Sonoma County Sheriff's Office
Internal Investigation Report
19-IA-0001

Investigation

On January 17, 2019,[1] I was assigned to investigate this matter by Lieutenant Eddie Engram. I was provided with Sonoma County Adult Detention Incident Report M2019-0111-06, some photographs, Correctional Deputy (CD) Jesus Morfin administrative paperwork [2], Sergeant [redacted] memorandum to Lieutenant [redacted], and a disk which contained Inmate [redacted] phone calls after the incident. (On page 25 the reader can view a photo of Inmate [redacted] cell for reference.)

The following members of the Sheriff's Office should review this report:

Captain Darin Dougherty
Captain John Naiman
Captain Mazen Awad
Assistant Sheriff Al Vernon
Sheriff Mark Essick

In reviewing Incident Report M2019-0111-06, CD Jesus Morfin wrote (on January 12, 2019):

ON 1/11/19, I WAS ASSIGNED TO BREAK RELIEF 1 AT THE MAIN ADULT DETENTION FACILITY DURING SWING SHIFT.

AT APPROXIMATELY 1900 HOURS, I WAS IN D-MODULE ASSISTING WITH A MODULE SEARCH.

AT APPROXIMATELY 1945 HOURS, I WAS CONDUCTING A CELL SEARCH OF CELL D-14 WHEN I HEARD DEPUTY [redacted] INSTRUCTING AN INMATE TO STOP LOOKING THROUGH HIS WINDOW AND TO SIT ON HIS BED. DEPUTY [redacted] INSTRUCTED THE INMATE SEVERAL TIMES TO SIT ON HIS BED AND THE INMATE REFUSED AND WAS YELLING "NAHH FUCK YOU! FUCK YOU!" THROUGH HIS CELL DOOR.

DEPUTY [redacted] ASKED FOR ASSISTANCE TO REMOVE THE INMATE FROM THE UNIT FOR A COOL-OFF. I ACCOMPANIED DEPUTY [redacted] UPSTAIRS AND APPROACHED CELL D-41 (OCCUPIED BY INMATE [redacted], 10187043). I OPENED THE CELL DOOR AND DEPUTY [redacted] INSTRUCTED [redacted] TO TURN AROUND, PLACE HIS HANDS BEHIND HIS BACK, AND APPROACH THE CELL DOOR.

[redacted] WAS YELLING AT DEPUTY [redacted] STATING, "FUCK THAT! I AIN'T CUFFIN' UP! WHY DO I NEED TO CUFF UP FOR?! I AIN'T DO SHIT! FUCK THAT!"

[1] An underlined date indicates it is a part of my investigation.
[2] CD Morfin's IA Notice, Administrative Leave, and removal of peace officer's powers.

[redacted] SAT DOWN ON HIS BED FACING THE CELL DOOR AND REFUSED TO GET UP.

I INSTRUCTED [redacted] TO STAND UP, TURN AROUND, AND PLACE HIS HANDS BEHIND HIS BACK. ONCE AGAIN, [redacted] REFUSED. DEPUTY [redacted] AND I APPROACHED [redacted] AND INSTRUCTED HIM TO PLACE HIS HANDS BEHIND HIS BACK AND [redacted] STOOD UP FROM HIS BED.

I GRABBED [redacted] RIGHT ARM AND HE LEANED HIS BODY BACK PULLING AWAY AND RAISED HIS LEFT ARM WITH A CLOSED FIST. DUE TO THE CLOSE PROXIMITY BETWEEN [redacted] AND I, THE TIGHT SPACE OF THE CELL, AND THE IMMEDIATE THREAT OF [redacted] RAISING HIS LEFT ARM WITH A CLOSED FIST, I ATTEMPTED TO UTILIZE AN ELBOW STRIKE. MY ELBOW STRIKE DID NOT MAKE CONTACT WITH [redacted] DUE TO HIM QUICKLY LEANING BACK. I UTILIZED APPROXIMATELY FIVE CLOSED FIST STRIKES WITH MY RIGHT HAND STRIKING HIM ON THE RIGHT SIDE OF HIS FACE AND TEMPLE AREA WHILE BLOCKING HIS RIGHT ARM WITH MY LEFT HAND.

AT THIS POINT, I WAS ABLE TO GET [redacted] OFF BALANCE BY PUSHING HIM BACK. [redacted] REMAINED STANDING BUT HAD HIS RIGHT LEG IN THE AIR. DEPUTY [redacted] WAS ABLE TO GAIN CONTROL OF [redacted] RIGHT LEG AND PULLED IT TOWARDS HIM IN ORDER TO PLACE [redacted] ON THE GROUND FOR BETTER CONTROL. [redacted] LANDED ON HIS STOMACH AND HIT HIS HEAD ON THE RIGHT SIDE OF THE BED CLOSEST TO THE CELL DESK. [redacted] WAS ABLE TO TURN ONTO HIS SIDE AND CONTINUED TO RESIST WITH STAFF UNTIL HE ROLLED ONTO HIS BACK. DEPUTIES [redacted], AND I GAVE [redacted] MULTIPLE ORDERS TO ROLL ONTO HIS STOMACH AND PLACE HIS HANDS BEHIND HIS BACK. [redacted] REFUSED TO FOLLOW INSTRUCTIONS GIVEN BY STAFF AND CONTINUED TO BE RESISTIVE WITH STAFF.

DEPUTY [redacted] WAS ABLE TO GAIN CONTROL OF [redacted] RIGHT ARM AND PIN IT TO THE GROUND. DUE TO THE DESK BEING IN THE WAY, DEPUTY [redacted] WAS UNABLE TO GAIN CONTROL OF [redacted] LEFT ARM. I WAS IN A BETTER POSITION AND UNOBSTRUCTED BY THE DESK THEREFORE I ATTEMPTED TO PIN [redacted] ARM TO THE GROUND. [redacted] BEGAN THROWING CLOSED FIST STRIKES AT ME WITH HIS LEFT HAND. I UTILIZED APPROXIMATELY FIVE CLOSED FIST STRIKES AND TWO ELBOW STRIKES WITH MY RIGHT ARM STRIKING [redacted] ON HIS FACE AND FOREHEAD. [redacted] STOPPED HIS ATTEMPT TO STRIKE ME AND PLACED HIS HAND IN FRONT OF HIS FACE IN A DEFENSIVE POSITION. UPON SEEING [redacted] WAS NO LONGER ATTEMPTING TO STRIKE ME, I STOPPED MY USE OF FORCE AND INSTRUCTED HIM TO ROLL ONTO HIS STOMACH. AS [redacted] ROLLED ONTO HIS STOMACH, DEPUTY [redacted] PLACED [redacted] RIGHT ARM IN A REAR WRIST LOCK AND DEPUTY [redacted] PLACED [redacted] LEFT ARM IN A REAR WRIST LOCK. I HANDCUFFED [redacted] (DOUBLE-LOCKED AND

CHECKED FOR TIGHTNESS) AND WE ESCORTED [redacted] DOWN TO BOOKING ALONG WITH DEPUTY [redacted] AND SAM 1, SERGEANT [redacted].

AS WE WERE ESCORTING [redacted] HE MADE CONTINUAL THREATS TO ME STATING HE IS GOING TO FIND ME WHEN HE GETS OUT AND MADE CONTINUAL THREATS TO ASSAULT ME IN CUSTODY EVERY CHANCE HE GETS. [redacted] CONTINUED TO MAKE THESE STATEMENTS WHEN HE WAS BEING EVALUATED BY THE MEDIC AND ONCE HE WAS PLACED IN CELL BK-8.

[redacted] WAS MEDICALLY EVALUATED AND CHECKED FOR INJURIES BY MEDIC 1, R.N. DECK. [redacted] WAS CLEARED TO REMAIN IN THE FACILITY AND PLACED IN BOOKING CELL BK-8.

CLASSIFICATION DEPUTIES CHANGED [redacted] CLASSIFICATION TO A LEVEL 3 AND HOUSED IN THE MALE SPECIAL MODULE (CELL MA-5).

I AM CHARGING [redacted] WITH THE FOLLOWING CALIFORNIA PENAL CODE VIOLATION TO BE HANDLED ADMINISTRATIVELY:

100/240 PC

100/69 PC

I AM CHARGING [redacted] WITH THE FOLLOWING MAJOR RULE VIOLATIONS:

200- INMATES WILL OBEY LAWFUL ORDERS FROM DETENTION STAFF

215- INMATES WILL NOT CAUSE A DISTURBANCE, INCITE OTHER INMATES TO CAUSE A DISTURBANCE, OR TAKE PART IN A DISTURBANCE

217-INMATES WILL TREAT DEPUTIES AND OTHERS WITH RESPECT

I AM REQUESTING A HEARING WITH THE DISCIPLINARY GRIEVANCE DEPUTY. NO DISCIPLINE HAS BEEN IMPOSED AT THE DEPUTY LEVEL.

SAM 2, SERGEANT [redacted] WAS ADVISED OF THE INCIDENT.

NOTHING FURTHER.

CD [redacted] wrote a supplemental report (on January 14, 2019) stating:

01/11/2019, I WAS ASSIGNED TO WORK IN H-MODULE WITH CORRECTIONAL DEPUTY TRAINEE [redacted], ON SWING SHIFT AT THE MAIN ADULT DETENTION FACILITY.

AT APPROXIMATELY 1900 HOURS, [redacted] AND I WERE IN D-MODULE ASSISTING WITH A SEARCH OF THE UNIT. WE WERE INSIDE CELL D-10 SEARCHING FOR CONTRABAND. I HEARD DEPUTY [redacted] ORDERING AN INMATE TO STOP YELLING AND TO STAY OFF THE DOOR. I COULD HEAR THE INMATE, LATER IDENTIFIED AS [redacted], YELLING UNINTELLIGIBLY BACK AT DEPUTY [redacted] AND OTHER STAFF. MOMENTS LATER, I HEARD WHAT SOUNDED LIKE A PHYSICAL ALTERCATION. I HEARD DEPUTIES YELLING ORDERS SUCH AS, "STOP RESISTING." "TURN AROUND." "STOP FIGHTING."

I RESPONDED TO CELL D-41, WHICH HOUSED [redacted]. UPON ENTERING THE CELL I SAW DEPUTIES MORPHIN, [redacted] AND [redacted] ATTEMPTING TO GAIN CONTROL OF [redacted], WHO WAS ACTIVELY RESISTING THEIR EFFORTS. [redacted] WAS FACE DOWN, ON THE CELL BED WITH HIS ARMS AND LEGS TUCKED UNDER HIM. I YELLED AT [redacted] TO STOP RESISTING AND PUT HIS HANDS BEHIND HIS BACK. [redacted] DID NOT FOLLOW MY ORDERS. [redacted] WAS CLENCHING HIS EXTREMITIES DOWN RESISTING STAFFS EFFORTS TO GAIN CONTROL OF HIS ARMS AND LEGS. I TOOK CONTROL OF [redacted] LEFT LEG WITH A FIRM GRIP ON HIS LEFT ANKLE. I PULLED LEFT LEG STRAIGHT BACK. AS I DID THIS, [redacted] KICKED BACK WITH HIS LEFT LEG. I CONTINUED WITH MY REARWARD MOMENTUM AND PULLED [redacted] ONTO THE FLOOR. [redacted] TURNED ONTO HIS RIGHT SIDE. I STEPPED IN AND RELIEVED MORPHIN. I TOOK CONTROL OF [redacted] LEFT ARM WITH A FIRM GRIP ON HIS LEFT WRIST. I PLACED [redacted] LEFT ARM BEHIND HIS BACK AND FORCED HIM INTO A PRONE POSITION. I PLACED HANDCUFF'S ONTO [redacted] WITH [redacted] ASSISTANCE. I CHECKED THE HANDCUFFS FOR PROPER SPACING BUT DID NOT DOUBLE LOCK THEM.

WILDE CONTROLLED [redacted] LEGS BY PINNING THEM TO THE FLOOR WITH HER BODY WEIGHT.

