



Boulder County Sheriff's Office

JOE PELLE

Sheriff

TO: Sheriff Joseph Pelle

FROM: Division Chief Robert Sullenberger 

DATE: March 4, 2019

RE: Recommendation; IA 18-46

After a complete and thorough review of IA 18-46, I find that a preponderance of evidence demonstrates that Deputies James O'Brien and Adam Lunn did violate the following Boulder County Sheriff's Office Policy and Procedures:

§ 310.1.B, which states: "Each employee of the Sheriff's Office is responsible for ensuring that he/she is familiar with and obeys and/or conforms to all Sheriff Office and applicable County policies, rules, regulations, lawful orders, or directives issued by the Sheriff or his/her designee."

§ 310.III.D.1, which states: "All employees are responsible for maintaining sufficient knowledge and competency skills to properly perform the duties and assume the responsibilities of their job assignment."

§ 310.V.C. which states: "An employee is not to use more force than is necessary to control suspects, arrestees, or any other person."

On September 9, 2018, Deputies O'Brien and Lunn were working in an extra duty assignment where they were responsible for transporting intoxicated individuals to the Addiction Recovery Center ("ARC"). At about 0230 hrs, Deputies O'Brien and Lunn responded to 9th and Canyon at the request of Boulder PD who were in contact with Demetrius Shankling, who in the opinion of BPD officers was too intoxicated to care for himself. Deputies O'Brien and Lunn placed Mr. Shankling into handcuffs and escorted him to the transport van. While at the transport van, Mr. Shankling displayed passive resistance (going limp and refusing to follow verbal commands). Deputies O'Brien and Lunn placed Mr. Shankling onto the floor of the passenger rear compartment of the transport van and physically slid him into the compartment on his stomach with his hands cuffed behind his back. Due to the length of this compartment, which is 4'7", and Mr. Shankling's height, which is 5'11", Mr. Shankling's left leg became wedged against the rear compartment door preventing it from closing. Deputies O'Brien and Lunn, both at the same time, forcibly closed this door by pushing against it until it latched. This action caused Mr. Shankling's left foot to bend at an odd angle, at his ankle, and to compress Mr. Shankling's body into this confined space.

Prior to leaving in the van, Deputy O'Brien was aware that Mr. Shankling's leg was jammed against the rear compartment door and repeatedly instructed him to unlock his legs otherwise the van would not leave. However, after several verbal attempts to have Mr. Shankling unlock his leg and receiving no response,

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Deputies O'Brien and Lunn transported Mr. Shankling in this position for approximately 16 minutes to ARC. Once at ARC, it was discovered the Mr. Shankling was no longer breathing. Emergency medical assistance responded, and Mr. Shankling was transported to Boulder Community Hospital; Mr. Shankling was then transported to Swedish Hospital in Denver, where he died on October 6, 2018, having never recovered from his injuries.

On October 8, 2018 an autopsy was performed by Dr. Frank who stated,

[I]t is my opinion that Demetrius Shankling, a 23-year-old male, died as the result of complications of positional asphyxia with the combined toxic effects of ethanol and amphetamine contributing. Of note, a component of smothering may have also contributed to his death, however this cannot be confirmed. The decedent is placed into a position within a confined space for a significant period of time while intoxicated. He suffers asphyxia and becomes pulseless and apneic. A pulse is recovered with resuscitation immediately after the incident. During his subsequent 27-day survival interval in the hospital, he remains in a comatose state with respiratory failure and develops complications to include status epilepticus, lactic acidosis, pneumonia, and hypotensive shock and never recovers to his baseline of functioning. Given that he placed into this position by another person(s), the manner of death, in my opinion, is homicide.

Upon reviewing the training records, it is noted that both Deputies O'Brien and Lunn had received training as to the proper positioning of an arrestee during transport. This training spoke to the issue of positional asphyxia with regard to the use of RIPP restraints (hog-tying) and that it is never acceptable to leave a person on their stomach longer than is absolutely necessary. The training also addressed the proper method of transporting an individual, which is in a seated position. As is noted in the coroner's report, even though a RIPP restraint was not used, due to Mr. Shankling's intoxicated state, coupled with excessive compression and the confinement that Mr. Shankling was placed in during the transport, his normal breathing was lethally impaired.

On March 1, 2019, both Deputies O'Brien and Lunn were offered to participate in a pre-disciplinary meeting with me, but both chose to waive this hearing. Boulder County Sheriff's Office Policy and Procedures provides: "When the hearing is waived, or the employee does not attend the hearing, it is presumed that the information possessed by the supervisor is sufficient to take appropriate disciplinary action." § 319.V.2.f.

Based upon the totality of the information contained within this investigatory file, it is my recommendation that IA-18-46 be **Substantiated**.

Because of Deputies O'Brien and Lunn's disregard to conform to the mission and values of the Boulder County Sheriff's Office and their deviation from the above-mentioned policies, procedures and training, it is my recommendation that Deputy James O'Brien's and Deputy Adam Lunn's employment with the Boulder County Sheriff's Office be **Terminated**.