



Sacramento County District Attorney's Office

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March 30, 2015

Lieutenant Kris Palmer
Sacramento County Sheriff's Department
711 G Street
Sacramento, CA 95814

Re: In-Custody Death of Thurman Hart (DOB 5/17/75)
SSD Report No. 14-15558

Dear Lt. Palmer:

This case was referred to our office for review of the circumstances surrounding the death of Thurman Hart. On January 22, 2014, Hart lost consciousness while in custody and was transported to Kaiser Permanente South Sacramento Medical Center where he later died. Having completed this review, we find no evidence of criminal misconduct.

On January 22, 2014, at approximately 3:05 a.m., a neighbor heard Hart yelling from a nearby field. Hart ran from the field and laid down in the middle of the street. Two vehicles drove by and swerved to avoid striking Hart. He then got up and ran towards the park across the street. Hart ran into a tree with his head, fell down, got up, ran past the neighbor's house, turned around, and ran off again. The neighbor called 9-1-1 to report this incident.

Sacramento Sheriff Deputy Nathan Burnette was dispatched to this disturbance call. Upon arrival, Deputy Burnette observed Hart standing next to an apartment complex security fence. Hart was acting erratically, rapidly pulling on the fence, waving his arms around, throwing punches in the air, making animal-like growling noises, and yelling nonsensically. He was also sweating profusely and bleeding from his mouth and nose. Deputy Burnette exited his patrol car, identified himself as "Sacramento Sheriff's Department," and ordered Hart to get on the ground. Hart did not comply and walked to the middle of the street. Deputy Burnette followed Hart and continuously ordered Hart to "Stop" and "Get on the ground," but Hart did not comply with the orders. Hart continued to run off, stop, throw punches in the air, swing his arms, and yell out incoherently. Deputy Burnette believed that Hart may be under the influence of drugs based on his unusual behavior.

Deputy Christopher Arbuckle responded to the scene. He and Deputy Burnette continued to give commands, but Hart did not comply. Hart then grunted, sprinted approximately ten feet, stopped, quickly turned around, threw his fists in the air towards the deputies, growled, quickly jumped from side to side, and threw several punches in the air. He turned around and continued

walking away. Deputy Arbuckle continuously ordered Hart to get on the ground and said, "You're going to get Tazed, stop!" Hart still failed to comply, sprinted approximately ten feet, stopped, grunted, threw several more punches in the air, and continued walking away from the deputies. Believing that Hart would be combative if physical force was used on him, Deputy Arbuckle discharged the Taser and struck Hart in the back, which caused him to fall on the ground. Hart laid facedown and tried to stand up. Deputy Arbuckle told him to stop or he would discharge the Taser again. Hart ignored the command and tried to stand up. Deputy Arbuckle discharged the Taser. As both deputies attempted to handcuff his hands behind his back, Hart violently flailed around and attempted to get on his feet. Hart also pulled his arms from the deputies' control causing them to place their body on top of Hart to keep him on the ground. Hart tried to bite Deputy Burnette's hand and leg several times. Both deputies were unable to place handcuffs on Hart's wrists because he was violently resisting and had a soft cast on his right hand. Additional deputies eventually arrived and assisted with controlling and handcuffing Hart, who continued to resist and would not comply with the orders.

After Hart was handcuffed, he stopped moving and was unresponsive. It appeared that he was breathing. Deputies placed Hart in a sitting position. Deputy Arbuckle and Sergeant Steven Hays felt a pulse on Hart's arm. Deputy Justin Mulherin advised dispatch to contact the Fire Department. It then appeared that Hart stopped breathing. The medics arrived on the scene and provided medical treatment. At that point, Hart did not have a pulse. The medics proceeded with chest compressions and transported Hart to Kaiser Permanente South Sacramento Medical Center. Although the medical staff was able to stabilize his condition, Hart did not have brain activity. Hart was pronounced deceased at approximately 6:15 p.m. on January 23, 2014.

Hart's girlfriend was interviewed by deputies. She stated that Hart had schizophrenia and did not take his prescribed medication. She stated that earlier in the evening during an argument, Hart chanted incoherently, became aggressive, and challenged her son to a physical confrontation. However, they left the location before the confrontation escalated. She also observed Hart smoking methamphetamine two days earlier.

Pathologist Gregory Reiber, M.D., conducted an autopsy and concluded that the cause of Hart's death was anoxic encephalopathy due to resuscitated cardiorespiratory arrest and potentially combined methamphetamine toxicity and physical exertion during prolonged episode of agitated and violent behavior. Hart's toxicology samples taken from the hospital were positive for levels of amphetamine, methamphetamine, and hydroxybupropion. Dr. Reiber believed that the low level of methamphetamine very likely contributed to Hart's agitation with physically violent and self-injurious behavior. His agitated behavior prior to the deputies' arrival consisted of elevated cardiac activity and probably increased catecholamine release. This combination likely resulted in a cardiac arrhythmia and cardiorespiratory arrest. The presence of a high level of hydroxybupropion possibly also contributed to Hart's agitation. Dr. Reiber believed it was unlikely that the process of the deputies taking Hart into custody significantly contributed to his death based on the following documented factors:

- 1) The relatively brief timeframe in which law enforcement contacted Hart;
- 2) The lack of significant force used to restrain Hart; and
- 3) The minimal effects of the use of the Taser.

There is no evidence of criminal misconduct by the Sheriff's Department deputies presented in any of the supporting reports. The District Attorney's Office will not take any further action regarding the Sheriff's Department's role in this matter.

cc: SSD Detective Brian Meux #939
SSD Detective Paul Belli #1208
SSD Detective Angela Kirby #406