MORPHIN AND I ASSISTED [redacted] TO A STANDING POSITION. I MOVED OVER AND TOOK CONTROL OF [redacted] RIGHT ARM UTILIZING A REAR WRISTLOCK CONTROL HOLD. I DID NOT APPLY ANY PAIN COMPLIANCE TO THE HOLD. MORPHIN TOOK CONTROL OF [redacted] LEFT ARM (SEE MORPHIN'S NARRATIVE). WE ESCORTED [redacted] TO BOOKING. DURING THE ESCORT [redacted] MADE SEVERAL STATEMENTS DIRECTED AT MORPHIN. [redacted] SAID SOMETHING TO THE EFFECT OF, "YOU'RE A BITCH MORPHIN." "IF IT WAS A FAIR FIGHT, ONE ON ONE, I'D BEAT YOUR ASS." " I CAN'T WAIT UNTIL I GET THE CHANCE WITH YOU ONE ON ONE IN A CELL." THROUGHOUT THE ESCORT [redacted] ATTEMPTED TO DICTATE THE PACE BY SPEEDING UP AND SLOWING DOWN. [redacted] ALSO KEPT TENSING HIS ARMS AND UPPER BODY.

ONCE WE REACHED BOOKING [redacted] WAS EXAMINED AND CLEARED BY MEDICAL.

DURING THE EXAMINATION, [redacted] KEPT YELLING AT MORPHIN. MORPHIN REMOVED HIMSELF FROM THE ARE IN AN ATTEMPT TO ALLOW [redacted] TO CALM DOWN. DEPUTY [redacted] STEPPED IN AND TOOK MORPHIN'S PLACE. [redacted] AND I ESCORTED [redacted] TO BOOKING HOLDING CELL BK-08. WE CONDUCTED A PAT SEARCH OF [redacted] WITH NEGATIVE FINDINGS OF CONTRABAND. [redacted] AND I ESCORTED [redacted] INTO THE CELL. I ORDERED [redacted] TO KNEEL UP ON THE BENCH AND HE COMPLIED. [redacted] AND I REMOVED THE HANDCUFFS FROM [redacted] AND ALL STAFF EXITED THE CELL WITHOUT FURTHER ISSUE.

THIS IS A SUPPLEMENTAL REPORT ONLY, NOTHING FURTHER TO REPORT AT THIS TIME.

CD [redacted] wrote a supplemental report (on January 14, 2019) stating:

ON 01/11/2019, I WAS ASSIGNED AS THE E-MODULE DEPUTY AT THE MAIN ADULT DETENTION FACILITY.

AT APPROXIMATELY 1900 HRS, I WAS IN D-MODULE ASSISTING IN A MODULE SEARCH. DURING THE SEARCH, MANY INMATES WERE TOLD TO STAY OFF THEIR CELL DOORS WHILE THE SEARCH WAS BEING CONDUCTED. MOST INMATES CONTINUED TO STAY AT THEIR WINDOWS. INMATE [redacted] (D-41) CONTINUED TO YELL PROFANITIES DIRECTED AT THE DEPUTIES AFTER BEING TOLD NUMEROUS TIMES TO STAY OFF HIS DOOR AND SIT ON HIS BED. I REQUESTED THAT A FEW DEPUTIES ASSIST ME IN REMOVING [redacted] FROM THE MODULE AS HE WAS CREATING A DISTURBANCE. I ALONG WITH DEPUTIES MORFIN AND [redacted] WENT TO [redacted] CELL. [redacted] WAS SITTING ON HIS BED FACING THE CELL DOOR. MORFIN KEYED OPEN THE CELL DOOR AND WE STEPPED INTO THE CELL. I ASKED [redacted] TO STAND UP AND TURN AROUND SO THAT WE COULD PLACE HANDCUFF'S ON HIM. [redacted] TOLD US THAT HE HASN'T DONE ANYTHING WRONG AND THAT HE WASN'T GOING TO COMPLY WITH OUR DIRECTIVES.

MORPHIN ONCE AGAIN, INSTRUCTED [redacted] TO STAND UP AND PLACE HIS HANDS BEHIND HIS BACK, MORPHIN REACHED TO GRAB [redacted] RIGHT ARM TO ASSIST HIM TO HIS FEET. [redacted] STOOD UP PULLING AWAY FROM MORPHINS GRIP CAUSING THEIR MOMENTUM TO FALL BACKWARDS ONTO THE RIGHT SIDE OF THE BED. DEPUTY [redacted] CAME IN FROM THE LEFT SIDE TO ASSIST. MORPHIN THREW SEVERAL CLOSED FIST STRIKES WHILE YELLING TO QUIT RESISTING AND GIVE HIM HIS HANDS. [redacted] CONTINUED TO RESIST. DEPUTIES [redacted] AND [redacted] ENTERED THE CELL AND ASSISTED. I STEPPED BACK AND DREW MY TASER AND YELLED THREE TIMES, TASER, TASER, TASER BUT WAS UNABLE TO GET A CLEAN SHOT SO I RETURNED IT TO MY HOLSTER.

[redacted] WAS PULLED TO THE FLOOR INTO THE PRONE POSITION AND [redacted] WITH THE ASSISTANCE OF [redacted], PLACED HANDCUFF'S ON HIM.

[redacted] WAS ESCORTED TO BOOKING.

On January 12, 2019, Sergeant [redacted] wrote a memorandum to Lieutenant [redacted], stating:

> **On 1/12/2019 at 2015 hours I interviewed Inmate [redacted] in the Male Special foyer regarding an incident involving him. This incident took place in D-Module during a module search on 1/11/2019 at 1945 hours and involved Deputies Morfin, [redacted].**
>
> **I asked [redacted] why the Deputies were at his cell door (D-41) during the search when the rest of the search team was still on the bottom tier. [redacted] stated "because I was confused and questioning why the mod was being searched".**
>
> **I asked why the deputies skipped other inmates and went to his cell. [redacted] stated "probably because I was yelling and being loud". [redacted] went onto say "I was having a conversation with [redacted] about the search, [redacted] opened my door and we were talking when Morfin stepped in and told me to turn around. I said no because I was talking with [redacted] still. I saw [redacted] pull his taser out so I said ok and started to turn around. Next thing I know Morfin grabbed my arm and pushed me into the bunk then down to the ground and I hit my head on the corner of the bunk. They keep telling me to stop resisting but I wasn't, I was trying to let them cuff me. Then Morfin hit me in the head a couple of times, giving me a black eye".**
>
> **I asked [redacted] at any time did he try to hit any of the Deputies inside the cell. [redacted] stated "No"**
>
> **When asked if he tried to protect himself or prevent the Deputies from placing him in handcuffs [redacted] said "No"**
>
> **[redacted] had nothing else to say about the incident and the interview ended.**

The incident report also contained a photo of Inmate [redacted] immediately after the incident.



In reviewing Inmate [redacted] 'management' notes, they indicated the following contacts with staff:

January 3, 2019 Inmate [redacted] was counseled by staff about the amount of noise he was making.

January 11 2019 Inmate [redacted] was counseled by staff about the amount of noise he was making. (This was prior to Incident Report M2019-0111-06.)

In reviewing Inmate [redacted] classification notes, I noticed they began in 2012. More recently, the notes indicate that on November 11, 2018, he was housed in J-Mod but was cleared for D-Mod when bed space became available. He had a review on December 25, 2018, which indicated his status remained unchanged. His next entry was on January 11, 2019, where the classification officer wrote:

> "During a cell search in DMOD, [redacted] became combative and fought deputies while being handcuffed. [redacted] will be reclassified as an ADSEG Level 3 for disobeying orders given by staff and fighting deputies. [redacted] is clear for ADSEG Lever 3 security housing. ADSEG hearing conducted and appeal process explained."[3]

[3] As found on the Criminal System for Inmate [redacted] [redacted] 'Inmate Information.'

In reviewing the CD, which contained two phone conversations between Inmate [redacted] and two different females, included one recording (file 167517448_5017.WAV) that had no relevant information for this investigation. In the second recording (file 167582679_2019.WAV) Inmate [redacted] does discuss information pertinent to this investigation. Inmate [redacted] stated:

> "Hey, you know what happened? Fuck, I, I got, um, the other day. Right? The cops came in, into my room and beat me up. Now I'm inside the hole now 'stead of a regular mod. It's irritatin'."
>
> "Yeah, three cops came in my room **** they were **** and shit. I was like, and they were like oh, cuff up. cuff up. I was like, uh, why do I gotta cuff up? No, like cuff up. I'm like take it off. I'm not cuffin' up. You're fuckin' up my program. I'm supposed to comin' outta my room right now, and then the dude's somethin', and, and then they pulled the Taser out on me and then this other guy comes walkin' up on the side a me, and then I'm, oh, you wanna Tase me. Oh, you're gonna Tase me now, huh? And then, then he's like yeah. I said for what? What you gonna Tase me for? And he's all 'cause you're not cuffin' up. And I was like all right, so then I'm turnin' around about to cuff up. Then the fuckin' CO wants to hit me. Boom. I'm like what the hell? Then, and then the other dude jumps on the back of me and then, then **** over here elbowin' me and kneein' me and a whole bunch a shit. Right? Then I get thrown in the hole. Makes zero sense." [4]

[redacted]

On January 17, 2019, at 1048 hours, I recorded an interview with Inmate [redacted], which took place in Male Special visiting at MADF. Inmate [redacted] basically stated the following:

On January 11, 2019, Inmate [redacted] was housed in D-Mod at the Main Adult Detention Facility (MADF). During the morning hours, correctional deputies conducted a search on part of the module. Because of the search, Inmate [redacted] realized everyone's out of cell activity (OCA) time was going to be affected so he started to verbalize his displeasure.

Due to his vocalization of his displeasure, Correctional Deputies (CDs) [redacted], [redacted] and Jesus Morfin went to Inmate [redacted] cell. They opened Inmate [redacted] door and told him to "cuff up." Inmate [redacted] said he was not being "aggressive towards" the CDs, so he asked them why he was handcuffed. CDs [redacted] and Morfin then entered Inmate [redacted] cell, who claimed he was standing at the back, near his bunk. Inmate [redacted] stated:

[4] Inmate [redacted] transcribed recorded phone call, dtd. 1/13/2019 @ 10:01PM, pgs. 3 and 4 of 7.

"Morfin came in and invaded my, you know, invaded my bubble. He's in, and then they let [redacted], uh, proceeded as they, uh, to pull out his taser. I asked him why is he pulling out his tazer and he's uh, ****. I was like you're gonna taze me? And he said yeah, I'm gonna taze you. I said what are you gonna taze me for? And I had my **** on, uh, Morfin was already, you know, closer than arm's reach to me, you know? And, uh, what are you gonna taze me for, and he said 'cause you're not cuffing up or something. So then, I was finally proceeding to turn around and, you know, cuff up, and as I was going to turn around I see now I get hit in the eye see. Then, uh, then I get hit in the eye and then I feel like somebody else attacked me to but then the next thing you know I like get knocked off balance and I hit, like, uh, hit my head, hit my head like on the bed, the metal bed, and then the next thing you know, like, I'm not even resisting or anything, and I'm on my, I'm on the floor, and then I'm trying to put my hands behind my back, but I'm getting kicked, elbowed, kneed, and stuff like that." [5]

Inmate [redacted] was going to turn around and get handcuffed because he did not want to be tased. Inmate [redacted] further described the incident as"

"Yeah, [CD Morfin] came up really close to me when I, and then we, but [redacted] still far away, like there's a room, you know. I'm all the way back, like all the way to my, all the way to my bed, so I'm not even no threat to nobody, you know? He proceeded to come into the, the cell without me even, you know, without even a hand waving around, to even have me like turn around or anything, you know. And then, I asked him, he's already, he's like, he's already like right here, like literally right here, and I'm like, not even worried about him, you know? I'm, uh, I'm still talking to [redacted], you know. I'm not even worried about him. I'm still talking to [redacted] because [redacted] has his literally, he's got his tazer on me. I'm like alright, this guy's good, and so then, it was like, I said, I asked him what are you gonna taze me for, what are you gonna taze me? He says yeah, I'm gonna taze you 'cause you're not cuffing up. I said I'm not even being, you know, I'm not even being like aggressive towards anything, so there's no point for no tazer, you know? And, I'm like, so, since you're gonna taze me I'm gonna cuff up. I go to turn around, Morfin's right here. I mean he right here, and I just, I still got a black eye from it. And, I still gotta like, I don't know, I'm getting headaches from the ****, the whole incident still. That why." [6]

[5] Inmate [redacted] statement, pg. 3 of 12.
[6] Ibid., pg. 4.

