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Monday, April 19, 2021

MTS and Transit System Security to pay \$5.5 million to the family of Angel Zapata Hernandez

SAN DIEGO – On October 15, 2019, 24-year-old Angel Zapata Hernandez died while in custody of a Metropolitan Transit System Code Compliance Inspector and a Transit System Security (TSS) professional. Since the death of Mr. Hernandez, all parties have worked cooperatively to reach a settlement through mediation.

As part of the settlement, MTS and TSS will pay \$5.5 million in compensation to Claudia Hernandez, the mother of Angel Zapata Hernandez. MTS and TSS also agree to changes to policies and training for their security personnel.

"I am gratified that the responsible agencies have resolved this without formal litigation," said Claudia Hernandez. "Even more importantly, the agencies have voluntarily made changes in their training and procedures to help minimize the recurrence of unnecessary use of force. While nothing can bring back my son, these changes mean my son's life contributed to the betterment of society."

"Our deepest sympathies have always been with Angel's family," said Sharon Cooney, chief executive officer of MTS. "In reviewing this case, MTS and TSS recognize that a different approach may have prevented Angel's death. We are determined to continue our reform of security policies and procedures to help ensure that this will never happen again."

Mr. Hernandez, who had suffered from schizophrenia, had been seen near railroad tracks just north of Santa Fe Depot. After an MTS officer confronted him, Angel fled on foot for approximately one hundred yards before he stopped and submitted to handcuffing. Concerned with his size and movements, the MTS and TSS officers took him to the ground, where they placed him in a prone, face down position. During restraint, Angel stopped breathing. Despite the administration of CPR, he never resumed breathing on his own and was declared dead at 9:28 p.m.

MTS began its security reform in 2017. In July 2020, MTS made significant changes to its use of force policy, including: ban of carotid restraints, choke holds and knee pressure on the neck, throat or head; a requirement for use of force to be proportional to the seriousness of the subject's offense; a duty to intervene if witnessing excessive force by another employee; requiring de-escalation tactics when feasible; and requiring a warning prior to the use of force. These changes were based on many of the principles of the "8 Can't Wait" campaign.

In addition, MTS has reduced its emphasis on fare enforcement and is focusing on a community service approach to its safety and security activities to provide assistance to MTS riders. MTS recently changed its uniforms from traditional law enforcement blue to a bright yellow to provide greater visibility and to reflect the greater emphasis on the ambassador role of its security personnel.

"These are positive changes and MTS and TSS need to be 100% committed to these changes in culture and more," said Attorney Eugene Iredale, who represented the Hernandez family. "There also needs to be a change in policy to eliminate putting people in the prone position to avoid positional asphyxia, a civilian oversight committee should be implemented and a totally transparent process for complaints and insight into the disciplinary processes at MTS should be adopted. If these changes are made, then the life of Angel Hernandez had a positive impact on all of our lives."

MTS Board Chair and County Supervisor Nathan Fletcher said the agency is committed to substantive, fundamental improvements to its approach to safety and security, including a ban on prone positioning, establishing a civilian advisory committee and transparency in the disciplinary process.

"MTS acknowledges that serious mistakes were made and that Angel's death never should have happened," said Chair Nathan Fletcher. "Too many times public agencies defend current policing policies. At MTS, along with the leadership of Councilmember Montgomery Steppe (chair of the MTS Security Committee), we have already looked inward to make significant reforms and we are determined to continue that effort. Angel's life was precious and he should not have died. We can't let this happen again."

The MTS Code Compliance Inspector involved in the incident has resigned his position in a decision not related to this incident. The TSS employee resigned.

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