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November 9, 2018

Chief David Valentin
Santa Ana Police Department
60 Civic Center Plaza
Santa Ana, CA 92701

Re: Custodial Death on June 13, 2018
Death of Inmate Reenal Prasad
District Attorney Investigations Case # SA 18-019
Santa Ana Police Department # 18-13542
Orange County Crime Laboratory Case # 18-48341

Dear Chief Valentin,

Please accept this letter detailing the Orange County District Attorney's Office's (OCDA) investigation and legal conclusion in connection with the above-listed incident involving on-duty Santa Ana Police Department (SAPD) Officers Joshua Park and Kevin Bell, and other SAPD personnel. The incident, which occurred on June 2, 2018, while 24-year-old Reenal Prasad was in the custody of SAPD, culminated in Prasad's death on June 13, 2018.

OVERVIEW

This letter contains a description of the scope and the legal conclusions resulting from the OCDA's investigation of the custodial death of Prasad. 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 SAPD officer or any other person under the supervision of the SAPD.

On June 13, 2018, OCDA Special Assignment Unit (OCDASAU) Investigators responded to Orange County Global Medical Center (OCGMC), where Prasad had been declared brain dead. During the course of this investigation, the OCDASAU interviewed one witness and obtained and reviewed the following: SAPD reports, 911 call, dispatch and radio recordings, body-worn camera videos and surveillance videos; Orange County Fire Authority reports; Orange County Sheriff Crime Lab (OCCL) reports including hospital and autopsy photographs; medical records; coroner's report and toxicology report; criminal history records; and other relevant reports and 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 SAPD officer or any other person under the supervision of the SAPD. 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 a case agent and is supported by other OCDASAU Investigators, as well as Investigators from other OCDA units.

REPLY TO: ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

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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 and 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 Senior Assistant District Attorney supervising the Felony Operations II Division of the OCDA, 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

As context for its legal analysis, the OCDA provides a summary of the pertinent facts. As noted, OCDASAU obtained these facts through the process outlined above.

Background

Between January and July 2016, Prasad was arrested six times for being under the influence of methamphetamine. On Jan. 16, 2016, officers with the Garden Grove Police Department (GGPD) were dispatched to a Carl's Jr. regarding Prasad acting suspiciously. Prasad, who exhibited signs of being under the influence, admitted to snorting methamphetamine four hours earlier. On Jan. 23, 2016, officers with the GGPD responded to a residential neighborhood concerning Prasad knocking on doors and claiming people were chasing him. Officers found Prasad was under the influence and Prasad admitted to smoking methamphetamine that morning. He also told officers he was homeless and sleeping on the street. On Jan. 29, 2016, officers with the Anaheim Police Department (APD) were dispatched to a Subway Restaurant regarding Prasad acting suspiciously. Officers noted Prasad was acting paranoid because he looked around nervously and claimed that people were following him. Prasad, who had signs of being under the influence, told the officers that he had used methamphetamine the day before and he suffered from schizophrenia.

On May 24, 2016, officers with the APD contacted Prasad at a 7-Eleven. Prasad admitted smoking methamphetamine and appeared under the influence. On May 30, 2016, officers with the Costa Mesa Police Department were dispatched to a Stater Brothers concerning Prasad acting strangely and possibly being under the influence of drugs. Prasad displayed signs of being under the influence and admitted to snorting methamphetamine. In addition, Prasad acted paranoid both in the field and in the jail by asserting that people were trying to get him. On July 2, 2016, Prasad was found by officers with the APD in the reporting party's backyard. Prasad had scratches on his body from shaking uncontrollably in the rose bushes. When officers detained him, Prasad began yelling and screaming at them and pushed off the patrol car in an attempt to get away. Officers eventually hobbled Prasad. Prasad, who had signs of being under the influence of drugs, admitted to using methamphetamine the day before.