As soon as Inmate [redacted] began to turn around, CD Morfin hit him "in the left eye." Inmate [redacted] was unsure if CD Morfin hit him with his right fist or elbow. Inmate [redacted] fell to the ground and on the way down he struck his right eye on the metal bed. Inmate [redacted] said the "…next thing you know I'm getting kicked, elbowed and stuff like that you know." [7] When I asked how many times Inmate [redacted] believed he was kicked and/or elbowed, he stated:

> "Shit, I got, I can't, it was like, I can't, it was like more than, you know, like more than, than it should have been even at all should have been, you know? It should have been like, I shouldn't even have been getting hit after I was on the ground, you know, 'cause after I went on the ground I tried to put my hands behind my back, and then I, and then I keep proceeding to get kicked in my face and stuff like that. I have, I have like frigging bumps all over the back of my head." [8]

Inmate [redacted] said it was CD Morfin who hit and/or struck him "…a good ten times." Inmate [redacted] asked CD Morfin why he was assaulting him, to which CD Morfin replied; "…you like my elbows and my knees or something like that." [9]

Inmate [redacted] admitted to calling CD Morfin "names, such as "…bitch or something like that" but felt he was justified in doing so since CD Morfin was assaulting him for having done nothing. Inmate [redacted] was kicked and/or elbowed on his back, head and arm, as he was trying to protect himself from the strikes. Inmate [redacted] said:

> "He was elbowing me to so the next thing you know, I'm feeling this stuff by my face and then I pulled my arm back over here. At that time I felt somebody on my back, but I don't know. I probably, [redacted] was on my back when they was trying to detain me, and they tried telling me stop resisting and I'm like I'm not resisting. I'm not resisting, and then I'm like, I said why are you still kicking me, you know? Well, I, I tried to block my face 'cause I got hit another time right there." [10]

Inmate [redacted] believed it was CD [redacted] who handcuffed him while he laid on the floor of his cell. Inmate [redacted] was taken to Booking before being moved to Male Special.

Inmate [redacted] did not have any issues with CDs [redacted], Morfin, or [redacted] prior to and/or after this incident.

For further information refer to Inmate [redacted] statement.

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[7] Ibid.
[8] Ibid.
[9] Ibid., pg. 5.
[10] Ibid., pg. 8.

Inmate [redacted] told me he had a medical request, which had not been collected for the past two days. After leaving MADF, I contacted Nurse [redacted] (CFMG) and asked her to send a nurse to contact/evaluate Inmate [redacted] about his medical complaints.

At 1309 hours, Nurse [redacted] wrote me back and included a 'Patient Note' written by Nurse [redacted] (CFMG) concerning Inmate [redacted] Nurse [redacted] wrote:

> Date: 01-17-2019 1231
> Access: This note is for Medical Staff only
> Note: Request from DON to assess IM VS BP 146184 P 64 R 14 f 98.7 02 Sat 99%. IM walked into medical room without difficulty and sat in chair. No noticeable signs of pain, no facial grimacing. IM states he was "beat up by custody staff a few days ago and has ongoing blurry vision in L eye and insomnia". Also, stated that he has "back pain" but clarified that he was involved in a fall accident 1 yr prior to incarceration where he injured his back. IM has small area of swelling on L side of forehead with healing bruise that is somewhat yellow in color. Upon assessment CN II - VII are intact. Able to move all extremities without difficulty including lifting knees while sitting with no complaints of pain in back. In regards to vision when I covered his right eye he stated left eye was blurry, conversely he stated right eye had perfect vision. Also stated he has never had his vision checked by a professional. In regards to insomnia he only stated that he is only sleeping 'l-2 hours at a time. IM was advised that I would be making a chart note re: my assessment this date and that custody Sgt would be given a copy of this chart note. He stated he understood. CO's [redacted], and [redacted] were present.[11]

[redacted]

On January 24, 2019, at 0653 hours, I conducted a digitally recorded interview with Sergeant [redacted]. Sergeant [redacted] has worked for the Sheriff's Office for [redacted] as a sergeant. Sergeant [redacted] basically stated the following:

Sergeant [redacted] was working in MADF on January 11, 2019, as Sam 2. Sergeant [redacted] explained his involvement as:

"Um, what we responded to a backup call, um, in D Mod we knew there was a search. Sergeant [redacted], [redacted] had already prepped everything and everyone into that unit. Um, when I arrived there, um, Sergeant [redacted] and Sergeant [redacted] and I, we arrived at the unit. I saw Deputy [redacted], I don't remember who the other deputy was, escorting an inmate out of the unit, later identified as, uh, [redacted]. Um, and that was it. That was my entire involvement." [12]

For further information refer to Sergeant [redacted] transcribed statement.

[11] Nurse [redacted] medical notes regarding Inmate [redacted]
[12] Sergeant [redacted] statement, pg. 2 of 3.

[redacted] At 0828 hours, I conducted a digitally recorded interview with CD [redacted]. CD [redacted] has worked for the Sheriff's Office for [redacted] CD [redacted] basically stated the following:

CD [redacted] was working in MADF on January 11, 2019, when he was assigned to help with the search of D-Mod. CD [redacted] is an FTO and on this date he was training CD [redacted]. CD [redacted] believed they were searching D-Mod as the unit was having some "behavioral issues."

While conducting the searches, CD [redacted] heard CD [redacted] telling Inmate [redacted] who is housed on the upper tier "…to be quiet, stay off the door and have a seat on his bunk and it was something to the effect of, uh, you, yeah, he was refusing basically to comply with the orders." [13] CD [redacted] stated:

> "Um, so Deputy [redacted] and, uh, so I'm, that's an assumption. I, shortly after that, uh, after I heard [redacted] giving the orders to the inmate and the inmate refusing, um, I would say maybe 2 to 3 minutes after that, uh, I heard what sounded like a physical altercation coming from the area that I heard the inmate yelling from. So Deputy [redacted] and I responded to the dayroom, saw a cell door open to, uh, it was D 41 I believe. Um, the door was open and I could see Deputy [redacted] just inside the doorway and shouting and it sounded like a fight going on inside the cell. So we ran up the stairs, ran into the cell and I saw Deputy [redacted] and Morfin attempting to gain control of the inmate inside who was later identified as [redacted]. Uh, inmate- Inmate [redacted] was face down on his bed. It's a single cell, it's a single bunk cell. So he was the only inmate in the cell. Um, he was curled up with his extremities like underneath him with his arms tucked in underneath him and his legs up underneath him. Uh, just kinda clenched down. They were ordering him to, you know, get on his stomach, give them his arms, stop resisting. Um, they were trying to pull his arms out from underneath him, is what it looked like when I got in there. So [CD [redacted]] wasn't, he wasn't actually making contact with, with him, where, with, uh, with the inmate. Um, he was giving verbal commands. At that time I think he may have just disengaged 'cause I heard [redacted] yell taser, taser, taser. Um, I, I kinda waived [redacted] off and said we don't, we don't need to tase him. I grabbed, uh, [redacted] left ankle and pulled it straight back. As I did that [redacted] kicked back with his leg, um, and I just kinda continued my momentum and pulled him off the bunk onto the floor. Um, when [redacted] landed on the floor he turned onto his right side, uh, still had his arms up underneath him and began to curl, like almost pull his left leg or knee up, back up towards his chest area. Um, at that time more commands were given. I told him to

[13] CD [redacted] statement, pg. 5 of 30.

> stop resisting, give us his hands, get onto his stomach, uh, he didn't comply. Deputy Morfin, uh, used two or three knee strikes to his upper torso, shoulder area. Um, and I grabbed [redacted] left arm and pulled it out from underneath him and placed it behind his back at that time, uh, which caused him to, to roll onto his stomach into a prone position. [redacted] pinned [redacted] legs to the floor, controlling his legs. Um, and at that point [redacted] still had his right arm under his stomach. Deputy Morfin used two to three kicks to [redacted] upper torso, shoulder, back area on his left side, um, and then [redacted] was able to get his right arm free and we, I placed handcuffs with [redacted] assistance onto [redacted]." [14]

Seeing those kicks delivered by CD Morfin to Inmate [redacted] upper left shoulder head area, CD [redacted] told CD Morfin "enough" and placed himself between CD Morfin and Inmate [redacted].

CD [redacted] said he never felt it necessary to use any force. CD [redacted] never saw CDs [redacted] use any force.

Once handcuffed, Inmate [redacted]:

> "…continued his, to be confrontational and argumentative with, with staff. Um, he was making threats towards Morfin about how he, he was callin' him a, a bitch and a punk and that, you know, if it was a fair fight one on one [redacted] would beat his ass. Um, things to, of that nature. Uh, he said he couldn't wait to get him, to get him back in, in a cell by himself, uh, just kinda challenging him to, to a fight." [15]

CDs [redacted] and Morfin escorted Inmate [redacted] to Booking, along with Sergeant [redacted]. CD [redacted] never heard CD Morfin ask Inmate [redacted] if he liked the elbow or knee strikes (as Inmate [redacted] alleged).

Once they were in Booking, Sergeant [redacted] told CD Morfin to leave since his bantering with Inmate [redacted] "…wasn't helping the situation." When Inmate [redacted] was asked about his injuries, CD [redacted] heard him state "…see what's on my face," nothing more.[16]

CD [redacted] was upset with CD Morfin and was hoping to talk to him that evening but he never got a chance. Knowing they both worked on the 14th, CD [redacted] was going to review CD Morfin's report, have a discussion with him, and allow him a chance to go to the sergeant and explain his use of force. If CD Morfin refused, CD [redacted] was going to contact the sergeant.

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[14] Ibid., pgs. 6 and 7.
[15] Ibid., pg. 9.
[16] Ibid., pg. 17.

When CD [redacted] arrived on Monday and learned that CD Morfin had taken the day off, CD [redacted] went to Sergeant [redacted] and advised her about his concerns.

CD [redacted] has never used, fist, elbow, knee or foot strikes simply to get an inmate to comply with being handcuffed.

CD [redacted] recognized during his interview he should have advised Sergeant [redacted] immediately after intervening himself between CD Morfin and Inmate [redacted] based on CD [redacted] belief CD Morfin use of force was unreasonable.

For further information refer to CD [redacted] transcribed statement.

[redacted]

At 1252 hours, I conducted a digitally recorded interview with Sergeant [redacted]. Sergeant [redacted] has worked for the Sheriff's Office for [redacted]. He has been a sergeant for [redacted]. Sergeant [redacted] basically stated the following:

Sergeant [redacted] was working in MADF on January 11, 2019, as Sam 3. The night before he worked as Sam 2 and arranged to have D-Mod searched on the 11th. Sergeant [redacted] described D-Mod as a "…max security housing unit," just below Ad Seg.

Sergeant [redacted] specialty is module operations and at that time, D-Mod was on a modified OCA program since the inmates were not meeting expectations. Sergeant [redacted] hoped to conduct a module search while also advising the inmates about their conduct.

Prior to conducting the search, Sergeant [redacted] spoke to the correctional deputies. Sergeant [redacted] stated:

> "I told them that we were gonna be doing a search of the unit. Uh, we're gonna be looking for contraband. I wanted them to cuff the inmates at, at their door, pat search 'em, sit them in the middle of the day room, and then search their cells, and while that was going on, uh, the unit deputy d, uh, Deputy [redacted] was gonna give the inmates, uh, expectations moving forward." [17]

Sergeant [redacted] would have used the yard to maintain the inmates however it was raining so they used the dayroom instead.

After the correctional deputies completed a few searches (about a half hour after starting the searches), Sergeant [redacted] left the unit as the "…deputies had it under

[17] Sergeant [redacted] statement, pg. 5 of 21.

control" and it was a good way for them to learn to how to "…handle situations on their own."

While talking to the other sergeants present on the January 11, Sergeant [redacted] heard a unit request him by radio. Sergeant [redacted] as well as the other sergeants, responded to D-Mod. When Sergeant [redacted] entered the module, he could hear Inmate [redacted] yelling. Inmate [redacted] was being escorted by CDs Morfin and [redacted] (Sergeant [redacted] recalled though it wasn't actually [redacted]) to Booking.

