



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

November 27, 2023

Sheriff Don Barnes
Orange County Sheriff's Department
550 N. Flower Street
Santa Ana, CA 92703

Re: Custodial Death on March 7, 2022
Death of Inmate Joshua James Campos
District Attorney Investigations Case # 22-000631
Orange County Sheriff's Department Case # 22-007638
Orange County Crime Laboratory FR # 22-42842
Orange County Sheriff-Coroner's Office Case #22-01661-MM

Dear Sheriff Barnes,

Please accept this letter detailing the Orange County District Attorney's Office's (OCDA) investigation and legal conclusion in connection with the March 7, 2022, custodial death of 28-year-old inmate Joshua James Campos.

OVERVIEW

This letter contains a description of the scope and the legal conclusions resulting from the OCDA's investigation of the custodial death of Campos. In this letter, the OCDA describes the criminal investigative methodology employed, evidence examined, witnesses interviewed, facts discovered, and the legal principles applied to review the conduct of any Orange County Sheriff's Department (OCSD) personnel or persons under the supervision of the OCSD in connection with this custodial death incident.

On March 8, 2022, OCDA Special Assignments Unit (OCDASAU) Investigators responded to the OCSD Intake/Release Center (IRC), where Campos died while in custody. During the course of their investigation of Campos' death, the OCDASAU interviewed 36 witnesses and reviewed incident scene photographs, jail surveillance footage, reports from the OCSD, the Orange County Crime Laboratory (OCCL), and the Orange County Sheriff-Coroner's Office (OCCO), as well as other relevant materials.

The OCDA conducted an independent and thorough investigation of the facts and circumstances of this event and impartially reviewed all evidence and applicable legal standards. The scope and findings of this review are expressly limited to determining whether any criminal conduct occurred on the part of OCSD personnel or any person under the supervision of the OCSD. The OCDA will not be addressing policy, training, tactics, or civil liability.

INVESTIGATIVE METHODOLOGY

Among other duties, the OCDASAU is responsible for investigating custodial deaths within Orange County when an individual dies while in custody. An OCDASAU Investigator is assigned as a case agent and is supported by other OCDASAU Investigators, as well as investigators from other OCDA units.

Six investigators are assigned to the OCDASAU on a full-time basis. There are additional OCDA Investigators assigned to other units in the office trained to assist when needed. On average, eight investigators respond to an incident within an hour of being called. The investigators assigned to respond to an incident perform a variety of functions that include witness interviews, scene processing, evidence collection, and hospital investigative responsibilities as needed. The OCDASAU audio records all interviews, and the OCCL processes all physical evidence related to the investigation.

Deputy district attorneys from the Homicide, TARGET/Gangs, and Special Prosecutions Units review fatal and non-fatal officer-involved shootings and custodial death cases and determine whether criminal charges are appropriate. Thus, when the OCDASAU Investigator has concluded the investigation, the file is turned over to an experienced deputy district attorney for legal review. If necessary, the reviewing prosecutor will send the case back for further investigation.

Throughout the review process, the assigned prosecutor will consult with the Assistant District Attorney supervising the Special Prosecutions Unit of the OCDA, who will eventually review any legal conclusions and resulting memos. It is also common for the case to be reviewed by several experienced prosecutors and their supervisors. Ultimately, the District Attorney personally reviews and approves all officer involved shootings and custodial death letters.

FACTS

On March 4, 2022, Campos was booked into the IRC following his arrest on a warrant related to Orange County Superior Court case # 21NM14292, in which he was charged with one misdemeanor count of Penal Code section 647(a), Engaging in Lewd Conduct.

On March 4, 2022, at 10:38 a.m., in a "Receiving Screening" conducted by an Orange County Health Care Agency (OCHCA) representative, Campos reported being prescribed Albuterol, Depakote, Haldol, Vistral, and Zyprexa. He also stated he had asthma. He denied the use of alcohol or illegal street drugs such as opiates and heroin.

