

OFFICER-INVOLVED FATAL INCIDENT REPORT



Employer Agency: Rohnert Park Dept. of Public Safety
Lead Investigating Agency: Santa Rosa Police Department
Decedent: Douglas Scott Thoreson
Date of Incident: March 7, 2020

PUBLIC VERSION

Report Prepared by:
SONOMA COUNTY DISTRICT ATTORNEY

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I. INTRODUCTION

On March 7, 2020, fifty-nine-year-old Douglas Scott Thoreson died as a result of acute methamphetamine intoxication, with contributing conditions of hypertensive and atherosclerotic cardiovascular disease. This death occurred while Mr. Thoreson was being evaluated for admission at the Sonoma County jail.

Following Mr. Thoreson's death, the Rohnert Park Department of Public Safety invoked the Sonoma County Law Enforcement Employee-Involved Fatal Incident Protocol ("protocol"). The purpose of this protocol is to set forth procedures and guidelines to be used by Sonoma County law enforcement agencies in the criminal investigation of specifically defined incidents involving law enforcement employees. Under this protocol an outside law enforcement agency is designated to investigate officer-involved fatalities.

In this case members of the Santa Rosa Police Department assumed responsibility for the investigation of Mr. Thoreson's death. Members of the Sonoma County District Attorney's Office participated in the investigation in a supporting role, in accordance with the protocol. Under the protocol the role of the Sonoma County District Attorney's Office is to review the investigation to determine if there exists any criminal liability on the part of involved parties including the law enforcement employees, to provide assistance to the investigating agency regarding legal issues, to supplement the investigation when necessary, and, when appropriate, prosecute those persons believed to have violated the law.

Once the investigation is complete the District Attorney is required by the protocol to complete a thorough review of the investigation and prepare a report summarizing the investigation and documenting her conclusions. A copy of this report is to be submitted to the foreperson of the Sonoma County Grand Jury.

This report includes a summary of facts surrounding the death of Douglas Thoreson, a statement of the applicable law, legal analysis and conclusions, as well as a copy of the autopsy report. This report does not and cannot include all of the information contained in the reports and digital media reviewed in its preparation. However, every effort has been made to include in this report a summary of all of the relevant, material evidence gathered by the involved agency and the investigating agencies over the course of its extensive investigation of this death.

II. SCOPE OF REVIEW

The purpose of the District Attorney's investigation and review of any critical incident is to establish the presence or absence of criminal liability on the part of any involved party, including law enforcement employees.

The District Attorney does not examine issues such as compliance with the policies and procedures of any law enforcement agency, police training, or issues involving civil liability. This report should not be interpreted as expressing an opinion on those matters.

III. STANDARD OF REVIEW

The District Attorney is the chief law enforcement official of Sonoma County. The District Attorney is responsible for deciding what cases to prosecute and has the responsibility to review and approve the filing of all criminal cases in the county. The District Attorney's discretion in this regard is well defined. The California Rules of Professional Conduct, Rule 3.8, provides that prosecutors shall not institute criminal charges when the prosecutor knows that the charges are not supported by probable cause. However, in filed criminal cases the District Attorney has the burden of proving guilt "beyond a reasonable doubt," the highest burden of proof found in the law.¹ A jury of twelve people from the community must vote unanimously for guilt before a conviction may be entered. When determining whether criminal charges are appropriate the District Attorney must consider all of the evidence, including evidence that supports an affirmative defense, such as a claim of "self-defense" or "defense of others." Criminal charges are warranted only when the District Attorney determines that the evidence of guilt is of such convincing force that it would support a conviction for the crime charged by a reasonable and objective jury fact finder after hearing all the admissible evidence, including evidence of any defenses.

VI. SUMMARY OF FACTS

A. DECEDENT'S BACKGROUND

Douglas Scott Thoreson was born on September 15, 1960. On March 6, 2020, Mr. Thoreson was living in Rohnert Park, and was on probation for an offense related to the unlawful possession of a firearm. In that case, Mr. Thoreson had also been charged with possessing methamphetamine, but that charge was dismissed as part of the plea agreement.

