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February 14, 2024

**PUBLIC REPORT ON THE DEATH OF JAIME ANGEL GONZALEZ IN
SANTA BARBARA COUNTY JAIL ON DECEMBER 28, 2022**

The Santa Barbara County District Attorney's Office has completed its review of the investigation, conducted by the Santa Barbara County Sheriff's Office ("SBSO"), of the death of Jaime Angel Gonzalez, age 33, occurring on December 28, 2022, shortly after being in the custody of the northern branch of the Santa Barbara County Jail.

The following analysis is based upon investigative, autopsy, toxicology and coroner's reports; video and audio recordings; photographs; and witness interviews collected during the investigation conducted by the SBSO and submitted to this office by SBSO Detective Ruben Esparza.¹

Autopsy results revealed Gonzalez's cause of death was methamphetamine intoxication. Other significant conditions were dilated cardiomyopathy, obesity, and physical restraint. His manner of death was determined to be accident. After review of the investigation, the Office of the District Attorney concludes the physical force used by SBSO staff to restrain Gonzalez prior to his accidental death was reasonable and lawful, and they bear no state criminal liability.

Summary

On the morning of December 28, 2022, Jaime Angel Gonzalez ("Gonzalez") called 911 to request assistance because he was having problems with the other residents of his sober living house. Santa Barbara County Sheriff Deputies John Heil and Michael Reynoso responded to the residence in Orcutt, California. Gonzalez asked for a ride to the local parole office. The deputies agreed to transport him, but before getting in the patrol car Gonzalez began to act erratically causing the deputies to suspect he was under the influence of a controlled substance. After Gonzalez admitted to recent drug use, his parole agent instructed the deputies to arrest Gonzalez for a violation of parole. As the deputies attempted to place Gonzalez

¹ All Santa Barbara County Sheriff's personnel involved in this incident cooperated with the investigation and provided voluntary statements regarding this incident, greatly aiding the Office of the District Attorney in providing this comprehensive analysis.

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under arrest, he fled on foot. Deputies followed Gonzalez several blocks until he stopped. Gonzalez resisted arrest by tensing up his muscles and refusing to comply with verbal instructions. Gonzalez initially refused to get into a patrol car to be transported to the jail. He complained of back pain due to having “two broken discs” and chest pain. He repeatedly expressed paranoia that he was going to be harmed, asked what was going to happen to him, and what he had done wrong, even after deputies explained to him why he was under arrest. After the deputies spent approximately 10 minutes trying to convince Gonzalez to get into the patrol car, Gonzalez entered the back of the patrol car on his own. The deputies considered taking him to the hospital for medical evaluation or having EMS respond to the scene due to his complaints of pain, but because Gonzalez was not showing physical signs of a medical emergency and because he would be evaluated by medical staff at the jail before booking, they decided to transport him directly to the jail.

During the ride to the northern branch jail in Santa Maria, Gonzalez became more paranoid, saying he did not feel safe and was concerned someone would kill or rape him. He also complained of back and chest pain.

At the jail, Gonzalez continued to demonstrate paranoia saying he feared he would be shot or raped. Upon arriving in the pre-booking area of the jail, a registered nurse evaluated Gonzalez and cleared him to be booked into the jail. A licensed clinical social worker also evaluated Gonzalez and decided he should be placed in a mental health observation cell.

As custody staff walked Gonzalez from the pre-booking area to the jail intake area, Gonzalez became noncompliant and began to physically resist the deputies by kicking and spitting. Staff were eventually able to place him in a safety cell.

Within moments of being placed in the safety cell, Gonzalez became unresponsive. Jail personnel administered Narcan and tried to revive him. Gonzalez quickly regained consciousness. He asked for water. As the deputies began to sit him up so he could drink, he tensed up his body, flailed his arms and kicked. As the deputies attempted to gain control over Gonzalez, he again went unresponsive. Jail and medical staff administered another dose of Narcan and began life saving measures. AMR and county fire medics responded. Eventually Gonzalez began breathing on his own again and regained a pulse. He was transported by ambulance to Marian Medical Center where he died a short time later.

