

**In-Custody Death of Jermaine Sanford**  
**Los Angeles Police Department**

**Sergeant Ronald Crump, #33383, Officer Melissa Gonzalez, #37114,  
Officer Cesar Mendoza, #39564, Officer Raymond Namysi, #38199,  
Officer Jose Delgado, #38179, Officer Michael Orozco, #39144,  
Officer Adolfo Pacheco, #38464, Officer Jose Galvez, #37964,  
Officer Carlos Ocegueda, #36448, Officer Luis Nunez, #39113**

**J.S.I.D. File #11-0145**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**October 18, 2016**

## MEMORANDUM

TO:           COMMANDER ROBERT A. LOPEZ  
                  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 Jermaine Sanford  
                  J.S.I.D. File #11-0145  
                  L.A.P.D. File #F014-11

DATE:         October 18, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 24, 2011, in-custody death of Jermaine Sanford. It is the conclusion of this office that Los Angeles Police Department (LAPD) Sergeant Ronald Crump and Officers Melissa Gonzalez, Cesar Mendoza, Raymond Namysi, Jose Delgado, Michael Orozco, Adolfo Pacheco, Jose Galvez, Carlos Ocegueda, and Luis Nunez are not criminally liable for Sanford's death.

The following analysis is based on police reports, the autopsy report, witness interviews, and photographs submitted to this office by LAPD Force Investigation Division Detectives Jack Forsman, Dwain Anderson, Michael Lorenz, Robert McCarty, Alisha Jordan, and Meghan Aguilar.

### **FACTUAL ANALYSIS**

#### **The Initial Confrontation**

On February 24, 2011, at approximately 8:20 p.m., Wardell Howard and Steven Reeves were standing in front of their place of employment at Volunteers of America (VOA), which is an organization that serves the homeless population in downtown Los Angeles.

Howard and Reeves were talking outside the VOA facility when a man, later identified as 39 year-old Jermaine Sanford, approached. Sanford was behaving "wildly", appeared to be under the influence of an unknown substance, and was holding a bundle of clothing. After seeing Sanford fidget with the bundle, Howard believed that Sanford was armed with a gun.<sup>1</sup>

Sanford ran toward the VOA facility, climbed over a locked, six-foot iron front gate, and ran through a courtyard toward a building. Howard and Reeves gave chase and yelled to bystanders that Sanford was armed with a firearm. Howard and Reeves were joined by Ray Ramos, a VOA resident, who said he did not see exactly what was in Sanford's hand but it "looked like a gun."

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<sup>1</sup> Sanford was not armed with a gun. He had a metal rod inside his bundle of clothing.

Sanford reached the locked office door of the VOA administration building, dropped his bundle of clothing, and yanked open the door, breaking the doorframe. Sanford entered the building holding a metal rod and yelling incoherently.

Howard, Reeves and Ramos chased Sanford into the building. Sanford turned toward them, screaming and swinging the metal rod in an overhead manner. Sanford hit Howard on the right hand, but Howard was able to take the rod away from Sanford.

Reeves put Sanford in a bear hug and Howard pushed Sanford with the rod. Sanford struggled and caused the group to fall to the ground. Howard attempted to put Sanford in a chokehold but Sanford twisted Howard's thumb, causing Howard to release him. Sanford was facing up with his back on the floor as Reeves attempted to again hold him in a bear hug. Sanford, however, tried to bite Reeves on the chest and was able to break loose and stand up.

As the group regained their feet, Howard was able to put Sanford in a bear hug from behind, as Reeves and Ramos attempted to control Sanford's arms and legs. Howard, Reeves, and Ramos were able to get Sanford back to the floor, with Reeves straddling Sanford's legs and holding his arms while Howard applied weight to Sanford's back.

Howard continued to suspect that Sanford was armed with a gun.

Howard asked a VOA volunteer, Jim Price, to call 9-1-1, while another VOA volunteer, Scott Brown, helped to restrain Sanford's right leg.

