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August 25, 2023

Chief David Nisleit
San Diego Police Department
1401 Broadway
San Diego, CA 92101

Chief Kelly Martinez
San Diego Sheriff's Department
9621 Ridgehaven Court
San Diego, CA 92123

Re: In-custody death of Daniel Joseph Armenta, detained by San Diego Police Officers Carly Rivezzo ID #7671, Christian Rodriguez ID #1656, Jose Valencia ID #1558, and Adrianni Vital ID #7952 on December 8, 2022; San Diego Sheriff's Department Case No. 22154889; DA Special Operations Case No. 22-150CD; Deputy District Attorney assigned: Chandelle Boyce

Dear Chief Nisleit and Chief Martinez:

We have reviewed the reports and other materials compiled by the San Diego Sheriff's Department's Homicide Division concerning the detention of Mr. Daniel Joseph Armenta by Officers C. Rivezzo, C. Rodriguez, J. Valencia, and A. Vital. A District Attorney Investigator responded to the scene and was briefed on the incident. This case was submitted to the District Attorney's Office for review on February 22, 2023. We received the Medical Examiner's Report on July 24, 2023.

Summary

On Thursday, December 8, 2022, at 4:33 p.m., San Diego Police Department (SDPD) received a 911 call concerning a male later identified as Daniel Armenta. The caller reported Armenta had possibly gotten injured climbing over the fence onto the U-Haul property located at 43rd Street and El Cajon Blvd. The reporting party expressed concern that Armenta, who was walking in the roadway, might get struck by a vehicle.

Officer Rivezzo responded to the call and found Armenta lying in the roadway of Fairmount Avenue. As Rivezzo pulled up in her patrol car, Armenta got up and crossed to the opposite side of the street. Rivezzo approached Armenta on foot. Armenta was, at this point, crawling on his hands and knees on the sidewalk. Rivezzo detained Armenta in handcuffs.

Armenta was exhibiting symptoms of being under the influence of a controlled substance in violation of Health and Safety Code section 11550. Rivezzo quickly requested medics for what she described as a possible "excited delirium" situation.

Armenta was conscious but was mumbling unintelligibly. His fingers were moving as if playing the piano, his muscles were rigid, he had had a blank stare in his eyes, and his body was continuously moving. Rivezzo tried to lift Armenta to his feet but could not.

Officer Rodriguez arrived and he and Rivezzo hoisted Armenta to his feet and walked Armenta toward the patrol car located in the Arco Gas station lot a few feet away. Rivezzo instructed Armenta to sit, but Armenta instead threw his front torso forward and the officers had to prevent him from falling. The officers held Armenta's arms and guided him to the ground in front of the patrol car. Armenta lay down on his side. Rivezzo and Rodriguez asked Armenta for his identifying information but Armenta gave only his first name and mumbled incoherent answers. Rivezzo retrieved her computer from her vehicle to look up Armenta's identification. Rodriguez stayed with Armenta and continued to ask questions to ascertain his identity when Armenta suddenly stopped moving. Rodriguez shook Armenta and yelled his name. He advised Rivezzo he did not know if Armenta was breathing. Rodriguez rubbed Armenta's chest several times to wake him. Rivezzo called Armenta's name several times and performed a sternum rub with no response. Both officers shook Armenta and continued to call his name.

Rivezzo removed Armenta's handcuffs and Rodriguez began chest compressions. Rivezzo dispatched that they had commenced CPR and requested Narcan. Officers Valencia and Vital responded to the call to provide Narcan. Before they arrived, Rodriguez told Rivezzo that he had Narcan in his patrol vehicle. Rivezzo went to Rodriguez's vehicle and retrieved the Narcan while Rodriguez continued with chest compressions. Rivezzo administered a dose of Narcan to Armenta, but he did not respond. She administered a second dose of Narcan and he still did not respond. Valencia and Vital arrived on scene and the four officers attended to Armenta by administering chest compressions until San Diego Fire Department arrived. At the direction of medics, officers continued applying chest compressions as the medics began evaluating and treating Armenta.

Armenta did not regain consciousness and was pronounced deceased at the scene. Post-mortem toxicological analysis of Armenta's blood revealed the presence of amphetamine at a level of 84 ng/mL and methamphetamine at 6800 ng/mL. The autopsy report identified the cause of death as the toxic effects of methamphetamine and listed the manner of death as accident.