Campos reported that he was diagnosed with "schizo," and admitted hearing voices or seeing things others do not hear or see. He also reported having past suicidal ideations and suicide attempts, but denied having current suicidal ideations.

Campos was then administered a mental health screening by an OCSD Correctional Health Services (CHS) staff member. The CHS staff member documented Campos' past mental history and rated his condition as "M3" (moderate/severe). During this mental health screening, Campos reported being diagnosed with schizoaffective disorder approximately five years prior for which he was currently taking Zyprexa. Campos reported auditory hallucinations. Campos was described as "disheveled, withdrawn, and paranoid." Based on this information, Campos was placed on psychiatric observation and recommended for "Mental Health Housing (Acute)."

At approximately 7:52 p.m., an OCHCA physician prescribed Olanzapine (Zyprexa), up to 30 mg daily. He also recommended that daily observation and follow-up should continue. The doctor documented that Campos had reported approximately ten psychiatric hospitalizations, and

diagnosed him with schizoaffective disorder, unspecified, and stimulant dependence. Campos was placed in the male triage loop for observation.

On March 5, 2022, at approximately 11:20 a.m., a CHS staff member noted on an OCSD "Inmate Health and Mobility Notification Form" that Campos was "cleared" and his mental rating was "M4" (moderate).

At approximately 11:56 a.m., Campos reported to OCHCA in a "Psychiatric Progress Note" that he was "fine" and that he wanted to return to regular housing. Campos was noted to be compliant with medications, and oriented to place and time, with an appropriate affect and speech. He denied having any suicidal thoughts or ideations, or hallucinations. OCHCA recommended that observation be discontinued and cleared Campos for regular housing. Campos was to continue taking Olanzapine.

At approximately 7:15 p.m., Campos was transferred from the IRC to the Theo Lacy Facility (TLF), and eventually housed in Module R, Sector 55, Cell 12. Inmate John Doe 1 was also housed in Cell 12. Sector 55 consisted of an open dayroom with 16 2-person cells along the north wall. The eight odd-numbered cells were on the ground level, and the eight even-numbered cells were on the upper tier. Cell 12 is on the upper tier. Module R was equipped with a closed-circuit television video surveillance system.

On March 6, 2022, at approximately 8:00 a.m., Campos was offered 10 mg of his prescribed Olanzapine but refused it, stating "I don't know what you're talking about" and also refused to sign a release of liability for refusing treatment against medical advice.

On March 7, 2022, at approximately 8:15 p.m., Campos took his prescribed Olanzapine from an OCHCA Licensed Vocational Nurse.

At approximately 9:15 p.m., Campos and John Doe 1 could be seen together in their cell on jail surveillance. John Doe 1 appeared to manipulate an unknown object or substance, on top of one of the two metal stools attached to a table in the cell. At that time, Campos was standing and moving around the cell.

At approximately 9:17 p.m., Campos bent forward at the waist, lowered his head toward the metal stool, and appeared to snort something. He then abruptly stood upright and turned toward the sink/toilet.

At approximately 10:03 p.m., OCSD Deputy Zhanna Shvorak conducted a safety check, and nothing unusual was noted. In an interview with OCDA investigators, Deputy Shvorak recalled Campos was lying on his bunk and appeared to be breathing.

At approximately 10:04 p.m., both John Doe 1 and Campos were again seen on jail surveillance video rising from their respective bunks and moving toward the metal table in the cell.

Between 10:05 p.m. and 10:07 p.m., Campos could be seen seated at the west end of the table, while John Doe 1 was sitting on the floor near the east stool.

At approximately 10:07:29 p.m., Campos rose from his seat and moved to the east stool, where John Doe 1 had just snorted what he subsequently told OCDA investigators was Subutex.

At approximately 10:07:38 p.m., Campos bent forward at the waist, lowered his head toward the east stool, and appeared to snort something again. He then abruptly stood upright, turned toward John Doe 1, who was still seated on the floor, and handed him something. John Doe 1 then scooted back toward the stool and duplicated the motions consistent with snorting something.

