



OFFICE OF THE  
**DISTRICT ATTORNEY**  
ORANGE COUNTY, CALIFORNIA  

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TODD SPITZER

April 25, 2019

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

Re: Custodial Death on April 20, 2018  
Death of Inmate Rodney John Daniels  
District Attorney Investigations Case # S.A. 18-015  
Orange County Sheriff's Department Case # 18-09736  
Orange County Crime Laboratory Case # FR 18-45659

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 April 20, 2018, custodial death of 26-year-old Rodney Daniels.

**OVERVIEW**

This letter contains a description of the scope and the legal conclusions resulting from the OCDA's investigation of the custodial death of Rodney Daniels. 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 Santa Ana Police Department (SAPD) personnel.

On April 20, 2018, OCDA Special Assignment Unit (OCDASAU) Investigators responded to Nova Academy, located at 500 West Santa Ana Boulevard in Santa Ana. Daniels was being treated at Orange County Global Medical Center (OCGMC) when he was pronounced deceased. During the course of this investigation, the OCDASAU interviewed 10 witnesses, and obtained and reviewed reports from the SAPD and Orange County Crime Laboratory (OCCL), incident scene photographs, video footage, Body Worn Camera footage, 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 SAPD personnel. The OCDA will not be addressing any possible issues relating to policy, training, tactics, or civil liability.

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## **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 who are 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 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 multiple veteran prosecutors, their supervisors, and the District Attorney. 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 April 18, 2018 two CHP officers, Amery Zavala and Eric Peterson, were dispatched to the 55 northbound freeway, north of 19th street in Costa Mesa. The CHP officers responded regarding a subject who was later identified as Daniels, running in and out of traffic lanes. When officers arrived, they located Daniels standing with Costa Mesa PD officers alongside the right shoulder of the freeway. According to CHP officer Zavala, Daniels was barefoot and sweating profusely. While being questioned, Daniels laid down into a prone position without being asked to do so. According to the officers, Daniels was displaying signs of paranoia and stated that unknown people wanted to hurt him. Daniels informed officers he was staying at "Sandpiper Motel." Daniels had red and watery eyes, and according to officers, there was a "white powdery substance in his nose." Daniels admitted to officers that he "snorted" a line and a half of methamphetamine prior to the incident. Officer Zavala provided Daniels with a ride back to the motel where Daniels was staying.

While in the back seat of the patrol car, Daniels stated that there was another person in the back of the patrol car with him, when there was no other person. Upon arrival to the motel, Daniels continued to act paranoid and nervous. Daniels was escorted to the second floor of the motel where his room was, when he leaped over the second floor railing and fell towards the ground. He landed on the hood of the vehicle parked below, rolled off the side of the vehicle, and onto the ground. Daniels ran towards

the sidewalk screaming "they are going to shoot me." Officer Zavala provided several commands to Daniels to return to the room, but he refused to do so. Daniels was placed under arrest for being under the influence of a controlled substance. Daniels refused to place his hands behind his back for handcuffing, but Officer Zavala was able to gain control of Daniels to complete the cuffing. After being placed in handcuffs, Daniels continued to be uncooperative, combative, and attempted to escape control, at which point Officer Peterson stepped in to assist Officer Zavala with taking Daniels down to the ground to control him. Daniels was moved to the back seat of the patrol car, and once inside continued to physically resist officers, so the officers called for additional backup. When CHP Officer Bell arrived on scene, he attempted to remove Daniels from the back of the patrol car, when Daniels aggressively kicked Officer Zavala four times in the waist. Paramedics were called, and Costa Mesa Fire Department responded. Daniels was transported to Hoag Hospital in Newport Beach, where he was evaluated and eventually cleared for booking.

During transport to Orange County Jail (OCJ), Daniels continued to act paranoid, thinking there were others with him in the back of the car, and continued to move his body in a back and forth motion. During this time, Daniels also hit his head on an unknown object which produced a small abrasion to his upper left eyebrow. During a search, Officer Zavala discovered a small plastic baggie which contained suspected methamphetamine in Daniels' right front pants pocket which was booked into evidence at the CHP Santa Ana Office. On April 19, 2018, Daniels was booked into OCJ on five charges, and was eventually issued a citation and released from OCJ.

Around 1:23 p.m., on April 20, 2018, Jane Doe 1 witnessed John Doe 1 and John Doe 2 attempting to get a male subject, later identified as Daniels out of the street. Daniels was observed running in and out of traffic on Ross Street in Santa Ana, trying to open the doors of the vehicles in the street, in an attempt to get into the vehicles. John Doe 1 and John Doe 2 were successfully able to get Daniels out of the street and divert him to the steps of Nova Academy Early College High school in Santa Ana. SAPD was dispatched to Nova Academy, and officers were advised that Daniels appeared "disoriented," possibly under the influence of drugs, and was running in and out of traffic near the school grounds. Surveillance footage from a camera located at the intersection of North Ross Street and Santa Ana Boulevard is consistent with witness interviews and shows Daniels running in and out of traffic, attempting to open vehicle doors, and jumping onto and falling off the vehicles as they passed by.

SAPD officers arrived on scene at Nova Academy around 1:32 p.m., and made contact with Daniels who was sitting on the steps of Nova Academy. John Doe 1, John Doe 2, and John Doe 3 were standing next to Daniels, and there were approximately 20 to 30 students in the surrounding area who had exited Nova when the bell rang for the end of the school day around 1:20 p.m. SAPD Officers Donahue, Diaz, and Gutierrez contacted Daniels who was sitting on the steps and he was moving his head and body around in different directions. Daniels appeared to be disoriented and verbally non-responsive to the officers. His clothes were dirty, he had marks on his pants and arms, and cuts and abrasions on his hands, wrists, and arms. Daniels had urinated and defecated in his pants, which were symptoms consistent with being under the influence of a controlled substance. Officers questioned Daniels and told him that he did not look so good, to which Daniels replied that he was "good." Paramedics were requested in response to Daniels' overall state.