Persons Involved

Daniel Joseph Armenta was a 35-year-old resident of San Diego. The officers involved in this incident were employed by the San Diego Police Department, were on duty and in full uniform. At the time of this incident, Rivezzo had been employed for five years and nine months, Rodriguez had been employed for one year and six months, Valencia had been employed for one year and eleven months, and Vital had been employed for approximately four years.

Statement of Civilian Witness One (CW1)

CW1 was the manager of the U-Haul Store located at 43rd Street and El Cajon Boulevard. On December 8, 2022, CW1 observed a man, later identified as Armenta, climbing over the chain-link fence into the rear lot of the business. Armenta's clothing got caught on the fence, causing him to hang briefly.

Armenta eventually got loose from the fence but got his foot stuck between the fence and the concrete barrier below the fence. CW1 believed he saw blood on Armenta's hand. CW1 told Armenta he was not allowed to be in the rear lot, but Armenta did not respond. Not knowing if Armenta was hurt, CW1 called 911. Armenta freed his foot, got up, and stumbled in multiple directions. Armenta walked out of the lot across lanes of traffic on 43rd Street.

CW1 thought Armenta was going to get hit by a car. He remained on the phone with 911 while following Armenta. Armenta stopped at an island in the middle of the intersection and appeared disoriented. Armenta proceeded to walk across the street to another chain-link fence. Armenta then walked out to the sidewalk and laid down with his feet in the street, using the curb as a pillow for his head. When a woman pulled up in a car, presumably to check on Armenta, Armenta got up and took off. Armenta crossed back over El Cajon Boulevard and sat down on the corner. CW1 pointed out Armenta to a female police officer driving down Fairmount Avenue. Armenta got up and went across the street as the officer pulled her patrol car around. The officer proceeded to try to stop Armenta and Armenta went on the ground. After that, CW1 was "not really too sure" what happened.

CW1's main concern was that Armenta was going to get hit by a car because of the way he was walking. CW1 commented Armenta's eyes didn't look right and stated, "He just looked like he didn't even know where the hell he was."

Statement of Civilian Witness Two (CW2)

CW2 is Armenta's mother. Armenta had been back in San Diego for two months after living in Texas. He had been staying with his girlfriend, CW3, since returning.

On December 8, 2022, around 2 p.m., CW3 called CW2 and told her she wanted Armenta out of her house because he was acting strange. CW3 said Armenta had been away with friends for days and when he came home, he was not right. CW3 told her Armenta hadn't slept in days and was accusing her of "stuff" that she was not doing. CW3 said Armenta was probably on drugs. CW2 went with a friend to pick Armenta up from CW3's house. Armenta was exhibiting bizarre behavior. She noticed he had dry lips and looked dehydrated. She did not know what he was on and she had never seen him like that before.

CW2 brought Armenta to her home on the 4th floor of an apartment building. Despite Armenta being afraid of heights, he kept going out onto the patio and leaning over the balcony. She asked Armenta what he was doing and he told her that "people" were talking about him and "people" were coming to get him. Armenta grabbed a knife, ran into one of her bedrooms, and pushed a screen out of the window. Armenta did not threaten anyone with the knife. CW2 thought Armenta was going to jump or fall out of the window. Around 5 p.m., she got Armenta outside, where she was going to call 911. However, once outside, Armenta took off running from her. CW2 called her daughter and together they drove around to look for Armenta. After they were not able to locate him, they drove toward the Arco gas station. They saw an ambulance and then Armenta. CW2 said it happened that fast. It had been 30 minutes since he had been gone.

Statement of Civilian Witness Three (CW3)

CW3 was Armenta's girlfriend. CW3 said Armenta returned to San Diego from Texas about two months prior and had been residing at her residence. He had been in Texas for eight to nine years. Before Armenta had moved to Texas, she and Armenta were together for five years. They broke up because Armenta had a severe alcohol problem. Armenta drank alcohol and used methamphetamine in high school. CW3 believed methamphetamine was his drug of choice.

When Armenta returned to San Diego, they reconciled their relationship. CW3 initially believed he was not using drugs. However, Armenta would leave every weekend to work on music and be gone for days at a time. CW3 thought during those times he might be partying and drinking.