Sergeant [redacted] went to Booking where he talked to Deputy Morfin along with Sergeant [redacted]. Sergeant [redacted] stated:

> "[CD Morfin] relayed that, uh, [redacted] was causing a disturbance and refused orders to sit on his bunk and to remain quiet, so, uh, Deputy [redacted] opened the door, and Morfin grabbed [redacted] arm to turn around and place him in handcuffs, uh, and then [redacted] uh, pulled away and raised a fist as if he was gonna assault Deputy Morfin. So Deputy Morfin, uh, pushed him in to the cell and threw an elbow strike that did not connect and then took him down to the ground and then, uh, placed him in handcuffs." [18]

After talking to CD Morfin, Sergeant [redacted] returned to D-Mod and held a debriefing with everyone who helped with the search. Sergeant [redacted] also spoke to CD [redacted], whose account did not cause Sergeant [redacted] any concerns. Later Sergeant [redacted] contacted CD Morfin about the report he expected him to write. Apparently Sergeant [redacted] was also present. Sergeant [redacted] stated:

> "I had Deputy Morfin step into SAM 2's office and I was talking to him about the report. Uh, I had a concern about the elbow strike, and, um, Sergeant [redacted] was in the office at the time, and so we discussed it with him of, uh, our concern about that, and then I had Deputy Morfin explain to me again what happened, and at that time, he told me about the elbow strike that missed, but then he added in that while [redacted] was down on the ground, he, he struck him five times with a closed fist." [19]

Sergeant [redacted], now learning CD Morfin had also used five closed fist strikes at Inmate [redacted] face, asked CD Morfin if there was any other force. CD Morfin advised him no. So Sergeant [redacted] told CD Morfin to write his report however Sergeant [redacted] did state, "I did not make it clear to him that he needed to write it that night though." [20] Sergeant [redacted] simply believed CD Morfin would complete his report prior to leaving.

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[18] Ibid., pg. 8.
[19] Ibid., pg. 10.
[20] Ibid.

When Sergeant [redacted] returned the following day for work, he learned CD Morfin did not finish his report, as only the face page was completed. When Sergeant [redacted] spoke to CD Morfin on this occasion, he was specific about him finishing his report before he left work.

Later, Sergeant [redacted] contacted Inmate [redacted] and obtained a statement from him about what had occurred. Sergeant [redacted] was not aware that none of the sergeants on duty on the January 11 ever spoke to the inmate. In addition, he was asked to contact CDs [redacted] to have them write supplemental reports.

A few days later, when those supplemental reports were written, Sergeant [redacted] became concerned since CD [redacted] mentioned he "…had to relieve Deputy Morfin," while they were trying to secure Inmate [redacted]

Based on schedules, Sergeant [redacted] did not see CD [redacted] until Wednesday, January 16, and by then he had already contacted Sergeant [redacted] about potential excessive use of force. When Sergeant [redacted] spoke to CD [redacted], he questioned him as to why he didn't bring forth this new information on January 11. CD [redacted] told Sergeant [redacted] he was hoping to contact CD Morfin so he would come forward with "…what actually happened." Sergeant [redacted] admonished CD [redacted] that he needed to come forward with that information immediately, not days later.

For further information refer to Sergeant [redacted] transcribed statement.

[redacted]

At 1332 hours, I conducted a digitally recorded interview with CD [redacted]. CD [redacted] has worked for the Sheriff's Office for [redacted]. CD [redacted] basically stated the following:

CD [redacted] was working in MADF on January 11, 2019, when he was assigned to help with the search of D-Mod. Sergeant [redacted] advised those assigned to the search that they were looking for contraband as the inmates were "arcing" within the unit.

CD [redacted] said the correctional deputies broke D-Mod into four quadrants, so they could deal with a smaller group. CD [redacted] then explained:

> "Well we had, usually when we do these searches, we try to get people to stay off their windows and doors and stay on their bunks, um, because they're always constantly looking into what we're doing, you know, so we try to keep that tamed, and several times I had given commands because everybody was on their doors and, you know, they, it was really hard. They wouldn't, they wouldn't listen. Some would listen and they would back off and then we're in the cell and come back out and there they all are again, and specifically with, uh, Mr. [redacted], you could hear him chipping away at his door. You could hear, I don't know the exact words

that were coming out of his mouth, but I know he was directing it towards us, and you can just see the expressions and the people that came back and would just continue to stay on your door because he was making a scene." [21]

CD [redacted] went on to state (and based on Inmate [redacted] actions):

"Well it's, it came up, I said, you know, we can't let this, I, I told some of the other deputies, we can't' let this continue to happen because he's, you know, the rest of the, nobody's really following directions, and he's kind of the one that's, like, chipping away, and it, it's, it's normal practice for us when we go in and somebody's behavior's being that way, and it's, it's, uh, ju, it, it's, it's not working with what we're trying to do, and they're getting other people incited, so it came to the point where, hey, guys, you know, a few of us, let's go up there and let's just remove him, which is normal practice if somebody's acting out like that. We'll remove them from the unit and take them to booking, and, you know interview him, talk to him there, and figure out what his problem was or what have you. So that's what we initial, that's what we went to do." [22]

CD [redacted], Morfin, and [redacted] went to the second tier to deal with Inmate [redacted]. CD [redacted] was hoping Inmate [redacted] would cooperate once they took him down to Booking to "cool off." CD [redacted] stated:

"So we get up to the door, and we get to the door, from what I recall he, we, w, I looked in and started saying, hey, we're, you're, you know, we gotta get, we're, you're going out of here. You can't keep doing this. And, uh, he kept repeating himself. I didn't do anything wrong. I haven't done anything wrong, and, and, so he was kind of, he was sitting, he was sitting on his bunk. I remember looking around the unit just to, just to scan it to make sure that I didn't see a weapon or anything out of the norm. Everything seemed fine. Um, and then Morfin keyed open the door, and we all started stepping, exactly how we stepped in I'm not really sure. I just remember [redacted] going over. A desk was in the way. As you walk in, before you get to the bunk, on the right side there was a desk, and that's where I was standing.

"And, and we kept giving him commands to, you know, stand up, turn round, we're gonna put handcuffs on ya. Blah, blah, blah, and, uh, I remember Morfin reach in, to, reaching for his hand, and that's when [redacted] was, like, I haven't done nothing wrong, and he started resisting, pulling away and not, not going with the program, and then that's when,

[21] CD [redacted] statement, pg. 6 of 19.
[22] Ibid., pg. 7.

> um, it got more serious where, he, it went where Morfin went hands on with him to get, to get him to stop resisting, to get his hands to go up behind his back. He threw a bunch of fist strikes. I don't, because he was over the top of him." [23]

Since CD Morfin had his back to CD [redacted] and CD [redacted] was near the desk, in front of CD [redacted], CD [redacted] view was somewhat obstructed. CD [redacted] knew CD Morfin was using first strikes (at least three), CD [redacted] just could not determine where CD [redacted] was striking Inmate [redacted]. CD [redacted] could hear the blows being delivered though. Inmate [redacted] was yelling at CD Morfin but CD [redacted] could not recall exactly what he said. CD [redacted] continued:

> "Um, there, he's still resisting and started pulling, that's when [redacted] was in there trying to pull his arms out. I then at that time kinda took a step back because he kinda had the desk in, in, in the way of me and them and I pulled my taser out and yelled taser three times… to get everybody's attention, uh, but there was, at that point there was no way that I was going to be able to use my taser because of the, the way the deputies were positioned and everybody and, and, um, really it was just in case there was any kind of disengagement that I was gonna use my taser to, render so nobody would get hurt." [24]

Unable to get a clear shot, CD [redacted] decided not to use the taser. CD [redacted] then entered the cell, passed by CD [redacted] and told him not to use his taser. Based on what was occurring, CD [redacted] then used his radio to request a sergeant to respond. Due to the noise he stepped out of the cell. When CD [redacted] turned back around the correctional deputies had Inmate [redacted] on the floor in a prone position and were applying handcuffs. CD [redacted] was holding Inmate [redacted] legs.

Later that evening, after Inmate [redacted] was moved to Booking, CD [redacted] saw CD [redacted] and thanked him for his response to the incident. CD [redacted] told CD [redacted] he was going to have to "talk to Morfin" about what occurred. CD [redacted] did not elaborate to CD [redacted] about what he needed to talk to CD Morfin about. CD [redacted] said CD [redacted] "wasn't happy" about something that had occurred.

Though CD [redacted] did not use any force, he received an email from Sergeant [redacted] advising him to write a supplemental report. CD [redacted] was also contacted by Captain [redacted] and Lieutenant [redacted] and questioned about what occurred.

CD [redacted] said his report was an accurate reflection of what occurred. He did add that he forgot to mention his radio traffic in his report.

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[23] Ibid., pgs. 8 and 9.
[24] Ibid., pg. 11.

CD [redacted], being one of the senior correctional deputies present, said he regretted not taking control of the situation as he now believed the situation just needed to "be slowed down." He believed if they had slowed down, they could have eventually just talked Inmate [redacted] into being handcuffed and taken to Booking.

For further information refer to CD [redacted] transcribed statement.

[redacted]

On January 30, 2019, at 0920 hours, I conducted a digitally recorded interview with Sergeant [redacted]. Sergeant [redacted] has worked for the Sheriff's Office for [redacted] Sergeant [redacted] basically stated the following:

Sergeant [redacted] was working in MADF as Sam-1 on January 11, 2019. While eating with Sergeants [redacted], he heard someone transmit over the radio for Sam-2 to respond to D-Mod. Sergeant [redacted] was aware correctional deputies were conducting a search of the module, so all of the sergeants responded together.

When the sergeants arrived at D-Mod, CDs [redacted] and Morfin were escorting Inmate [redacted] down to booking. Sergeant [redacted] learned "…there was a struggle with the inmate or a fight…durin' the search." [25] While walking the inmate to Booking, Sergeant [redacted] stated:

> "The inmate was constantly, hmm, saying profanities to specifically Deputy Morfin and tell, asking me, 'Do you see what they did to me?' And I, you know, would, I told him, 'Hey, we'll get this su, scu, uh, we'll talk about this well, after we get you checked out by the medic, get you in a cell and then we'll talk about everything.'" [26]

Sergeant [redacted] could not recall what CD Morfin was saying to Inmate [redacted] Once they all arrived in Booking, Sergeant [redacted] told CD Morfin to go and sit in Sam-1's office hoping to end the conversation between him and Inmate [redacted]. Sergeant [redacted] directed CD [redacted] to take photos of any injuries Inmate [redacted] indicated to the medic. As far as Sergeant [redacted] was aware, Inmate [redacted] only indicated injuries to his forehead. Sergeant [redacted] continued:

> "Uh, he, well [redacted] was seen by the medic and then escorted into Booking Cell 8. The cuffs were removed. He was placed in the cell and then, uh, I went into my office with, where Morfin was, and I asked him if he was okay, if he had any injuries. Uh, he had told me he had a cut on his finger. Uh, so I told him make sure you go see the medic. Um, I also, I believe at that time, uh, Sergeant [redacted] had shown up and we asked

[25] Sergeant [redacted] statement, pg. 3 of 10.
[26] Ibid., pg. 4.

> him what happened. Um, and he told us the story that they were at the door, uh, at [redacted] door durin' the search of his cell and [redacted] was yelling at them. I don't know what he's yelling 'cause I was, I wasn't there, and, um, he said that [redacted], they told him to cuff up and he wasn't gonna cuff up, because they were doin' a search, and so he said [redacted] turned around and threw his arms up and took a fighting stance and, uh, Morfin ran in the cell and they started fightin'. I mean he was resisting." [27]

I asked Sergeant [redacted] if CD Morfin was more descriptive about them "fighting" and Sergeant [redacted] said CD Morfin told him that when Inmate [redacted] "…threw his hands up, or he went in the cell to go cuff him up, uh, and [redacted] threw his hands up, basically like, you know, aggressive manner and so, uh, Morfin took that as hey, he is gonna try to assault me. And so they, they, you know, Morfin tried to take him down and put handcuffs on him and then they were fighting." [28]

CD Morfin told Sergeant [redacted] he used a "couple" of elbow and fist strikes. This was in response to Inmate [redacted] throwing his hands up like he was going to hit CD Morfin. CD Morfin said he struck Inmate [redacted] in the head and face. In addition, when they both were on the ground, CD Morfin delivered some "knee strikes" to Inmate [redacted] since he was not providing his hands to be handcuffed. CD Morfin never mentioned he kicked Inmate [redacted].

When I asked what else CD Morfin could have possibly done in lieu of striking Inmate [redacted], Sergeant [redacted] stated:

> "Uh, you could ask him. Uh, you can just hold him down to the ground 'cause I, uh, uh, if you're getting hit with strikes, uh, that person might be just tryin' to defend themselves and/or cover their face or cover their body so they don't feel the pain anymore. Right. So sometimes if you just stop for a second and tell the inmate put your hands behind your back, they'll comply and they'll put their hands behind their back." [29]

Sergeant [redacted] said Sergeant [redacted] told CD Morfin to write a report about what occurred.