B. SUMMARY OF INFORMATION PROVIDED THROUGH DISPATCH ON MARCH 6, 2020

On March 6, 2020, at 10:31 p.m., the Rohnert Park Department of Public Safety received a call from a resident of the Las Casitas Mobile Home Park requesting the department check on a person's welfare. Specifically, the caller indicated: there was a guy wandering around people's homes around here. The man was described as: an older white male in his 50s or 60s, just wandering around the park, wearing a crewneck sweater and jeans, white socks, no shoes. The caller tried to talk to the man to see if he needed help, but the man was mumbling words and shaking, and he didn't have any shoes on. The man was at one time in the caller's yard, just sitting there. The caller was trying to keep an eye on the man, but the man was wandering around. At the time of the call, the caller did not know where the man was as the caller saw him go through the areas associated with people's homes. The caller indicated the man was definitely

¹ Cal. Penal Code § 1096.

out of it. The caller indicated he was not sure, but he suspected that the man was either drunk or might be on drugs. The caller noticed that the man was sweating or glistening a little bit. The caller didn't want someone to be alarmed.

At 10:35 p.m., the Rohnert Park Department of Public Safety broadcasted over dispatch that there's an older white male adult in his 60's possibly wearing a crewneck sweater and jeans, socks and no shoes, wandering around, who appeared to be out of it per the reporting party, and possibly under the influence of something. The broadcast indicated the man had been wandering around, the reporting party contacted him, the man mumbled and walked off. Following that broadcast, at 10:51, dispatch conveyed that Mr. Thoreson has drug offender alerts, he is on probation for 29805², has HS terms³, and is subject to random chemical testing.

C. SUMMARY OF LAW ENFORCEMENT STATEMENTS

As of March 2020, Victor Aguilar had worked for the Rohnert Park Department of Public Safety for the last year, and was a police officer in Sebastopol for four and a half years before that. Officer Aguilar works in a patrol assignment and has specialized training related to people under the influence of a controlled substance, standard field sobriety tests, and driving under the influence of drugs. After graduating the police academy, Tyler Rosentreter began his field training with the Rohnert Park Department of Public Safety around the end of September 2019, and he began working as a solo officer in Rohnert Park on February 14, 2020.

On March 6, 2020, Rohnert Park officers were dispatched based on a report indicating a man was wandering or walking around without shoes on, he appeared disoriented or under the influence of something, and the caller was requesting officers check his welfare. Officers Aguilar and Rosentreter responded to the call. They located Mr. Thoreson and noticed that he appeared to be under the influence of a controlled substance. Officer Aguilar described Mr. Thoreson as having a thousand-yard stare. Mr. Thoreson appeared to be disoriented, his pupils were dilated and nonreactive to light, he was moving a lot and unable to sit still, and he was sweating a lot despite it being a cold night. Officer Aguilar described these observations of Mr. Thoreson as classic signs and symptoms of a person who is under the influence of narcotics.

The officers tried to talk to Mr. Thoreson to understand what he was doing and where he was going. Most of what Mr. Thoreson was saying did not make a lot of sense, but it appeared that he would become lucid to answer questions. Mr. Thoreson chose to lie on the ground while interacting with the officers. Officer Rosentreter asked Mr. Thoreson multiple times if he wanted them to call for an ambulance or paramedic to come look at him because he seemed really disoriented, but Mr. Thoreson said "no" and he was not responding to the question. The officers learned Mr. Thoreson was on probation, and per the terms of his probation he was required to submit to testing. Mr. Thoreson indicated he would submit to a breath test, and he walked with Officer Thoreson over to his car. Although Mr. Thoreson was not really responding to Officer

² Mr. Thoreson was on probation in Sonoma County case SCR-724536-2 for a misdemeanor violation of Penal Code section 29805. Penal Code section 29805 makes it unlawful for people convicted of specified prior offenses to possess a firearm.

³ "HS" in this context appears to refer to the California Health & Safety Code, which includes statutes criminalizing conduct related to controlled substances.

Rosentreter, and was just sitting there staring, he was pretty compliant with the officer's requests such as sitting on the bumper of the car. Officer Rosentreter set up the breath-testing device, and although Mr. Thoreson had indicated he would participate, he started saying "it's all weird" and "this is weird," and Officer Rosentreter chose to not pursue that test.