CW3 recently lent Armenta money. Armenta asked his dad for the money to pay her back. When Armenta's dad gave Armenta the money, Armenta never came back, so she knew something was going on. When Armenta finally came home, she noticed he hadn't been sleeping. She did not believe he had slept all weekend. She also noticed Armenta had an injury to his hand. When she asked about the injury, Armenta told her people were following him so he got on a roof and fell off. She noticed another bruise on his body. Armenta told her he had gotten that bruise in a fight and then said he didn't remember what had happened.

CW3 said the night before, December 7, 2022, around 10 or 11 p.m., she found a bag of methamphetamine on the counter inside her bathroom and flushed it down the toilet. Armenta admitted the drugs belonged to him and that he had been using. She told Armenta she could not allow him to reside at her residence and that he needed to get help. Armenta was acting paranoid and accused her of "setting him up." Armenta said that people were looking in their blinds.

The following day, December 8, 2022, when Armenta's mother arrived to pick him up, Armenta was in the upstairs bathroom. CW3 called out to him to let him know his mother was there. CW3 looked under the bathroom door and saw that he was holding the door closed with his foot. Looking back, she believed he was on the phone with 911 because she later received a call from 911 and was informed by the dispatcher that he had given them her number. Suddenly, it was like Armenta was having a mental breakdown. It was like Armenta was fighting himself or fighting somebody in the bathroom and CW3 had to break down the door. Armenta said he was having flashbacks from prison. CW3 called 911 but then hung up because CW2 said she would just take him.

After Armenta had left with CW2, CW3 received a call from CW2 letting her know that Armenta had taken off. Later CW2 called her and said they had found Armenta and didn't know if he was going to make it.

Statement of Officer Carly Rivezzo

Rivezzo was dispatched on a radio call to check an individual's welfare at 43rd Street and El Cajon Boulevard. The reporting party, the U-Haul manager, said a male adult was walking in the street and may get hit by a car. When Rivezzo arrived, the reporting party (CW1) flagged her down. Rivezzo observed Armenta, crawling on the sidewalk and street on the west curb line of Fairmount Avenue.

Armenta walked across Fairmount Avenue so Rivezzo turned her vehicle around and contacted him on the curb line next to the Arco station. At that point, Armenta was on the ground crawling. He was acting erratic, going in and out of the street. Rivezzo was by herself. She placed Armenta in handcuffs by grabbing Armenta's left arm with hers and placing her shin on his "lower back upper butt area." She then grabbed his right arm and put it in handcuffs.

Armenta's muscles were rigid. Rivezzo noticed Armenta's fingers were "playing piano" as she handcuffed him. She asked if he was okay and immediately thought he was under the influence of a controlled substance. Rivezzo called for medics believing Armenta might have been experiencing "excited delirium." Armenta had been crawling in the street, he had rigid muscles, he had "piano fingers," a blank stare in his eyes "like no one was home," and he could not stop moving his entire body.

Rivezzo called for medics and then attempted to pick Armenta up from the sidewalk-street area and move him over to her patrol car away from the busy intersection. Armenta was "like dead weight." Rivezzo could not pick him up. Rodriguez arrived and assisted Rivezzo in moving Armenta. They grabbed under Armenta's arms and walked him to the front of the patrol car and laid him down. Rivezzo placed Armenta in a recovery position believing he was going to vomit. Armenta rolled back onto his stomach and the officers kept trying to readjust him.

During the contact, Rivezzo asked Armenta his name, if he was okay, and what was going on. Armenta answered that his first name was Daniel, but he provided a wrong birthday. Armenta did not give her his last name; instead he mumbled letters and names. When she asked if he could spell his last name, he couldn't.

While they were waiting for medics, Armenta became unresponsive. Rivezzo believed it had been approximately five minutes from when she first contacted Armenta to when he became unresponsive. Rivezzo administered Narcan twice and attempted to provide a sternum rub, but Armenta did not respond. Rodriguez then performed CPR on Armenta. Once firefighters arrived, Rivezzo believed they provided Armenta more Narcan intravenously. When medics arrived, they took over administering CPR.

Rivezzo said she detained Armenta due to the radio call, the reporting party pointing Armenta out, the clear signs of Armenta being under the influence and being unable to care for himself, and Armenta walking in and out of traffic.