Reeves, Howard and Ramos each smelled a strong chemical odor emitting from Sanford and suspected he was under the influence of phencyclidine (PCP).<sup>2</sup>

### **Police Officers Arrive**

Price called 9-1-1 and told the dispatcher a man had broken into the VOA and was armed with a gun and was possibly under in the influence.

At 8:22 p.m., officers responded Code 3 to the 9-1-1 call, which detailed a male suspect armed with a gun.

At 8:25 p.m., Officers Carlos Ocegueda and Luis Nunez were the first officers to arrive, followed shortly thereafter by Officers Melissa Gonzalez and Francisco Martinez. Supervising Sergeant Ronald Crump also arrived along with Officers Jose Delgado, Jose Chavez, Michael Orozco, Cesar Mendoza, Adolfo Pacheco, Adalberto Corona, and Raymond Namysi.

As Howard, Reeves, Ramos, and Brown attempted to relinquish control of Sanford to the police officers, Sanford was able to regain some leverage and continued to struggle with the VOA volunteers and the officers.

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<sup>2</sup> It was later determined that Sanford did not have PCP in his bloodstream, although cocaine, a cutting agent for cocaine, and cocaine metabolite were present.

Sanford “bucked” against the officers, flinging them off as the officers attempted to restrain him by using their body weight.<sup>3</sup>

The struggle continued as Sergeant Andrew Mathes and Officers Jason Janata, Michael Shafiee, and Melvin Miranda arrived to assist.

Sanford continued to throw the officers off and disobeyed their orders to stop resisting.

An officer tased Sanford multiple times but it had little effect on Sanford, who continued to struggle.<sup>4</sup>

Eventually, the officers were able to control Sanford, handcuff him, and apply a Hobble Restraint Device (HRD).

At 8:36 p.m., a sergeant requested an ambulance and reported that Sanford was conscious and breathing, was in custody, and might be suffering from a drug overdose. Several officers carried Sanford outside and sat him upright on a curb to meet the ambulance.

At 8:42 p.m., LAFD paramedics arrived. Sanford was seated upright on a curb, handcuffed, and with his legs stretched out in front of him. As the paramedics were obtaining information from the officers at the scene, they noticed that Sanford had stopped breathing, did not have a pulse, and was in cardiac arrest. The paramedics administered CPR, attempted to intubate Sanford, and transported him to Los Angeles County-USC Medical Center.

At 9:15 p.m., Sanford was pronounced dead. The attending physician attributed the cause of death to cardiopulmonary arrest.

### **Statement of Wardell Howard**

Howard, a volunteer at VOA, was standing outside the center’s front gate with a co-worker, Steven Reeves, when Sanford ran toward them, yelling and holding an object in his arms. Howard believed initially that Sanford was carrying a firearm. Sanford climbed over the front gate of the VOA and ran into the courtyard of the complex. Howard and Reeves chased after him. Sanford broke the commercial steel door of the VOA office off its hinges and ran into the office, screaming. Howard followed Sanford into the office. Sanford turned and ran toward Howard, swinging a metal pipe above his head and striking Howard on his right hand. Howard wrestled the pipe out of Sanford’s hands and hit him on the back.

Howard and Ramos wrestled Sanford to the ground as Sanford was “throwing [them] off like paper.” Howard attempted to put Sanford in a chokehold but Sanford resisted and pulled back. Eventually, Reeves was able to restrain Sanford by laying on him. Sanford tried to bite Reeves on the chest. Howard and two other volunteers held Sanford’s extremities down as they waited for the police to arrive. Howard, who serves as a drug counselor, smelled a strong gasoline or chemical like odor emitting from Sanford, which he believed to be PCP.

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<sup>3</sup> Sanford stood five foot eleven inches tall and was 210 pounds and muscular.

<sup>4</sup> Two Tasers were used by a single officer. The first Taser ran low on power so the officer deployed a second Taser. An examination of those Tasers showed a total of nine activations averaging 5.4 seconds per activation. The Tasers were set to direct stun mode.