Some days later Sergeant [redacted] was contacted by Lieutenant [redacted] and Captain [redacted] who asked if there were any additional photos of Inmate [redacted] and as to what Sergeant [redacted] knew about what occurred.

For further information refer to Sergeant [redacted] transcribed statement.

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[27] Ibid., pg. 6.
[28] Ibid., pg. 7.
[29] Ibid., pg. 8.

[redacted] At 1243 hours, I conducted a digitally recorded interview with CD [redacted]. CD [redacted] has worked for the Sheriff's Office for two years. CD [redacted] basically stated the following:

CD [redacted] was working in MADF on January 11, 2019, when he was assigned to help with the search of D-Mod. CD [redacted] explained how they were handling each inmate:

"So, what we were, were doing was, we were, uh, cuffing them up at the door. Uh, they were pat-searched when they were brought out and then they were, um, told to sit down, kind of like right in the middle of the day room on these seats, uh, while the module deputy at the time was kinda giving them, um, how do I explain it? There was, he was giving…counseling. Yeah and kind of expectations." [30]

CD [redacted] continued:

"Yeah, so, we staged beforehand. Uh, there's just gonna be simple module search, uh, we went in and we started doing our search and an inmate started to, um, disobey orders from one of the deputies. And so, from there, we ended up going up to his room because he wasn't staying off of his door as he was asked to. And we went up there. Um, he continued to…uh huh, so, he's standing at his door. He's visibly looking out his window looking at the, at the module, outside the module, what's happening, and during these searches, inmates are supposed to be seated on their bunks and away from the doors." [31]

CD [redacted] heard CD [redacted] tell an inmate to "get off your door…take a seat on your bunk." The inmate, whom CD [redacted] later learned was Inmate [redacted], began yelling back at CD [redacted]. CD [redacted] then advised the correctional deputies that they needed to remove the inmate and take him down to Booking for a "cool off" period since the inmate was being defiant (both verbally and physically—by not taking a seat on his bunk.

CDs [redacted] and Morfin followed CD [redacted] upstairs to contact Inmate [redacted]. At the cell, CD [redacted] once again told Inmate [redacted] to sit on his bunk so they could open his door and handcuff him. Inmate [redacted] said he was not going to come out of his cell nor was he going to be handcuffed.

Inmate [redacted] eventually moved to the back of his cell and sat on his bunk. CD [redacted] did not open the cell door nor could he remember who actually did. Inmate

[30] CD [redacted] statement, pg. 4 and 5 of 19.
[31] Ibid., pg. 3 of 19.

[redacted] was being advised to come to the door so he could be handcuffed, but he was refusing. CD Morfin then entered the cell.

CD Morfin told Inmate [redacted] to stand up but he refused. CD Morfin attempted to grab Inmate [redacted] right elbow but he pulled away. CD [redacted] stated:

> "I remember, they both kinda fell. Like I remember Morfin pushing him and possibly throwing like an elbow strike or going for one, um, can't recall if they made contact or not, and then they were both just kinda like, Morfin was stacked on top of [redacted] on the bunk. Uh, and then, um, from there he's just giving orders, give me your hands, give me your hands, um, Morfin proceeds to throw strikes. I can't recall what types. Uh, but approximately like three or four of them I wanna say." [32]

CD [redacted] entered the cell and tried to help CD Morfin. The problem was the cell, as it is a single man cell that does not provide much room to move about. CD Morfin used "some type of strikes," though CD [redacted] couldn't identify if they were fist and/or elbow strikes, as his attention was drawn to trying to grab one of Inmate [redacted] hand for handcuffing. CD [redacted] continued:

> "I just hear Morfin, uh, verbalizing, um…to, you know, gimme your hands, gimme your hands, um, stop resisting. And from there, I don't know how, but they kinda slid off the bunk and then they're on the floor. So they kind of, uh, [redacted] head is just like right kinda almost underneath his bunk and then like under his desk in a sense. Um, and then, that's where I jump up onto the desk, or sorry, onto the bunk and I'm trying to just grab ahold of, uh, an extremity just to get control, but I don't have it, I don't have any reach towards it, so that's where I kinda stopped and, and I think I repositioned myself and come back around. And that's when I remember, uh, [redacted] coming in and [redacted] being in there all of a sudden." [33]

CD [redacted] never used any strikes on Inmate [redacted]. CD [redacted] never saw CD Morfin deliver any knee and/or feet strikes. Once CD [redacted] was able to handcuff Inmate [redacted] no further strikes were delivered. Inmate [redacted] was then assisted to his feet and escorted out of his cell. Inmate [redacted] swore at and threatened CD Morfin.

Based on CD [redacted] training, he believed the strikes CD Morfin used were appropriate.

For further information refer to CD [redacted] transcribed statement.

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[32] Ibid., pg. 9.
[33] Ibid., pgs. 12 and 13.

[redacted] At 1325 hours, I conducted a digitally recorded interview with CD [redacted]. CD [redacted] has worked for the Sheriff's Office for [redacted]. Her current FTO is CD [redacted], as it was on January 11, 2019. CD [redacted] basically stated the following:

CD [redacted] was working in MADF on January 11, 2019, when she was assigned to help with the search of D-Mod. CD [redacted] was aware the inmates housed in D-Mod were those just below (level of custody) those whom are housed in Male Special. Sergeant [redacted], when gathering all of those correctional deputies who were going to assist in the search, advised they were going to try and locate contraband since the inmates were "arcing" the outlets.

CD [redacted] said the correctional deputies were searching cells one at a time; where they handcuffed the inmates, had them exit their cells, and then placed them in the dayroom while the inmates' cells were searched.

While attending to that task, CD [redacted] heard a commotion on the second tier. She explained:

> "…we were down, me and FTO [redacted] were downstairs searching the cell, and we heard a commotion upstairs. Uh, we heard one of the deputies, I'm not sure which one, tell someone to, uh, to turn around and to cuff up, and so you kinda heard the inmate muffled through the door say fuck you and then some other stuff. Um, but essentially it was fuck you, I'm not gonna cuff up. Um, at first, we just continued searching, um, 'cause it didn't, it wasn't escalating at that point, and then all of a sudden, we heard them start yelling in a commotion upstairs, and so we ran upstairs." [34]

CD [redacted] heard both the inmate and a correctional deputy yelling at each other. When CDs [redacted] and [redacted] went upstairs, CD [redacted] learned it was Inmate [redacted] cell they were going to. CD [redacted] said Inmate [redacted] was located towards the back of his cell. CDs [redacted], Morfin, and [redacted] were already inside the cell when CD [redacted] went in.

CD [redacted] said there was no room for her to enter and she was simply looking at the backs of the correctional deputies since it was a small one man cell. CD [redacted] went in and grabbed Inmate [redacted] leg and pulled him from his bunk onto the floor. CD [redacted] did not see any strikes delivered by any correctional deputy but could see "elbows flyin' and arms flyin'," though she was unable to identify whose elbows or arms they were.[35]

[34] CD [redacted] statement, pg. 5 of 12.
[35] Ibid., pg. 8.

CD [redacted] grabbed and held onto Inmate [redacted] legs so he would not kick anyone. Inmate [redacted] did not resist her efforts. Several deputies were advising Inmate [redacted] to place his hands behind his back and to quit resisting. CD [redacted] did not see anyone use any knee or shoe strikes.

Eventually the correctional deputies were able to handcuff Inmate [redacted]. He was stood up and escorted out of his cell.

When I asked if CD [redacted] discussed what occurred with CD [redacted] she stated:

> "We, we briefly did. We didn't talk exactly about what happened, but when everything was going on and I was controlling the legs, I heard [redacted], uh, say Morfin, that's enough. Um, and then as we walked out later that day, he basically told me that shouldn't have happened. And I kinda made the assumption from there, um, just from the way that he was talking in the cell and telling Morfin to, to stop and that was enough, and then the, what he said as we were leaving." [36]

CD [redacted], without being specific, told her "…that that should not have happened…that's something that I'm gonna have to report." CD [redacted] said it was something to do with CD [redacted] instructing CD Morfin (during the scuffle) "that's enough."

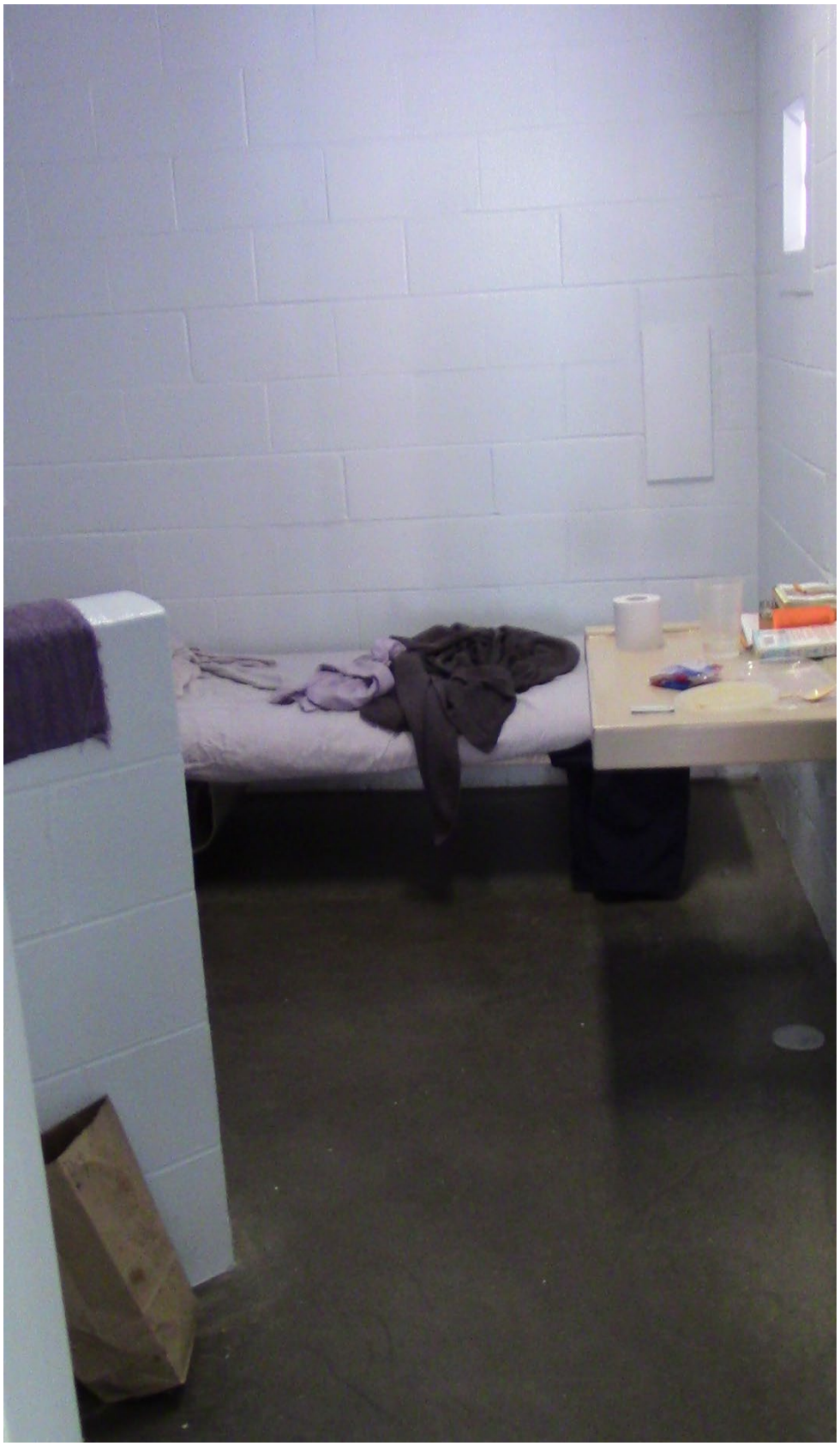
When they returned to work on Monday, January 14, CD [redacted] went to Sergeant [redacted] prior to CD [redacted] arriving at work. Once they met up, they both went and saw Sergeant [redacted] where she instructed them not to discuss what took place on January 11 in regards to Inmate [redacted] removal.

CD [redacted], though he told CD [redacted] he intended on talking to CD Morfin, never had the opportunity to do so as CD Morfin had taken a day off on Monday.

