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No Charges for Officer in Miami Taser Death

MIAMI — No charges will be issued against a Miami Beach police officer in connection with the death of an 18-year-old graffiti artist who went into cardiac arrest after he was shocked in the chest by a Taser almost two years ago, prosecutors said on Thursday.



After meeting with the young man's parents and sister Thursday morning, State Attorney Katherine Fernandez Rundle announced that the officer, Jorge Mercado, had been "legally justified in his use of force" against Israel Hernandez-Llach, who was chased down by officers after being spotted spraying graffiti on an abandoned building in the early hours of Aug. 6, 2013.

The state attorney cited the medical examiner's determination that although Mr. Hernandez-Llach's heart stopped because of the Taser, his death was accidental, a finding that Ms. Fernandez Rundle said "left little legal room to pursue any possible criminal charges."

"Our extensive investigation determined that the sad tragedy of this situation is that no one involved intended or anticipated any serious injury occurring to this young man," she said. "In my meeting with the family, I expressed my heartfelt sorrow for the unimaginable loss of their son."

Members of Mr. Hernandez-Llach's family, who have filed a wrongful-death lawsuit against the city of Miami Beach and the manufacturer of Taser weapons, declined to respond on Thursday to the state attorney's announcement. Their lawyer, **Todd Falzone**, said in a telephone interview that family members were disappointed that the officer would not face criminal charges.

"They obviously wanted him prosecuted and feel that he should be," **Mr. Falzone** said. "They continue to be distraught. The family has been precluded from knowing anything about this case until this morning."

One of the things they learned, he went on, was that Officer Mercado explained his use of the Taser as having occurred as Mr. Hernandez-Llach was running toward the officer.

"The officer's claim doesn't make any sense," **Mr. Falzone** said. "I'm looking forward to the day when we can get these people under oath in the civil case and they have to start answering questions."

Of particular concern is the state attorney's contention that Officer Mercado believed the Taser to be nonlethal, which raises questions about the police department's training of its officers, **Mr. Falzone** said, as well as the Taser manufacturer's instructions to its customers.

According to Amnesty International, more than 500 people have died in the United States since 2001 after being shocked with stun guns such as Tasers.

The initial investigation into the young man's death was conducted by the Florida Department of Law Enforcement, which turned over its findings to the Miami-Dade State Attorney's office. With that inquiry completed, the Miami Beach Police Department will conduct its own, Chief Daniel Oates said on Thursday.

"It is now time to begin our evaluation of this tragic incident, which we will do through an Internal Affairs investigation," he said. "We will evaluate the actions of our officers that day and whether our tactics, training and equipment need to change."

Mr. Hernandez-Llach's family — his father is a former airline pilot from Colombia — have placed their son's death in the context of unarmed minority men killed recently by police officers around the country, including Michael Brown in Ferguson, Mo.; Eric Garner in New York City; and Freddie Gray in Baltimore.