Officer Donahue decided to arrest Daniels for public intoxication/drugs and Daniels was requested to place his hands behind his back, which he did not respond to or comply with. While Officer Donahue began to handcuff Daniels and told him to remain seated, he refused to do so and attempted to stand up and resisted arrest. A minor scuffle ensued between Daniels and the officers, which lasted for about 10 seconds, and resulted in no injuries to Daniels or the officers. Officer Donahue was able to gain

control of Daniels left wrist and arm while the other officers assisted in bending him over at his waist and rolling him face down towards the ground.

After Daniels was handcuffed, officers attempted to walk Daniels to the rear of Officer Donahue's patrol car. However, officers ultimately decided it was best to place Daniels on the ground to wait for paramedics to arrive. Officers placed Daniels on the ground on his left side, and control was maintained by his lower legs and ankles. When OCFA paramedic personnel arrived, Daniels was hyperventilating, making noises, and exhibiting signs of someone under the influence of drugs. Daniels had a blank stare on his face, and was non-responsive. Daniels was transported to OCGMC via ambulance.

During transportation, paramedics attempted to intubate Daniels, but were unsuccessful. Daniels was provided with Oxygen, but CPR was initiated when no pulse was detected. Epinephrine was administered; however, Daniels went into cardiac arrest upon arrival at OCGMC. Emergency room staff at OCGMC administered lifesaving medications which produced no effect. Epinephrine was administered, and medical staff was able to obtain a heart rhythm several times but were unable to sustain life and Daniels was ultimately pulseless. During this time, medical staff stated that Daniels was never conscious, his pupils were fixed and dilated, and he had no response to pain stimuli. Daniels was pronounced dead at 2:38 p.m.

### **EVIDENCE COLLECTED**

The following items of evidence were collected and examined:

- Clothing
- Swabs from both hands

### **AUTOPSY**

On April 23, 2018, Forensic Pathologist Etoi Davenport of the Orange County Coroner's Office conducted an autopsy on the body of Daniels. Following the autopsy, Dr. Davenport indicated that her examination revealed the following:

- No sign of natural diseases
- Rib fracture consistent with CPR

On October 29, 2018, and after examining the result of the toxicology tests, Dr. Davenport concluded that the manner of Daniels' death was accidental, and that Daniels' death was the result of "Acute methamphetamine intoxication."

### **EVIDENCE ANALYSIS**

#### **Toxicological Examination**

A sample of Rodney Daniels postmortem blood yielded the following results:

<b>DRUG</b>	<b>POSTMORTEM BLOOD</b>	<b>BRAIN</b>
Amphetamine	0.171 ± 0.013 mg/L	0.644 ± 0.048 mg/kg
Methamphetamine	12.0 ± 0.9 mg/L	39.0 ± 2.8 mg/kg

### **BACKGROUND INFORMATION**

Rodney Daniels had a criminal history in both California and Florida which reveals arrests for the following charges:

#### California Criminal History:

- Battery on Police Officer
- Under the influence of a controlled substance
- Resisting Arrest
- Assault on Police Officer

#### Florida Criminal History:

- Driving on suspended license
- Resisting and/or obstructing police officer (multiple occasions)
- Possession of marijuana
- Possession of drug paraphernalia
- Misuses of registration tags
- Petty theft
- Battery on police officer
- Possession of cocaine
- Felony domestic battery

### **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.’ 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 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 in this situation is murder or manslaughter under the theory of failure to perform a legal duty. Although the SAPD owed Daniels 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).

Officers arrived on scene at Nova Academy to find Daniels in a disoriented and non-responsive state. His pupils were dilated, and he was exhibiting signs consistent with being under the influence of a controlled substance. Paramedics were dispatched when officers questioned Daniels and told him that he did not look so good. Daniels became resistant and unresponsive when officers attempted to place him under arrest for public intoxication. There is no evidence whatsoever that any of the involved officers acted inappropriately or used excessive force in the entirety of their interactions with Daniels. Daniels was transported to OCGMC to ensure that he received the proper treatment in response to his condition. Upon arrival to OCGMC, Daniels went into cardiac arrest. Emergency room staff administered all necessary lifesaving efforts, but was ultimately unable to sustain a pulse. Daniels death was the result of his use of methamphetamine.

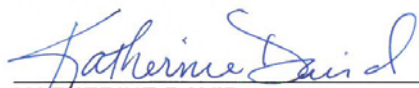
Witness interviews confirmed that there were no punches, kicks, strikes, pepper spray, Taser, or other weapons used on Daniels. There is no physical or other evidence which would indicate anything other than handcuffs was used to control Daniels. Thus, there is no evidence whatsoever to support a finding that any SAPD personnel or any individual under the supervision of the SAPD committed a crime or failed to perform a legal duty. On the contrary, the evidence supports a conclusion that all the involved officers acted lawfully and appropriately in trying to assist an intoxicated Daniels who was a danger to himself as well as to others.

**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 personnel or any individual under the supervision of the SAPD. The evidence shows that Rodney Daniels died as a result of acute methamphetamine intoxication.

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

Respectfully submitted,



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**KATHERINE DAVID**  
Senior Deputy District Attorney  
TARGET/Gangs Unit



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Read and approved by **EBRAHIM BAYTIEH**  
Senior Assistant District Attorney  
Operations IV