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September 18, 2008

Chief William Lansdowne
San Diego Police Department
1401 Broadway
San Diego, CA 92101

Re: In-custody death of Ramel Lemuel Henderson; San Diego Police Department Case No. 07-032009; DA Special Operations Case No. 07-061CD; Deputy District Attorney Assigned: A. Craig Rooten

Dear Chief Lansdowne:

We have reviewed the reports and other materials submitted by your department concerning the arrest of Mr. Ramel Lemuel Henderson on May 29, 2007, and his subsequent death on May 30. During our review, an experienced homicide investigator examined the entire case file, and a veteran deputy district attorney analyzed the facts and circumstances surrounding the incident in light of the law applicable to this case.

Persons Involved

The deceased, Ramel Lemeul Henderson was 51 years old and last resided at 3870 Florence Street in San Diego with his girlfriend and their five year old son. Mr. Henderson's criminal record contains arrests or convictions of various types including domestic violence incidents involving his girlfriend. Mr. Henderson was also a registered narcotics offender.

Police personnel involved in Mr. Henderson's arrest included Officers Maruisz Czas, Steve Bourasa, Randy Burgess, Robert Clark, Mike Hall, David Hustad, Robert Leffler, Eric Miller, Victor Rodriguez, and Akaan Thomas.

Background

On May 29th at about 8:30 p.m., Mr. Henderson's girlfriend called 911 requesting assistance at the Florence Street home regarding a domestic disturbance incident involving Mr. Henderson. When later interviewed by your investigators, she said she had come home at about 6:00 p.m. and found Mr. Henderson and a friend playing loud music, drinking beer, smoking marijuana, and using cocaine. She said she "went off" when she saw this and ordered them to leave. They refused, and she went into the bedroom to play with her son. Later she came out of the bedroom into the living room to answer the phone and was confronted by Mr. Henderson, who she said "was acting all crazy." Mr. Henderson's son said, "Daddy, what is wrong with you?" Mr. Henderson then hit his son, knocking him to the floor. The girlfriend asked Mr. Henderson's

friend to help her, but he fled the residence. It was at that point the girlfriend said she called 911, and Mr. Henderson threw a large nearly-full beer bottle at her and their son, missing only because the girlfriend said she ducked.

Officer Czas was the first officer to arrive. He entered the home and spoke with Mr. Henderson and his girlfriend. Officer Bourasa arrived a few moments later. Officer Czas heard the girlfriend and the child yelling at Mr. Henderson about throwing something at them. Officer Bourasa heard the son accusing his father of throwing him to the floor. Officer Czas told Mr. Henderson to sit on the couch, but when Mr. Henderson refused and tried to go past the officer and towards his girlfriend the officers attempted to restrain him.

Officers Czas and Bourasa pushed Mr. Henderson onto the couch face down and struggled with him to get him in handcuffs. As Mr. Henderson struggled to get free, he forced the officers off the couch and all three men fell against the hallway wall. The force of their struggle took them from the hallway back up and onto the couch. Officer Czas estimated it took about a half a minute to get handcuffs on Mr. Henderson. Mr. Henderson continued to struggle and tried to grab and scratch Officer Czas' arms, so Officer Bourasa radioed for additional units.

In an effort to gain control, the officers moved Mr. Henderson to the floor, pinning him down using their body weight. Officer Czas was on top of Mr. Henderson's torso and Officer Bourasa was on top of his legs. When Mr. Henderson began kicking at Officer Bourasa, he took out his baton and used it as a brace against Mr. Henderson's legs to keep him from kicking. When Officers Husted and Rodriguez arrived they attempted to help gain control of the still struggling Mr. Henderson by holding him down.

Sergeant Clark arrived at about 8:42 p.m. He saw Mr. Henderson lying face down on the floor, handcuffed and being restrained by Officers Czas and Bourasa who were waiting for a cord cuff. When Officers Miller and Thomas arrived, Officer Miller supplied Officer Bourasa with a cord cuff, which he attached to Mr. Henderson's legs. Officer Thomas assisted by holding Mr. Henderson's leg down and helped apply and secure the second cord cuff around Mr. Henderson's waist. When Officers Hall and Leffler arrived, Officer Hall assisted by trying to apply the cord cuff around Mr. Henderson's waist while Hall held a flashlight.

