



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

August 18, 2020

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

Re: Custodial Death on December 11, 2019
Death of Arrestee Steven Joshua Ford (D.O.B. 7/16/85)
District Attorney Investigations Case # S.A. 19-023
Santa Ana Police Department Case # 19-29920
Anaheim Police Department Case #19- 181035
Orange County Crime Laboratory Case FR # 19-56851
Orange County Crime Laboratory Case FR # 19-57130 (Coroner Toxicology)
Orange County Coroner's Office Case # 19-05461-HO

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 the December 11, 2019, custodial death of 34-year-old arrestee Steven Joshua Ford ("Ford").

OVERVIEW

This letter contains a description of the scope and the legal conclusions resulting from the OCDA's investigation of the custodial death of Ford. 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 Santa Ana Police Department (SAPD) personnel or any other person under the supervision of the SAPD in connection with this custodial death incident.

On December 12, 2019, OCDA Special Assignment Unit (OCDASAU) Investigators responded to the University of California, Irvine-Medical Center where Ford died while in custody after receiving medical treatment at the hospital. During the course of this investigation, the OCDASAU conducted three (3) individual interviews, obtained witness statements, and reviewed the following: Orange County Crime Laboratory (OCCL) reports, including toxicology, autopsy, and embalming; Anaheim Police Department (APD) reports, SAPD reports, laboratory and identification reports, medical records, incident scene digital images, Pueblo Motel video recording, Body Worn Camera (BWC) videos, audio dispatch and radio traffic recordings, and other relevant reports and materials.

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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 Santa Ana Police Department personnel or any other person under the supervision of the Santa Ana Police Department. 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.

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 an experienced 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 Operations IV Division of the OCDA, who will eventually review and approve any legal conclusions and resulting memos. The case may often be reviewed by several experienced prosecutors and their supervisors. The District Attorney personally reviews all officer involved shootings and custodial death letters. If necessary, the reviewing prosecutor may send the case back for further investigation.

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 is releasing 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>.

FACTS

On Sunday, December 8, 2019, at approximately 9:00 A.M., the SAPD Watch Commander, Chuck Elms, issued a Be-On-The-Look-Out (BOLO) notice through the police department's in-house computer system. APD initiated the BOLO for a Steven Ford who was wanted for multiple CPC 487-grand theft and nine outstanding bench warrants. The BOLO further advised that Ford was driving a white Ford Crown Victoria (license plate number 7UST366) and frequented the area of 17th Street and Harbor Boulevard in the city of Santa Ana. The BOLO also advised that Ford committed a grand theft at a Home Depot in Anaheim on the morning of December 8, 2019, approximately an hour before the BOLO was announced.

At approximately 9:37 A.M., SAPD Officers Justin Collins and David Guzman located the vehicle backed into a parking stall at the Pueblo Motel, located at 1501 North Harbor Boulevard in Santa Ana. Officer Collins telephoned APD and was requested to standby until APD officers could arrive and take over the investigation. Through hotel staff, it was learned that Ford was staying in room 8, under the name Braden Salat. Both officers wore their distinct SAPD uniform consisting of a blue polo shirt and jeans.

At approximately 10:06 A.M., while waiting for APD to arrive, Ford was seen exiting room 8 and walking to his vehicle (white Ford Crown Victoria). Officers Collins and Guzman contacted Ford, ordered him to the ground, and took him into custody. Ford was handcuffed with his hands behind his back. When asked if he had any identification on him, Ford stated, "No. I found this wallet but it's not mine. My name's Riley Austin, what did I do?" Ford insisted that his name was Riley Austin throughout the time he was detained, and further claimed that he did not have a room at the motel. As the officers waited for additional SAPD personnel to arrive and assist, Officer Collins stated that someone in motel room 8 kept looking out the window. During this time, Ford tried to stand up off the ground where he was handcuffed. Officers Guzman and Collins held him down until additional units arrived. SAPD Sgt. Ricardo Diaz, along with other SAPD personnel, arrived on scene shortly thereafter.

At approximately 10:16 A.M., SAPD Officer Jason Hill arrived on scene. Officers Collins and Guzman escorted Ford to Officer Hill's patrol car, a Ford Explorer. Officer Hill removed his BWC and placed it on the plexiglass screen that separated the front seat from the secured rear passenger seat. He placed it facing toward the rear seat, where Ford was sitting. Ford was still handcuffed with his hands behind his back and was secured with a shoulder strap seat belt. While Ford was placed in Officer Hill's patrol car, officers coordinated resources to check room 8 for additional occupants. Prior to entering the room, a female, Jane Doe, voluntarily exited the room. She was identified and taken into custody. Jane Doe was placed in Officer Collins' patrol vehicle. Officers were then able to check the room but no additional occupants were inside.