Statement of Officer Christian Rodriguez

Rodriguez responded to a "check the welfare" call of a male walking in the middle of the street at El Cajon Boulevard and 43rd Street. As he drove up, Rodriguez saw Rivezzo on the south curb line on Fairmount Avenue and El Cajon Blvd where the Arco was located. Rivezzo was in the process of placing handcuffs on Armenta. Rivezzo then moved Armenta onto his back.

Officer Rodriguez parked his vehicle and ran to them. Armenta was in the process of sitting up with help from Rivezzo. Rodriguez assisted Rivezzo pick up Armenta and move him to the front

of Rivezzo's patrol vehicle. He assisted by grabbing Armenta's right arm to get him on his feet. In the process, his body worn camera was knocked off.

Armenta seemed disorientated and didn't know what was going on. They were able to obtain Armenta's first name of Daniel. When he asked for Armenta's last name and date of birth, Armenta didn't give the information.

Armenta was paying attention but was giving a partial name that Rodriguez could not make out. Rodriguez noticed Armenta was fidgeting. When they laid Armenta on the ground, Armenta was kicking his legs a bit. Rodriguez placed his knee on Armenta's leg so that Armenta would not kick him. Rodriguez believed Armenta was possibly experiencing "excited delirium," describing Armenta as having the "thousand-yard stare."

As he and Rivezzo were attempting to gather identifying information from Armenta, Armenta became unresponsive. They tried to wake him and removed his handcuffs. During this time, Armenta still had his eyes open with the thousand-yard stare. Rivezzo checked for a pulse, and when she did not find one, they placed Armenta on his back and began CPR. Rivezzo administered two doses of Narcan with no response. They continued CPR, which involved chest compressions and no breaths. When the fire department and medics arrived, they placed an automated external defibrillator (AED) on Armenta.

Statement of Officer Adrianni Vital

Vital responded with his partner to the scene after a unit broadcast, they were starting CPR on a subject and needed Narcan. Upon arrival, he observed CPR being performed on Armenta. He obtained Narcan from his vehicle but when he saw the medics were already there, he put it away. He assisted in providing one sequence of CPR, providing only chest compressions. Armenta remained unresponsive during that time. Vital observed medics drill into Armenta's leg to possibly provide intravenous therapy and observed medics use a compression machine on Armenta.

Armenta's mother and sister arrived at the scene. He made sure they did not get too close to keep the scene safe. Armenta's sister and mother said they had been looking for Armenta and that Armenta had made suicidal statements earlier in the day.

Statement of Officer Jose Valencia

Valencia and his partner heard a radio call of an officer requesting Narcan at a scene a few blocks from their location. As they drove to the scene, Valencia heard Rivezzo radio that she had administered two doses of Narcan. Upon arrival, he saw that the fire department had also arrived. He saw Rodriguez providing CPR to an individual, later identified as Daniel Armenta, who was unconscious, lying in front of a patrol car. He asked Rivezzo how they could help. She requested that a statement be obtained from the reporting party, the manager of the U-Haul business.

As Valencia went to obtain that statement, he observed Armenta's family members arrive at the scene. He asked Armenta's sister to move her vehicle, which was parked directly behind a patrol

car. He noticed Rodriguez appeared tired from giving chest compressions, so he asked if Rodriguez wanted to switch. Valencia took over administering chest compressions on Armenta.

Investigation:

The scene was secured, photographed, and investigated by the San Diego Sheriff's Department's Homicide Unit. All investigative reports, the Medical Examiner's report, all audio recordings, including interviews and 911 calls, videos, including body worn camera video and surveillance videos, were reviewed for this investigation. All these items were found to provide evidence which corroborates the officers' statements.

On December 08, 2022, at 2:18 p.m., Armenta called 911 and stated he was calling from CW3's address. He gave the dispatcher conflicting and confusing information regarding someone harassing his mother. On the recording, Armenta can be heard yelling in the background and there are sounds as if he is fighting with someone. A female voice in the background asks, "What are you doing?" Armenta did not respond further to the dispatcher.

On December 08, 2022, at 2:24 p.m., a 911 call was received by SDPD dispatch, and a female voice yelled in the background. The call then disconnected.