For further information refer to CD [redacted] transcribed statement.

On January 31, 2019, I asked Lieutenant [redacted] to have photos taken of Inmate [redacted] cell so the reader could see how small a single cell is when considering there was one inmates and five correctional deputies in there at one time.

[36] Ibid., pg. 10.



[redacted]

On February 13, 2019, I wrote an email to Sergeant [redacted] asking her to detail her conversation with CD [redacted] on January 14, 2019. [redacted] wrote:

"Deputy [redacted] came into my office; I was Sam 2 that day. He was looking through the schedule and asked if I knew if Deputy Morfin was working that evening or the next morning. I told him I had not seen or heard from him. Deputy [redacted] stated he needed to talk to him about his report. I suggested he send him an email. Deputy [redacted] told me it was more urgent than that and looked very concerned. I asked him if everything was "ok". Deputy [redacted] stated he needed to write a supplemental report for an incident that had happened on his Friday and what he needed to write did not match up with what Deputy Morfin had written. I asked him what that meant. Deputy [redacted] stated that Deputy Morfin had not written about all the force that he used; that there was more and "it wasn't good". I responded with, "whoah." Deputy [redacted] told me it was "to the point where he will more than likely be disciplined." Deputy [redacted] told me he had to stop Deputy Morfin and literally pull him off the inmate during the incident and that his trainee saw everything. Deputy [redacted] told me he spoke with Deputy [redacted] (his trainee) after the incident and made it explicitly clear what had transpired in the cell was inappropriate and they proceeded to have an open conversation about use of force. I asked Deputy [redacted] why he had not spoken to the Sergeant supervising the incident on Friday. Deputy [redacted] told me he had waited to allow Deputy Morfin to 'do the right thing' and after reading his report, he felt like he hadn't.

"I informed Deputy [redacted] I would need to let Lt. [redacted] know; Lt. [redacted] is my direct supervisor and also the Lieutenant in charge of FTO (I was concerned not only of the incident itself, but, the fact that a trainee was involved). I told Deputy [redacted] he had done the right thing, to not speak of it to anyone else and direct Deputy [redacted] to do the same, and informed him to be prepared to answer questions shortly from either the Lieutenant or the Captain.

"I immediately went to Lieutenant [redacted] and informed him of what Deputy [redacted] had told me.

"Deputy [redacted] did not tell me any of the specifics and I did not ask. Actually, I after Deputy [redacted] made the statement that it was 'bad', I explicitly instructed him not to tell me any further details about the incident." [37]

[37] Sergeant [redacted] email to me dtd. February 13, 2019.



At 1148 hours, I conducted a digitally recorded interview with CD Jesus Morfin. CD Morfin was represented by Attorney Greg Thoming (Mastagni). CD Morfin was provided with an Administrative Admonishment and a Disciplinary Interview Advice of Right form (both which are attached to this investigation). After reading each form, he signed them. Prior to this interview, CD Morfin read his report, which he described as an accurate reflection of what took place on January 11, 2019. CD Morfin basically stated the following:

CD Morfin has worked for the Sheriff's Office for nearly 3 years. When CD Morfin was hired he was sent to the Police Academy. Upon returning from the academy, he attempted to complete the FTO program but was unsuccessful. He was then offered a position as a correctional deputy, which he accepted. He did not attend the Correctional Academy. His current assignment is dayshift at MADF with Tuesday and Wednesday off.

On January 11, 2019, he worked dayshift as well as an overtime on swing shift. Around 1900 hours, he was assigned by Sergeant [redacted], along with 15 to 20 other correctional deputies to conduct a search in D-Mod. CD Morfin was advised they were conducting the search because inmates were activating their door alarms by "mule kicking" their doors and they were also "arching," which he described as "…when, uh, somebody takes, like, a piece of paper and sometimes, like, uh, inmates will use lead from a pencil and, uh, they'll cause, like, a spark in the light switch in order to, uh, light a fire or light a wick." [38]

CD Morfin then described how they handled the inmates prior to conducting a search as:

> "Uh, generally you'd approach the cell door. Um, again, if it's just one person, um, you'll instruct them before you even open it, step up to the door, turn around, place your hands behind your back, and, uh, once they do that, you open the door, you handcuff them, you double lock them, obviously check for tightness, and then you – uh, we had them seated, uh, in the center part of the day room where, uh, the steps were. There's, there's, like, some steps that lead up to the desk and some tables.
>
> "So we would remove them. Once they're, once they were seated in the center of the day room, uh, they were supervised, uh, by the unit deputy, um, just keeping an eye on them and then once, whether it was a single or a double, once the inmates were removed, then we'd go in there and we'd search and then once the search was complete, then we'd have them, we'd have the deputy supervising them send them back to us and then

[38] CD Morfin's statement, pg. 7 of 38.

we'd have them stand at the threshold of the door, we'd remove the cuffs and close the door." [39]

While conducting the search, CD Morfin heard CD [redacted] yelling at Inmate [redacted] who was housed in cell D-41—on the second tier. CD [redacted] was instructing Inmate [redacted] to sit on his bunk (which would have placed him the back of his cell) and to stay away from his window. CD Morfin could hear Inmate [redacted] tell CD [redacted] "…to fuck off and naw, I ain't fucking moving, fuck you." [40]

CD Morfin was familiar with Inmate [redacted] and described him as being a "pretty loud…vocal" inmate.

CD [redacted] asked correctional deputies for assistance since he wanted to remove Inmate [redacted] from the module and take him down to Booking for a "cool off" period. CD Morfin described that removal as "…the reason we do that is, um, if somebody's being disruptive, um, during a search or is blatantly, like, uncompliant for whatever reason, uh, we remove them from the unit, and we take them down to a, usually a holding cell in booking or sometimes court holding if booking's too busy." [41]

As soon as CD Morfin arrived at the cell door, he noticed Inmate [redacted] had stepped back towards his bunk. CD Morfin then opened the cell door and stated, "...Deputy [redacted] immediately gave him instructions, uh, to stand up and turn around so that we could cuff him, and he was saying the same things, you know, fuck you, I ain't fucking cuffing, I didn't do anything wrong, I didn't do shit, I don't need to fuck, I don't need to leave." [42]

When CD [redacted] arrived, CD Morfin went into the cell and back towards where Inmate [redacted] was standing. (CD Morfin did not recall seeing either CDs [redacted] and/or [redacted].) CD Morfin gave Inmate [redacted] "…clear instructions to turn around, put his hands behind his back because he was going to be removed from the unit." Inmate [redacted] continued to refuse the commands being given to him. [43]

CD Morfin, who was standing on Inmate [redacted] right side, "took it upon [him]self to grab [Inmate [redacted]] right arm to try, to try to handcuff him and that's when he leaned back and he raised his left arm with a closed fist." CD Morfin stated, "I immediately felt threatened, um, because he raised his left, his left fist, and it wasn't like he swung it back, like, to get away. It was clearly a closed fist um, in an attempt to, what I felt like was an attempt to strike me." [44]

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[39] Ibid., pg. 10.
[40] Ibid., pg. 12.
[41] Ibid., pg. 14.
[42] Ibid., pg. 15.
[43] Ibid., pg. 17.
[44] Ibid., pg. 18.

CD Morfin, in response, attempted to strike Inmate [redacted] with his right elbow but missed. CD Morfin, after missing, "…immediately just kind of went to a clo, a normal closed-fist strike with my right, my right arm, right hand, um, and struck him approximately five times, um, on the right side of his face and just kind of on his forehead, around the face area." [45] CD Morfin did not recall how many of his fist strikes struck Inmate [redacted].

CD Morfin continued to give Inmate [redacted] commands to stop resisting and to get on the ground so he could be handcuffed. Inmate [redacted] did not comply. CD Morfin continued:

> "…you know, [Inmate [redacted] is] throwing his arms at me and, and pushing me, um, and refusing to get onto the, even though he was getting off balance, he was still refusing to, like, either sit or lay down or do whatever it took to get onto the ground as we were, as, as I was instructing, instructing him to do, um, and then that was when, um, he fell to the, to the bunk, um, because my partner, Deputy [redacted], uh, which at that point had entered the cell, um, he grabbed a hold of his leg and pulled it out from under him and then he, that's, that was when he fell onto the, onto the ground." [46]

CD Morfin believed he and Inmate [redacted] went directly from a standing position to the floor due to Deputy [redacted] actions. Inmate [redacted] hit his head on the bunk when he fell to the floor. Once on the floor, Inmate [redacted] continued to swear at the correctional deputies.

CD Morfin did not recall CD [redacted] stating taser three times.

Inmate [redacted], who initially fell to his right side, rolled onto his back. CD Morfin believed CD [redacted] was to the left of him was trying to grab Inmate [redacted] right arm. CD Morfin said CD [redacted] was on his right side. CD Morfin was between the two of them. As CD Morfin attempted to grab Inmate [redacted] eft arm, Inmate [redacted] began "…swinging his left arm in a closed fist" at CD Morfin. CD Morfin said he did this between seven to ten times, though none of the strikes hit CD Morfin.[47]

In response, CD Morfin said he threw five to seven fist strikes as well as two elbow strikes towards Inmate [redacted] head. Inmate [redacted] eventually placed his hands up, in a "defensive position," which allowed the deputies to turn him over and handcuff him. Once this occurred no more strikes were delivered by CD Morfin.

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[45] Ibid., pg. 20.
[46] Ibid., pg. 22.
[47] Ibid., pg. 26.

CD Morfin was not aware if CDs [redacted] or [redacted] ever delivered and strikes.

The correctional deputies then stood Inmate [redacted] up and escorted him down to Booking. CD Morfin believed it was he, CD [redacted], and Sergeant [redacted] who escorted Inmate [redacted]. CD Morfin stated:

> "He just was, uh, mother fucking me and I'm gonna fuckin' find you. Don't worry. I get out when, I forget what date he said he gets out, but I guess he's getting out sometime this year, according to him. And you know, don't worry, I'm from Santa Rosa, too, um, which I don't know how he found out that I'm from Santa Rosa, but, um, you know, I'm from Santa Rosa too, don't worry, I'll fuckin' find you, uh, you know, you're a bitch ass Morfin, you hit like a bitch. If it was one-on-one in a cell I'd fuck you up. It's like I'm gonna fuck you up every chance I get. Um, you know, just wait 'til you come back to fuckin' D mod or just thing, bunch a things like that, and it just was nonstop from the second we were in the cell, um, and we again walked out of the unit, walked down the second floor hallway, down the elevator to the first floor, um, into the booking area, sat him down in a stationary chair in the booking lobby, and it just continued and continued until Sergeant [redacted], uh, approached me and, uh, kind of sort of like whispered, hey, I'd like, you know, go hang out in my office because he's just gonna keep chippin' away at you." [48]

CD Morfin had a conversation with the sergeants where he explained what transpired, basically what we discussed and what he wrote in his report.

I advised CD Morfin that no one else present saw Inmate [redacted] raise a fist and/or attempt to strike him. CD Morfin denied ever using any knee strikes and/or kicking Inmate [redacted].

CD Morfin said he has never been instructed, either at the academy or during Block training, to kick someone in the head.

For further information refer to CD Morfin's transcribed statement.

Nothing further.

[48] Ibid., pg. 30.

Conclusion and Findings

The focus of this investigation was to determine if Correctional Deputy Jesus Morfin's conduct towards Inmate [redacted] on January 11, 2019, violated any Sheriff's Office Rules and Regulations.

In addition, and based on my investigation and current policy, to determine if Correctional Deputy [redacted] should have immediately reported (to his supervisor) his intervention in preventing Correctional Deputy Morfin's unreasonable use of force towards Inmate [redacted] The specific policies are:

Rules and Regulations Regarding Conduct

5. **PROCEDURES**

B. DUTIES, CONDUCT AND RESPONSIBILITY

3. Obey Policies and Procedures: Members shall obey and carry out all lawful Sheriff's Office and County policies, procedures, and other orders whether written or oral. Specifically:

Use of Force: This policy provides guidelines on the reasonable use of force. The Use of Force policy is lengthy but has specific sections relevant to this investigation, including:

REPORTABLE FORCE: Any use of physical force by a deputy of this Sheriff's Office shall be documented. It is the responsibility of the deputy using force to ensure that the use of force is documented completely, promptly, and accurately in an appropriate report.

300.2 POLICY
It is the policy of this Office that deputies shall use only that force which is objectively reasonable, given the facts and circumstances known at the time of the event to effectively bring an incident under control.