Following an autopsy, the forensic pathologist opined that Gonzalez’s death was caused by methamphetamine intoxication with other significant conditions of dilated cardiomyopathy, obesity and physical restraint. The coroner determined the manner of his death was accident.

Initial Contact²

On December 28, 2022, at 7:58 a.m., SBSO Deputy Heil was on duty when he heard over the radio that Jaime Angel Gonzalez was calling 911 asking for assistance at a sober living residence in Orcutt. Gonzalez reported having an issue with the other occupants of the residence. SBSO Deputy Reynoso was assigned to the call, but given his proximity to the location, Deputy Heil also responded. When Deputy Heil arrived, he saw Gonzalez standing alone outside the residence and asked how he could assist. Gonzalez was 33 years old, 6-foot tall and weighed 275 pounds. Gonzalez said that he was trying to find a ride to the parole office on Newlove Drive in Santa Maria. He said the other people at the residence were “acting weird” and that he did not feel safe there. Gonzalez said he had an appointment with his parole officer that morning. Deputy Heil agreed to give Gonzalez a ride to the parole office. He told Gonzalez he would need to search Gonzalez before allowing him into the parole car. Gonzalez agreed. Deputy Heil conducted a search of Gonzalez’s person and did not find anything concerning.

A resident from the sober living house opened the house door. Deputy Heil told the resident that Gonzalez was not in trouble and that he was going to give Gonzalez a ride to the parole office. Deputy Heil asked the resident if everything was okay at the house and the resident indicated it was.

As Deputy Heil and Gonzalez walked to Heil’s patrol car, they discussed the address/location for the parole office. Gonzalez briefly got into the back of the patrol car, then immediately got out. He got into the patrol car a second time, then again got out. Deputy Heil asked him if he was ok and Gonzalez said he had a bad back.

Deputy Reynoso arrived on-scene. While Deputy Heil explained that he was giving Gonzalez a ride to parole, Gonzalez began to act fidgety and paranoid. He asked the deputies, “am I going to be alright?” Deputy Heil reminded him that he was not in trouble, that he had asked for a ride, and that the deputies were just trying to help him. Gonzalez repeated, “yeah, I’m not in trouble” but continued to fidget and be indecisive. He told the deputies, “I need to take my medicine.” Deputy Heil asked him what kind of medicine he took and if he was feeling anxious, but Gonzalez did not respond. Based on Gonzalez’s behavior, Deputy Heil suspected he was under the influence of a controlled substance. Deputy Heil asked Gonzalez if he had used any drugs recently to which Gonzalez said, “nope.” Deputy Heil asked Gonzalez if he was going to have to drug test at parole, but Gonzalez said no. Gonzalez asked Deputy Heil how far it was to the gas station and asked what he [Gonzalez] was “going to do with all of his stuff?” Deputy Heil said to Gonzalez, “I don’t know you, man, I don’t know how you usually are but you’re acting strange.” Gonzalez asked Deputy Heil to use his cell phone, which Deputy Heil denied. Gonzalez then asked

² This incident was captured on Deputy Heil’s and Deputy Reynoso’s body worn cameras. Additional information came from voluntary interviews of Deputy Heil and Deputy Reynoso, 911 and dispatch recordings.

to sit in the front seat of the patrol car, which Deputy Heil refused. Gonzalez again said he had a bad back.

Approximately 10 minutes had passed since Deputy Heil arrived on-scene. He told Gonzalez that this was his last chance, that he would drive Gonzalez to the parole office or to the McDonald's nearby. Gonzalez continued to hesitate. He then asked if he could ride "with that guy" pointing at Deputy Reynoso. Deputy Reynoso agreed.

