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DA Releases Reviews of Four In-Custody Deaths

M.E. Finds Methamphetamine a Factor in All Four Deaths

The San Diego County District Attorney's Office today released its review of four in-custody deaths and its decisions regarding criminal liability for the police officers and Sheriff's deputies involved. In each incident the individual who died had methamphetamine in their system, which the Medical Examiner determined was a factor in their death. A total of 546 San Diego County residents died from methamphetamine overdoses last year, setting a tragic record. Summaries of each incident are below, along with links to letters detailing the DA's review, civilian and law enforcement witness statements.

Officers Respond to Man Trying to Break into a Home

On September 29, 2019, 911 callers reported a man destroying property and attempting to break into a home. A National City police officer responded and found Tony Wilson, 61, standing near broken glass at the front door of the home. The officer ordered Wilson to get on the ground as a second officer arrived on scene. Wilson raised both arms in the air and dropped to his hands and knees. An officer again ordered Wilson onto the ground and then twice ordered him to put his hands behind his back. Wilson did not comply. The officers used their hands to push Wilson downward into a prone position trying to handcuff his hands behind his back.

Wilson thrust his hands beneath his body and officers were unable to gain control of his arms. One officer warned Wilson three times he would use his TASER, but Wilson continued to physically resist. During an ongoing struggle and through repeated commands, an officer applied his TASER three times. A third officer arrived on the scene and together, the three officers were able to move both of Wilson's wrists behind his back, but Wilson continued to physically resist. An officer used his TASER on Wilson's leg while telling him to stop kicking. The officers placed Wilson in handcuffs and immediately requested medical assistance.

Officers began searching Wilson and lifted him to an upright seated position, making sure he was breathing. The officers attempted to speak with Wilson, however Wilson only groaned in response. The officers confirmed Wilson was still breathing and conscious. A few moments later, an officer

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checked again on Wilson and determined they should move Wilson to the sidewalk. As soon as the officers placed Wilson on the sidewalk, they realized he was no longer breathing and began administering CPR. Paramedics arrived and transported Wilson to the hospital where he never regained consciousness and on October 15, 2019 was pronounced deceased.

Drug screens detected the presence of tetrahydrocannabinol, methamphetamine and amphetamine in Wilson's system. The Medical Examiner determined the cause of death to be anoxic encephalopathy due to resuscitated arrest while intoxicated on methamphetamine, with cardiovascular disease contributing to the cause of death. The manner of death was classified as an accident.

After a thorough review of the facts and evidence, the District Attorney's Office has concluded that the three officers involved in the incident employed reasonable force when they lawfully detained Wilson and do not bear criminal liability for their actions.

Read the DA's detailed review [here](#).

Officers Respond to Individual Throwing Rocks at Homes

On April 8, 2020, Oceanside Police received calls from several people reporting a person was throwing rocks at their homes. One caller identified his neighbor, Tony Zaffina, 49, as the person throwing rocks. Another caller reported Zaffina forced entry into their home and then fled out a window.

Several officers from the Oceanside Police Department responded to these calls. One officer found Zaffina on the Mira Costa college campus knocking over trash cans and banging on classroom windows with what the officer thought was an axe or sickle. The officer called out to Zaffina, who fled on foot into the campus. As the officer gave chase, Zaffina turned and threw the object he was carrying at the officer and it missed hitting him. Zaffina stopped, faced the officer, and picked up chunks of dirt and throwing a pinecone at him.

The officer repeatedly told Zaffina to lie on the ground but Zaffina refused. The officer thought Zaffina might be under the influence of a controlled substance. To minimize the use of physical force, the officer deployed a TASER at Zaffina, but it was ineffective. The officer held Zaffina at gunpoint until other officers arrived. Two additional officers arrived soon after and body-worn camera recordings were initiated. They all ordered Zaffina to lie on the ground. Zaffina refused to do so, clenching his fists and making growling sounds. An officer deployed his TASER at Zaffina, and he fell to the ground. An officer attempted to handcuff Zaffina but was unable to get his hands behind his back. An officer initiated another five-second activation of his TASER and officers were able to handcuff Zaffina.

Officers rolled Zaffina to his side and checked him for a pulse. Zaffina was initially breathing and had a pulse but soon lost consciousness. A short time later, officers couldn't feel Zaffina's pulse. Officers initiated CPR, which included the use of an Artificial External Defibrillator (AED). Paramedics were arrived. and took over life-saving efforts, but were unable to revive Zaffina or establish a pulse. Zaffina was declared dead at the scene.

The Medical Examiner determined the cause of death was cardiorespiratory arrest while prone, handcuffed, intoxicated on methamphetamine, and after the use of a TASER. Atherosclerotic cardiovascular disease was a contributing cause of death. Based upon the District Attorney's review of

the facts and circumstances surrounding Zaffina's death, the law enforcement personnel involved in his restraint acted reasonably under the circumstances and bear no state criminal liability for their actions.