When the police arrived and tried to assume control of Sanford, Sanford resumed his struggle and was bucking off the officers. Howard heard the officers deploy a Taser. He later opined that “something was wrong with him” and said Sanford was “too strong to be human the way he was acting”

**Statement of James Price**

Price was working in the VOA office when a shirtless Sanford broke open the office door and ran into the VOA medical office. He saw two of his fellow volunteers enter the room and wrestle Sanford to the ground. Price recognized Sanford as a man he had seen earlier pacing up and down the street “hollering at the top of his lungs.” One of the volunteers yelled that Sanford had a gun and instructed Price to call 9-1-1. Price called 9-1-1 and reported that there was an altercation with a man with a gun at the VOA. Price waited outside for the police while the other workers had Sanford pinned down. When the police arrived and tried to gain control of Sanford, another struggle occurred and Price witnessed Sanford violently throw the officers to the side despite their verbal and physical attempts to restrain him. The officers used a Taser and were able to hobble and handcuff Sanford. When the officers realized Sanford was unconscious, the officers checked Sanford’s vital signs and carried him out of the office.

**Statement of Officer Francisco Martinez**

Martinez provided a compelled statement to investigators.

Martinez and his partner Melissa Gonzalez responded to a radio broadcast of a man with a gun at the VOA. They arrived and were directed to an office where five volunteers were struggling to restrain Sanford who was extremely violent, screaming, and was attempting to kick other officers who were already present. Martinez heard Crump order one of the officers to tase Sanford. The officer tased Sanford but it had little effect.

**Statement of Officer Melissa Gonzalez**

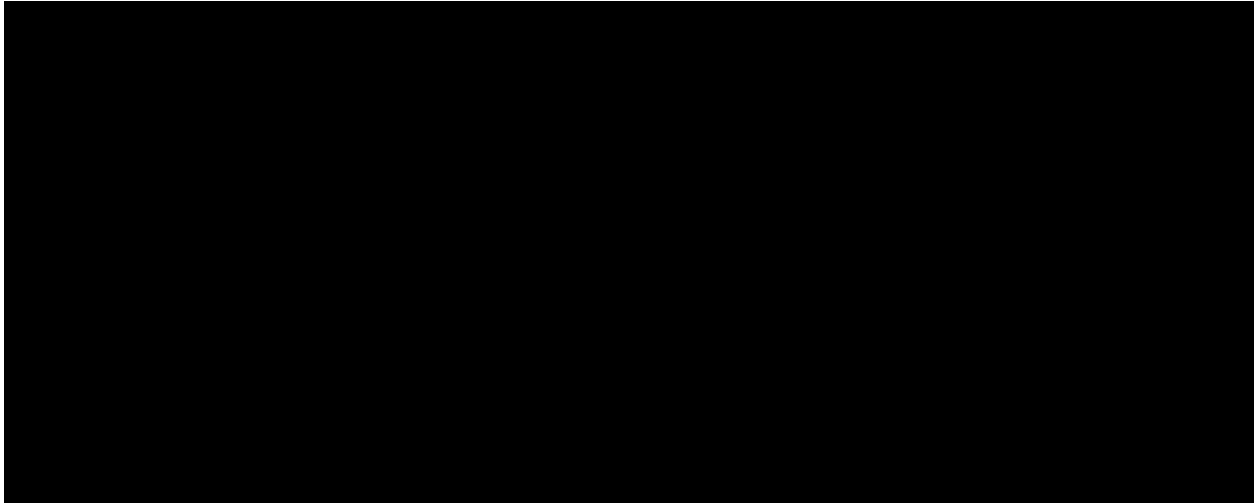
Gonzalez provided a compelled statement to investigators.

