July 8, 2016

Chief Darren Pytel
Davis Police Department
2600 Fifth Street
Davis, CA 95618

Re: Officer Involved Death - Davis PD Case # 15-4210 & Woodland PD Case # 15-6079

Dear Chief Pytel:

The Yolo County District Attorney’s Office, as an independent agency, has completed its investigation and review of the above referenced officer involved use of force. We address only whether or not there is sufficient evidence to support the filing of criminal charges in connection with the use of force by officers Daniel LaFond, John Renger, Alex Torres, Lee Hatfield, Derek Russell and Daniel Powell.

For the reasons set forth below, we conclude that the use of force in this case does not warrant the filing of criminal charges against any of the officers involved. In reaching this conclusion, we reviewed Woodland Police Department reports, Davis Police Department CAD logs, Yolo County DA Bureau of Investigations reports, interviews of witnesses and family, the Yolo County Coroner’s report and data collected from the Taser used in this incident.

The review by Yolo County District Attorney’s Office does not involve an evaluation of administrative, civil or Internal Affairs liability for the participants, and it does not involve a review of whether policies and procedures were appropriately followed.

In addition, our review does not encompass recommendations concerning how policies and procedures might be altered to minimize potential future risks.

The scope of the District Attorney’s review is solely an evaluation of whether the filing of criminal charges is warranted by the events of October 15, 2015. The Uniform Crime Charging Standards require prosecutors to critically analyze and evaluate all of the available information to ensure a case has been fully investigated and that there is legally sufficient, admissible evidence to establish that a crime has been committed. In addition, prosecutors are required to ensure that there is legally sufficient, admissible evidence of the identity of the perpetrator. Finally, the prosecutor must be personally satisfied that the accused is guilty of the crime and, considering the most plausible and reasonably foreseeable defense(s), whether there is legally sufficient
evidence to convince a jury of the accused’s guilt beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves one with an abiding conviction that the charge is true.

In evaluating the totality of the circumstances in this case, it is clear that Davis Police Department officers were justified in making contact with David Edward Shurtz Jr. on October 15, 2015, to investigate the complaint of loud noise and the sound of breaking glass and furniture coming from inside Mr. Shurtz’s motel room.

The first officers on scene knocked and announced “police, come to the door.” Mr. Shurtz said he couldn’t get to the door and requested help. Mr. Shurtz was speaking incoherently at times but at one point said something about a “gun” or that another person in the room had a gun. Officers believed an exigency existed based on someone in the motel room being in distress and possibly gravely injured.

Officers requested medical and fire assistance to be on standby based on what they were hearing coming from inside the motel room and sought out the motel manager who had initially reported the disturbance, to see if he had tools to allow them into the room. Officers discovered the motel’s electronic override of the pass key was ineffective. After numerous attempts at breaching the door, officers finally got the door partially opened, at which point it was discovered the door was barricaded from the inside with a device Mr. Shurtz had placed under the door locking mechanism. Officers were able to move the barricade and entered the room.

The room was dimly lit but the officers could see a large amount of broken glass and debris as they entered. As the officers passed the bathroom, they found Mr. Shurtz lying on the bed, facing them in a push-up position. From this position, Mr. Shurtz made a sudden movement to an area out of the officers’ view. An officer, believing Mr. Shurtz may be reaching for a gun, lunged for and grabbed Mr. Shurtz’s right wrist in an attempt to control him. An officer was able to place a handcuff around his wrist but was unable to properly secure it due to Mr. Shurtz pulling away. This officer was unable to hold on to Mr. Shurtz because he was sweating and slipped the officer’s grip.

Mr. Shurtz immediately began striking at officers with his fists and the free handcuff. Officers pushed him to the bed but Mr. Shurtz began kicking at officers and was successful in landing kicks on several officers. Officers attempted several methods to gain control of Mr. Shurtz, but none were effective.

These methods included a distraction strike, three baton strikes to Mr. Shurtz chest, leg and arm, a wristlock and a Taser. These methods had no effect on Mr. Shurtz. Officers were finally able to gain control of Mr. Shurtz as they had him pinned face down but he was still tense and refused to take his right arm out from under his body.

As the officers struggled to gain control of the free arm, Mr. Shurtz seemed to be giving up and the officers were able to secure both wrists in handcuffs. Just after the handcuffs were secured,
Mr. Shurtz said he was having difficulty breathing. Officers immediately moved him on to his side into a “recovery” position. The waiting medical staff was called in.

Medical staff noticed Mr. Shurtz was having an irregular pulse and shallow breathing and asked officers to remove the handcuffs. The handcuffs were removed and CPR was started. Mr. Shurtz was not responsive to medical intervention and was pronounced dead at the scene by medical staff after communicating with an emergency room physician.

An autopsy was performed. The toxicology report revealed Mr. Shurtz had 6400 nanograms of methamphetamine per milliliter of blood in his system. The Coroner determined the cause of death to be sudden cardio respiratory arrest during the struggle. The Coroner indicated the cause of this cardio respiratory arrest was acute methamphetamine intoxication and excited delirium. The Coroner also indicated chronic methamphetamine use, along with obesity and hypertensive cardiovascular disease as significant conditions.

Officers were legally justified to respond to the motel. Once there, officers determined an exigency existed and made forced entry into the motel room. Once inside the room, still not knowing how many people were inside, officers encountered an individual who would not respond to their commands and made furtive movements. Officers responded to the furtive movement by trying to control the hands of Mr. Shurtz, who may have been reaching for a weapon. Mr. Shurtz actively resisted and became aggressive towards the officers. Officers used no more force than was necessary to control the situation. During the struggle, Mr. Shurtz suffered cardiac arrest and was unresponsive to immediate medical aid.

In light of the evidence, and viewing the incident through the totality of the circumstances, there is insufficient evidence to establish proof beyond a reasonable doubt that the use of force involved in this incident was criminally unlawful, and justifies the filing of criminal charges.

Thank you for your assistance and cooperation in this matter.

Very truly yours,

Larry Eichele
Deputy District Attorney

District Attorney