On December 08, 2022, at 2:27 p.m., SDPD Communications attempted to call CW3's number and it went to voicemail. The dispatcher left a message requesting a call back for more information.

On December 08, 2022, at 2:36 p.m., SDPD Communications called CW3's number again and spoke to CW3. CW3 told dispatch that Armenta had left with his mother (CW2). CW3 stated she believed Armenta had undiagnosed mental health issues, he was on drugs, he hadn't slept since Friday, and he needed help. She provided CW2's number to the dispatcher.

December 08, 2022, at 4:29 p.m., CW1 called 911 and reported information consistent with the statement he later gave to investigators.

Surveillance video from U-Haul, located at El Cajon Blvd and 43rd Street, captured Armenta walking with a pronounced stride in a staggered pattern through the lot toward 43rd Street. The reporting party, CW1, can be seen following him.

As Armenta walks across 43rd street onto the opposing sidewalk, he swings his arms wildly, showing no regard for an oncoming vehicle. Armenta can be seen walking down 43rd street toward El Cajon Blvd as CW1 follows.

Surveillance video from the Arco gas station at Fairmount Avenue and Escondido Boulevard captured further footage of Armenta. The video shows Armenta walk westbound down the center median of El Cajon Boulevard. He then crosses the eastbound lanes and appears to be swinging his arms as if shadowboxing. At the corner of El Cajon Boulevard and Fairmount Avenue, Armenta grabs a silver metal electrical box with his arms and then collapses to the ground, bracing his fall with one arm and landing on his back into the roadway. He sits up but remains seated in the traffic lane of Fairmount Avenue.

Armenta turns over and struggles to rise to his feet. At that time, Rivezzo arrives in her patrol vehicle. She activates her patrol vehicle lights and begins a u-turn to position the vehicle next to Armenta. As she does that, Armenta is seen rising to his feet and walking directly toward the driver's door of her patrol vehicle. Armenta turns around and walks a few steps back in the direction of the electrical box, but ultimately turns and walks across Fairmount Avenue towards the Arco station, stumbling at times. Once Armenta is on the sidewalk, he appears to stagger off the sidewalk into the roadway and then falls to the ground. Rivezzo makes another U-turn and pulls into the Arco gas station lot. The patrol vehicle then partially blocks the view of Armenta on the Arco surveillance video.

The four officers had their body worn cameras activated during their contact with Armenta. Together those cameras captured the remainder of the incident.

Rivezzo arrives at the intersection of Fairmount Avenue and El Cajon Blvd. As she initiates a U-turn, a male voice is heard yelling in the background and Rivezzo yells, "Hey, get on the sidewalk. Go to the sidewalk." She conducts another U-turn and pulls into the Arco gas station parking lot and exits her patrol vehicle. Armenta is on the sidewalk crawling on his hands and knees. As Rivezzo walks toward him, Armenta gets up on his heels. Rivezzo instructs him to stay on the ground. Rivezzo grasps Armenta's left wrist with her left hand and Armenta's left forearm with her right hand as Armenta sits back on his buttocks. Rivezzo tells Armenta to "relax" several times while Armenta mumbles unintelligibly. Rivezzo guides Armenta's left arm behind his back while Armenta leans his torso forward. Pre-existing cuts are visible on Armenta's hands. Rivezzo holds her grasp on Armenta's left arm and tries to reach for his right arm as Armenta rolls onto his right side. Rivezzo instructs Armenta, "Give me your arm." She grasps his right wrist with her right hand and as Armenta rolls forward on his stomach, she places her left knee on his upper buttock area and directs both his arms behind his back. Armenta relaxes his body, but continues to mumble, and Rivezzo places handcuffs on Armenta. Rivezzo asks Armenta, "What's going on bro?" She then immediately advises dispatch that she has one detained and requested medics for what she terms "excited delirium."

Rivezzo asks Armenta to sit up but he rolls onto his back. Armenta rolls onto his right side and his fingers can be seen moving continuously. Rivezzo repeatedly asks Armenta, "What's going on, bro?" and then asks if he had his ID on him. Armenta continues moving his body and mumbling unintelligibly. Rivezzo asks Armenta if he can sit up and when he does not respond, she instructs him to sit up. She grasps his left arm with her two hands and attempts to assist him. Armenta continues to mumble unintelligibly and appears unable to sit up. He rolls back down on his side. Rivezzo instructs, "Let's get up," and Armenta responds, "Okay." Still grasping Armenta's arm, Rivezzo is unsuccessful in positioning him up.

