



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: September 27, 2021

TO: Supervising Deputy District Attorney Charles Gonzalez

FROM: Criminal Investigators Steve McCarthy and Derek Stigerts

SUBJECT: In-custody death investigation (EGPD 21-6391)
DAVID ANTHONY BOCCI, DOB: 03/18/1987 (XREF #4518634)

NOTIFICATION:

On September 23, 2021, at 4:45 hours, (Thursday); Investigators Steve McCarthy and Derek Stigerts were notified of an in-custody death at Seasons Drive and Laguna Park Drive in the City of Elk Grove within the County of Sacramento. Investigator Stigerts and I (McCarthy) responded to the scene and monitored the Elk Grove Police Department's investigation. We arrived at approximately 17:30 hours.

BRIEFING:

At 17:40 hours, a briefing was given by Detective Jorge Benitez #184 from the Elk Grove Police Department. Detective Benitez told us the Elk Grove Fire Department was returning to their station house (Fire Station 74) after previously responding to an unrelated call for service. As the fire crew approached the intersection of Seasons Drive and Laguna Park Drive, they noticed the driver of a tan colored 1998 Toyota 4dr, [REDACTED] facing W/B at the stop sign for Seasons Drive. When their engine came to a stop for S/B Laguna Park Drive, the driver of the tan Toyota failed to proceed through the intersection and appeared to be in distress. Fire personnel contacted the subject. At 12:58 hours, fire personnel requested Code 3 (lights and siren) assistance for an unruly subject.

At 13:01 hours, Motor Officer Nathan Mayerdick #284 ([REDACTED]) arrived. At 13:03 hours, Officer Shawn Vargas #277 ([REDACTED]) and his partner; a crisis intervention mental health clinician arrived. The driver of the Toyota who was later identified as David Anthony Bocci, DOB: 03/18/1987, (XREF #4518634) was now standing next to the driver's side door of his vehicle. He was sweating profusely, unable to stand still, mumbling and speaking incoherently. When Officers Mayerdick and Vargas attempted to handcuff Bocci, he resisted by tightening his arms and began to jump up and down. Officers Mayerdick and Vargas had to forcefully push Bocci down onto the roadway using wrist lock control holds along with their body weight before they were ultimately able to handcuff him. Once handcuffed, Bocci was placed on his side until additional officers arrived.

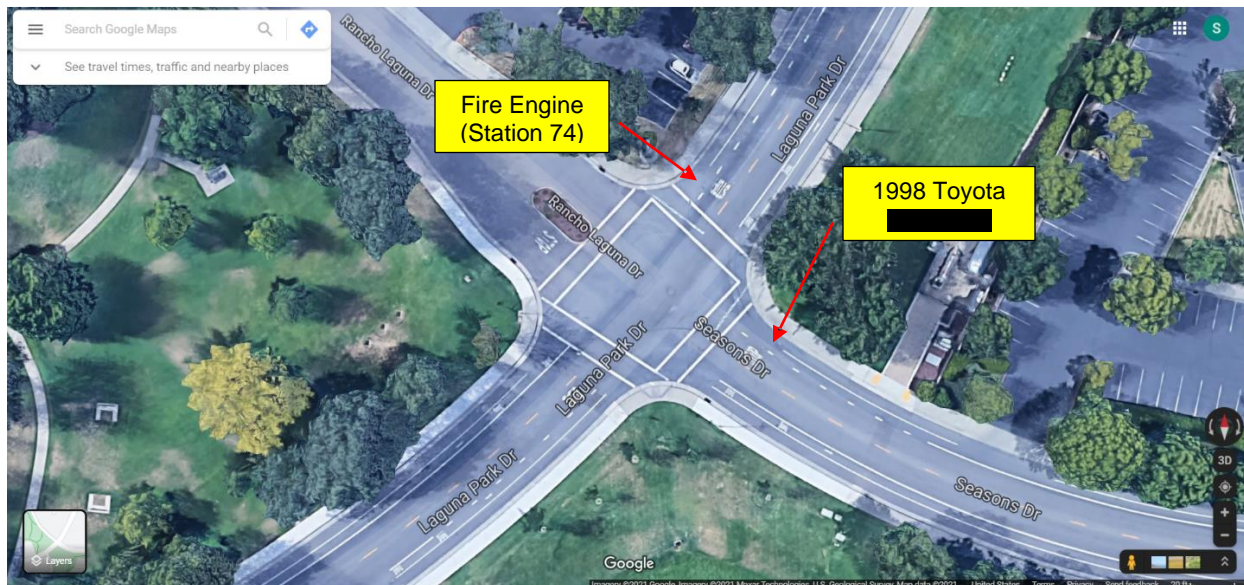
Additional Elk Grove Police Officers Gonzalez, Primasing, Zheng, Singh and Belter assisted with placing Bocci in a department issued "Wrap" device before he was transported via ambulance to Methodist Hospital. Bocci was conscious when handcuffed and during the ambulance ride. He reportedly only lost

consciousness after he had already arrived at Methodist Hospital. At 15:02 hours, Bocci was pronounced deceased by medical staff. His body core temperature was 105 degrees at the time of death.

SCENE:

The location of occurrence is the intersection of Seasons Drive and Laguna Park Drive. Bocci's tan 1998 Toyota Corolla 4dr [REDACTED] was stopped on Seasons Drive at the N/E corner of the intersection waiting to cross Laguna Park Drive. Fire personnel were traveling S/B Laguna Park Drive approaching Seasons Drive when they initially observed Bocci sitting in the driver's seat of his vehicle.