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**Statement of Officer Luis Nunez**

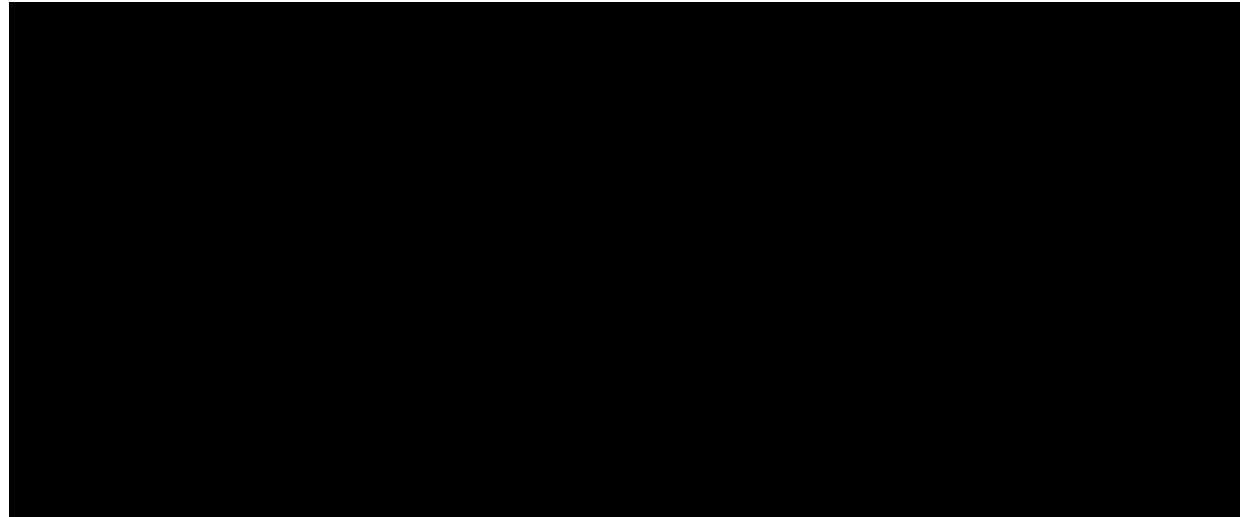
Nunez provided a compelled statement to investigators.

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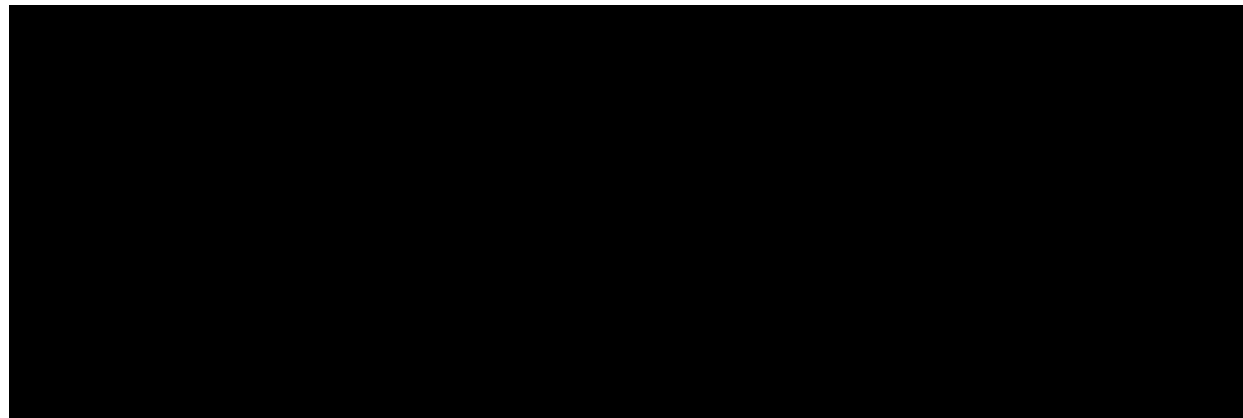
**Statement of Officer Carlos Ocegueda**

Ocegueda provided a compelled statement to investigators.



