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July 15, 2016

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

Re: Custodial Death on Aug. 10, 2015
Death of Inmate William Lynn Beacom
District Attorney Investigations Case #SA 15-016
Orange County Sheriff's Department Case #15-171075
Orange County Crime Laboratory Case #15-52774

Dear Sheriff Hutchens,

Please accept this letter detailing the Orange County District Attorney's (OCDA) Office's investigation and legal conclusion in connection with the above-listed incident involving the Aug. 10, 2015, custodial death of 67-year-old inmate William Lynn Beacom.

## OVERVIEW

This letter contains a description of the scope and the legal conclusions resulting from the OCDA's investigation of the custodial death of Beacom. In this letter, the OCDA describes the investigative methodology employed, evidence examined, witnesses interviewed, facts discovered, and the legal principles applied to determine whether criminal culpability exists on the part of any Orange County Sheriff's Department (OCSD) personnel or any other person under the supervision of the OCSD.

On Aug. 10, 2015, OCDA Special Assignment Unit (OCDASAU) Investigators responded to Anaheim Global Medical Center, where Beacom died while in custody after receiving medical treatment at the hospital. During the course of this investigation, the OCDASAU interviewed fifteen witnesses, as well as obtained and reviewed reports from the OCSD and Orange County Crime Laboratory (OCCL), incident scene photographs, and 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 other person under the supervision of the OCSD. The OCDA will not be addressing any possible issues relating to 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 the 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 investigative 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.

When the OCDASAU Investigator has concluded the investigation, the file is turned over to a veteran deputy district attorney for legal review. Deputy district attorneys from the Homicide, TARGET/Gangs, and Special Prosecutions Units review fatal, as well as non-fatal, officer-involved shootings and custodial death cases and determine whether criminal charges are appropriate. Throughout the review process, the assigned prosecutor will be in consultation with the assistant district attorney supervising the Special Prosecutions Unit, who will eventually review and approve any legal conclusions and resulting memos. The case may often be reviewed by multiple veteran prosecutors, their supervisors, the Chief of Staff, and the District Attorney. If necessary, the reviewing prosecutor may send the case back for further investigation.

## FACTS

Beacom was in custody with the OCSD. On Jan. 10, 2014, Beacom was arrested by OCSD for multiple violations of California Penal Code section 269(a)(4) for aggravated sexual assault of a child, and 288(a) for lewd or lascivious act with a minor. Beacom was booked into the Orange County Central Men's Jail (CMJ). Beacom was housed with inmates who had been charged with similar offenses.

On Jan. 12, 2014, for medical reasons relating to being [redacted], Beacom was moved to a different module and housed in a sheltered living unit with other inmates charged with similar offenses. On Feb. 24, 2014, Beacom was moved from CMJ to the Orange County Theo Lacy Facility (TL) medical ward because he was [redacted]. Beacom was housed there with three inmates who were charged with similar offenses.

On July 3, 2015, Beacom's wife visited him at TL. During her visit, Beacom told her about his medical condition and problems he was having related to the loss of feeling in his feet and that he was experiencing dizzy spells. Beacom told her that his condition made it particularly difficult to enter and exit the shower and on one occasion he lost his footing and fell inside the shower. Beacom did not elaborate on any injuries sustained from that fall.

On July 8, 2015, at approximately 12:39 a.m., the nurse assigned to check on Beacom informed OCSD deputies that Beacom was lying on the floor of his cell. The deputies responded to the cell and contacted Beacom, who was lying on his left side on the floor beside his bunk. Beacom was responsive and told the deputies that he was attempting to use the toilet when he fell. Beacom explained that he had been lying on the floor for approximately 10 minutes. Nurses also responded to Beacom's cell to evaluate his condition after the fall. The nurses concluded that Beacom should be transported to a hospital for further evaluation due to the possibility Beacom may have struck his head during the fall. At approximately 12:58 a.m., the Orange Fire Department's (OFD) was requested to respond to TL for Beacom. OFD personnel contacted Beacom, who complained of pain to his lower back. During the assessment Beacom explained that he suffered from pain with bruising to the left ribcage area from a previous fall. Beacom was placed into an ambulance and transported to the University of California Irvine Medical Center (UCIMC) Emergency Room for treatment. No treatment or medications were administered during transportation.

Beacom was assessed upon admission to the hospital and a computerized tomography (CT) scan was taken of Beacom's chest. The CT scan revealed Beacom suffered from [redacted] The attending physician's notes indicated that Beacom's condition was not life threatening. The medical staff documented the following upon admission:

> *"This is a 67 year old male with [redacted], came in from jail s/p fall. He is a poor historian, arousable but difficult to understand due to loose dentures and requires frequent redirection. Patient reportedly injured his left side 2 days ago, stated fall from bed. He states he felt lightheaded prior."*

On July 9, 2015, Beacom was transferred to Anaheim Global Medical Center's (AGMC) custodial facility located at 1025 South Anaheim Boulevard, in the City of Anaheim.

