

## Autopsy suggests drugs, not police Taser, caused death

By Ryan Weber, December 20, 2001

HAMILTON, OH -- A Cincinnati man who died in custody Monday morning after police subdued him with a Taser stun gun had a plastic bag in his small intestine, an autopsy showed.

A toxicology test will determine the bag's contents, but police say its presence supports witness statements that Marvin Hendrix, 27, had ingested crack cocaine to avoid arrest.

Butler County Coroner Dr. Richard Burkhardt's report also showed Hendrix had signs of heart disease, which will be examined further. Final test results on Hendrix and the bag will take four to six weeks.

Police say the Taser was used properly and could not have killed Hendrix.

At 9:22 a.m. Monday, paramedics responded to 613 S. 13th St., Hamilton, for a report of someone ill and vomiting. They soon called for help, saying the 6-foot-1-inch, 215-pound Hendrix was out of control. Three police officers arrived and Sgt. Dan Pratt twice used a Taser to subdue Hendrix.

Once inside the ambulance, Hendrix went into cardiac arrest. Resuscitation attempts failed and Hendrix died at The Fort Hamilton Hospital.

Since then, investigators have learned that about eight hours before the Taser incident, Hendrix was stopped for a traffic violation, Sgt. Tom Kilgour said.

Police said he was driving under suspension, and his car was impounded. Kilgour said the traffic officer told Hendrix to walk home.

"After Mr. Hendrix arrived at home, he told an acquaintance that he had swallowed an 'eight ball' < one-eighth ounce of crack cocaine < to avoid arrest," Kilgour said.

At the time of the traffic stop, he said, the police officer was unaware Hendrix was in possession of or had ingested cocaine.

"Knowing he ingested anything, we would have transferred him to the hospital immediately," Kilgour said.

Police Chief Joe Murray said Monday that Tasers from all of Hamilton's marked cruisers have been removed for testing to make sure they meet specifications.

"I don't think that the Taser caused this death, especially in the manner it was applied," acting Police Chief Joe Murray said Tuesday. "But we don't want to leave any stones unturned. We want to be thorough."

Pratt was off Tuesday because of a vacation day he previously scheduled, but Murray said he has cleared Pratt for duty.

"I have enough here to determine that he was correct in all the judgment he used, and when he gets back he's going back to duty," Murray said.



### Hamilton police again have Tasers

February 07, 2002

HAMILTON, OH — Hamilton police on Wednesday were again equipped with Tasers, after a ruling that a Forest Park man's death was caused by cocaine abuse, not an officer's use of the stun weapon on him.

Butler County Coroner Dr. Richard P. Burkhardt signed a death certificate Jan. 25 listing Marvin Hendrix's cause of death as "cocaine abuse/accidental."

Mr. Hendrix, 27, died Dec. 17 after a struggle with police, one of whom used a Taser to stun him. An autopsy revealed that he had earlier swallowed a plastic bag containing cocaine.

Tasers, which were added to the force in October, were removed from cruisers while Mr. Hendrix's death was studied.

After receiving Dr. Burkhardt's ruling, Police Chief Neil Ferdelman on Wednesday issued an order restoring the devices to police cruisers.

The order followed a meeting with Dr. Burkhardt and an extensive review of scientific tests done on Taser. "I feel assured that the Taser device was not the cause of death in the Hendrix case," the chief's order says. "As a result, Dr. Burkhardt and I believe that the Taser remains a safe and viable alternative to lethal force." Hundreds of police agencies, including Cincinnati, use Taser.

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### Man dies after stun gun blasts

#### Police saying it's unlikely jolts from device killed Cincinnati resident. Coroner to conduct autopsy

*Associated Press*

**HAMILTON:** A man who was vomiting and fought with paramedics died yesterday after a police officer shot him twice with a stun gun, police said.

Police said they considered it unlikely that Marvin Hendrix, 27, died because of the jolts from the Taser stun gun. Butler County coroner Dr. Richard Burkhardt is to do an autopsy today to determine what killed the Cincinnati man.

Hendrix suffered cardiac arrest after Sgt. Dan Pratt shot him with the stun gun to subdue Hendrix so police could handcuff him, police said. Hendrix was pronounced dead at Fort Hamilton Hospital.

Paramedics went to a Hamilton house yesterday morning in response to an emergency call. They then called for help, saying the 6-foot-1, 215-pound Hendrix was fighting with them and was out of control, acting Police Chief Joe Murray said.

Hendrix was shot in the shoulder with the stun gun and did not yield, so police shot him again for 10 seconds with the stun weapon in order to handcuff him, Murray said.

The chief said that police are testing Pratt's Taser gun and Tasers from all of Hamilton's marked police cruisers to ensure they meet specifications.

"Everything we did was by the book," Murray said. "Everything seems to be in proper use with the manufacturers' recommendations and training. We've properly used the device."

Officer Brian Buchanan trains Hamilton officers to use the handgun-shaped Tasers. He said the guns operate on AA batteries and emit little more electricity than a standard light bulb. The shock feels similar to touching a light socket, Buchanan said.

"This is a tenth of an amp. It would take a couple hundred of these lined up together to even affect someone's heart rate," Buchanan said yesterday. Hendrix was black. In 1997, Russell Rodgers, a black 25-year-old Hamilton man, died in police custody. The Butler County coroner ruled that Rodgers died of cardiovascular collapse after swallowing cocaine during his arrest. The following spring, a U.S. Justice Department investigation cleared Hamilton police of any wrongdoing in the Rodgers death.

Hamilton is about 25 miles north of Cincinnati.



### Police: Cocaine taken prior to death

*By Craig Garretson, Post staff reporter, December 20, 2001*

A 27-year-old Forest Park man who died soon after Hamilton police stunned him with a Taser Monday morning had swallowed crack cocaine a few hours earlier, police said Tuesday.

Marvin Hendrix was feeling sick Monday morning and called for help. But he began fighting with Hamilton Fire Department paramedics after they arrived, who called for Hamilton police. Hendrix was subdued after a struggle and being hit twice with a Taser, police said.

He went into cardiac arrest in the ambulance and was pronounced dead at Fort Hamilton Hospital.

A 2 3/4 by 5/8-inch tied plastic bag was found in Hendrix's small intestine during an autopsy Tuesday, said Dr. Richard Burkhardt, the Butler County Coroner. He said analysis of the plastic bag and a toxicology report on Hendrix are pending.

Burkhardt also said Hendrix may have had heart disease. He said it will be four to six weeks before the cause of death can be determined.

Police investigators said Hendrix told a friend he had swallowed an "eight ball" - one-eighth of an ounce of crack cocaine - so police wouldn't find it during a traffic stop early Monday morning.

Police records show Hendrix was cited for driving under a suspended license and his car impounded at 1:47 a.m., but he was released and told to walk home.