After the officers spoke with Mr. Thoreson for a few minutes, they discussed their observations and planned course of action with each other. They discussed whether to take custody of Mr. Thoreson due to an inability to care for himself, or whether to arrest him for being under the influence. Based on the officers' beliefs that Mr. Thoreson was under the influence of a controlled substance, he was arrested for that offense. Mr. Thoreson was placed into two sets of handcuffs, which he did not resist. Two sets were used for Mr. Thoreson's comfort, allowing more room between his hands behind his back. Officers did not use any force during their interactions with Mr. Thoreson. Officer Rosentreter opened the door to his patrol car and asked Mr. Thoreson to get in. Mr. Thoreson, however, stood there and indicated that he did not know how or forgot how. When Mr. Thoreson first started to get into the car on his own, he kind of fell and very lightly bumped his head a little bit on the car. Officer Rosentreter asked Mr. Thoreson if he was okay, and Officer Rosentreter did not believe Mr. Thoreson had any type of injury from that bump. After that, Officer Rosentreter put his hand on Mr. Thoreson's head to protect Mr. Thoreson from any injuries. It was a challenge to get Mr. Thoreson into the car because he appeared to be in an altered state. After Mr. Thoreson was in the car, Officer Rosentreter transported Mr. Thoreson to the Rohnert Park Department of Public Safety Station, and Officer Aguilar cleared the scene. Officer Aguilar never saw any indication Mr. Thoreson had any injuries, nor did he see Mr. Thoreson having any type of medical or physical emergency.

Officer Rosentreter took Mr. Thoreson to the police station to meet another officer, Kieran Keaney. Officer Keaney was working as a traffic enforcement officer for the Rohnert Park Department of Public Safety on March 6, 2020. At around 10:44, Officer Keaney arrested John Doe for driving while under the influence. After that arrest, Officer Keaney heard over the radio that Officer Rosentreter had also made an arrest in Rohnert Park. Officer Keaney then contacted Officer Rosentreter and asked him to transport Mr. Doe to the jail with the other arrestee. This is Rohnert Park's normal practice to avoid multiple officers being out of Rohnert Park for an extended period of time while booking 2 arrestees.

Officer Rosentreter met with Officer Keaney at the Rohnert Park Department of Public Safety station at around 11:30 p.m. While Officer Rosentreter completed his arrest paperwork, Officer Keaney watched over Officer Rosentreter's arrestee, Mr. Thoreson, who remained in Officer Rosentreter's patrol car. Officer Keaney was with Mr. Thoreson for approximately 20 to 30 minutes. While Mr. Thoreson was waiting, the car's rear window was rolled down. Officer Keaney saw Mr. Thoreson twisting back and forth. Mr. Thoreson was very fidgety, was sweaty, and was talking in unintelligible sentences. Officer Keaney tried to speak with Mr. Thoreson but Mr. Thoreson was unable to answer basic questions. Officer Keaney did not think Mr. Thoreson's sweaty appearance was consistent with the weather and his attire. Officer Keaney thought Mr. Thoreson was behaving in a manner consistent with somebody who is under the influence of a stimulant based on Mr. Thoreson's physical appearance, behavior, and response to basic questions.

When Officer Rosentreter left the police station in Rohnert Park, both Mr. Doe and Mr. Thoreson were in the back seat. Mr. Doe said something to the effect of "it's kinda warm back

here.” In response, Officer Rosentreter opened the windows so they would not be super uncomfortable. On the way to the jail, Mr. Thoreson did not say much, and when he did speak it was incoherent. Officer Rosentreter was focused on driving so he could get the arrestees safely to the jail, but he could see Mr. Thoreson in his rearview mirror. Upon arrival at the jail, Mr. Thoreson stepped out of the car on his own and he appeared glad to be getting out of the car. After Mr. Thoreson and Mr. Doe were out of the car, they all moved to the main door of the jail’s booking area for intake questioning. Mr. Thoreson was answering questions verbally, and his answers were coherent and responsive to the questions being asked. After initial questions related to COVID-19 screening, Officer Rosentreter, Mr. Doe, and Mr. Thoreson entered the booking area of the jail and Officer Rosentreter had Mr. Thoreson sit on a bench so jail staff could begin the booking process.

Officer Rosentreter was told that Mr. Thoreson needed to be medically cleared before being admitted to the jail because his heartrate was high. As Officer Rosentreter was discussing where to take Mr. Thoreson for medical clearance, he was notified by a jail sergeant that Mr. Thoreson was being resistive so they intended to use leg restraints. One of the deputies around Mr. Thoreson said something to the effect of: “He’s turning blue, he’s passing out, he’s out.” The deputies moved Mr. Thoreson to the ground, took off the handcuffs, and the deputies and nurses began performing CPR on Mr. Thoreson. Officer Rosentreter tried to assist by holding Mr. Thorson’s airway open, which he did until AMR paramedics and the Santa Rosa Fire Department arrived and relieved him. Prior to that, Mr. Thoreson had been conscious during all his interactions with Officer Rosentreter.