As Gonzalez and Deputy Reynoso walked to Reynoso's patrol car, Gonzalez again became hesitant and stood outside the patrol car. Gonzalez said he did not feel safe. Deputy Reynoso tried to clarify if Gonzalez felt unsafe because of the deputies, but Gonzalez said "just here." Deputy Reynoso indicated that the deputies were going to need to leave. Due to Gonzalez's fidgeting, pacing and nonresponsive answers, Deputy Reynoso suspected that Gonzalez was under the influence of a central nervous system stimulant. Deputy Reynoso asked Gonzalez when he last used, Gonzalez replied "a day ago. Two weeks." Gonzalez continued to fidget with his phone; he appeared to be talking to a 911 call taker. He gave the address, said he was at sober living and that he needed assistance. When Deputy Reynosa asked Gonzalez if he was calling 911, Gonzalez did not answer.

While Deputy Reynoso and Gonzalez were speaking, Deputy Heil returned to his own patrol car and called Gonzalez's parole agent. Deputy Heil explained his contact with Gonzalez and asked if Gonzalez should be brought into the parole office to drug test. Deputy Heil overheard Gonzalez tell Deputy Reynoso he had used a day ago and relayed that to the parole agent. The parole agent said he was placing a parole hold on Gonzalez, meaning that the deputies should arrest Gonzalez.

Deputy Heil requested over the radio that an additional unit respond to their location. He then said, "Reynoso. 3056" which communicated to Deputy Reynoso that the parole agent had placed a hold on Gonzalez and that they should place him under arrest.

Arrest

As soon as Deputy Heil said, "3056," Gonzalez started walking away from the deputies. Over the radio, dispatch advised the deputies that they had a 911 call from "Jaime" at their location. The deputies confirmed they were with him; the call was terminated. The deputies followed Gonzalez on foot. Deputy Heil said, "You're under arrest now Jaime," but Gonzalez kept walking away. He walked approximately a block veering into the middle of the road. The deputies told him to get on the sidewalk because a car was coming. Gonzalez moved to the sidewalk but kept walking away quickly. The deputies followed, also walking, waiting for additional units to arrive. The deputies gave Gonzalez repeated commands to stop, but he started jogging away. Over the radio, Deputy Heil asked for additional units

to respond more quickly. Gonzalez slowed to a walk, then began to jog again so the deputies ran to catch up to him before he was too far away. He told the deputies, "People are out to get me. People want to kill me." Deputy Heil ordered Gonzalez to get on the ground, but Gonzalez did not comply. Deputy Heil grabbed one of Gonzalez's arms while Deputy Reynoso grabbed the other. Deputy Reynoso told Gonzalez that he was under arrest. Gonzalez tensed up his arms, refused to put his hands behind his back, and tried to pull away from the deputies. After a brief struggle where they all remained on their feet, the deputies were able to put Gonzalez's hands behind his back and to apply handcuffs.

The deputies attempted to walk Gonzalez back to their patrol cars, but Gonzalez refused to walk. Since they were a significant distance from where the patrol cars were parked, they waited until another deputy drove to their location. As they waited, Gonzalez began to complain of back pain; he said he had a bad back and had broken his back. He asked the deputies what he did to get arrested and said he did not do anything wrong. Gonzalez also made paranoid statements such as "I don't want to die," "I feel like my life is in jeopardy and people are coming to get me" and "I don't feel safe for my life" while continuing to complain about his back pain. Within a minute or two, Deputy David Vanderpol arrived in a marked sheriff's SUV so they could transport Gonzalez to the jail.³

The deputies searched Gonzalez incident to his arrest. They did not locate any weapons or paraphernalia on him, but the deputies all noticed Gonzalez continuously trying to reach into the back of his shorts even though his hands were cuffed. They became concerned he had a weapon or drugs hidden in his buttocks. They asked him if he had anything hidden in his buttocks and he said "I don't think I have anything in there." They told him he would be searched at the jail.

