wife express any concern for his welfare. He did not convey any such ideations in the call he made within an hour of his suicide, nor did his attorney ever call the station to express concern for Dakarmenjian's welfare.

Dakarmenjian's suicidal ideations, which arose at an unknown time, were not conveyed to LASD personnel to place them on actual or constructive notice that there might be a risk of leaving him alone in his cell for approximately 37 minutes. Since LASD personnel did not

⁶ *Penal Code § 192(b); CALCRIM No. 582.*

⁷ *CALCRIM No. 582.*

⁸ *Id.*

acquire any information that would have led them to reasonably believe that Dakarmenjian was so distressed by his arrest that he would take his own life, the jail staff did not breach their duty of care to Dakarmenjian. Furthermore, no act or omission from LASD personnel caused Dakarmenjian's death because his suicide was not reasonably foreseeable under the circumstances.

CONCLUSION

Based on a review of the totality of the evidence in this case, there is no evidence to prove that LASD personnel, or anyone else bears criminal culpability for Dakarmenjian's suicide. We are closing our file and will take no further action in this matter.