



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

June 16, 2022

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

Re: Custodial Death on November 21, 2020
Death of Arrestee Paul Rene Taylor
District Attorney Investigations Case # SA 20-032
Orange County Sheriff's Department Case # 20-039061
Orange County Crime Laboratory Case # FR 20-54440
Orange County Coroner's Office Case # 20-06136-DB

Dear Sheriff Barnes,

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 November 21, 2020 custodial death of 51-year-old arrestee Paul Rene Taylor.

OVERVIEW

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

On November 24, 2020 OCDA Special Assignment Unit (OCDASAU) Investigators responded to Orange County Sheriff's Department headquarters regarding Taylor's death while in custody after receiving medical treatment at Chapman Global Medical Center (CGMC). During the course of this investigation, the OCDASAU interviewed 11 witnesses, as well as obtained and reviewed reports

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from the OCSD and Orange County Crime Laboratory (OCCL), incident scene photographs, Patrol Vehicle System (PVS) videos, radio traffic, 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 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 Assistant District Attorney supervising the Special Prosecutions Unit of the OCDA, who will eventually review 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.

FACTS

On November 21, 2020 at approximately 12:45 p.m., OCSD Deputy Ernesto Escobar was patrolling unincorporated Santa Ana when he saw Taylor driving a white Mercedes-Benz sedan. Deputy Escobar conducted a records check and found that the vehicle's registration was suspended and that the car was registered to Taylor. A records check of Taylor showed that Taylor was on active formal probation and subject to search and seizure. Deputy Escobar conducted a traffic stop of Taylor and contacted Deputy Raymond Essoe for assistance. Investigator Nguyen was in the area and also responded.

Deputy Escobar requested that Taylor provide him his license, registration and proof of insurance. Taylor provided his registration and a suspended license, but he had no insurance. Taylor stated he had been living out of his vehicle and confirmed he was on active formal probation. Deputy Escobar noted that Taylor's body was trembling and he appeared nervous. Taylor stated he did not have anything illegal inside of his vehicle or on his person. Due to Deputy Escobar's

observation of Taylor's demeanor and his experience contacting subjects on probation, he believed Taylor may run or that he was hiding contraband. At that point, Deputy Escobar handcuffed Taylor and placed him in the back of his police vehicle. Deputy Essoe and Investigator Nguyen stood by Taylor with the right rear passenger seat open to allow for ventilation, while Deputy Escobar searched Taylor's vehicle. At that point, Deputy Kevin Archambault arrived on scene. Deputy Escobar did not find any illegal items in Taylor's vehicle.

Deputy Escobar retrieved Taylor from the backseat of the police vehicle and notified him that he was going to issue him a citation. Taylor was then uncuffed and sat on the curb. As Taylor was signing the citation, Deputy Escobar noticed that Taylor's hands were shaking. Taylor stated he suffered from congestive heart failure and declined medical attention when offered. Deputy Escobar asked Taylor to contact a licensed driver to take possession of Taylor's vehicle. While Deputy Escobar was speaking with Taylor, he noticed that Taylor's trembling and shaking of his body had increased and he was sweating profusely. Deputy Essoe and Investigator Nguyen assisted Taylor into the shade and Deputy Essoe retrieved a beverage from Taylor's vehicle and provided it to Taylor. Investigator Nguyen retrieved a towel from the trunk of Taylor's vehicle to wipe the sweat off his face and head. Taylor continued to tremble and sweat profusely so Deputy Escobar contacted paramedics.

The Orange City Fire and Paramedics responded to the scene and Deputy Essoe told Taylor to be honest with the paramedics regarding the ingestion of narcotics. Taylor told Deputy Essoe and the paramedics that he had swallowed "a gram of speed," also known as methamphetamine.

At approximately 2:06 p.m. Taylor was transported to Chapman Global Medical Center (CGMC). Upon arrival at CGMC, Taylor displayed symptoms of an amphetamine overdose. Though Taylor was conscious on arrival, he was tense and unable to speak due to spasticity. Taylor had a high temperature with rapid heart and respiratory rates; he was in severe distress and experiencing seizures. The CGMC treating physician stated that Taylor's symptoms were "classic" of a person who had overdosed on amphetamines. Shortly after his arrival, Taylor became unresponsive and CPR was initiated by CGMC and Orange City Fire personnel. They spent extensive time attempting to revive Taylor. CGMC and Orange City Fire personnel spent approximately 45 minutes (7 cycles of compressions) attempting to revive Taylor.

At approximately 2:55 p.m. the CGMC treating physician pronounced Taylor deceased.

EVIDENCE COLLECTED

The following items of evidence were collected and examined:

- Clothing from Taylor
 - Black T-shirt
 - Shorts
 - Black belt
 - (2) white socks
 - (2) Nike shoes
- Plastic bag
- Bloodstain standard

AUTOPSY

On December 1st, 2020, Forensic Pathologist Dr. Scott Luzi of Orange County Coroner’s Office conducted an autopsy on the body of Taylor. Dr. Luzi noted the following natural disease and pre-existing conditions: healing abrasions on the buttocks and extremities, cerebral atherosclerosis, pulmonary congestion and edema, cardiomegaly, mild coronary atherosclerosis, moderate peripheral atherosclerosis, and nephrosclerosis. Dr. Luzi initially stated the cause of death was pending toxicology and microscopic exams. On July 12th, 2021, Dr. Luzi issued an amendment to the autopsy report which determined the cause of death as acute methamphetamine intoxication and that the manner of death was accidental.