Rodriguez arrives and approaches Rivezzo and Armenta. He grasps Armenta's right upper arm. With Rodriguez grasping Armenta's right arm and Rivezzo grasping his left arm, the officers are able to raise and walk Armenta toward the patrol car. Rodriguez's body worn camera gets knocked off in the process. Armenta walks in a wobbly manner. As they near the patrol car, Rivezzo instructs Armenta to sit. Armenta throws his front torso forward and the officers catch him from falling forward. Rivezzo comments, "All right, we are just going to go down then."

The officers hold Armenta's arms and guide him to the ground in front of the patrol car. Armenta lies down on his left side.

Rivezzo asks Rodriguez to "watch him for a sec" as she goes to her patrol vehicle to disinfect her hands and retrieve latex gloves. During this time, because Rodriguez's camera had been knocked off, there is no visual body worn camera footage of Armenta and only a portion of the audio is intelligible. In the body worn camera audio, Armenta is heard rambling. At one point, Rodriguez instructs Armenta, "Stay still. Stay still. I'm not going to (unintelligible) kick me all right." However, while this portion of the contact was not captured on body worn camera, it was captured by the Arco surveillance camera. From that surveillance camera footage, it appears Rodriguez remains in the same position the entire time, leaning down holding Armenta's right arm.

Rivezzo returns to Armenta. Armenta is face down on the pavement shifting his face from side to side as Rodriguez grasps Armenta's right elbow. Rivezzo tells Armenta to relax as she puts on latex gloves. A visible bleeding cut is visible on Armenta's left temple. Rivezzo asks Armenta, "Why are we running in the roadway?" Armenta continues shifting his face from one side to the other against the pavement. Rodriguez then retrieves his camera and places it back on his uniform. Rivezzo asks multiple times, "Can we sit up?" Armenta moves his body attempting to roll onto a side and answers, "Yes." Armenta makes no visible effort to sit up.

Rivezzo uses her hands to help Armenta roll on his side and asks if he has any identification. Armenta rolls onto his back. She asks again where his ID is and Armenta responds, "Pocket." Rivezzo pats down Armenta's upper jacket area asking, "This pocket?" Rivezzo asks Armenta what his name. He responds incoherently, then says, "Daniel." A bruise or dark area is visible on Armenta's upper left cheekbone area. Armenta then rolls himself back onto his stomach. Rivezzo asks, "Daniel, are you going to throw up?" as Armenta rolls onto his side and then onto his stomach. Rodriguez pats Armenta's jeans pockets and Rivezzo asks for Armenta's last name. Armenta answers incoherently. She asks how to spell it and Armenta spells, "J O S E - Ulysses S - Doctor Goose." Rivezzo asks for his birthday and Armenta mumbles something close to "2-15-1987." Rivezzo again asks for his last name, to which Armenta responds incoherently.

Armenta continues to mumble while on his left side. Rodriguez places his left hand on Armenta's right arm and uses his right hand to pat Armenta's upper right thigh area and says, "Daniel, Daniel, hey." Armenta mumbles and in between words says, "(unintelligible) to breathe." Rodriguez responds, "Well no one's on you." Armenta continues to mumble and roll slightly from his stomach to his side. Rivezzo states, "Let me look for his ID," and goes to her patrol vehicle to retrieve her laptop computer.

Rodriguez shakes Armenta's right arm and asks for his last name. Armenta looks at Rodriguez and says, "Daniel." Rodriguez asks what his last name was, and Armenta responds, "Armenta." Armenta remains lying face down on the asphalt as he answers. Rodriguez asks Armenta to spell his last name and Armenta responds, "A R." Armenta's head twitches and his body moves from side to side. Rodriguez asks Armenta if he speaks Spanish and Armenta nods in the affirmative.

Rodriguez tells Armenta to talk to him in Spanish. Armenta responds to additional questions, but not in a manner Rodriguez could understand.