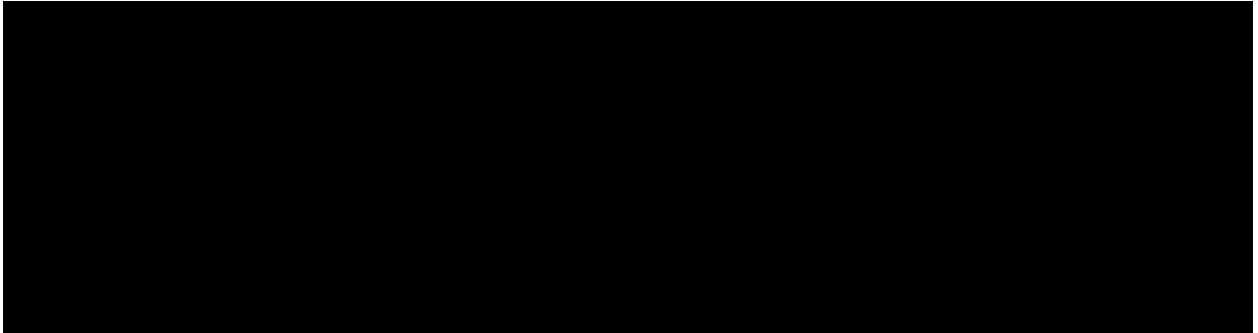
**Statement of Officer Jose Delgado**

Delgado provided a compelled statement to investigators.



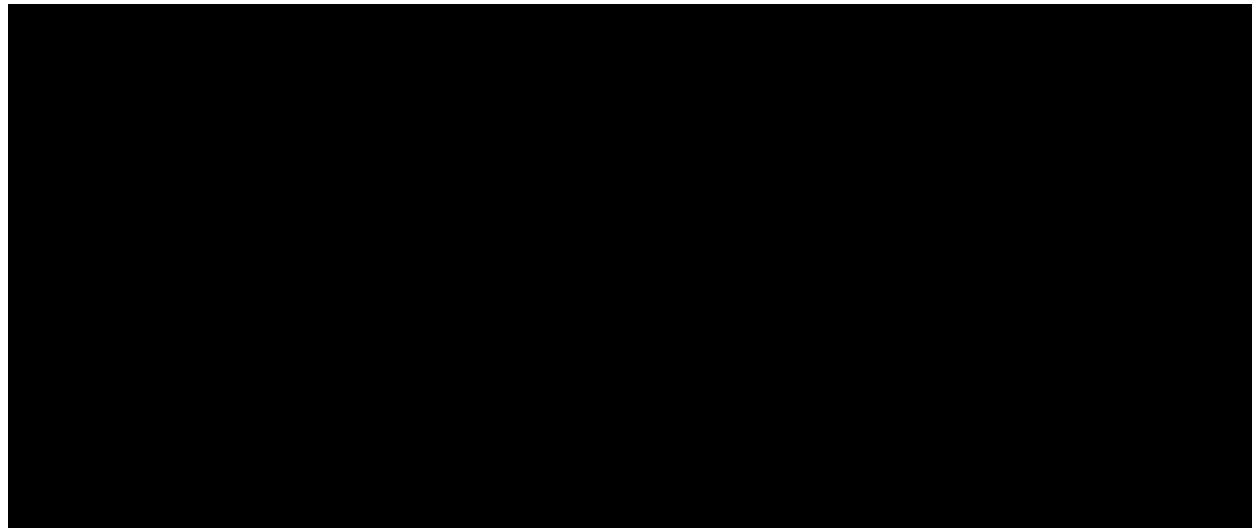
**Statement of Officer Jose Galvez**

Galvez provided a compelled statement to investigators.