"Reasonableness" of the use of force will be determined from the perspective of a reasonable deputy on scene at the time of the incident.

300.2.1 DUTY TO INTERCEDE
Any deputy present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede prevent the

use of unreasonable force. A deputy who observes another employee use force that they believe is unreasonable under the circumstances shall promptly report these observations to a supervisor.

300.3 USE OF FORCE
Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

8. General Duties of Deputy Sheriffs, Correctional Deputies and Correctional Officers: Protect life, property and environment, maintain law and order, report and investigate unlawful activity, make legal searches, seizures and arrests, apprehend criminals and provide a safe, humane custodial environment, recover and protect personal property and evidence, and testify as required.

18. Reports and Records: Members shall promptly submit such reports and records as are required by the performance of their duties or by competent authority.

a. No member shall fail to disclose, or misrepresent material facts, knowingly delay, alter, remove or falsify official records, applications, examination form, nor cause to be entered inaccurate, false or misleading entries or information in any Sheriff's Office book, record, document, form, or report.

c. No member shall knowingly sign or submit an inaccurate or false report, statement or affidavit.

39. Truthfulness: Members shall truthfully answer all questions that are specifically directed to them by other members and that are narrowly related to the scope of employment and operations of the Sheriff's Office.

Incident:

On January 11, 2019, Sergeant [redacted] made arrangements to have correctional deputies search D-Module (D-Mod) in the Main Adult Detention Facility. Sergeant [redacted] specialty is module operations and at that time, D-Mod was on a modified OCA program since the inmates were not meeting “expectations.” Sergeant [redacted] hoped to conduct a module search while also advising the inmates about staff’s expectations of them.

During the search, inmates were given specific instructions about how they were to conduct themselves, including sitting on their bunk until it was time for them to be

handcuffed and removed. Inmate [redacted] refused to follow instructions and began to yell at the deputies from his cell, which was located on the second tier.

CD [redacted] recognized this as unacceptable behavior so he asked for assistance from CDs [redacted] and Morfin to address Inmate [redacted] rule violations. CD [redacted] intentions were to remove Inmate [redacted] from his cell and take him to Booking for a "cool off" period. When the correctional deputies arrived at the cell door, they advised Inmate [redacted] of their intentions and he needed to be handcuffed. Inmate [redacted] said he was not going to be handcuffed and/or removed based on his belief he had done nothing wrong. Inmate [redacted] was using profanity to emphasize his intentions.

Inmate [redacted] sat on his bunk. CD Morfin opened the door and entered the cell. CD [redacted] followed CD Morfin towards the back of the bunk. CD [redacted] only proceeded about halfway into the cell. CD Morfin, wrote in his initial report, he ordered Inmate [redacted] to stand up, turn around, and to place his hands behind his back. As CD Morfin approached Inmate [redacted] he stood up. CD Morfin wrote:

> "I GRABBED [redacted] RIGHT ARM AND HE LEANED HIS BODY BACK PULLING AWAY AND RAISED HIS LEFT ARM WITH A CLOSED FIST. DUE TO THE CLOSE PROXIMITY BETWEEN [redacted] AND I, THE TIGHT SPACE OF THE CELL, AND THE IMMEDIATE THREAT OF [redacted] RAISING HIS LEFT ARM WITH A CLOSED FIST, I ATTEMPTED TO UTILIZE AN ELBOW STRIKE. MY ELBOW STRIKE DID NOT MAKE CONTACT WITH [redacted] DUE TO HIM QUICKLY LEANING BACK. I UTILIZED APPROXIMATELY FIVE CLOSED FIST STRIKES WITH MY RIGHT HAND STRIKING HIM ON THE RIGHT SIDE OF HIS FACE AND TEMPLE AREA WHILE BLOCKING HIS RIGHT ARM WITH MY LEFT HAND.
>
> "AT THIS POINT, I WAS ABLE TO GET [redacted] OFF BALANCE BY PUSHING HIM BACK. [redacted] REMAINED STANDING BUT HAD HIS RIGHT LEG IN THE AIR. DEPUTY [redacted] WAS ABLE TO GAIN CONTROL OF [redacted] RIGHT LEG AND PULLED IT TOWARDS HIM IN ORDER TO PLACE [redacted] ON THE GROUND FOR BETTER CONTROL. [redacted] LANDED ON HIS STOMACH AND HIT HIS HEAD ON THE RIGHT SIDE OF THE BED CLOSEST TO THE CELL DESK. [redacted] WAS ABLE TO TURN ONTO HIS SIDE AND CONTINUED TO RESIST WITH STAFF UNTIL HE ROLLED ONTO HIS BACK. DEPUTIES [redacted] AND I GAVE [redacted] MULTIPLE ORDERS TO ROLL ONTO HIS STOMACH AND PLACE HIS HANDS BEHIND HIS BACK. [redacted] REFUSED TO FOLLOW INSTRUCTIONS GIVEN BY STAFF AND CONTINUED TO BE RESISTIVE WITH STAFF.

"DEPUTY [redacted] WAS ABLE TO GAIN CONTROL OF [redacted] RIGHT ARM AND PIN IT TO THE GROUND. DUE TO THE DESK BEING IN THE WAY, DEPUTY [redacted] WAS UNABLE TO GAIN CONTROL OF [redacted] LEFT ARM. I WAS IN A BETTER POSITION AND UNOBSTRUCTED BY THE DESK THEREFORE I ATTEMPTED TO PIN [redacted] ARM TO THE GROUND. [redacted] BEGAN THROWING CLOSED FIST STRIKES AT ME WITH HIS LEFT HAND. I UTILIZED APPROXIMATELY FIVE CLOSED FIST STRIKES AND TWO ELBOW STRIKES WITH MY RIGHT ARM STRIKING [redacted] ON HIS FACE AND FOREHEAD. [redacted] STOPPED HIS ATTEMPT TO STRIKE ME AND PLACED HIS HAND IN FRONT OF HIS FACE IN A DEFENSIVE POSITION. UPON SEEING [redacted] WAS NO LONGER ATTEMPTING TO STRIKE ME, I STOPPED MY USE OF FORCE AND INSTRUCTED HIM TO ROLL ONTO HIS STOMACH. AS [redacted] ROLLED ONTO HIS STOMACH, DEPUTY [redacted] PLACED [redacted] RIGHT ARM IN A REAR WRIST LOCK AND DEPUTY [redacted] PLACED [redacted] LEFT ARM IN A REAR WRIST LOCK. I HANDCUFFED [redacted] (DOUBLE-LOCKED AND CHECKED FOR TIGHTNESS) AND WE ESCORTED [redacted] DOWN TO BOOKING ALONG WITH DEPUTY [redacted] AND SAM 1, SERGEANT [redacted]."

During his interview, CD Morfin said Inmate [redacted] was standing when he first approached him and attempted to grab his arm.

CD [redacted] wrote in his report (three days after the event) Inmate [redacted] initially remained seated on his bunk when CD Morfin initially attempted to grab his arm. Eventually Inmate [redacted] stood up but still pulled away from CD Morfin's attempts to control Inmate [redacted] arm. This movement caused CD Morfin and Inmate [redacted] to fall onto the bunk. Once there CD Morfin "…threw several closed fist strikes while yelling to quit resisting and give him his hands." CD [redacted] drew his Taser out while yelling three times "taser." Due to the confined space, he eventually re-holstered his Taser. CD [redacted] exited the cell and requested a sergeant using his portable radio.

When CD [redacted] arrived (he wrote in his report) Inmate [redacted] was on his bunk and CDs [redacted], Morfin, and [redacted] were all actively attempting to gain control of him. Inmate [redacted] was lying on his stomach and kept his arms tucked underneath him. CD [redacted] grabbed [redacted] leg and pulled him onto the floor. Once on the floor, CD [redacted] wrote in his report he "…stepped in and relieved [Morfin]." There was no further explanation as to why or what that meant.

During CD [redacted] statement to me, he said:

"Um, when [redacted] landed on the floor he turned onto his right side, uh, still had his arms up underneath him and began to curl, like almost pull his

> left leg or knee up, back up towards his chest area. Um, at that time more commands were given. I told him to stop resisting, give us his hands, get onto his stomach, uh, he didn't comply. Deputy Morfin, uh, used two or three knee strikes to his upper torso, shoulder area. Um, and I grabbed [redacted] left arm and pulled it out from underneath him and placed it behind his back at that time, uh, which caused him to, to roll onto his stomach into a prone position. [redacted] pinned [redacted] legs to the floor, controlling his legs. Um, and at that point [redacted] still had his right arm under his stomach. Deputy Morfin used two to three kicks to [redacted] upper torso, shoulder, back area on his left side, um, and then [redacted] was able to get his right arm free and we, I placed handcuffs with [redacted] assistance onto [redacted]"

Seeing those kicks delivered by CD Morfin to Inmate [redacted] upper left shoulder head area, CD [redacted] told CD Morfin "enough" and placed himself between CD Morfin and Inmate [redacted].

CD [redacted] was upset with CD Morfin and was hoping to talk to him that evening but never got a chance. Knowing they both worked on the January 14, CD [redacted] was going to review CD Morfin's report, have a discussion with him, and allow him a chance to go to the sergeant and explain his use of force. If CD Morfin refused, CD [redacted] was going to contact the sergeant.

CD [redacted] who said Inmate [redacted] was seated on his bunk, stated:

> "I remember Morfin reach in, to, reaching for his hand, and that's when [redacted] was, like, I haven't done nothing wrong, and he started resisting, pulling away and not, not going with the program, and then that's when, um, it got more serious where, he, it went where Morfin went hands on with him to get, to get him to stop resisting, to get his hands to go up behind his back. He threw a bunch of fist strikes."

CD [redacted], during his interview, said CD Morfin told Inmate [redacted] to stand up but he refused. CD Morfin attempted to grab Inmate [redacted] right elbow but he pulled away. CD [redacted] stated:

> "I remember, they both kinda fell. Like I remember Morfin pushing him and possibly throwing like an elbow strike or going for one, um, can't recall if they made contact or not, and then they were both just kinda like, Morfin was stacked on top of [redacted] on the bunk. Uh, and then, um, from there he's just giving orders, give me your hands, give me your hands, um, Morfin proceeds to throw strikes. I can't recall what types. Uh, but approximately like three or four of them I wanna say."

CD [redacted], during her interview, discussed her conversation with CD [redacted] about what occurred, stating:

> "We, we briefly did. We didn't talk exactly about what happened, but when everything was going on and I was controlling the legs, I heard [redacted], uh, say Morfin, that's enough. Um, and then as we walked out later that day, he basically told me that shouldn't have happened. And I kinda made the assumption from there, um, just from the way that he was talking in the cell and telling Morfin to, to stop and that was enough, and then the, what he said as we were leaving."

CD [redacted], without being specific, told CD [redacted] "…that should not have happened…that's something that I'm gonna have to report." CD [redacted] said it had something to do with CD [redacted] instructing CD Morfin (during the scuffle) "that's enough."

When I interviewed Inmate [redacted], he stated:

> "Morfin came in and invaded my, you know, invaded my bubble. He's in, and then they let [redacted], uh, proceeded as they, uh, to pull out his tazer. I asked him why is he pulling out his tazer and he's uh, ****. I was like you're gonna taze me? And he said yeah, I'm gonna taze you. I said what are you gonna taze me for? And I had my **** on, uh, Morfin was already, you know, closer than arm's reach to me, you know? And, uh, what are you gonna taze me for, and he said 'cause you're not cuffing up or something. So then, I was finally proceeding to turn around and, you know, cuff up, and as I was going to turn around I see now I get hit in the eye see. Then, uh, then I get hit in the eye and then I feel like somebody else attacked me to but then the next thing you know I like get knocked off balance and I hit, like, uh, hit my head, hit my head like on the bed, the metal bed, and then the next thing you know, like, I'm not even resisting or anything, and I'm on my, I'm on the floor, and then I'm trying to put my hands behind my back, but I'm getting kicked, elbowed, kneed, and stuff like that."

Inmate [redacted] admitted to calling CD Morfin "names, such as "…bitch or something like that" but felt he was justified in doing so since CD Morfin was assaulting him for having done nothing. Inmate [redacted] was kicked and/or elbowed on his back, head and arm, as he was trying to protect himself from the strikes by raising his arm.