Over the next few minutes, Campos could be observed putting on his shirt and climbing onto the top bunk.

At approximately 10:20 p.m., John Doe 1 could be seen standing up and appearing to check on Campos in the top bunk. John Doe 1 appeared to shake Campos without any response for several minutes.

At approximately 10:30 p.m., John Doe 1 appeared to attempt chest compressions on Campos. John Doe 1 then pushed the in-cell emergency button to alert deputies that he needed assistance. Over the in-cell intercom, John Doe 1 stated that Campos was not breathing and was overdosing.

OCSD Deputies Nathaniel Meza, Abelardo Garcia, and Shvorak responded immediately, arriving at Cell 12 within 30 seconds. The deputies removed Campos from his bunk and carried him out of the cell to have more room to provide medical aid. Deputy Meza checked Campos' right arm and felt a slight pulse, but noted that Campos was not breathing. Deputy Garcia began chest compressions, and Deputy Meza administered Narcan.

At approximately 10:31 p.m., jail medical staff was alerted to a "man down."

OCSD Deputies Steven Bell and Ryan Walker arrived at the scene before jail medical staff and provided assistance. Deputy Walker took over chest compressions, and Deputy Bell administered two additional doses of Narcan.

At approximately 10:32 p.m., Deputy Garcia made a radio broadcast for paramedics.

At approximately 10:36 p.m., jail medical staff arrived. There was a five-minute delay in their arriving due to jail elevators being inoperable.

Upon arrival, the medical staff continued CPR, checked Campos' blood sugar, inserted an IV line, and provided oxygen via an Ambu bag valve mask. Campos was administered a fourth dose of Narcan. A jail RN checked for a pulse and found none. An automated external defibrillator (AED) that had been attached to Campos ran a cycle, but no shock was advised. CPR was continued until the arrival of paramedics. Despite these measures, Campos' condition remained unchanged.

At approximately 10:47 p.m., Orange County Fire Authority (OCFA) paramedics arrived and assumed care of Campos. They administered epinephrine and sodium bicarbonate, but Campos remained unresponsive. Paramedics then contacted University of California Medical Center and reported Campos' condition to a physician. Based on Campos' continued failure to respond to treatment, the physician pronounced Campos deceased at 11:09 p.m.

On March 8, 2022, at approximately 4:36 a.m., a physical examination of Campos' body was conducted at TLF by an OCCO Senior Deputy Coroner. An OCCL Lead Forensic Specialist took 107 digital color photographs.

At approximately, 4:46 a.m., Campos' body was transported to the OCCO.

On March 8, 2022, at approximately 3:22 a.m., John Doe 1 was interviewed by OCDA Investigator Carlos Gonzales. John Doe 1 stated that he (John Doe 1) had snorted his prescribed medication, Subutex, which he was taking to detox from heroin. John Doe 1 said he gets a little "high" by taking his medication in this manner. Right after, Campos snorted something that John Doe 1 assumed was Campos' medication. John Doe 1 denied providing any drugs or medication to Campos. John Doe 1 said that Campos used his booking ID card to grind up what he presumed was medication and use a rolled-up piece of paper to snort it. Campos offered some to John Doe 1, but he refused, because he did not know what the substance was.

On March 8, 2022, at approximately 3:15 a.m., OCDA Investigator Dave Melnyk and OCSD Investigator Travis Arburua began interviewing the other 21 inmates housed in Module R, Sector 55. Inmate John Doe 2, who was housed in Cell 14, reported that he had heard Campos tell someone that he had some fentanyl. John Doe 2 could not see to whom Campos was talking. None of the other inmates reported being aware of anyone possessing illegal drugs, or notifying deputies of any illegal drugs.

Other than the residue on the metal stool in the cell, no medications or illegal drugs were found in the cell occupied by Campos and John Doe 1.

