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SACRAMENTO COUNTY

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July 11, 2011

Chief of Police Rick Braziel
Sacramento Police Department
5770 Freeport Boulevard, Suite 100
Sacramento, CA 95822

Re: In-Custody Death of Freddie Lewis Allen Jr. (DOB 6/6/62)
SPD Report No. 11-5187

Dear Chief Braziel:

This case was referred to this office for review of the circumstances surrounding the death of Freddie Lewis Allen Jr. On January 5, 2011, Allen died while struggling with Sacramento Police Department officers who were in the process of taking him into custody. Having completed this review, we find no evidence of criminal misconduct.

On January 5, 2011, at 5:57 p.m., officers were dispatched to [REDACTED] Harding Avenue, unit [REDACTED] regarding a domestic violence incident in progress. [REDACTED] had called 911 and reported that her boyfriend, Freddie Lewis Allen Jr., jumped on her and hit her in the head. She indicated she would meet responding officers outside the residence.

Sacramento Police Department Officers Hosmer and Fong arrived and contacted [REDACTED] in front of the location. She stated that Allen was still inside the apartment. She reported that he had hit her several times, but she was able to grab her son and escape. Officer Fong observed swelling around her eyes. [REDACTED] indicated she wanted Allen arrested and confirmed that she would press charges.

SPECIAL INVESTIGATIONS

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The officers went inside the apartment and saw Allen passed out on the floor, lying in the area between the living room and kitchen. Allen was lying face down on the floor with both arms under him. The officers approached Allen. When Officer Hosmer grabbed Allen's left hand, Allen immediately became conscious and began resisting Officer Hosmer's efforts to control his arm. Allen stood up, lifting Officer Fong with him as Officer Fong tried to control Allen's right arm. The officers attempted to subdue Allen, but he continued to struggle.

Officer Hosmer tried a headlock on Allen and attempted a carotid hold with no effect. After an intense physical struggle, the officers were able to wrestle Allen to the kitchen floor with Officer Hosmer holding Allen's head and Officer Fong on his back. The officers called for backup and Officer Bell arrived. The three officers worked together to get Allen handcuffed.

The officers then rolled Allen onto his back, at which point they noticed he was not breathing. They requested that the fire department respond. Additional officers arrived and, along with Officer Bell, they administered CPR to Allen. The fire department responded and took over CPR. Allen was transported to Sutter General where he was pronounced deceased.

Officer Hosmer suffered an abrasion to his right eye during the struggle. Officer Fong had scratches on both elbows.

Following the incident, [REDACTED] was interviewed. She related that she and Allen were dating and they were both recovering narcotic addicts. Allen began using drugs again a few days before, so she broke up with him and got her apartment key back from him.

On the evening of January 5th, she heard someone pulling on the front door. When she opened the front door, she saw Allen out front on the other side of the metal security door. He appeared to be intoxicated or under the influence. He was yanking on the security door and yelling, "I'm going to kick in your front door." When she closed the front door, Allen began kicking the security door.

Allen forcibly entered the apartment. He jumped on [REDACTED] and struck her several times. She tried to escape while he continued to hit her. During this time, [REDACTED] six-year old son was in the same room watching the altercation. After approximately five minutes, Allen passed out, lying on top of her. She pushed him off, took her son, and then fled outside where she called the police.


Pathologist Dr. Gregory Reiber conducted an autopsy and determined that Allen suffered a sudden cardiac death due to acute methamphetamine and cocaine toxicity. Dr. Reiber also noted other significant conditions of physical exertion during the struggle with law enforcement officers and focal coronary atherosclerosis. Toxicology testing revealed the presence of 0.12 mg/L of methamphetamine and 0.11 mg/L of benzoylecgonine (cocaine metabolite) in Allen's blood. External and internal examination of Allen's neck revealed no hemorrhage or injuries. His hyoid bone was intact.

Allen had an extensive prior criminal history. He had numerous drug-related convictions.

We conclude that Allen died from sudden cardiac arrest due to acute methamphetamine and cocaine toxicity. No evidence of criminal misconduct by law enforcement was presented or suggested by the facts reported. Thus, the District Attorney's Office will take no further action in this matter.

Very truly yours,

JAN SCULLY
DISTRICT ATTORNEY



MICHAEL BLAZINA
Supervising Deputy District Attorney

cc: Detective Kyle Jaspersen, Badge #440, Sacramento Police Department
Detective Brian Dedonder, Badge #302, Sacramento Police Department
Officer John Hosmer, Badge #319, Sacramento Police Department
Officer Paul Fong, Badge #746, Sacramento Police Department
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Report Number: 2011-5187

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Records or information, the disclosure of which would reveal personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information (Cal. Pen. Code § 832.7(b)(7))

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