D. SUMMARY OF CIVILIAN WITNESS STATEMENT

After being arrested for driving while under the influence, John Doe was transported to the Sonoma County jail along with Mr. Thoreson. Mr. Doe spoke with a detective that night, and although he appeared intoxicated, the detective observed that Mr. Doe spoke clearly and answered questions appropriately. The detective did not believe Mr. Doe was too intoxicated to provide a coherent statement. Mr. Doe indicated that during transport, Mr. Thoreson was shaking or rocking back and forth in a way that appeared uncontrollable, and he said “oh fuck” repeatedly. Mr. Thoreson did not appear to be talking to anyone, but he was repeating things. At one point, Mr. Thoreson said he was hot. In response, the officer rolled down the windows. Mr. Thoreson stopped talking once the air was blowing. Mr. Doe could tell that Mr. Thoreson was “on something” based on his actions. Mr. Doe was not faced towards Mr. Thoreson during transport, but Mr. Doe did not believe Mr. Thoreson ingested anything while they were being transported. At the jail, a nurse kept asking Mr. Thoreson what was wrong, and he was saying “ouch,” but he was not answering the nurse. Mr. Thoreson became agitated and tried to stand up. Although it was difficult for Mr. Doe to describe Mr. Thoreson’s behavior, Mr. Doe best described it as agitated.

E. SUMMARY OF JAIL NURSE STATEMENTS

As of March 2020, Carrie Guzman had been employed as a nurse at the Sonoma County jail for approximately 2 years, and before that, Ms. Guzman was an EMT for 5 years. Shari Quaresma is a registered nurse who had been employed as a nurse at the Sonoma County jail for 2 years and 10 months. Nurses at the jail conduct a basic assessment of arrestees in the jail’s booking area for the purpose of ensuring an arrestee is well enough to be admitted to the jail. Following an

assessment, if a nurse at the jail does not believe an arrestee is well enough to be admitted, the jail will refuse intake of that person, and they are then taken by the transporting law enforcement officer to an area hospital for an assessment by emergency room staff. Nurses at the jail also provide jail inmates with medical care. As part of her role as a nurse at the jail, Ms. Guzman evaluates arrestees during the intake process to ensure they will be medically stable while in custody.

On March 6, 2020, Ms. Guzman's shift began at 11:00 p.m. That night, Ms. Guzman was asked to examine Mr. Thoreson prior to intake. When Ms. Guzman arrived at the jail's booking area, Deputies Ferrari and Cornejo, as well as the arresting officer, were with Mr. Thoreson. Mr. Thoreson was able to answer Mr. Guzman's questions and he was speaking in full sentences. However, Ms. Guzman observed Mr. Thoreson was breathing really fast and he appeared to be under the influence of something. He also appeared to be sweating through his shirt by his neck and chest.

In response to Ms. Guzman's questions, Mr. Thoreson denied any drug use. Mr. Thoreson also said he did not have any medical history, specifically denying having any cardiac history or a history of high blood pressure, and he indicated he did not take any medications. Ms. Guzman was able to determine Mr. Thoreson's heart rate and his oxygen saturation, but she was unable to obtain his temperature, and she was only able to obtain half of a blood pressure reading. Mr. Thoreson would say "ow" during Ms. Guzman's assessment, but he was unable to say why he was saying that. Based on her concern and Mr. Thoreson's denial of a medical history and drug use, Ms. Guzman requested Mr. Thoreson go to the hospital for medical clearance prior to being accepted into the jail. When Ms. Guzman requested Mr. Thoreson obtain medical clearance, he had a fast heart rate, but he was stable.

Soon after Ms. Guzman had left the jail's booking area, before she made it back to the nurse's station, Ms. Guzman was called back to the sally port due to Mr. Thoreson being unresponsive. There, she saw Mr. Thoreson on the ground on his left side. Mr. Thoreson was still in handcuffs and he was purple. The handcuffs were taken off, and Mr. Thoreson was rolled onto his back. Ms. Guzman could not feel a pulse at that time. CPR began and Ms. Quaresma, arrived to assist. They checked his airway for blockages, applied the automated external defibrillator ("AED") and delivered 2 shocks, and they administered Narcan which had no effect. Jail staff attempted life-saving measures for approximately 5 or 6 minutes before EMS arrived. When EMS arrived, they took over attempting life-saving measures.