EVIDENCE COLLECTED

The following items of evidence were collected by an OCCL Forensic Scientist:

- 107 digital color photographs of the scene at TLF
- Campos' clothing
- White, powdery substance from metal stool in Cell 12
- Campos' Orange County Jail Identification card #3229740

AUTOPSY

On March 18, 2022, Forensic Pathologist Doctor Scott A. Luzi conducted an autopsy on Campos' body at the Orange County Sheriff-Coroner Forensic Science Center.

According to the autopsy report, no major injuries were found on Campos' body. Minor injuries were noted and consisted of contusions on his right arm and superficial linear scratches on his left arm, chest, left thigh, and buttocks, consistent with scratching himself.

The following natural diseases and pre-existing conditions were also noted:

- Cerebral edema;
- Focal hemorrhage, posterior thoracic wall;
- Pulmonary congestion and edema;
- Left ventricular hypertrophy;
- Mild peripheral atherosclerosis

Campos' official cause of death was listed as acute fentanyl intoxication. The manner of death was accidental.

EVIDENCE ANALYSIS

Toxicological Examination

A sample of Campos' postmortem blood yielded the following results:

DRUG	MATRIX	RESULTS & INTERPRETATIONS
4-ANPP	Postmortem Blood	Detected
Fentanyl	Postmortem Blood	0.0680 ± 0.0063 mg/L
Naloxone	Postmortem Blood	Detected
Norchlorcyclizine	Postmortem Blood	Detected
Olanzapine	Postmortem Blood	Detected

Seized Drugs Report

The white powder residue recovered from the metal stool in Cell 12 was analyzed at OCCL and found to contain fentanyl.

BACKGROUND INFORMATION

Campos had a State of California Criminal History record with prior arrests as an adult for the following violations:

- Driving Under the Influence
- Annoy/Molest Children
- Disorderly Conduct (Under the influence of a toluene)
- Burglary
- Petty Theft
- Possession of Controlled Substance
- Disorderly Conduct (Under the influence of a drug)
- Resisting Arrest
- Under the Influence of a Controlled Substance
- Trespassing
- Loitering on Private Property
- Carry Switchblade on Person
- Taking a Vehicle Without Owner's Consent
- Exhibit a Deadly Weapon – Not a Firearm
- Battery on a Person
- Indecent Exposure
- Disorderly Conduct (Solicit a Lewd Act)
- Obstruct/Resist Executive Officer
- Vandalism
- Robbery
- Assault with Force Likely to Cause Great Bodily Injury

THE LAW

Homicide is the killing of one human being by another. Murder, voluntary manslaughter, and involuntary manslaughter are types of homicide. To prove that a person is guilty of murder, the following must be proven:

- a. The person committed an act that caused the death of another person;
- b. When the person acted he/she had a state of mind called malice aforethought; and
- c. He/she killed without lawful excuse or justification.

There are two kinds of malice aforethought, express malice and implied malice. Express malice is when the person unlawfully intended to kill. Implied malice requires that a person intentionally committed an act, the natural and probable consequences of the act were dangerous to human

life, at the time he acted he knew his act was dangerous to human life, and he/she deliberately acted with conscious disregard for human life.

A person can also commit murder by his/her failure to perform a legal duty, if the following conditions exist:

- a. The killing is unlawful (*i.e.*, without lawful excuse or justification);
- b. The death is caused by an intentional failure to act in a situation where a person is under a duty to act;
- c. The failure to act is dangerous to human life; and
- d. The failure to act is deliberately performed with knowledge of the danger to, and with conscious disregard for, human life.

A person can also commit involuntary manslaughter by failing to perform a legal duty, if the following conditions exist:

- a. The person had a legal duty to the decedent;
- b. The person failed to perform that legal duty;
- c. The person's failure was criminally negligent; and
- d. The person's failure caused the death of the decedent.

In *Giraldo v. California Dept. of Corrections and Rehabilitation* (2008) 168 Cal.App.4th 231, 250-251, the court held that there is a "special relationship" between jailer and prisoner:

"[T]he most important consideration 'in establishing duty is foreseeability.' [citation] It is manifestly foreseeable that an inmate may be at risk of harm.... Prisoners are vulnerable. And dependent. Moreover, the relationship between them is protective by nature, such that the jailer has control over the prisoner, who is deprived of the normal opportunity to protect himself from harm inflicted by others. This, we conclude, is the epitome of a special relationship, imposing a duty of care on a jailer owed to a prisoner, and we today add California to the list of jurisdictions recognizing a special relationship between jailer and prisoner."

