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For Immediate Release

Gibraltar Officers Will Not Be Charged in Taser Death

On April 16, 2015 at approximately 3:20 a.m., two Gibraltar police officers responded to a 911 call placed by a 12-year-old male child regarding his mother being assaulted by her boyfriend. The young male was visibly upset when the officers arrived and he allowed the officers to enter the apartment in the 14600 block of Middle Gibraltar Road. The officers observed a young female inside the apartment who was also upset. When they heard noise coming from a bedroom, they saw the suspect, David Kapuscinski, in the nude, sexually assaulting the children's mother and repeatedly yelling that he was going to kill the woman. The officers ordered him off of the woman, but he refused. When the officers attempted to arrest him, he became combative. One of the officers deployed his taser and it separated Kapuscinski from the woman. The suspect continued kicking and was combative with the officers. As a result, he was tased three times by the officers to stop him from fighting the officers and resisting arrest. He collapsed from the tasing. He received emergency medical treatment and eventually died as a result of cardiac dysrhythmia according to the medical examiner. His toxicology revealed 3000 mg. of amphetamine in his blood system.

We will not recommended charges in this matter because the officers used reasonable force in deploying their tasers in the defense of the female victim, to effect his arrest and in order to stop his resistance to arrest.

Prosecutor Worthy said, "All the evidence that we reviewed showed that the responding officers acted just as officers should act when there are very frightened children, an out of control man with a large amount of drugs sexually assaulting and threatening to kill the children's mother, who then turned his wrath on the officers."

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