Ms. Quaresma recalls that while she was in her office, Ms. Guzman told her there was somebody in the jail's booking area who she was refusing to intake, and Ms. Guzman provided information about his high heart rate and that he was very sweaty. Ms. Guzman then left Ms. Quaresma's office. A short time after Ms. Guzman left Ms. Quaresma's office, a jail employee came in, looking for an AED. Ms. Quaresma grabbed her medical bag and headed to the jail's booking area. There, she saw Mr. Thoreson lying on his back in the jail's booking area. Ms. Guzman and correctional officers had already started to administer CPR to Mr. Thoreson, and an AED was being set up. She saw an officer holding Mr. Thoreson's head as other people provided medical attention.

Ms. Quaresma saw that Mr. Thoreson's lips were blue, and she did not see him breath, talk, or move. Although Ms. Quaresma did not know why Mr. Thoreson had become unresponsive, due to

her experience at the jail, she knew that often people will become unresponsive due to drug use. Suspecting drug use, and seeing that Mr. Thoreson remained unresponsive during CPR, Ms. Quaresma administered a dose of Narcan nasally. Narcan is a fairly benign way to reverse an opiate overdose. However, Mr. Thoreson did not respond. Despite the AED administering at least 1 shock, and an additional nasal dose of Narcan, Mr. Thoreson did not respond. AMR medics arrived and Ms. Quaresma stayed to assist them. The medics continued with CPR and AED assessment cycles. However, Mr. Thoreson did not respond to their efforts and they pronounced him deceased.

F. SUMMARY OF CORRECTIONAL DEPUTIES' STATEMENTS

As of March 2020, Pierre Ferrari and Pedro Nunez had been correctional deputies for more than 4 years, Carlos Cornejo had been a correctional deputy for approximately 3 years, and Annette Uribe had been a correctional deputy for approximately 7 years. These correctional deputies were working in the intake area of the jail the night of March 6, 2020 when Mr. Thoreson arrived at the Sonoma County jail. Jason Airoidi, who has been with the Sonoma County Sheriff's Department for 16 years, was working that night as the booking sergeant.

Mr. Thoreson was arrested for being under the influence of a controlled substance, and for violating the terms of his probation. Deputy Ferrari thought Mr. Thoreson was displaying clear signs of being under the influence of something. Deputies Nunez and Cornejo made similar observations. Mr. Thoreson was sweaty, he could not sit still, and he was having trouble following instructions from staff. In response to questioning about drug use, Mr. Thoreson indicated he had not used any drugs. Based on Mr. Thoreson's condition, Deputy Ferrari called for a medic. Deputy Ferrari believed Mr. Thoreson would need to go to a sobering cell prior to the booking process. Sgt. Airoidi heard Deputy Ferrari make the radio call requesting a medic, and he headed to the booking area as well.

Mr. Thoreson was acting somewhat erratic and was shaking. Mr. Thoreson's erratic movements were preventing the medic from obtaining Mr. Thoreson's vital signs. Several times, Mr. Thoreson attempted to stand from the booking bench, and he had to be sat back down. Deputy Cornejo responded to assist in the booking process. Sgt. Airoidi saw Deputies Ferrari and Cornejo to the sides of Mr. Thoreson, who was behaving erratically, yelling, and sweating profusely. Sgt. Airoidi thought Mr. Thoreson definitely appeared to be under the influence of something. Deputy Uribe explained that Mr. Thoreson's yelling was not like that of someone screaming in pain.

After the medic made the decision to refuse Mr. Thoreson admission without medical clearance, Mr. Thoreson became more "amped up." Mr. Thoreson continued to try to stand up, and he was not listening to instructions. Deputy Ferrari had to place his hand on Mr. Thoreson's shoulder and neck area and had to hold him on the bench. Mr. Thoreson continued to try to stand up while deputies pushed him down and kind of pinned him to the bench. Deputy Nunez explained that this was done without any pressure. Deputy Nunez took control of Mr. Thoreson's left arm with a wrist control hold without any pressure applied. Based on Mr. Thoreson's erratic behavior and numerous attempts to stand up, Deputy Ferrari requested leg restraints for Mr. Thoreson in order to walk him to the patrol car for transport to a hospital for medical clearance. Deputy Ferrari feared that if Mr. Thoreson was able to stand up, he could possibly assault staff or injure himself. Sgt. Airoidi went to his office to obtain the leg restraints, and heard over the radio

that Mr. Thoreson was unresponsive.