California Government Code 845.6 codifies that the special relationship that exists in a custodial setting gives rise to a legal duty, as follows:

"[A] public employee, and the public entity where the employee is acting within the scope of his employment, is liable if the employee knows or has reason to know that the prisoner is in need of immediate medical care and he fails to take reasonable action to summon such medical care."

Criminal negligence involves more than ordinary carelessness, inattention, or mistake in judgment. A person acts with criminal negligence when he acts in a reckless way that creates a high risk of death or great bodily injury and a reasonable person would have known that acting in that way would create such a risk. In other words, a person acts with criminal negligence when the way he acts is so different from how an ordinarily careful person would act in the same situation that his or her act amounts to disregard for human life or indifference to the consequences of that act.

An act causes death if the death is the direct, natural, and probable consequence of the act and the death would not have happened without the act. A natural and probable consequence is one that a reasonable person would know is likely to happen if nothing unusual intervenes.

There may be more than one cause of death. An act causes death only if it is a substantial factor in causing the death. A substantial factor is more than a trivial or remote factor; however, it does not need to be the only factor that causes the death.

LEGAL ANALYSIS

There is no evidence of express or implied malice on the part of any OCSD personnel or any inmates or other individuals under the supervision of the OCSD. Accordingly, the only possible type of homicide to analyze in this situation is murder or manslaughter under the theory of failure to perform a legal duty.

Although the OCSD owed Campos a duty of care, the evidence does not support a finding that this duty was in any way breached -- either intentionally (as required for murder) or through criminal negligence (as required for involuntary manslaughter).

Campos was found in his cell unresponsive by deputies after being alerted to his situation by his cellmate.

Prior to being alerted by John Doe 1, OCSD Deputy Shvorak, at 10:02 p.m., had conducted a routine safety check and found nothing unusual. Surveillance video taken at 10:07 p.m. showed that Campos was still moving around in his cell. The surveillance footage also showed that no OCSD personnel interacted with Campos between the safety check at 10:02 p.m. and their arrival at 10:30 p.m., immediately after receiving inmate John Doe 1's call for assistance.

Once Campos was found unresponsive, jail staff immediately began lifesaving procedures, called 911, and continued treatment until paramedics arrived at 10:47 p.m.

Thus, there is no evidence to support a finding that any OCSD personnel, or any individual under the supervision of the OCSD, failed to perform a legal duty. Rather, once they became aware of Campos' situation, they took all appropriate measures to provide him with care.

CONCLUSION

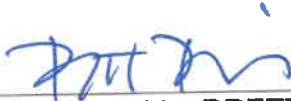
Based on all the evidence provided to and reviewed by the OCDA, and pursuant to applicable legal principles, it is our conclusion that there is no evidence to support a finding that any OCSD personnel or any individual under the supervision of the OCSD failed to perform a legal duty causing the death of Campos.

Accordingly, the OCDA is closing its inquiry into this incident.

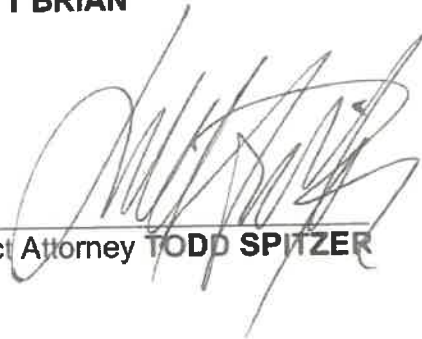
Respectfully submitted,



ELIZABETH F. NEVERS
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Read and Reviewed by **BRETT BRIAN**
Assistant District Attorney
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Read and Approved by District Attorney **TODD SPITZER**