EVIDENCE ANALYSIS

Toxicological Examination

A sample of Taylor’s postmortem blood yielded the following results:

| DRUG | POSTMORTEM BLOOD |
|-----------------|-------------------|
| Amphetamine | <0.40 mg/L |
| Caffeine | Detected |
| Etomidate | Detected |
| Methamphetamine | 49.3 +/- 3.5 mg/L |

BACKGROUND INFORMATION

Taylor had a California Criminal History record with arrests dating back to 1987 for the following violations:

- PC 242 – Battery (1987)
- HS 11550 - Under the Influence of a Controlled Substance (1988, 1997, 2004, 2013, 2016)
- PC 166.4 - Violation of a Court Order (1989)
- PC 417(a)(1) - Exhibiting a Deadly Weapon (1994, 1996)
- HS 11377(a) - Possession of a Controlled Substance (1995, 1997, 2004, 2008)
- PC 12025(a)(1) – Carry concealed weapon in vehicle (1995)
- PC 12031(a) – Carry loaded firearm in a public place (1995)
- PC 12020(a) - Possession of a Dangerous Weapon (1996)
- PC 496(a) - Receiving Stolen Property (1996)
- PC 148(a) - Obstructing a Public Officer (1997)
- PC 135 – Destruction of evidence (1997)
- PC 1203.2 - Probation Violation (1997, 2003, 2008)
- PC 12316(b)(1) - Felon in Possession of Ammunition (1998, 2002)
- PC 12021(a)(1) – Felon in Possession of a Firearm (2002)
- PC 537e(a) - Buying or Selling Articles with Identification Removed (2002)
- VC 23152(a) - Driving Under the Influence of Alcohol or Drugs (2003, 2013)
- PC 273a(a) - Child Cruelty with Possible Injury or Death (2003)
- PC 3056 - Parole Violation (2004, 2005)
- VC 14601.1(a) - Driving while License Suspended (2004, 2005, 2006)
- VC 23103(a) - Reckless Driving (2014, 2016)
- HS 11378 - Possession of a Controlled Substance for Sale (2017)

- HS 11379(a) - Transportation of a Controlled Substance (2017, 2019)
- PC 21510(b) – Carry switchblade knife on person (2019)

THE LAW

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

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

There are two kinds of malice aforethought, express malice and implied malice. Express malice is when the person unlawfully intended to kill. Implied malice requires that a person intentionally committed an act, the natural and probable consequences of the act were dangerous to human life, at the time he acted he knew his act was dangerous to human life, and he/she deliberately acted with conscious disregard for human life.

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

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

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

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

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

"[T]he most important consideration 'in establishing duty is foreseeability.' [citation] It is manifestly foreseeable 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 or she acts is so different from how an ordinarily careful person would act in the same situation that his or her act amounts to disregard for human life or indifference to the consequences of that act.

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

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

LEGAL ANALYSIS

There is no evidence of express or implied malice on the part of any OCSD personnel or any 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 Taylor a duty of care, the evidence does not support a finding that this duty was in any way breached -- either intentionally or through criminal negligence.

Deputy Escobar initially interpreted Taylor's condition as nervousness, since he has experienced multiple occasions where narcotics users are somewhat shaky. Due to Deputy Escobar's experience with individuals on probation and his observation of Taylor's state, he detained Taylor in his police vehicle. While Taylor was detained in the rear passenger seat of Escobar's vehicle under the supervision of Deputy Essoe and Investigator Nguyen, Deputy Essoe opened the door to allow for ventilation.

As soon as Deputy Escobar noticed that Taylor was beginning to tremble and shake, he asked Taylor if he was okay. Deputy Escobar offered Taylor medical attention at the first sign of Taylor's condition and Taylor refused. When Deputy Escobar observed that Taylor's condition of trembling and sweating was persisting, Deputy Escobar with the assistance of Deputy Essoe and Investigator Nguyen moved Taylor to the shade and retrieved a beverage and towel for Taylor. At that point, Taylor's condition was not improving and Deputy Escobar made the determination to call the paramedics to immediately come and render aid to Taylor.

During the majority of their contact with Taylor, Deputy Escobar, Deputy Essoe, Deputy Archambault and Investigator Nguyen were unaware that Taylor had ingested a gram of methamphetamine. Taylor only disclosed that information once the paramedics had arrived. Once

the deputies and paramedics discovered Taylor had ingested a large quantity of narcotics, he was transported to CGMC via ambulance.

In conclusion, based on all the materials reviewed, there is no evidence to support a finding that any OCSD personnel or any individual under the supervision of the OCSD failed to perform a legal duty.

CONCLUSION

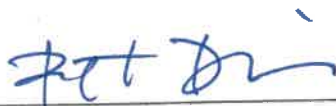
Based on all the evidence provided to and reviewed by the OCDA, and pursuant to applicable legal principles, it is our conclusion that there no evidence to support a finding that any OCSD personnel or any individual under the supervision of the OCSD failed to perform a legal duty causing the death of Taylor. The evidence shows that Taylor died as a result of acute methamphetamine intoxication and that the death was accidental.

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

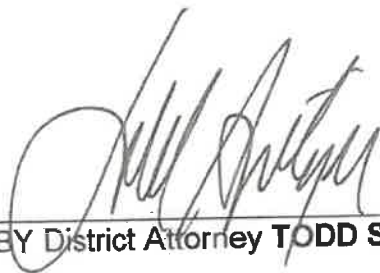
Respectfully submitted,



ELIZABETH F. NEVERS
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READ AND REVIEWED BY BRETT BRIAN
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READ AND APPROVED BY District Attorney TODD SPITZER