Then all the resistance from Mr. Thoreson stopped. Deputy Ferrari pulled Mr. Thoreson's head back and observed that Mr. Thoreson was discolored and purple. Deputies lowered Mr. Thoreson to the ground on his left shoulder, and somebody yelled out "AED." Deputy Uribe ran for an AED, and then later for an oxygen tank and Narcan. Deputy Ferrari rubbed Mr. Thoreson's sternum, but Mr. Thoreson did not respond. Deputy Cornejo requested the medic, and when she returned she was not able to obtain Mr. Thoreson's pulse. Mr. Thoreson's handcuffs were removed, and his shirt was cut off of him to apply the AED, but Mr. Thoreson's sweat prevented the AED from delivering a shock. Deputy Ferrari and other deputies performed CPR for approximately 8 minutes and 15 seconds prior to AMR arriving and taking over.

G. SUMMARY OF FIRE AND MEDICAL PERSONNEL'S STATEMENTS

Paramedic Michael Ward and EMT Shawn Pabros were dispatched around midnight the night of March 6, 2020 and March 7, 2020 to an unresponsive patient at the jail. When they arrived, Mr. Thoreson was on the floor in a supine position inside the jail's booking area. Mr. Pabros recalls Mr. Thoreson was in handcuffs and ankle restraints, his chest was exposed and an AED was attached to his chest. Mr. Thoreson was unresponsive, but he was receiving medical attention, including CPR, from a jail nurse and jail staff. As Mr. Ward entered the booking area, he heard the AED instrument complete its assessment cycle and audibly advise to shock the patient. Ms. Guzman advised Mr. Ward that this was the second shock Mr. Thoreson would receive. Mr. Ward indicated they should administer the second shock. At 12:38 a.m. on March 7, 2020, after over thirty minutes of continuous CPR, other attempted life-saving measures, and additional medical assistance by the Santa Rosa Fire Department, Mr. Ward did not see any signs of responsiveness and he determined CPR efforts were ineffective. He then declared Mr. Thoreson deceased. Mr. Pabros described his observations of Mr. Thoreson as being a very normal or typical presentation of cardiac arrest.

H. SEARCH WARRANT AT MR. THORESON'S RESIDENCE

On March 7, 2020, detectives from the Santa Rosa Police Department served a search warrant at the residence of Douglas Thoreson on Fiesta Lane in Rohnert Park. In Mr. Thoreson's bedroom, detectives located a small amount of suspected methamphetamine on top of a nightstand.⁴ Numerous medications were also located in Mr. Thoreson's bedroom. Specifically, detectives located the following medications which appeared to be prescribed to Mr. Thoreson: Benazepril, Lisinopril, Amlodipin Besylate, Naproxen, Lisinopril – HCTZ, and Chlorthalidone. In an unlabeled bottle detectives located acetaminophen and cyclobenzaprine. Detectives also located the following medications that appeared to be prescribed to other people: Lialda, Cefadroxil, and Gabapentin. Dr. Verilhac and a field evidence technician noted that the medications were primarily for the treatment of heart disease.

⁴ The total package weight of suspected methamphetamine located on Mr. Thoreson's nightstand was 0.1 grams.

I. AUTOPSY AND CAUSE OF DEATH

On March 9, 2020, Forensic Pathologist Dr. Kimi Verilhac conducted Mr. Thoreson's postmortem examination. Dr. Verilhac observed Mr. Thoreson's body appeared to be well-developed, well-nourished, and consistent with Mr. Thoreson's reported age of 59. After examining Mr. Thoreson's heart, Dr. Verilhac determined he was hypertensive and had atherosclerotic cardiovascular disease. With respect to Mr. Thoreson's heart, Dr. Verilhac found left ventricular hypertrophy, moderate to severe coronary artery atherosclerosis, moderate to severe aortic atherosclerosis, mild to moderate cerebral artery atherosclerosis, and pulmonary edema and congestion. Mr. Thoreson also had granular kidneys.

During the exam, blood samples were taken for testing. Toxicological testing performed on Mr. Thoreson's postmortem femoral blood detected methamphetamine (960 ng/mL), amphetamine (87 ng/mL), ephedrine (8.1 ng/mL), LSD (1.3 ng/mL), delta-9 carboxy tetrahydrocannabinol (5.4 ng/mL), and delta-9 tetrahydrocannabinol (1.6 ng/mL).