The deputies told Gonzalez to get in the back of the patrol car but he did not do so. He kept saying, "hold on" and "ow my back." The deputies gave Gonzalez approximately 10 minutes to get into the patrol car on his own. Gonzalez repeatedly expressed paranoia that people were going to hurt him or that something bad was going to happen to him. He repeatedly said his back hurt and that he had two broken discs. He also said "my heart hurts" and "my heart feels like it's going to explode." When Deputy Heil asked him if he took any medications "for that," Gonzalez did not answer. At one point, Gonzalez said he took medication for anxiety. Based on his observations of Gonzalez during this time, Deputy Vanderpol believed that Gonzalez was under the influence of central nervous system stimulant. Gonzalez's behavior also reminded Deputy Vanderpol of other arrests he had made in which people would delay getting into the patrol car or say they had a medical issue in hopes of getting out of the arrest.

³ Deputy Vanderpol's body worn camera captured his involvement in this incident. Additional information came from his voluntary interview.

During this time, Sergeant Richard Soto arrived on-scene. The deputies discussed calling AMR to the scene to evaluate Gonzalez before going to the jail or taking Gonzalez to the hospital for evaluation before going to the jail. They ultimately decided to take Gonzalez directly to the jail. This decision was made because Gonzalez was not demonstrating physical signs of a medical emergency and because they knew that medical staff at the jail would evaluate Gonzalez before clearing him to be booked into the jail. The deputies all knew that if the jail medical staff identified a medical issue, they would reject Gonzalez from admission to the jail and he would be transported to the hospital.

Transportation to the Jail and Pre-Booking Process⁴

Gonzalez eventually got into Deputy Vanderpol's patrol car on his own. During the ride to the northern branch jail in Santa Maria, Gonzalez continued to say his back and heart hurt. He made increasingly more paranoid statements indicating he thought someone was going to kill or rape him. He repeatedly asked "am I safe?" Deputy Vanderpol attempted to calm Gonzalez by assuring him that he was safe and that no one was going to hurt him, kill him or rape him. Deputy Heil drove separately in his patrol car to the jail; he arrived before Deputy Vanderpol and Gonzalez. Deputy Heil advised jail staff that Gonzalez might not be cooperative.

Deputy Vanderpol and Gonzalez arrived at the jail sally port area at approximately 8:40 a.m. While they waited for custody staff, Gonzalez sat in the backseat of the patrol car with the windows slightly open and Deputies Heil and Vanderpol stood next to the car. Gonzalez complained of pain to his back, denied doing anything wrong and repeatedly asked what he did wrong, even after the deputies explained. Gonzalez appeared very paranoid. He repeatedly said that he did not want to die and expressed fear that someone was going to rape or hurt him. He also complained of back pain and asked for help.

Three members of jail custody staff – Senior Custody Deputy Jose Alejo, Custody Sergeant Segun Ogunleye, and Custody Sergeant Jeffrey Koeller went out to the car. Deputy Heil briefed them on what happened in the field and about his concerns Gonzalez might have contraband hidden in his shorts or buttocks. Custody Sergeant Ogunleye said they were waiting for jail medical staff to be ready to examine Gonzalez before getting him out of the patrol car.

Gonzalez recognized Custody Sergeant Ogunleye, who he called "O.G." Gonzalez told Custody Sergeant Ogunleye that he did not feel safe and was worried something would happen to him. Custody Sergeant Ogunleye tried to calm him and reassure him. Gonzalez said he was afraid he would get raped and shot. Custody Sergeant Ogunleye explained that they were waiting for the nurse to be ready to

⁴ Gonzalez's time in the at the jail was captured on several audio/video recordings. As is standard practice at the jail, the nurse's medical evaluation of Gonzalez was video recorded without audio due to privacy concerns.

examine him, that Custody Sergeant Ogunleye would accompany him inside, and that no one was going to hurt him.

While they were waiting for medical staff, Gonzalez remained in the back of the patrol car. Deputies Heil and Vanderpol, Senior Custody Deputy Alejo and Custody Sergeant Ogunleye stood by talking to him. Deputy Heil was filling out booking paperwork. He asked Gonzalez a number of questions such as place of birth and emergency contact information that Gonzalez answered.