Armenta then stops moving. Three seconds later, Rodriguez shakes Armenta's shoulders several times and then tells Armenta to stay awake. Armenta does not move. Rodriguez shakes Armenta several more times, rolls Armenta onto his side, and comments, "I don't know if he is even breathing." Rodriguez rubs Armenta's chest with no response. Rivezzo returns from her patrol car while advising dispatch, "I think he is going unresponsive." Rivezzo conducts a sternum rub on Armenta while calling out, "Daniel." Both officers shake Armenta while saying his name.

Rivezzo tells Rodriguez to remove Armenta's cuffs. Rodriguez turns Armenta over and initiates CPR. Rodriguez turns Armenta onto his side and starts chest compressions. Rivezzo advises over the radio that CPR had commenced and requests Narcan. Rodriguez tells Rivezzo he has Narcan in his patrol vehicle and Rivezzo retrieves the Narcan while Rodriguez continues applying chest compressions.

Rivezzo administers the first dose of Narcan by spraying it into Armenta's nose. Rodriguez continues the chest compressions. Armenta does not respond and Rivezzo administers a second dose of Narcan. Armenta shows no response. Rivezzo states on the radio that she administered two doses of Narcan with no response. Rodriguez continues chest compressions. Rivezzo inquires whether Rodriguez has a mask and he replies in the negative.

San Diego Fire Engine number 18 is seen arriving at the scene. Fire medics check Armenta for a pulse and advise Rodriguez to continue the chest compressions. The medics set up a heart monitor machine on Armenta while Rodriguez continues to manually give chest compressions. Valencia and Vital, who are now on scene, along with Rodriguez, switch off administering chest compressions as directed by the medics.

The paramedic records detail that life saving measures continued until 5:10 p.m. when Armenta was declared deceased on scene by Dr. Oyama from USCD hospital.

Autopsy

On December 9, 2022, Deputy Medical Examiner Dr. Debra Berry performed the autopsy of Armenta. In the autopsy report, Dr. Berry noted Armenta "demonstrated hepatic steatosis, a laceration of the liver with associated hemoperitoneum, and minor abrasions, cutaneous contusions, and lacerations of the head, torso, and extremities that would not have contributed to this death." She further noted that Armenta had fractures of the sternum and ribs consistent with resuscitative efforts. Toxicological analysis of Armenta's blood revealed amphetamine (84 ng/mL) and methamphetamine (6800 ng/mL).

Dr. Berry determined the cause of death was the toxic effects of methamphetamine. She also concluded the manner of death was accident.

Legal Standards of Criminal Liability

In analyzing the potential criminal liability of the officers involved in the contact of Armenta, there must first be a determination of causation. For charges of either murder or manslaughter, there must be an act or acts that cause the death of another.

The medical examiner determined Armenta's methamphetamine intoxication caused his accidental death, and that physical injuries noted on his body during the autopsy would not have contributed to his death.

Under the circumstances, Rivezzo lawfully detained Armenta, who appeared under the influence of drugs such that he could not care for himself. He was walking in a roadway where he could have been struck by a vehicle or caused a traffic accident, injuring himself and others. His actions were concerning enough that a citizen called 911 and followed him until police arrived. Rivezzo was within her right to use reasonable force to effect the detention when she contacted Armenta due to his reported and observed behavior. She used minimal force to place Armenta in handcuffs. She recognized symptoms that indicated Armenta was under the influence of a controlled substance and in a concerning state. She promptly radioed for medics so that Armenta could be evaluated and treated on site. Rivezzo and Rodriguez used minimal force to move Armenta a short distance away from the busy intersection. The officers spoke to Armenta in a calm fashion when they tried to gather his identifying information. The officers continued to use minimal and appropriate force during the remainder of their contact with him, including when rolling him into a recovery position and keeping him from kicking. The officers constantly monitored Armenta, and when he lost consciousness, they initiated care quickly by removing handcuffs, beginning CPR, and administering Narcan. They continued CPR on their own until medics arrived and then continued CPR at the direction of the fire department medics.

Conclusion

Based upon our review of the facts and circumstances surrounding Armenta's death, the law enforcement personnel involved in his restraint acted reasonably and bear no state criminal liability for their actions. A copy of this letter, along with the materials submitted for our review, will be retained in our files.

Sincerely,


SUMMER STEPHAN
District Attorney

cc: Captain Richard Freedman
San Diego Police Department
Captain James Emig, Jr.
San Diego Sheriff's Department