While the officers were trying to apply the cord cuff around Mr. Henderson's waist, they noticed Mr. Henderson had apparently lost consciousness and stopped breathing. The officers detected a weak pulse and removed the hand and cord cuffs, rolled him onto his back, and began performing CPR.

Emergency medical personnel responded, continued resuscitative efforts, and transported Mr. Henderson to Paradise Valley Hospital, where he died on May 30.

During a later interview the girlfriend said she did not see any of the officers hitting Mr. Henderson. She said two officers were trying to handcuff him and he was resisting. She said the officers were trying to calm him down, but it was like "the devil had him."

Additional Investigation

The 911 call initiated by Mr. Henderson's girlfriend, lasting more than 19 minutes, was recorded. It chronicles the entire event. Mr. Henderson's girlfriend can be heard yelling at him to leave. The beer bottle can be heard striking a wall, after which his girlfriend can be heard yelling that he just threw some glass and to please hurry. Mr. Henderson's son can be heard crying, "He pushed me down." Mr. Henderson can be heard raging at both his girlfriend and the police officers, but never complaining of any mistreatment by the officers. The officers' voices appear calm and controlled during the incident.

A 40 ounce beer bottle and a broken drinking glass, as well as cocaine, marijuana and narcotic paraphernalia, were retrieved from the home.

Autopsy

On May 31, 2007, Deputy Medical Examiner Doctor Steven Campman performed an autopsy on Mr. Henderson's body. At the request of Mr. Henderson's family, Dr. Harry Bonnell witnessed the autopsy. Dr. Campman determined that the cause of Mr. Henderson's death was "Complications of Anoxic Encephalopathy" (lack of oxygen to the brain) due to "resuscitated cardiac arrest following altercations and during prone restraint" due to "atherosclerotic and hypertensive cardiovascular disease" with "cocaine and ethanol toxicity." The manner of death was determined to be "homicide."

Dr. Campman found evidence of multiple blunt force traumas (contusions, an abrasion, a laceration, broken ribs, and a lacerated liver). He noted that the doctors at Paradise Valley Hospital attributed the broken ribs to CPR efforts. During his examination, Dr. Campman found no injuries suggesting that Mr. Henderson had been choked or beaten that would support a finding of inappropriate use of force by the officers. Specifically, he found no petechial hemorrhaging in Mr. Henderson's eyes and no hemorrhaging or discharge from his ears. There was no evidence of external trauma on the chest. The hyoid bone and laryngeal cartilages were intact. There were no cervical fractures or posterior neck hemorrhaging, and no evidence of any skull fractures.

A toxicological examination revealed the presence of cocaine, marijuana, and alcohol (.08%) in Mr. Henderson's body.

Dr. Campman summarized his findings and opinions in his report: "Mr. Henderson had significant, pre-existing heart disease that in the absence of cocaine and ethanol toxicity, or being in altercations, could have resulted in a sudden cardiac arrhythmia and death. Cocaine and alcohol further increase the likelihood of cardiac arrhythmia. Although there is no evidence that a neck hold was applied, or that there was sufficient chest or abdomen compression to cause suffocation, or that his other injuries directly contributed to his death, his cardiac arrest nevertheless is temporally related to the altercations and restraint; therefore, the manner of death is listed as 'homicide.'"

Conclusions

In this case, a number of circumstances came together that individually or in combination may have contributed to Mr. Henderson's death—his preexisting heart disease, his obesity, his excited emotional state, his violent struggling with the arresting officers during which he had to be forcibly restrained, and the fact that he had alcohol and cocaine in his system. Although the Medical Examiner concluded that the manner of death was "homicide," he clarified this finding by commenting that it was based on the circumstance that Mr. Henderson's cardiac arrest occurred at the same time as his apprehension by police officers. He did not conclude that Mr. Henderson's death occurred as a result of any inappropriate actions by the officers. Based upon our review of the facts and circumstances surrounding Mr. Henderson's death, we conclude the law enforcement personnel involved in Mr. Henderson's apprehension and restraint acted reasonably under the circumstances, and they bear no criminal liability for their actions.

Compliance with your department's policies and procedures, tactical considerations, possible ways to improve training, and issues involving civil liability were not considered in our review. Accordingly, our decision should not be interpreted as expressing any opinion on the propriety, if any, of further action by you in these or other related matters.

Sincerely,

BONNIE M. DUMANIS
District Attorney

RICHARD MONROY
Deputy District Attorney
Chief, Special Operations Division

RM:jh
Cc: Captain Cesar Solis