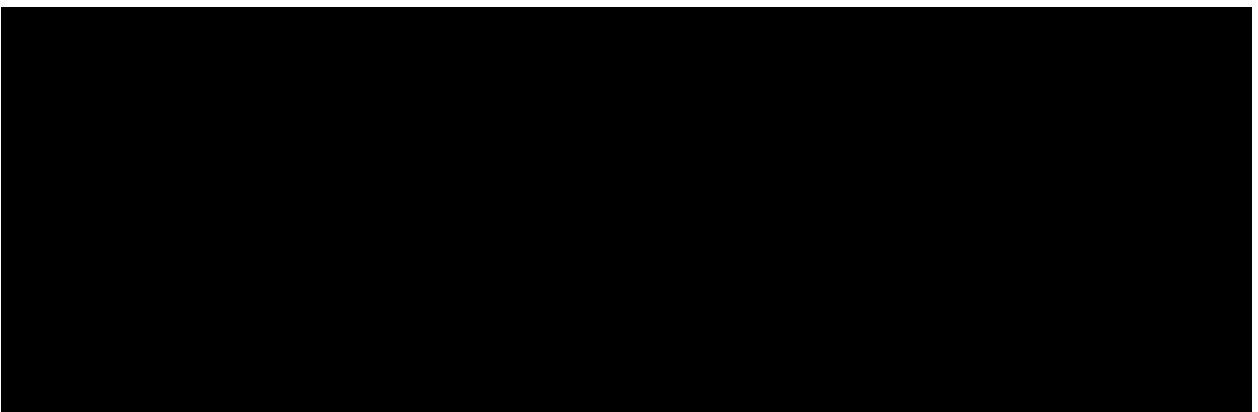
**Statement of Officer Cesar Mendoza**

Mendoza provided a compelled statement to investigators.



**Statement of Officer Michael Orozco**

Orozco provided a compelled statement to investigators.



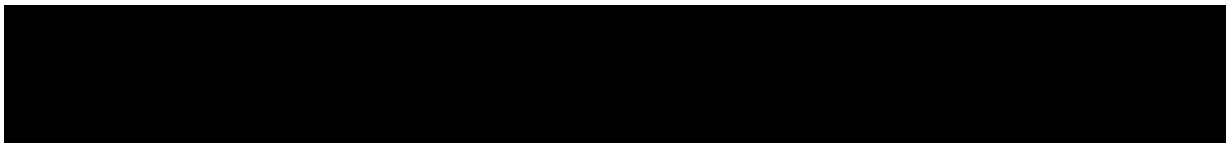
**Statement of Officer Adolfo Pacheco**

Pacheco provided a compelled statement to investigators.