Incident Summary

On June 2, 2018, at 2:01 p.m., a woman called 911 and informed SAPD that there was a suspicious man, who appeared to be under the influence of drugs, approaching people and acting strangely. She added the man was running back and forth in the middle of the street and on the sidewalk. SAPD officers Joshua Park and Kevin Bell, who were working uniformed patrol, were dispatched to the area. At 2:23 p.m., Officer Bell drove passed Prasad, who matched the suspect's description, as Prasad was walking on the sidewalk of West Santa Ana Boulevard just west of Broadway Street. Officer Bell parked and exited his patrol car. As Officer Bell was walking towards Prasad, a woman walking a dog told Officer Bell that Prasad was not a good man, and he had been getting into her stuff and following her. Meanwhile, Officer Park had pulled up in his patrol car alongside Prasad and ordered Prasad to sit on the curb. Prasad disregarded Officer Park and walked into the street. Officer Park moved his patrol car to block Prasad. Officer Bell then took Prasad by the arm and directed Prasad to sit on the curb. Prasad complied.

Officer Park exited his patrol car and began speaking to Prasad. Officer Bell handcuffed Prasad's hands behind his back and began patting down Prasad as he sat on the curb. Prasad blurted out "I'm scared, don't hurt me please." When Officer Bell explained he was checking for weapons, Prasad nervously responded "I have no weapons, please don't hurt me, please." Based on Prasad's paranoid behavior and objective signs of being under the influence, Officer Park asked Prasad if he has been using drugs. Prasad denied using any drugs.

At approximately 2:29 p.m., Officer Bell walked Prasad to Officer Park's patrol car and placed Prasad in the rear seat. When asked again if he had used methamphetamine, Prasad admitted he had, but refused to disclose when he had. Using his flashlight, Officer Park examined Prasad's dilated pupils, confirming that Prasad was under the influence. Officer Park closed the rear passenger door and sat in the driver's seat while continuing to obtain personal identifying information from Prasad. At 2:35 p.m., Prasad abruptly began screaming, "ow, ouch, what the f*** man?" Officer Park repeatedly told Prasad to calm down, but Prasad, who was still handcuffed, flailed about in the rear seat. Officer Bell, who was standing outside the rear passenger window, told Prasad that he was being filmed. Prasad replied, "what do you mean you are filming me?" Prasad continued to scream and thrash about in the back seat, but abruptly stopped after about a minute and immediately calmed down. Officer Park determined that Prasad had an active warrant for a case involving the violation of a restraining order.

Officer Bell continued to watch Prasad who was trying to open the rear passenger door. At approximately 2:39 p.m., Prasad suddenly began screaming and violently rocking back and forth in the rear seat and striking portions of the passenger compartment. Both officers tried to verbally calm Prasad to no avail. At 2:40 p.m., Officer Park began driving his patrol car to the SAPD Detention Facility which was less than one mile away. During the brief drive, Prasad continued to scream and repeatedly slam his head against the Plexiglas and chain-link security screen which separated the front and rear seats. Prasad's actions caused a laceration to his forehead above his left eye that began bleeding.

At 2:42 p.m., Officer Park parked his patrol car in the sally port a short distance beyond the security gate of the Detention Facility. Officer Bell arrived seconds later and parked his patrol car parallel to and along the passenger side of Officer Park's patrol car. When the officers opened the right rear passenger door, Prasad exited head first while continuing to yell and scream. Both officers could see a cut to, and blood smeared on, Prasad's forehead. As the officers reached for Prasad, Prasad fell to the ground, face down. Using one hand each, the two officers held Prasad on the ground and repeatedly told him to relax and remain calm. Prasad lay quietly for a few seconds, but suddenly began kicking and screaming. As Officer Bell placed a knee on Prasad's back, pinning Prasad to the ground, Officer Park maneuvered to grab hold of Prasad's legs. Seven SAPD correctional officers arrived to assist Officers Park and Bell. Two correctional officers placed shackles on Prasad's ankles. Two other correctional officers placed a spit mask over Prasad's face. While this was occurring, Prasad repeatedly screamed "God help me" and continued to struggle and resist. The laceration above Prasad's eye continued to bleed.

