

## No charges for police officer in 2013 taser death of graffiti artist



Charges will not be brought against a Miami Beach Police officer in connection with the 2013 taser-related death of graffiti artist Israel Hernandez-Llach. The August 6, 2013 incident followed a chase of Hernandez-Llach by officers who found him spraying graffiti in an abandoned McDonald's.

The decision, announced on Thursday by Miami State Attorney Katherine Fernandez Rundle, Miami Beach Officer Jorge Mercado, was based on a medical examiner's ruling that Hernandez-Llach's death was accidental since he was using a taser, considered by law to be a "non-lethal" weapon.

Rundle said, "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."

Also at issue was Mercado's use of force. As The Miami Herald explains: "Under state law, police officers in Florida are afforded wide leeway to use deadly force to protect themselves and the public, and in this case Officer Jorge Mercado used a weapon intended to avoid killing."

During the investigation, a computer animation was made to recreate the chase.

During the trial, friends of Hernandez-Llach's who witnessed the chase and the tasing testified that the police officers gave each other high-fives, congratulating one another and joking after the chase while the teenager's body was on the ground.

In response to the ruling, Hernandez-Llach's family plans to add the Arizona company that made the taser used in the incident to a lawsuit already filed against the Miami Beach Police Department. Family attorney **Todd Falzone** told The Miami Herald, "We honestly believe this weapon is a lethal weapon. It should be treated as a lethal weapon, and we're going to do everything we can to ensure the public is protected from this device."

Miami Beach Police Chief Dan Oates promised an internal investigation into the use of tasers and other use-of-force issues within the department, saying, "We will evaluate the actions of our officers that day and whether our tactics, training and equipment need to change. When our investigation is complete, we will share our findings with the public."

Protests and calls for reconsidering the use of tasers followed Hernandez-Llach's death in 2013. Officer Mercado was placed on leave but has now returned to active duty.