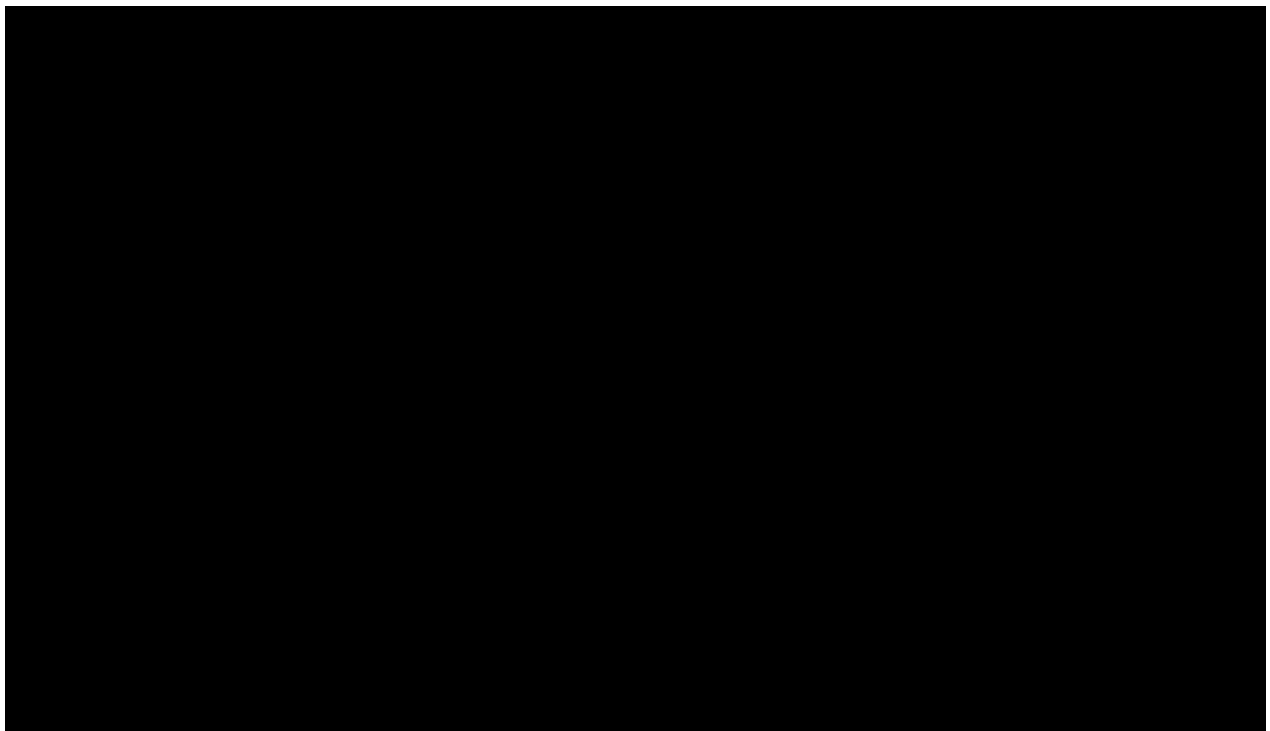
**Statement of Officer Raymond Namysi**

Namysi provided a compelled statement to investigators.



**Statement of Sergeant Ronald Crump**

Crump provided a compelled statement to investigators.



**Statement of Sergeant Andrew Mathes**

Mathes provided a compelled statement to investigators.



Mathes was monitoring the radio call from the police station nearby when he heard officers broadcast a request for a Taser. Mathes obtained a Taser, ran to the location, entered the VOA office, and saw a number of officers struggling with Sanford. The officers were instructing Sanford to calm down and were struggling to keep Sanford restrained on the ground. Mathes heard other officers activate the Taser he had brought to the scene. Sanford appeared to be under the influence of a psychosis-inducing drug such as PCP or cocaine. Sanford's clothing was ripped off, which he presumed was done to check for the gun that was reported in the 9-1-1 call. Sanford was lying face up on the ground and bucking at the officers when Mathes saw the officers unable to handcuff him. It took approximately four or five officers to restrain Sanford enough to apply the handcuffs. Sanford was initially handcuffed in the front. The officers repositioned Sanford to handcuff him more safely in the back and they applied a hobble to prevent him from kicking his legs. When Sanford stopped resisting, Mathes was told that he had lost consciousness. After confirming Sanford had a pulse and was breathing, the officers decided to carry him outside to await paramedics. The officers carried Sanford upright toward the sidewalk. The paramedics were already waiting as they arrived outside. Sanford appeared to be breathing as he was being placed on the gurney.

### **Statement of LAFD Paramedic Bryan Dominguez**

Dominguez and his partner Jorge Gomez responded to an overdose at the VOA. When they arrived, Sanford was seated on the curb with his head slumped to his chest and his legs spread forward. He was hobbled and handcuffed behind his back. An officer reported that Sanford had been involved in an altercation with security guards and LAPD officers and was tased five times. Dominguez lifted Sanford's head to see if he was responsive or breathing. Sanford was unresponsive and not breathing so he alerted Gomez that Sanford was in full arrest. Two officers assisted in lifting Sanford onto a gurney and removed his handcuffs. Dominguez and Gomez performed CPR as an LAFD fire engine arrived to assist. Despite performing CPR and providing other life saving measures, Sanford remained in full cardiac arrest as they drove to the hospital. They arrived at the hospital at 9:03 p.m. and transferred care to the doctors there but Sanford was pronounced dead twelve minutes later.

### **Postmortem Examination**

On February 27, 2011, Los Angeles County Deputy Medical Examiner Lisa Sheinin, M.D., performed a postmortem examination on Sanford. Sanford had contact marks on his left arm, multiple contusions and abrasions, and band-like marks on both wrists consistent with handcuffing. Dr. Sheinin noted that Sanford had a history of substance abuse and a toxicological analysis detected the presence of cocaine and levamisole in his blood.<sup>5</sup> Sanford had congestion in his lungs and brain. His heart was also congested and showed signs of "contraction band necrosis", which is indicative of a heart attack.