During this time Gonzalez repeatedly expressed paranoia that he was going to be hurt or raped and said he did not feel safe. Gonzalez also repeatedly asked what he did wrong. He also repeatedly complained of pain to his back and heart, would grunt and say “ow” and “fuck.” Gonzalez was sweating profusely, tense, clenching his teeth and grinding his jaw.

Based on Gonzalez’s conduct and demeanor, Custody Sergeant Ogunleye believed he was under the influence of a controlled substance. Custody Sergeant Ogunleye asked Gonzalez when he last used. Gonzalez said he used marijuana and beer two days earlier.

Custody Sergeant Ogunleye told Deputy Vanderpol that it was likely jail medical staff would not clear Gonzalez for booking given his apparent level of intoxication and complaints of pain. Custody Sergeant Ogunleye said if Gonzalez was not medically cleared for booking, Deputy Vanderpol would have to transport him to Marian Medical Center for evaluation. Deputy Vanderpol had done that in past arrests and indicated he was prepared to do that if needed.

Custody Sergeant Koeller also spoke with Gonzalez. He saw that Gonzalez was sweating and believed he was under the influence of a drug. Custody Sergeant Koeller asked what drugs Gonzalez used the day before. Gonzalez continued to express paranoia that he was going to be raped and asked what he had done. Custody Sergeant Koeller also explained they were just waiting for the nurse to be ready to check him out and if he was medically cleared to be booked into the jail. Gonzalez continued to express paranoia about being shot and raped, and confusion about why he was being arrested.

At about 9:10 a.m. when medical staff was ready to see Gonzalez, Senior Custody Deputy Alejo, Custody Sergeant Ogunleye, Custody Sergeant Koeller, Deputy Heil and Custody Deputy Alicia Duran stood by while he exited the patrol car. Gonzalez was sweating profusely and asking what was going to happen to him and why was he going to get raped. He said “ow, my back. I have a fucked up back.” The four of them escorted Gonzalez as he walked from the car to the pre-booking area. On the video Gonzalez can be seen clenching and unclenching his hand repeatedly, which is an indication of being under the influence of a central nervous system stimulant.

A plastic chair had been placed in the middle of the pre-booking area so that the nurse could conduct Gonzalez's medical screening with custody staff nearby in case he became combative. The custodial staff helped Gonzalez sit down in the chair and adjusted his cuffs to make him comfortable. Gonzalez kept asking what he did wrong and said he felt like he was going to die. He said "they're going to fucking kill me" and "I don't feel safe."

Registered Nurse Cherie Vecente performed the medical screening. She started by taking a COVID-19 swab. She checked his vital signs. His temperature was 96.4; his blood pressure was 130/82; pulse was 118; respiration was 20; and his blood oxygen was 97%. During the screening, Gonzalez continued to express paranoia that he was going to be beat up or raped. He also continued to ask what he did wrong. Gonzalez said his back hurt, his heart hurt, "everything hurt." The nurse told him to relax and take a deep breath. She noted that Gonzalez was paranoid, under the influence, non-cooperative, resistant to walk and diaphoretic.⁵ She asked him intake questions. When she attempted to have Gonzalez sign a release of information for the pharmacy where he got prescriptions, he just drew a line.

While Nurse Vecente was evaluating Gonzalez, Katlin Phillips, a licensed clinical social worker employed at the jail to assist with inmate mental health arrived. Ms. Phillips conducted a mental health status exam and risk assessment. Gonzalez immediately said "Don't rape me, don't rape me. I don't want to be raped, what are you going to do with me?" When Ms. Phillips tried to redirect him, he named two medications he was prescribed. He then became irritated with the custody deputies, again saying "please don't rape me, what are you going to do with me?" Ms. Phillips tried again to redirect Gonzalez but he became increasingly agitated. Due to his paranoia, high anxiety, and delusions, Ms. Phillips told the deputies to place Gonzalez in a mental health observation cell.

After approximately 15 minutes with the nurse and LCSW, the nurse cleared Gonzalez for booking into the jail.