Read the DA's detailed review [here](#).

Officers Respond to a Reported Drug Overdose

On May 8, 2020, just before midnight., San Diego Police and Fire Medics responded to a possible drug overdose call at a residential hotel in San Diego. The caller reported that Wesley Garrett-Henry, 32, was having a "narcotic episode" and was in need of assistance. The caller said the situation was getting serious, the man was very aggressive and was being violent in his room.

Two officers arrived, knocked on the door of Garrett-Henry's room and could hear screaming, yelling and banging coming from inside. They identified themselves as police and told him they were there to help him. They asked him to come to the door and talk to them. They also informed him there were medics standing by if he wanted to go to the hospital. The officers believed he was either under the influence of a controlled substance or unable to care for himself. A third officer arrived on the scene.

Garrett-Henry eventually opened the door on his own and stepped out into the hallway, where he was handcuffed. The officers informed him they were there to help and asked what he took. He replied, "weed." Garrett-Henry initially stood handcuffed in the hallway. The officers requested the medics and noted excited delirium and a cut on Garrett-Henry's foot. An officer asked him if he wanted to lay down. Garrett-Henry sat down and then slid down onto his back. He continued to scream, kick his legs and flail around on the floor. One officer took control of the lower portion of Garrett-Henry's body and another officer controlled his upper body after he rolled onto his stomach. An officer placed his hands on either side of Garrett-Henry's shoulders and had his left knee on his back. They told him to relax and to keep breathing. They again informed him they were there to help him. Medics arrived and administered an injection of Versed (a sedative) to Garrett-Henry. Garrett-Henry continued to scream and struggle with the officers and medics while they let the Versed take effect.

A medic checked Garrett-Henry's pulse multiple times before transporting him to the first floor and into the ambulance. Medics noted his pulse was weak and officers removed the handcuffs. During the transport, medics treating Garrett-Henry noticed an irregular heart rhythm and no pulse. A medic started CPR but Garrett-Henry never regained consciousness and was pronounced dead at the hospital.

The Deputy Medical Examiner determined Garrett-Henry's cause of death was toxic effects of methamphetamine, with a contributing factor of hypertensive cardiovascular disease. The manner of death was classified as accident. Based upon the District Attorney's review of the facts and circumstances surrounding Garrett-Henry's death, the law enforcement personnel involved in his restraint acted reasonably under the circumstances and bear no state criminal liability for their actions.

Read the DA's detailed review [here](#).

Deputies Respond to Reports of a Man Lying in the Street, Acting Erratically

On February 18, 2020, multiple callers to police reported a male acting erratically and appearing to be under the influence of drugs. A Sheriff's Deputy responded and saw Joseph Jimenez, 29, sitting in a traffic circle at the side of the road. Bystanders said it had been necessary to stop traffic because

Jimenez had been lying in the street. The Deputy attempted to speak with Jimenez, who appeared to be under the influence of a controlled substance. He was clenching his teeth while making strange noises and speaking incoherently, showing no reaction to the Deputy's voice.

The Deputy repeatedly directed Jimenez to lay on his stomach and he eventually laid down, covering the sides of his head with his arms. Jimenez' forearms were on the ground and his hands were balled into fists. The Deputy told Jimenez to relax and directed him to place his hands behind his back. Jimenez did not comply and instead continued to tense up and make unintelligible noises.

The Deputy believed Jimenez was suffering from excited delirium. Jimenez was not combative, nor did he try to physically fight the Deputy, but he resisted the Deputy's efforts to secure him in handcuffs. The Deputy applied the carotid restraint control hold on Jimenez and Jimenez lost consciousness within seconds of the application. The Deputy was able to handcuff Jimenez and he regained consciousness a few seconds later. A second Deputy arrived and helped apply a cord cuff to Jimenez' ankles after Jimenez began kicking.

Vista Fire Department paramedics arrived and assessed Jimenez for injuries. Jimenez was transported to Tri-City Medical Center for evaluation. While in transit to the hospital, Jimenez stopped breathing and had no pulse. Paramedics performed CPR and were able to establish a pulse. Jimenez was placed into the Intensive Care Unit in critical condition and over the course of several days, Jimenez' condition steadily declined.

On February 24, 2020, Jimenez died. An autopsy was performed, and the cause of death was determined to be anoxic-ischemic encephalopathy due to resuscitated cardiopulmonary arrest due to acute methamphetamine intoxication. The manner of death was determined to be an accident.

Based upon the District Attorney's review of the facts and circumstances surrounding Jimenez' death, the law enforcement personnel involved in his restraint acted reasonably under the circumstances and bear no state criminal liability for their actions.

Read the DA's detailed review [here](#).

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About the San Diego County District Attorney's Office

The San Diego County DA's Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.