Dr. Scheinin determined Sanford's cause of death to be as follows:

"This decedent's uncontrolled behavior and positivity for cocaine and its metabolite are consistent with cocaine-associated agitated delirium. In these cases, death is usually due to the

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<sup>5</sup> Levamisole is a drug used for cancer treatment and veterinary purposes and is commonly used as a cutting agent in cocaine.

adverse effects of excessive catecholamines released into the circulation. In this specific case, the situation is complicated by multiple attempts at restraint by both civilians and law enforcement. Such efforts can compromise respiration and cannot be ruled out as contributory to death. While a conductive energy device (Taser) was used, it was used in direct stun mode. Studies have shown that this type of application is nonlethal; therefore the use of this device is not felt to be a factor in this death. Since the effects of restraint cannot be ruled out as contributory to death, the mode of death is undetermined.”

## **LEGAL ANALYSIS**

### **Use of Force**

A police officer may use reasonable force in making an arrest, preventing an escape, or in overcoming resistance.<sup>6</sup> 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.<sup>7</sup> Use of a Taser to effectuate an arrest is subject to the same reasonableness test as the use of force generally.<sup>8</sup> Courts have also held that placing a person wearing handcuffs and leg restraints in a prone position is reasonable where the person had violently resisted arrest.<sup>9</sup>

The evidence presented in this investigation indicates that Sanford was suffering from a mental break, was under the influence of drugs, and was delirious, out of control, and violent. He scaled a six foot metal fence, broke open a commercial grade steel door, and attacked a man with a metal rod. He struggled violently against the VOA volunteers and police officers who were attempting to arrest him for committing a violent assault. The officers used their body weight, handcuffs, a hobble, and a Taser in order to overcome Sanford’s resistance. Given the immediate threat that Sanford posed to himself and others, the level of his resistance, and the violent assault he had just committed on a VOA volunteer, the officers’ use of force was reasonable and appropriate under the circumstances.

### **Cause of Death**

Deputy Medical Examiner Lisa Scheinin attributed Sanford’s cause of death to effects of cocaine-associated agitated delirium. The efforts by civilians and law enforcement to restrain Sanford could not be ruled out as a contributing factor.

However, “For liability to be found, the cause of the harm not only must be direct, but also not so remote as to fail to constitute the natural and probable consequence of the defendant's act.”<sup>10</sup>

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<sup>6</sup> *Penal Code* § 835a.

<sup>7</sup> *Graham v. Connor* (1989) 490 U.S. 386.

<sup>8</sup> See, *Hinton v. City of Elwood*, (10<sup>th</sup> Cir. 1993) 997 F.2d 774, 777 (holding that it was not excessive for officers to use an "electrical stun gun" on a man after grabbing him and wrestling him to the ground, because of his active resistance to arrest); *Draper v. Reynolds*, (11<sup>th</sup> Cir. 2004) 369 F.3d 1270 (holding it reasonable to fire a Taser at a truck driver who refused to provide his insurance information or a bill of lading and was yelling loudly at a police officer who pulled him over).

<sup>9</sup> See, *Maynard v. Hopkins*, (8<sup>th</sup> Cir. 1977) 105 F.3d 1226; *Price v. County of San Diego*, (S.D. Cal. 1998) 990 F. Supp 1230.

<sup>10</sup> *People v. Roberts* (1992) 2 Cal. 4<sup>th</sup> 271.

Moreover, when there is more than one cause of death, a person's actions are not a legal cause of death unless it can be reasonably inferred that his actions were a "substantial factor" in producing death.<sup>11</sup>

Here, Sanford's death was unforeseeable, not a natural and probable consequence of the officers' reasonable use of force, and there is insufficient medical evidence to prove beyond a reasonable doubt that the officers' actions were a substantial factor in causing Sanford's death. Therefore, the officers were not the legal cause of Sanford's death and no criminal liability attaches.

## **CONCLUSION**

The force used by Sergeant Crump and Officers Gonzalez, Mendoza, Namysi, Delgado, Orozco, Pacheco, Galvez, Ocegueda, and Nunez was reasonable under the circumstances. They are not criminally liable for Sanford's death. We are closing our file and will take no further action in this matter.

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<sup>11</sup> CALJIC 3.41; *People v. Scola* (1984) 56 Cal. App. 3d 723.