Movement of Gonzalez to Jail Intake and Safety Cell

Once Gonzalez was cleared for booking into the jail, Senior Custody Deputy Alejo removed Gonzalez's shoes. Custody Sergeant Koeller and Senior Custody Deputy Alejo helped Gonzalez to his feet by each holding one of his arms. Custody Deputy Ian Ur was in the intake area and could hear Gonzalez yelling so he put on gloves, entered the pre-book area, and stood behind Gonzalez. Custody Deputy Ur heard Gonzalez yelling about not wanting to get beaten up or raped and observed that Gonzalez was sweaty and very agitated. Custody Deputy Ur suspected that Gonzalez was under the influence of methamphetamine.

⁵ Sweating heavily.

As Senior Custody Deputy Alejo and Custody Sergeant Koeller walked with Gonzalez through the door to the intake area, Gonzalez tensed up, stiffened his legs and planted his feet, refusing to move forward. Custody Sergeant Ogunleye placed a hand on Gonzalez's back and attempted to reassure him. Senior Custody Deputy Alejo also tried to reassure him. Gonzalez, however, began to push back on the deputies, moving his legs and torso to break free from their hold on his arms, so Custody Deputy Ur stepped in and used an arm lock to control Gonzalez's right arm. Custody Deputies Alejo, Ur and Custody Sergeant Koeller struggled with Gonzalez because Gonzalez was big and strong, pushing back on them and refusing to walk forward. Gonzalez continued to yell about not wanting to be raped. Custody Deputy Alicia Duran stood approximately 10 feet in front of Gonzalez attempting to get his attention, calling out "Jaime, Jaime" and waving him forward but Gonzalez continued to lock his legs, push back on the deputies and refuse to move forward.

In an effort to move Gonzalez to the mental health observation cell, the deputies decided to try to wheel him using a wheelchair. Deputy Heil, who had been standing by, retrieved a wheelchair and gave it to Custody Sergeant Koeller. Custody Sergeant Koeller braced the wheelchair while Custody Deputies Ur and Alejo and Custody Sergeant Ogunleye attempted to assist Gonzalez into the wheelchair but he tensed up and refused to sit. Gonzalez wrapped a foot around one of the wheelchair wheels and planted his foot, bracing himself so as to resist sitting. Custody Deputy Duran tried to lift his legs to get him to sit. The deputies told Gonzalez to sit down, but he resisted by stiffening up his body and refusing to sit.

Due to his level of physical resistance, the deputies removed the wheelchair. The deputies decided to place Gonzalez on the ground to get better control over him. Custody Deputies Ur, Alejo and Deputy Heil with assistance from Custody Sergeant Koeller, Custody Sergeant Ogunleye and Custody Deputy Duran lifted his body and placed him on his back on the ground, then rolled him to his belly. While on the ground Gonzalez continued resisting by kicking and spitting and moving his torso. Deputy Vanderpol joined custody staff to help get control over Gonzalez. He took control of Gonzalez's right leg and assisted Senior Custody Deputy Alejo in applying a hobble⁶ to Gonzalez's legs to prevent him from kicking. Custody Lieutenant Cassandra Marking placed a spit mask over his mouth to prevent his spit from getting on the deputies. Given the significant increase in his level of resistance after he was brought into the intake area, the jail staff decided to place Gonzalez in a safety cell instead of the mental health observation area.⁷

⁶ A hobble is a long nylon band approximately one to two inches wide with a clasp at the end designed to loop around an individual's legs to prevent them from kicking.

⁷ A safety cell is a small single-occupant room designed to temporarily hold inmates who present a danger to themselves or others. The room has a slightly cushioned floor and is empty of items so that there is nothing an inmate can use to injure himself or others.

During the time that Gonzalez was on the ground, the custody deputies were talking to him, telling him to stop fighting, to try to relax and breathe. Custody Deputy Duran continued to try to de-escalate the situation by explaining to Gonzalez what they were doing and why. She would say things like, “Jaime, we’re going to roll you over. It will help your back. We’re going to help you sit up.” The struggle with Gonzalez in the intake area lasted approximately four minutes in total.