On Aug. 8, 2015, Beacom was transferred from the custodial ward to the Intensive Care Unit (ICU) due to shortness of breath. A nurse in the ICU reported that Beacom suffered from [redacted] which developed into

[redacted] in both lungs. As a result, Beacom was intubated to assist his breathing, and chest tubes were inserted into each lung allowing the lungs to expand. The attending physician's notes stated that Beacom may need continuous renal replacement therapy (CRRT), and that his prognosis appears poor. Beacom went into cardiac arrest and medical personnel responded and provided advanced life support.

On Aug. 9, 2015, Beacom's wife met with AGMC medical staff to discuss Beacom's condition. Beacom's wife indicated that the family wished no resuscitative measures be taken in the event of cardiac or pulmonary arrest, and she filed a Do Not Resuscitate (DNR) order.

On Aug. 10, 2015, hospital staff informed Beacom's wife that Beacom had suffered [redacted] and would be in a [redacted] if he regained consciousness. Beacom's wife and family conferred and decided to remove Beacom from life support. At approximately 2:35 p.m., Beacom was extubated and was pronounced deceased at 3:00 p.m. in the presence of his wife.

Beacom's cell mates were interviewed and all reported seeing Beacom fall on more than one occasion due to the problems related to his feet and legs. One of Beacom's cell mates recalled that Beacom had a particularly difficult time when trying to stand up from the toilet. The cell mate recalled seeing Beacom fall onto his side, injuring his rib cage area a couple days prior to the July 8, 2015, incident. Beacom told his cell mate that he thought he may have broken a rib but chose not to seek medical attention. Beacom completed multiple "Inmate Health Message Slips" while housed at TL regarding complaints of stomach pain, headaches, foot related issues, and other miscellaneous minor problems. Beacom never reported any type of rib pain or injury to his side in the message slips.

## AUTOPSY

A post-mortem examination of Beacom was conducted on Aug. 15, 2015, at the Orange County Sheriff-Coroner Forensic Science Center. Dr. Scott Luzi, an independent forensic pathologist from Clinical and Forensic Pathology Services, conducted the autopsy. During the autopsy, Dr. Luzi identified left rib fractures to ribs number six, seven, eight and nine. The ribs were in the process of healing. The area of the fractured ribs was consistent with the external bruising. Dr. Luzi opined that the rib fractures were consistent with a fall related injury and not an assault. No evidence of trauma was noted during the autopsy.

Dr. Luzi located and removed a large caliber bullet from Beacom's left shoulder/neck. The bullet was from a 1996 officer-involved shooting incident that was unrelated to this incident being investigated. Dr. Luzi noted that Beacom was developing [redacted] and had [redacted]. Dr. Luzi also noted that Beacom had [redacted] and [redacted], and [redacted]. Dr. Luzi concluded that Beacom died as a result of a blunt force injury of the torso and that the manner of death was an accident.

## Toxicological Examination

A sample of Beacom's postmortem blood was examined for the presence of drugs and alcohol. No illegal narcotics were identified in the samples. The narcotics present in the samples were consistent with those used in a medical setting.

## BACKGROUND INFORMATION

Beacom had a State of California Criminal History record that revealed arrests for the following violations:

**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 human being;
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/she acted he/she knew his/her 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:

> "The most important consideration 'in establishing duty is foreseeability.' [citation] It is manifestly foreseeable than 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/she 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/she acts is so different from how an ordinarily careful person would act in the same situation that his/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**

In this case, there is no evidence whatsoever 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 Beacom a duty of care, the evidence does not support a finding beyond a reasonable doubt that this duty was breached, either intentionally (as required for murder) or through criminal negligence (as required for involuntary manslaughter). OCSD staff properly housed and classified Beacom in a medical ward with inmates charged with similar offenses as him. There is no evidence whatsoever that anybody assaulted Beacom as a result of the nature of his charges. Furthermore, Beacom never indicated he was suffering from any type of rib pain or injury to his side at or near the time of the incident to OCSD personnel or to other inmates. It is important to note that Beacom completed multiple "Inmate Health Message Slips" while housed at the Orange County Jail regarding complaints of stomach pain, headaches, foot related issues and other miscellaneous minor problems. Beacom never reported any type of rib pain or injury to his side in any of the message slips.

In addition, OCSD staff responded swiftly and immediately upon learning of Beacom's condition and dispatched him to a hospital so he could receive immediate medical support. Thus, there is no evidence to support a finding beyond a reasonable doubt that any OCSD personnel or any individual under the supervision of the OCSD failed to perform a legal duty.

**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 beyond a reasonable doubt of criminal culpability on the part of any OCSD personnel or any individual under the supervision of the OCSD. The evidence shows that Beacom had cirrhosis, hypertensive and atherosclerotic cardiovascular disease that he died as a result of a blunt force injury of the torso and that the manner of death was an accident.

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

Respectfully submitted,

**DANIEL FELDMAN**
Senior Deputy District Attorney
TARGET/Gang Unit

Read and Approved by **EBRAHIM BAYTIEH**
Assistant District Attorney
Supervising Head of Court – Special Prosecutions Unit