At approximately 10:17 A.M., while officers were checking room 8, Ford began to maneuver his body and slipped his handcuffs from behind his back to the front of his body as seen on the BWC footage. Ford began to pull on the right rear door handle and the plexiglass screen, before moving to the right side of the patrol car, out of the BWC view. At 10:21 A.M., Ford is seen manipulating the right rear seatbelt along the left side of his neck as he leaned forward and out of the BWC view. Ford stopped manipulating the seatbelt after a few seconds and released it causing him to come into view. The BWC captured sounds consistent with someone continually pulling on the door handle. At 10:23 A.M., Ford began raising his hand above his chest and again pulling on the plexiglass that separates the front and rear seats. At 10:25 A.M., Ford looked toward the patrol car rear window, laid down, and slipped the handcuffs back behind his back. At 10:26 A.M., Officer Hill returned to his patrol car, opened the front driver door, and left a few minutes later.

At 10:32 A.M., Ford was transferred from the back of Officer Hill's patrol car to the back of Officer Guzman's patrol car, another Ford Explorer with similar interior configurations. Officer Guzman removed his BWC and placed it inside the window cage to the left of the rear door. As seen on the BWC footage, at 10:36 A.M., Ford slipped his handcuffs to the front of his body again. He then reached towards the BWC and turned it off. At 10:38 A.M., Officer Taylor approached Officer Guzman's patrol unit and had a brief conversation with Ford through the driver's window. Officer Taylor does not recall seeing anything unusual about Ford, nor does he recall his conversation with Ford. Officer Taylor stated in his interview that he would have remembered if he saw that Ford had his handcuffs in front of him and not behind his back. Officer Taylor also stated Ford did not appear to be in distress and did not make any comments to him that would have lead him to think otherwise.

In reviewing the surveillance video from the Pueblo Motel, Officer Collins and Officer Guzman are approximately 30 feet away from Officer Guzman's vehicle and have full view of the back window where Ford is seated. From approximately 10:41 A.M. to 10:53 A.M., the officers are constantly looking toward the back window of Officer Guzman's vehicle. The Pueblo Motel surveillance video is consistent with Officer Collins' police report where he said he and Officer Guzman were engaged in conversation and could see Ford move inside of the vehicle from time to time. At approximately 10:53 A.M., Officer Collins received a call on his cell phone that lasted approximately one minute. At approximately 10:55 A.M., Officer Guzman opened the rear passenger door of Officer Collins' vehicle and spoke to Jane Doe for approximately two minutes. At 10:57 A.M., Officer Collins received one more phone that lasted for approximately 30 seconds.

At 10:58 A.M., Officer Collins walked over to Officer Guzman's patrol vehicle because he could no longer see Ford in the back seat. Once Officer Collins opened the back door, he observed Ford lying in the backseat with the seatbelt wrapped around his neck. Ford was unresponsive and his hands were behind his back. Officer Collins unwrapped the seatbelt from around Ford's neck and simultaneously yelled for Officer Guzman's help. Officer Collins pulled Ford out of the car, and placed him onto the asphalt. Officer Collins checked for a carotid pulse and did not find one and immediately began chest compressions. Officer Guzman immediately broadcasted a request for paramedics to respond.

APD Officers Matthew Juntilla and Tyler Palmer arrived on scene as Officer Collins was removing Ford from the patrol vehicle. Officer Palmer retrieved a medical bag from his police car and used the bag valve mask (BVM) to provide positive pressure ventilation to Ford while Officer Collins began chest compressions. While Officer Collins was performing chest compressions he stated he felt a faint pulse on Ford's carotid artery (right side). Officer Juntilla later reported that on arrival to the scene, Ford was unconscious, his skin was pale and purplish in color, and he had purple marks on his neck; appearing lifeless. Officers continued chest compressions, relieving each other periodically, until relieved by Orange County Fire Authority (OCFA) Paramedics.

At 11:06 A.M., OCFA, Engine 83, arrived on scene. One of the attending paramedics (P1) observed Ford lying on the ground with his hands handcuffed behind his back and requested SAPD officers to remove the handcuffs. P1 found that Ford had no pulse, was apneic, and unresponsive. P1 and his team took over chest compressions and gave oxygen using a BVM. An electrocardiogram (EKG) determined Ford had pulseless electrical activity (PEA).

At approximately 11:07 A.M., it appeared Officer Guzman initiated a private conversation with Officer Collins approximately 10 feet away from where Ford was receiving medical attention. The conversation lasted approximately one minute. This time estimate is based on APD Officer Palmer's BWC footage. It is clear that Officers Guzman and Collins intentionally turned their audio off so the conversation was not recorded.