Refer to Google Map



AUDIO / VIDEO RECORDINGS

Officers from the Elk Grove Police Department utilize body worn cameras. At 18:00 hours, Investigator Stigerts and I (McCarthy) viewed the body worn camera footage from both Officer Mayerdick and Officer Vargas. At one point when watching Officer Mayerdick's body worn camera, Bocci is observed intentionally hitting his head on the concrete which can be seen by looking at the reflection being cast onto the bumper of Officer Vargas' police vehicle.

OFFICER STATEMENTS

On September 25, 2021, at 11:30 hours, Investigator Stigerts, and I (McCarthy) arrived at the Elk Grove Police Department to monitor the statements of Officers Shawn Vargas and Nathan Mayerdick. The below are their statements in summary:

OFFICER SHAWN VARGAS' STATEMENT

I have been a sworn officer for 13 ½ years and have been employed by the Elk Grove Police Department since October of 2016. I am assigned the patrol David (days) watch shift. Two days a week, a civilian mental health clinician rides with me.

On 9/23/21, I was working patrol in a marked police vehicle and in full uniform. I was equipped with a body worn camera and the mental health clinician was with me. A call for service came out where the fire

department asked for a code 3 response for a subject at Laguna Park Dr/Seasons Dr. When I arrived, I observed a gold Toyota Corolla parked in the WB lane of Seasons Dr at Laguna Park Dr. I observed Officer Mayerdick with a white male. I got out of the car and put my baton in my baton ring. Officer Mayerdick had the subject in a control hold which seemed to be ineffective.

The subject was sweating profusely. So much that it looked like he had just gotten out of the shower. Based on my training and experience, it appeared he was under the influence of some type of narcotic. He had a book in his right hand. I wouldn't say he was combative, but he was resisting. I took the book from his right hand and grabbed the hand to handcuff him. It was the safest thing to get him detained in handcuffs. He tensed up and he was strong.

I was able to get the handcuff on his right wrist. He started jumping up and down and then spun. I thought he was going to fight so we moved him to the front of my squad car. I couldn't get the other wrist handcuffed and I told him to stop resisting. He lifted himself off the front of the car and kicked backwards which went between my legs but missed my genital area. He hadn't been searched and I knew if he kicked me in the genital area, it could possibly incapacitate me. I delivered a strike to his upper back area with my right hand. We pushed him back on to the car and he continued to struggle. Officer Mayerdick and I took the subject to the ground. After a total of about 10 seconds, we were able to get him handcuffed.

The subject was still kicking so I held his legs and requested a Wrap device to secure him. We conducted a quick search and rolled him onto his side so he could breathe better. As he was laying on his side, he slammed his own head onto the square curb. He closed his eyes but opened them back up and was back to the same. He was talking and acting the same as before he hit his head. The fire department personnel observed this.

Additional officers arrived with the Wrap. The wrap was placed on him and he was taken to the hospital in an ambulance.

OFFICER NATHAN MAYERDICK's STATEMENT

I have been a sworn police officer since July of 2008. I was hired by the Elk Grove Police Department in April of 2017 and have been assigned as a Motor Officer since July 4, 2021. I have previous experience as a Sacramento County Sheriff's Deputy and a Galt Police Officer.

I work Tuesday – Friday and my current shift hours are 06:00 – 16:00. I wear an Elk Grove Police Uniform with a white motor helmet that says police on it. I also carry a Glock 17 handgun and wear a body worn camera near my right chest pocket which was activated during this incident.

I was working traffic enforcement in the area of Laguna Boulevard and Old Creek Drive when I heard dispatch advise the fire department was requesting Code 3 (lights and siren) assistance for an unruly subject. I was close, so I responded to their location.

Upon my arrival, I observed a tan Toyota Corolla with its hazard lights flashing in the W/B lane of Seasons Drive. There was a white male (later identified as David Anthony Bocci) along with a group of fire fighters standing in the roadway near the driver's door of the Toyota.

As I approached Bocci, I immediately noticed he was sweating and rambling his words. I thought he might be under the influence of drugs. Bocci never did acknowledged me and just continued talking incoherently. I initially just tried to converse with Bocci until additional officers arrived. At one point, Bocci leaned into the open driver's window of the Toyota and grabbed a book from inside. Bocci and I were still standing in the

roadway, so I suggested we talk in the shade near the sidewalk. As I started to walk toward the sidewalk, Bocci moved away from me. That's when Officer Vargas arrived.

I was concerned because there was a nearby school and park, so I grabbed Bocci's left wrist to prevent a foot pursuit. I attempted to place Bocci in a wrist lock, but he resisted. Pain compliance also didn't seem to work. Officer Vargas then grabbed Bocci's right wrist and handcuffed it however we were not able to secure the left arm. Bocci then began jumping up and down. At that point, I was fearful the other unlatched handcuff could become a weapon. Officer Vargas and I then pushed Bocci against Vargas' patrol car to get more control. While leaning against the car, Bocci kicked Officer Vargas in the upper thigh. Officer Vargas struck Bocci once with his fist in the upper back and told him to stop resisting. We then forced Bocci to the asphalt. He was briefly face down on the ground before we were able to finally handcuff him. We then pat searched Bocci for weapons and rolled him on his side. While waiting for additional officers to arrive, Bocci intentionally hit his head on the concrete.

Once additional officers arrived, I assisted with putting applying the Wrap. When we placed Bocci into a seated position, he kicked me in the helmet. I told Bocci to relax, but he continued resisting us. It was like we weren't even there. He never did engage with any of us. I thought he was either under the influence of drugs or possibly suffering from mental health issues.

I then conducted a registration check on the 1998 Toyota Corolla 4d [REDACTED]. I confirmed Bocci's identity after dispatched emailed me his picture. Dispatch also advised there were prior mental health calls involving Bocci.

The book that Bocci grabbed from the car appeared to be some type of journal. I ended up giving the book along with a cell phone I found in the center console of the Corolla to the medics prior to Bocci being transported to the hospital.