Once Gonzalez was hobbled and the spit mask applied, the deputies were able to prop his torso on the wheelchair, hold his legs and hips, and wheel him to a safety cell. Custody Deputies Ur and Alejo and Custody Sergeant Koeller wheeled Gonzalez into the safety cell. They lifted him off the wheelchair and placed him on the ground in the prone position where he continued to struggle. Custody Sergeant Ogunleye and Custody Deputy Duran removed the wheelchair. Custody Deputy Ur moved to control Gonzalez’s left arm, Senior Custody Deputy Alejo took control of his right arm and Custody Sergeant Koeller controlled his legs.⁸ They removed the spit mask and the hobble. Within seconds they saw that Gonzalez had become unresponsive. Custody Deputy Ur attempted to rouse Gonzalez, but was unable. They rolled him onto his side to assist his breathing and to assess him, and called for medical staff. Nurse Vencente, who had been standing by, immediately entered the safety cell. She handed Narcan to Senior Custody Deputy Alejo who administered it to Gonzalez at approximately 9:35 a.m.

Custody Deputy Brandon Hanson was standing outside the safety cell. When medical staff asked for the “man down bag,” he retrieved it and brought it to staff, then went to retrieve an AED. When he returned to the safety cell, Gonzalez had regained consciousness and was breathing. Custody Sergeant Sean Dugger retrieved the oxygen tank and provided it to Nurse Vencente who placed an oxygen mask on Gonzalez. More medical staff arrived to the safety cell to assist. Gonzalez became reactive and started chewing on the oxygen mask, so they removed it. The deputies attempted to talk to Gonzalez. When he asked for water, they attempted to sit him up so he could drink, but he began kicking and resisting again. Medical staff exited the cell and Custody Lieutenant Marking and Custody Sergeant Duggar entered to assist Custody Deputies Alejo and Ur and Custody Sergeant Koeller in getting control over Gonzalez again. They placed him in the prone position and applied the hobble a second time to stop his kicking, but Gonzalez became unresponsive almost immediately.

Nurse Vencente and other medical staff again entered the safety cell. The deputies placed Gonzalez in the recovery position again and administered another dose of Narcan at approximately 9:42 a.m. Medical staff placed an oxygen mask on him and deputies began chest compressions. Custody Lieutenant Marking applied the AED pads but the device did not advise to shock. Deputies and medical staff

⁸ All three of the custody deputies had training and experience with safety cell placements.

continued to administer chest compressions. Paramedics from AMR arrived at approximately 9:45 a.m. Gonzalez was removed from the safety cell where AMR, custody deputies and jail medical staff continued to administer chest compressions. Paramedics administered epinephrine. At approximately 10 a.m., county fire medics arrived too. Medics used a pulseless electrical activity device and were eventually able to see that Gonzalez had a heart rhythm. At approximately 10:06 medics observed Gonzalez to have slow agonal breathing and a pulse. At 10:12 a.m. Gonzalez was transported to Marian Hospital.

At the hospital, medical staff ran various diagnostic exams. Gonzalez had a slow heart rate. Medical staff administered medications and eventually CPR, but were unable to revive Gonzalez. He was pronounced dead at 10:54 a.m.

Autopsy

On January 5, 2023, Dr. Manny Montez, a forensic pathologist performed a post-mortem examination of Gonzalez. Gonzalez weighed 275 pounds and was approximately six feet tall.

Dr. Montez observed minor abrasions and contusions to Gonzalez's hands, arms, legs and feet but no other outward trauma. Gonzalez had anterior fractures to multiple ribs consistent with CPR. Dr. Montez observed that Gonzalez's cardiac chambers were dilated. He also observed mild soft atherosclerotic occlusion of the proximal left anterior descending coronary artery.

Toxicology results reveal Gonzalez had 972 nanograms per milliliter of methamphetamine in his blood and 45 nanograms per milliliter of amphetamine in his blood at the time of his death.