Accounting for all findings during the exam and the toxicology results, Dr. Verilhac determined Mr. Thoreson's cause of death to be acute methamphetamine intoxication, with hypertension and atherosclerotic cardiovascular disease constituting contributing conditions.

IV. STATEMENT OF THE LAW

Penal Code section 192, subdivision (b), defines the homicide crime of involuntary manslaughter. "Manslaughter is the unlawful killing of a human being without malice. It is of three kinds: . . . Involuntary in the commission of an unlawful act, not amounting to a felony; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection."

As outlined in the jury instructions that are used during criminal cases in California,

To prove that a defendant is guilty of voluntary manslaughter, the People must prove that:

1. The defendant committed a crime or a lawful act in an unlawful manner;
2. The defendant committed the crime or act with criminal negligence;

AND

3. The defendant's acts caused the death of another person.

Criminal negligence involves more than ordinary carelessness, inattention, or mistake in judgment. A person acts with criminal negligence when:

1. He or she acts in a reckless way that creates a high risk of death or great

bodily injury;

AND

2. 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 the way 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. In deciding whether a consequence is natural and probable, consider all of the circumstances established by the evidence.

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.

VI. DISCUSSION OF THE LAW AND THE EVIDENCE

On March 7, 2020 Douglas Thoreson died while in law enforcement custody. Therefore, we are considering whether any of the people overseeing his custody are criminally culpable for his death. From the available evidence it is apparent that nobody involved in the oversight of Mr. Thoreson that night acted deliberately to cause his death. It is also apparent that his death was not related to any of the minimal control exerted over Mr. Thoreson while being evaluated for admission to the jail. Accordingly, the evaluation of whether any of the people overseeing Mr. Thoreson's custody are culpable for his death is considered through the legal standards for an involuntary homicide offense. In consideration of the circumstances of this incident and those legal standards, criminal charges are not warranted for any of the law enforcement or medical personnel who interacted with Mr. Thoreson on March 6th and 7th.

Patrol officers who interacted with Mr. Thoreson made observations consistent with a person who is under the influence of a controlled substance. Mr. Thoreson was arrested for that offense, and toxicology later indicated he did in fact have controlled substances in his blood. Officers were attentive to Mr. Thoreson and his needs during their interactions with him, and at no time prior to arriving at the jail for booking was there any indication Mr. Thoreson was threatened by a current or imminent medical emergency. None of the Rohnert Park officers committed a crime or a lawful act in an unlawful manner, acted with criminal negligence, nor caused the death of another person. Accordingly, criminal charges are not warranted for any of the Rohnert Park officers who interacted with Mr. Thoreson.

Jail staff who interacted with Mr. Thoreson also made observations indicating Mr. Thoreson was under the influence of a controlled substance. Mr. Thoreson was supervised by correctional deputies and evaluated by nurses throughout his time at the jail while being

evaluated for admission. Although a medical professional recognized concerning circumstances such as Mr. Thoreson's elevated heart rate, prior to Mr. Thoreson's loss of consciousness it was not evident Mr. Thoreson was threatened by a current or imminent medical emergency. When that changed, and Mr. Thoreson lost consciousness, it appears everyone who could assist attempted to save Mr. Thoreson's life with the assistance of medical devices and practices. None of the jail personnel committed a crime or a lawful act in an unlawful manner, acted with criminal negligence, nor caused the death of another person. Accordingly, criminal charges are not warranted for any of the jail personnel who interacted with Mr. Thoreson.

As opposed to Mr. Thoreson's death being caused by any of the people he interacted with on March 6th or 7th, Dr. Verilhac determined Mr. Thoreson's cause of death to be acute methamphetamine intoxication. Additionally, conditions that contributed to his death were Mr. Thoreson's hypertension and atherosclerotic cardiovascular disease.

VII. CONCLUSION

Although Mr. Thoreson was in custody at a time when he experienced a medical emergency resulting in his death, law enforcement and jail personnel did not commit a crime or a lawful act in an unlawful manner, did not act with criminal negligence, and did not cause the death of Mr. Thoreson. Accordingly, criminal charges are not warranted.

Signature redacted for Security reasons.

Jill R. Ravitch
District Attorney, County of Sonoma

9/2/2020