At 11:14 A.M., Ford was transported by Care Ambulance to the Garden Grove Hospital and Medical Center (GGHMC) for further treatment. Ford remained unconscious while under the care of P1 and P1 relinquished medical care to the GGHMC emergency staff at 11:20 A.M. While at GGHMC, Ford was found to have a return of spontaneous circulation (ROSC). Ford sustained another cardiac arrest but the medical staff was able to get ROSC again. Ford had an endotracheal tube inserted to assist him with breathing. He had two IV access lines and a central line initiated.

Due to Ford's critical condition, he was then transferred to the University of California, Irvine-Medical Center (UCIMC) for higher quality care. At 12:32 P.M., OCFA Paramedics arrived and transported Ford to UCIMC. The medical staff performed a CT scan, which showed Ford had brain swelling and cooling measures were initiated to help the brain function.

On Tuesday, December 10, 2019, the UCIMC neurological team assessed Ford and determined that he was brain dead. On Wednesday, December 11, 2019, a second brain scan was conducted and revealed no brain activity. At 6:33 P.M., the attending UCIMC Doctor pronounced Ford brain dead a second time. One Legacy, an organ harvesting non-profit organization, had been contacted because Ford was listed as a registered organ donor. Ford's body remained at UCI until organ harvesting was completed. On Monday, December 15, 2019, Ford's body was transferred from UCI to the OCCO, for a post mortem examination.

As part of the investigation, a canvas was conducted at the Pueblo Motel for any percipient witnesses. Witnesses were interviewed, but no percipient witnesses were located.

Both Officer Collins and Officer Guzman wrote police reports regarding this incident. Prior to reporting the facts, they used the following language in their reports: "Without waiving any rights and under direct order from Sgt. Diaz I am providing this statement". DA Investigator Pete Montez attempted to interview both Officer Collins and Officer Guzman; however, their attorney told Investigator Montez they would not be providing a voluntary statement.

EVIDENCE COLLECTED

The following items suspected to be stolen merchandise or illegal to possess were gathered, photographed, and later booked as evidence under APD DR #19-160740. The following items were located in the motel room 8 and in the Ford's Crown Victoria:

- Black Volcom Jacket size XL
- Black Abercrombie and Fitch jacket size XL
- Black Abercrombie and Fitch jacket size M
- Women's size 25 pants (with tag)
- Abercrombie and Fitch dark gray shirt size XL (with tag)
- Vera Bradley gray purse
- Abercrombie and Fitch three pair of socks (in package)
- Two High Desert beanies
- Abercrombie and Fitch candle and blushed perfume
- Water heater valve
- Three red/black Huskie (Home Depot) brand bags (small, med, large)
- Hammer sleeve in brand new packaging
- HP Gray laptop computer
- Three shaved keys
- (2) Black anti-theft security device
- Wireless headset microphone (X002BSS7AF)
- Husky Full Polish Ratchet
- Small brown Louis Vuitton woman's make-up bag
 - (3) hypodermic syringes (one containing a brownish colored liquid)
 - (2) clear glass tubes rounded and burnt at one end commonly used to smoke methamphetamine
 - Small chunk of a crystalline like substance, believed to be methamphetamine, wrapped in a white receipt
- SAPD Citation for Jane Doe (Citation No. N59352)

AUTOPSY

On December 16, 2019, a Forensic Pathologist conducted an autopsy on the body of Ford at the Orange County Sheriff-Coroner Forensic Science Center. The Forensic Pathologist indicated that Ford had abrasions on both hands and ligature like marks on his front neck area. At the conclusion

of the autopsy, the Forensic Pathologist determined the cause of death as Asphyxia due to ligature marks around Ford's neck, and that the manner of death as Suicide.

EVIDENCE ANALYSIS

Toxicological Examination

A sample of Ford's postmortem blood yielded the following results:

DRUG	Postmortem Blood	Antemortem Blood
Ethanol	Not Detected	Not Detected
Amphetamine	0.0405 ± 0.0030 mg/L	0.160± 0.012mg/L
Methamphetamine	0.0330 ± 0.0024 mg/L	1.15 ± 0.09 mg/L
Midazolam		0.0276 ± 0.0032 mg/L

BACKGROUND INFORMATION

Ford's California criminal history dates back to 1998. Ford had documented arrests for the following violations:

- PC 12500(a), Driving without a License
- PC 530.5(c)(3), Identity theft
- PC 487(a), Grand Theft
- PC 530.5(a), Identity Theft
- PC 466, Possession of Burglary Tools
- PC 459.5, Shoplifting
- PC 496(a), Possession of Stolen Property
- PC 12020(a)(1), Manufacturing/Possessing/Selling a Dangerous Weapon
- PC 496D(a), Possession of a Stolen Vehicle/Vessel
- PC 470B, Possession of Driver's License to Commit Forgery
- VC 14601.1(a), Driving with a Suspended License
- VC 40508 (a), Failure to Appear
- VC 10851(a), Vehicle Theft
- BP 4140, Selling Hypodermic Needles/Syringes without a Permit
- HS 11377(a), Possession of a Controlled Substance
- HS 11378, Possession of a Controlled Substance for Sale
- HS 11364, Possession of Controlled Substance Paraphernalia
- HS 11350(a), Possession of a Controlled Substance

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 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/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 present case, there is no evidence whatsoever of express or implied malice on the part of any SAPD personnel or any other individuals under the supervision of the SAPD. Accordingly, the only possible type of homicide to analyze is under the theory of failure to perform a legal duty. Although the SAPD owed Ford a duty of care, the totality of all the evidence does not support a finding that this duty was in any way breached -- either intentionally or through criminal negligence.

Nothing from Ford's previous behavior would have led any of the officers to believe that Ford would wrap a seatbelt around his neck. In fact, the only knowledge of Ford the officers were made aware of, at the time they contacted him by his vehicle, was that he has fled from officers in the past. From the time Officer Collins and Officer Guzman initially contacted Ford to the time they placed him in Officer Guzman's vehicle, Ford did not exhibit any signs of a desire or plan to inflict physical harm to himself. In fact, while Ford was in Officer Hill's vehicle, his behavior was indicative of trying to escape. Furthermore, none of the officers were aware that Ford had his handcuffed hands in front of his body because when they went to transfer him out of Officer Hill's vehicle to Officer Guzman's vehicle, he had put them back under his legs, and behind his back.

Once Ford was placed in Officer Guzman's vehicle, Officer Guzman placed his BWC inside the window cage to the left of the rear door in order to observe Ford. Within approximately one minute of being in Officer Guzman's vehicle, Ford maneuvered his body, slipped his handcuffed hands from the back to the front of his body and turned off Officer Guzman's BWC.

At approximately 10:37 A.M., while Ford was seated in Officer Guzman's vehicle, SAPD Officer Taylor checked on Ford and stood at the vehicle for approximately two minutes. Officer Taylor did not see any signs of distress nor did he see Ford's hands in front of him. It can be reasonably inferred just as he did in Officer Hill's vehicle, Ford placed his hands under his legs to give the appearance his hands were behind him.

Once all of the SAPD officers left from the scene, leaving just Officers Guzman and Collins with Ford and Jane Doe in their respective patrol vehicles, Ford was in Officer Guzman's vehicle for approximately twenty (20) minutes as the two officers waited for APD to arrive. During this twenty (20) minute time period, both Officers Guzman and Collins reported that they saw Ford moving about the back of the patrol car from time to time. The Pueblo Motel surveillance video shows either Officer Collins or Officer Guzman looking in the direction of Officer Guzman's vehicle approximately sixteen times during that twenty-minute time frame. Officer Guzman and Officer Collins stood at Officer Collins' patrol vehicle approximately 30 feet away from Officer Guzman's vehicle with a complete view of the back window. Officer Collins reported that once he stopped seeing Ford moving around, he went to check on what he was doing (which is consistent with the Pueblo Motel surveillance footage), and that was when he found him unconscious with the seatbelt around his neck. Officer Collins immediately unwrapped the seatbelt and called over to Officer Guzman to assist, who called for paramedics. Officer Collins immediately began CPR until paramedics arrived.

Certainly, it would have been preferable if the OCDA were able to obtain a voluntary statements from Officers Collins and Guzman, especially about the one conversation they had after deactivating their recording equipment. However, the officers' decision to decline to give the OCDA a voluntary statement may not legally and ethically be used to draw negative evidentiary inferences regarding their conduct.

In conclusion, based on all the evidence reviewed, it is our conclusion that SAPD personnel acted reasonably and were not criminally negligent, nor did they have a conscious disregard for human life, causing the death of Ford.

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 that any SAPD personnel or any individual under the supervision of the SAPD failed to perform a legal duty causing the death of Steven Joshua Ford. The evidence shows that Ford died as a result of Asphyxia due to his suicide.

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

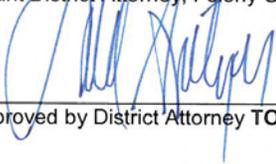
Respectfully submitted,

Katherine E. David

KATHERINE DAVID
Senior Deputy District Attorney
Gangs Unit



Read and Approved by **EBRAHIM BAYTIEH**
Senior Assistant District Attorney, Felony Operations IV



Read and Approved by District Attorney **TODD SPITZER**