Dr. Montez determined the cause of Gonzalez's death was methamphetamine intoxication. He identified other significant conditions were dilated cardiomyopathy, obesity, and physical restraint. The coroner classified Gonzalez's manner of death as accident.

LEGAL ANALYSIS

The Santa Barbara County District Attorney reviews all deaths of individuals in custody after a use of force by law enforcement. In analyzing the potential state law criminal liability for the SBSO deputies involved in the arrest and booking of Gonzalez, there must first be a determination of causation.

For criminal charges of either murder or manslaughter, there must be an act or acts that cause the death of another. In this case, however, the pathologist determined that Gonzalez's death was caused by methamphetamine intoxication. The coroner determined the manner of Gonzalez's death was accident. The pathologist identified three significant conditions that contributed to the death: dilated cardiomyopathy, obesity, and physical restraint. Although each of those significant conditions contributed to Gonzalez's death, no one alone was the direct cause of death.

Given that restraint was used on Gonzalez by law enforcement officers before his death and that restraint was a factor in his death, we examine the restraint pursuant to the law of involuntary manslaughter.

Section 192(b) defines involuntary manslaughter as a "killing ... in the commission of a lawful act which might produce death ... without due caution and circumspection." The phrase "without due caution and circumspection" has been described by the California Supreme Court as the equivalent of "criminal negligence." (See *People v. Penny* (1955) 44 Cal.2d 861, 869-880; *People v. Stuart* (1956) 47 Cal.2d 167, 173-174.)

To support a conviction for involuntary manslaughter, evidence must prove that a person acted in an aggravated, culpable, gross, or reckless manner – a manner so imprudent as to be incompatible with a proper regard for human life. In other words, the person must act with a disregard of human life or indifference to the consequences of the act. (*Somers v. Superior Court* (1973) 32 Cal.App.3d 961, 968-969.) Additionally, the evidence must prove that the consequence of the negligent act could reasonably have been foreseen, and that the death or danger to human life was not the result of inattention, mistaken judgment, or misadventure, but the natural and probable result of an aggravated, reckless, or grossly negligent act. (*People v. Villalobos* (1962) 208 Cal.App.2d 321, 326-328; *People v. Rodriguez* (1960) 186 Cal.App.2d 433, 437-441.)

Applying the law to the facts of this case, there is no evidence to support a finding of criminal negligence against any of the SBSO personnel. The evidence shows that all of the personnel involved – the deputies in the field as well as jail staff -- demonstrated a conscientious concern for Gonzalez's health and well-being. SBSO personnel exercised due care for Gonzalez's health and safety at all times on the morning of December 28, 2022. As such, we conclude that the deputies bear no state criminal liability for their conduct in this case.

Penal Code section 835a(b) provides that "any peace officer who has reasonable cause to believe that a person they intend to arrest has committed a public offense, may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance." Penal Code section 835a(d) states that "a peace officer who

makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with subdivision (b) and (c) to effect the arrest or to prevent escape or to overcome resistance. For the purpose of this subdivision, 'retreat' does not mean tactical repositioning or other de-escalation tactics.”

In the field, the only force applied to Gonzalez by the deputies was to place his arms behind his back and to handcuff him. Gonzalez walked to the patrol car on his own and got in. Similarly, at the jail deputies used appropriate control holds on Gonzalez’s shoulders, arms and legs to stop his resistance. They did not put significant or prolonged body weight on his neck, back or head, nor did they use escalated force options such as strikes, tasers or OC spray. Instead, they exercised due caution by utilizing safe restraint methods so they could safely move him into a safety cell.

The evidence establishes that all the deputies applied reasonable force in a reasonable manner to restrain Gonzalez. They demonstrated due caution and proper regard for Gonzalez’s safety at all times leading up to the use of force, during the use of force, and following the use of force. The deputies, therefore, bear no state criminal legal culpability for Gonzalez’s accidental death.

CONCLUSION

Based on our review of the facts and circumstances surrounding Gonzalez’s death, the physical restraint employed by SBSO deputies was reasonable and lawful. The deputies bear no state criminal legal liability for their actions.