Inmate [redacted] was escorted to Booking by CDs [redacted], [redacted], and Morfin as well as Sergeant [redacted]. During the movement from D-Mod to Booking, Inmate [redacted] personally threatened CD Morfin with physical violence both while in-custody and when he was released.

Sergeant [redacted] had an opportunity to talk to CD Morfin in Sam-1s office after the incident. Sergeant [redacted] told me, during his interview, that CD Morfin was more descriptive about them "fighting" and Sergeant [redacted] said CD Morfin told him that when Inmate [redacted] "…threw his hands up, or he went in the cell to go cuff him up, uh, and [redacted] threw his hands up, basically like, you know, aggressive manner and so, uh, Morfin took that as hey, he is gonna try to assault me. And so they, they, you know, Morfin tried to take him down and put handcuffs on him and then they were fighting."

CD Morfin told Sergeant [redacted] he used a "couple" of elbow and fist strikes. This was in response to Inmate [redacted] throwing his hands up like he was going to hit CD Morfin. CD Morfin said he struck Inmate [redacted] on the head and face. In addition, when they both were on the ground, CD Morfin delivered some "knee strikes" to Inmate [redacted] since he was not providing his hands to be handcuffed. CD Morfin never mentioned he kicked Inmate [redacted].

(This is the first time CD Morfin indicated he used some other type of strike than his hands or elbows. It was not mentioned in his report or during his interview with me.)

CD Morfin, during his interview, was a little more descriptive than in his report of what occurred. CD Morfin, who was standing on Inmate [redacted] right side, "took it upon [him]self to grab [Inmate [redacted]] right arm to try, to try to handcuff him and that's when he leaned back and he raised his left arm with a closed fist." CD Morfin stated, "I immediately felt threatened, um, because he raised his left, his left fist, and it wasn't like he swung it back, like, to get away. It was clearly a closed fist um, in an attempt to, what I felt like was an attempt to strike me."

CD Morfin, in response, attempted to strike Inmate [redacted] with his right elbow but missed. CD Morfin, after missing, "…immediately just kind of went to a clo, a normal closed-fist strike with my right, my right arm, right hand, um, and struck him approximately five times, um, on the right side of his face and just kind of on his forehead, around the face area." CD Morfin did not recall how many fist strikes struck Inmate [redacted].

CD Morfin continued to give Inmate [redacted] commands to stop resisting and to get on the ground so he could be handcuffed. Inmate [redacted] did not comply. CD Morfin continued:

> "…you know, [Inmate [redacted] is] throwing his arms at me and, and pushing me, um, and refusing to get onto the, even though he was getting off balance, he was still refusing to, like, either sit or lay down or do whatever it took to get onto the ground as we were, as, as I was instructing, instructing him to do, um, and then that was when, um, he fell to the, to the bunk, um, because my partner, Deputy [redacted], uh, which at that point had entered the cell, um, he grabbed a hold of his leg and

pulled it out from under him and then he, that's, that was when he fell onto the, onto the ground."

CD Morfin believed he and Inmate [redacted] went directly from a standing position to the floor due to Deputy [redacted] actions. Inmate [redacted] hit his head on the bunk when he fell to the floor. Once on the floor, Inmate [redacted] continued to swear at the correctional deputies.

Inmate [redacted], who initially fell to his right side, rolled onto his back. CD Morfin believed CD [redacted] was to the left of him and was trying to grab Inmate [redacted] right arm. CD Morfin said CD [redacted] was on his right side. CD Morfin was between the two of them. As CD Morfin attempted to grab Inmate [redacted] left arm, Inmate [redacted] began "…swinging his left arm in a closed fist" at CD Morfin. CD Morfin said he did this between seven to ten times, though none of the strikes hit CD Morfin.

In response, CD Morfin threw five to seven fist strikes as well as two elbow strikes towards Inmate [redacted] head. Inmate [redacted] eventually placed his hands up, in a "defensive position," which allowed the deputies to turn him over and handcuff him. Once this occurred no more strikes were delivered by CD Morfin.

CD Morfin was not aware if CDs [redacted] ever delivered any strikes.

I advised CD Morfin during his interview that no one else present ever saw Inmate [redacted] raise his fist nor attempt to strike CD Morfin. CD Morfin said that was "weird," as he believed someone else would have seen it occur. CD Morfin did not remember ever using any knee or foot strikes. CD Morfin did not recall a correctional deputy advising him to stop his actions during the altercation.

Sonoma County Sheriff's Office
Internal Investigation Report
19-IA-0001

CD Jesus Morfin

Employment History:



CD Jesus Morfin was hired on May 31, 2016. He does not have any Letters of Commendation and/or Appreciation nor does he any discipline.

CD Morfin's last two evaluations indicate:

Period	Overall Rating
10/26/2017 to 06/01/2018	Standard
06/06/2017 to 10/25/2017	Standard

Findings:

Obey Policies and Procedures: Members shall obey and carry out all lawful Sheriff's Office and County policies, procedures, and other orders whether written or oral, specifically **Use of Force**.

In regards to the Use of Force policy, it states:

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

Several factors are used to determine the reasonable use of force (Use of Force policy, 300.3.2), including:

> When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

(a) Immediacy and severity of the threat to deputies or others.
(b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
(c) Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subject(s)).
(d) The effects of drugs or alcohol.
(e) Subject's mental state or capacity.
(f) Proximity of weapons or dangerous improvised devices.
(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
(h) The availability of other options and their possible effectiveness.
(i) Seriousness of the suspected offense or reason for contact with the individual.
(j) Training and experience of the deputy.
(k) Potential for injury to deputies, suspects, and others.
(l) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
(m) The risk and reasonably foreseeable consequences of escape.
(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
(p) Prior contacts with the subject or awareness of any propensity for violence.
(q) Any other exigent circumstances.

On January 11, 2019, CD Morfin advised his supervisor about what occurred with his handling of Inmate [redacted]. CD Morfin did not finish his report until January 12, 2019, one day after the event took place. CD Morfin reviewed the report prior to his interview with me and advised me the report was an accurate reflection of what occurred on January 11. During his interview, CD Morfin essentially discussed what his report indicated. The only difference was when CD Morfin first approached Inmate [redacted] as he indicated in his report that Inmate [redacted] was seated and he told him to stand up, which he didn't. During his interview, CD Morfin said when he approached Inmate [redacted] he was standing.

The conflict here is CD Morfin said during his interview that Inmate [redacted] pulled away from him when he attempted to grab his elbow. If Inmate [redacted] was standing it would have been easy for Inmate [redacted] to pull back his left fist and attempt to hit CD Morfin in the facial area. If seated, it would have been difficult for Inmate [redacted] to strike CD Morfin other than on his hip/stomach area. In either event of whether Inmate [redacted] was standing or seated, no other correctional deputy observed Inmate [redacted] ever raise his fist towards CD Morfin, nor try to strike him.

Inmate [redacted] (during his interview) said he did not want to be tased so he began to turn around and follow instructions when CD Morfin hit him.

When I interviewed CD Morfin we discussed what transpired, which was similar to what he wrote in his report. When I explained to him at the end of our interview that no one else present ever saw Inmate [redacted] raise a fist and/or attempt to strike CD Morfin, he simply accepted that fact without disagreement.

When I told CD Morfin that a correctional deputy saw him deliver knee strikes and/or kicks to Inmate [redacted] shoulder/head area, CD Morfin denied it—one time. The denial was not one of shock, one of disbelief, and/or one of surprise; it was simply that, a denial. I anticipated CD Morfin, who said he is aware of what unreasonable force was, would have adamantly denied any knee strikes or kicks towards Inmate [redacted] but that did not occur.

CD Morfin seemed to understand the implications yet he did nothing to dispute the observations of another correctional deputy. CD Morfin simply said he did not knee or kick Inmate [redacted]

Based on the information I received and later learned; I believe CD Morfin failed to follow Office's policies and used unreasonable force therefore a finding of Sustained should be given.

Finding: Sustained

General Duties of Deputy Sheriffs, Correctional Deputies and Correctional Officers: Protect life, property and environment, maintain law and order, report and investigate unlawful activity, make legal searches, seizures and arrests, apprehend criminals and provide a safe, humane custodial environment, recover and protect personal property and evidence, and testify as required.

CD Morfin's actions during this incident did not "…provide a safe, humane custodial environment" towards Inmate [redacted], in fact CD Morfin's actions provided just the opposite effect. CD Morfin should never have entered the cell, used force, or verbalized his superiority over Inmate [redacted]. CD Morfin's actions were based on his own understanding of how he should handle an inmate—nothing he had been trained to do.

Based on the information I received and later learned; I believe CD Morfin failed to follow Office's policies therefore a finding of Sustained should be given.

Finding: Sustained

Reports and Records: Members shall promptly submit such reports and records as are required by the performance of their duties or by competent authority.

a. No member shall fail to disclose, or misrepresent material facts, knowingly delay, alter, remove or falsify official records, applications, examination form, nor cause to be entered inaccurate, false or misleading entries or information in any Sheriff's Office book, record, document, form, or report.

c. No member shall knowingly sign or submit an inaccurate or false report, statement or affidavit

The Use of Force policy is specific in regards to the reporting requirement when force is used. It states: "It is the responsibility of the member using force to ensure that the use of force is documented completely, promptly, and accurately in an appropriate report depending on the nature of the incident."

CD Morfin completed his report on the following day. Nowhere in the report does CD Morfin's mention using knee strikes or kicks therefore his report is inaccurate and does not indicate the true facts of what transpired.

Based on the information I learned; I believe CD Morfin failed to follow the Office's policies therefore a finding of Sustained should be given.

Finding: Sustained

Truthfulness: Members shall truthfully answer all questions that are specifically directed to them by other members and that are narrowly related to the scope of employment and operations of the Sheriff's Office.

When CD Morfin was first questioned about what occurred by Sergeant [redacted], he advised he used a "couple" of elbow and fist strikes. This was in response to Inmate [redacted] throwing his hands up like he was going to hit CD Morfin. CD Morfin said he struck Inmate [redacted] on the head and face. In addition, when they were on the ground, CD Morfin delivered some "knee strikes" to Inmate [redacted] since he was not providing his hands so he could be handcuffed. CD Morfin never mentioned to Sergeant [redacted] that he kicked Inmate [redacted].

This is the first time CD Morfin indicated he used some other type of strike other than his hands or elbows. It was not mentioned in CD Morfin's report or during his interview with Internal Affairs.

During CD Morfin's interview with Internal Affairs, he was a little more descriptive than in his report about what occurred. CD Morfin stated he was standing on Inmate [redacted] right side when CD Morfin "took it upon [himself] to grab [Inmate [redacted]]

right arm to try, to try to handcuff him and that's when he leaned back and he raised his left arm with a closed fist." CD Morfin stated, "I immediately felt threatened, um, because he raised his left, his left fist, and it wasn't like he swung it back, like, to get away. It was clearly a closed fist um, in an attempt to, what I felt like was an attempt to strike me."

CD Morfin, in response, attempted to strike Inmate [redacted] with his right elbow but missed. After missing, CD Morfin "…immediately just kind of went to a clo, a normal closed-fist strike with my right, my right arm, right hand, um, and struck him approximately five times, um, on the right side of his face and just kind of on his forehead, around the face area." CD Morfin did not recall how many fist strikes struck Inmate [redacted].

During CD Morfin's Internal Affairs interview, he was advised that no one else present ever saw Inmate [redacted] raise his fist or attempt to strike CD Morfin. CD Morfin said this was "weird," as CD Morfin believed someone else would have seen it occur. CD Morfin did not remember ever using any knee or foot strikes. CD Morfin did not recall a correctional deputy advising him to stop his excessive use of force during the altercation.

What is noteworthy is when CD Morfin was advised that another correctional deputy saw CD Morfin deliver knee strikes and/or kicks towards Inmate [redacted] shoulder/head area, CD Morfin denied it—just one time. The denial was not one of shock, one of disbelief, and/or one of surprise; it was simply that, a denial. I anticipated CD Morfin, who said he was aware of what unreasonable force was, would have adamantly denied any knee strikes or kicks towards Inmate [redacted] CD Morfin seemed to understand the implications yet did nothing to dispute the observations of another correctional deputy who claimed CD Morfin's use of force was excessive. CD Morfin's report, his oral description to Sergeant [redacted], and finally his Internal Affairs interview all varied.

Based on the information I learned; I believe CD Morfin failed to follow the Office's policies therefore a finding of Sustained should be given.

Finding: Sustained