At 2:45 p.m., after Officer Park moved Officer Bell's patrol car out of the way, correctional officers wheeled over a restraint chair. At approximately 2:46 p.m., the officers lifted Prasad into the chair and began the process of strapping him in. Over the next two minutes and 54 seconds, Prasad forcefully resisted Officer Bell and the seven correctional officers as they strapped down his legs, arms, waist, and shoulders. After the correctional officers had secured his legs, arms, and waist, Prasad stopped struggling. At 2:49 p.m., a Registered Nurse who was standing behind the chair told Prasad to settle down so he could help him and then asked if Prasad could hear him. Prasad did not answer the Registered Nurse's question. At approximately 2:50 p.m., the correctional officers rolled Prasad to a nearby shaded area to be examined by three members of the medical staff. The Registered Nurse observed that Prasad appeared to be unconscious and unresponsive. A mobile vital signs machine was retrieved and attached to Prasad, but the Registered Nurse was unable to locate a pulse. At 2:51 p.m., the Registered Nurse directed the correctional officers to remove Prasad from the restraint chair. At 2:52 p.m., Prasad was unstrapped and placed on his back on the floor; the Registered Nurse began performing CPR and requested paramedics. The Registered Nurse continued CPR on Prasad until paramedics arrived.

At 2:53 p.m., paramedics with the Orange County Fire Authority (OCFA) were dispatched to the Detention Facility. OCFA Truck 75 arrived at the Detention Facility at 3:01 p.m. The paramedics determined that Prasad was in cardiac arrest with no

pulse and no respirations and had a head injury. They intubated Prasad and began supplying him oxygen using an air-bag-valve mask. They also administered two doses of Epinephrine, first at 3:05 p.m. and then at 3:08 p.m., to restart Prasad's heart. At 3:10 p.m., when Prasad had a return of spontaneous circulation, the paramedics discontinued CPR and attached a 12-Lead Electrocardiogram (ECG) to Prasad. At approximately 3:11 p.m., they placed Prasad in an ambulance and transported him to OCGMC, arriving at 3:21 p.m.

At OCGMC, Prasad's care was relinquished to the on-duty emergency medical staff. Prasad had low blood pressure and was started on IV fluids and a Levophed drip. The medical staff documented that Prasad had a two centimeter laceration on his forehead with mild swelling, had dilated and unresponsive pupils, and was comatose and unresponsive. A urine analysis was completed and revealed the presence of Methamphetamine, Tetrahydrocannabinol (THC), and Opiates.

Prasad was transferred to the Intensive Care Unit (ICU) and placed on hypothermia protocol. CT scans of Prasad's head and spine found no significant trauma. On June 3, 2018, a physician at OCGMC examined Prasad and observed he was comatose, sedated, mechanically ventilated, and unresponsive to stimuli. An Electroencephalogram (EEG) showed minimal brain activity on June 5, 2018. Prasad never regained consciousness and his health continued to deteriorate. OCGMC medical staff determined Prasad suffered from the following conditions: acute respiratory failure, cardiac arrest, severe metabolic acidosis, lactic acidosis, acute renal failure, rhabdomyolysis, polysubstance intoxication, transaminitis, and coagulopathy. On June 13, 2018, two physicians conducted two different brain studies and confirmed brain death. In their opinion, Prasad had died of cardio pulmonary arrest due to anoxic brain injury due to acute drug intoxication.

AUTOPSY

On June 15, 2018, Forensic Pathologist Dr. Son-Kim of the Orange County Coroner's Office conducted an autopsy on the body of Prasad. Dr. Son-Kim stated she found a superficial one inch laceration, partially healed, on the left side of Prasad's forehead. There were no signs of any significant trauma, no signs of internal trauma, and the hyoid was intact. Dr. Son-Kim opined that Prasad's cause of death was acute polydrug intoxication due to a clinical history of combined effects of opiates and amphetamines with other significant conditions of tetrahydrocannabinol present in system; fatty liver, and mild dilated cardiomyopathy. Dr. Son-Kim further concluded that the manner of death was accidental.

EVIDENCE ANALYSIS

Toxicological Examination

A sample of Prasad postmortem blood collected yielded the following results:

DRUG	MATRIX	RESULTS & INTERPRETATIONS
Normeperdine	0.03540 ± 0.0033 mg/L	
THC	0.0026 ± 0.0004 mg/L	0.0026 ± 0.0004 mg/L
Carbody-THC	0.0107 ± 0.0013 mg/L	0.0548 ± 0.0066 mg/L
Hydroxy-THC	Detected	0.0025 ± 0.0004 mg/L

BACKGROUND INFORMATION

Prasad had a State of California Criminal History record that revealed arrests and convictions for the following offenses:

- Domestic Battery
- Violation of a Protective Order
- Under the Influence of a Controlled substance
- Possession of a controlled substance
- Possession of controlled substance paraphernalia

DISCLOSURE OF OFFICER-INVOLVED SHOOTING VIDEO & AUDIO EVIDENCE

The OCDA recognizes that releasing video and audio evidence of officer-involved shooting and custodial death incidents can assist the public in understanding how and why these incidents occur, increase accountability, and build public trust in law enforcement. Consistent with the OCDA's written policy in connection with the release of video and audio evidence relating to officer-involved shooting and custodial death incidents where it is legally appropriate to do so, the OCDA decided to release to the public video/audio evidence in connection with this case. The relevant video/audio evidence is available on the OCDA webpage <http://orangecountyda.org/reports/videoandaudio/default.asp>.

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 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 whatsoever of express or implied malice on the part of any SAPD Officer or any other individuals under the supervision of the SAPD. 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 SAPD owed Prasad 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). The SAPD police officers and correctional officers involved in this incident acted reasonably in responding to Prasad's immediate medical needs.

Upon contacting Prasad, both Officers Bell and Park concluded that Prasad was under the influence of narcotics. Prasad did not appear to require any medical care upon initial detention at the sidewalk or after he was placed in the patrol car. Although Prasad began screaming and throwing his body around while in the rear seat of the stationary patrol car, Prasad was not causing injury to himself. During that two minute drive to the Detention Facility, Prasad intentionally and repeatedly struck his head on the Plexiglas and chain-link security screen, causing a two centimeter cut to his forehead that began bleeding. Given Prasad's erratic and violent behavior, Officer Park acted reasonably in transporting Prasad to the Detention Facility.

Within a minute of arriving at the Detention Facility, Officers Bell and Park opened the rear passenger door and observed the cut to Prasad's head and that Prasad was bleeding. At that moment, both officers became aware that Prasad would need medical care. However, given that Prasad had been acting erratically and violently in the patrol car and, shortly after arriving at the Detention Facility, began to actively resist Officers Bell and Park, it would have been unreasonable and almost impossible for either officer to provide medical care to Prasad until Prasad's resistance was overcome.

In particular, while lying face-down on the ground, Prasad remained calm momentarily but then began physically resisting both officers. Officer Bell and seven correctional officers used a reasonable amount of force to overcome Prasad's resistance and strap him to a restraint chair. Aside from the laceration to Prasad's head, the medical records do not evidence any internal or external trauma to Prasad's body.

Once Prasad was secured, the officers moved Prasad at 2:50 p.m. to a shaded area next to the sally port for examination by the medical staff. At 2:51 p.m., when the medical staff determined that Prasad was unresponsive and unconscious, they were obligated to provide or obtain immediate medical care for Prasad. The subsequent actions taken by the correctional officers and the medical staff were more than reasonable. Within a minute, Prasad was removed from the restraint chair, placed on the floor, and administered CPR until the paramedics arrived. At 2:53 p.m., paramedics were dispatched to the SAPD Detention Facility. OCFA arrived eight minutes later at 3:01 p.m. The paramedics continued CPR, intubated Prasad, and administered two doses of Epinephrine. After Prasad regained spontaneous circulation at 3:10 p.m., Prasad was placed in an ambulance at 3:11 p.m. and he was immediately taken to OCGMC where he arrived ten minutes later. In summary, upon determining that Prasad was in need of immediate medical care, SAPD medical personnel and staff immediately began rendering medical aid and called for additional medical assistance.

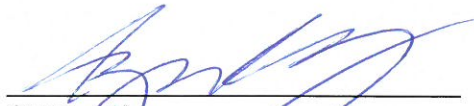
Thus, there is no evidence to support a finding that any SAPD officer or any individual under the supervision of the SAPD failed to perform a legal duty.

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 of criminal culpability on the part of any SAPD officer or any individual under the supervision of the SAPD. The evidence shows that Prasad died as a result of complications of chronic substance abuse and a heart condition.

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

Respectfully submitted,



CYRIL YU

Senior Deputy District Attorney
TARGET/Gangs Unit



Read and Approved by **EBRAHIM BAYTIEH**

Senior Assistant District Attorney
FELONY OPERATIONS II