Internal Affairs Investigation
19-IA-0001
Deputy [redacted] Statement

Sergeant Larry Doherty: The following will be a recorded interview conducted by myself, Sergeant Larry Doherty in the Sonoma County Sheriff's Office Internal Affairs Unit. The date is 1/24/19 and the time now by my watch is 0828 hours. I am presently in one of the conference rooms at the sheriff's office with [redacted], and I'm gonna say [redacted]. And [redacted] for the record could you spell your last name and say it?

[redacted]: [redacted] and the last name is spelled [redacted].

Sergeant Larry Doherty: And is it alright if I call you [redacted]?

[redacted]: Yes.

Sergeant Larry Doherty: And please call me Larry.

[redacted]: All right.

Sergeant Larry Doherty: Um, [redacted] this is in regards to an investigation I'm doin'. It's, uh, 19-IA-0001 and I want to let you know that you are, uh, just a witness in this case. You are not a subject officer.

[redacted]: I understand.

Sergeant Larry Doherty: So, because of that I'm just gonna ask you to answer all questions, ask and answer all questions honestly and truthfully.

[redacted]: Mm hmm.

Sergeant Larry Doherty: Okay. How long have you been here now?

[redacted]: A little over [redacted].

Sergeant Larry Doherty: Good for you. Um, current assignment?

[redacted]: As far as my shift assignment?

Sergeant Larry Doherty: Yeah.

[redacted]: Uh, [redacted].

Sergeant Larry Doherty: [redacted]?

[redacted]: Mm hmm.

Sergeant Larry Doherty: Um, days off?

[redacted]: Weekends.

Sergeant Larry Doherty: Weekends?

[redacted]: Mm hmm.

Sergeant Larry Doherty: Oh good for you. And, uh, of course, there's no real normal shift for you guys.

[redacted]: No.

Sergeant Larry Doherty: Um, specialties?

[redacted]: [redacted].

Sergeant Larry Doherty: Okay. [redacted]

[redacted]: [redacted].

Sergeant Larry Doherty: Oh [redacted]. When you say [redacted] is that different than SERT?

[redacted]: Correct.

Sergeant Larry Doherty: Okay, all right. Uh, and when I say [redacted]. Um, I wanna go back to a date, January 11th of this year, 2019. Um, were you workin' that day?

[redacted]: I was.

Sergeant Larry Doherty: Okay. And on that date you also had a trainee?

[redacted]: Yes I did.

Sergeant Larry Doherty: And what's her name?

[redacted]: [redacted]

Sergeant Larry Doherty: Okay. First name?

[redacted]: ****, uh, [redacted]?

Sergeant Larry Doherty: [redacted]?

[redacted]: Yeah.

Sergeant Larry Doherty: Common spelling and last name spelling [redacted]?

[redacted]: Mm hmm.

Sergeant Larry Doherty: Um, what were you workin' that day, do you recall?

[redacted]: We were assigned to H module.

Sergeant Larry Doherty: Okay, H module. Um, prior to beginning this interview did you take an opportunity to review your report?

[redacted]: I did.

Sergeant Larry Doherty: Okay. Is the report an accurate reflection of what took place that day?

[redacted]: My, uh, supplemental report.

Sergeant Larry Doherty: Yeah.

[redacted]: Is accurate, yes.

Sergeant Larry Doherty: Okay. All right. Um, you were workin' what mod again?

[redacted]: H module.

Sergeant Larry Doherty: H module. And did a search take place in D module?

[redacted]: Yes.

Sergeant Larry Doherty: Okay. Were you asked by somebody to come over and help?

[redacted]: Yes.

Sergeant Larry Doherty: And who was that?

[redacted]: I believe it was Sam 2. Sergeant **** the Sam 2 sergeant at, uh.

Sergeant Larry Doherty: And that was?

[redacted]: Sergeant [redacted], I believe.

Sergeant Larry Doherty: [redacted]?

[redacted]: They were both present. I'm not sure 100 percent which one it was. It could've been [redacted] and then [redacted] came in and relieved him or.

Sergeant Larry Doherty: Okay.

[redacted]: All three sergeants were kinda floatin' around and.

Sergeant Larry Doherty: And when you say three who's the third?

[redacted]: Uh, there was Sergeant [redacted], [redacted] and was it [redacted]?

Sergeant Larry Doherty: Or [redacted]?

[redacted]: [redacted]. [redacted] was Sam 1, yeah.

Sergeant Larry Doherty: [redacted], and [redacted]. Um, so a sergeant asked you to come over and help with the search of D mod. Do you know why they were searching the mod?

[redacted]: Uh, we've been having a lot of behavioral issues in that unit lately.

Sergeant Larry Doherty: Okay.

[redacted]: And a lot of it has to do with some, some prison politics there the inmates have been imposing in the unit and drug activity and gang activity.

Sergeant Larry Doherty: Okay, and what is D mod, um?

[redacted]: It's a maximum charge unit.

Sergeant Larry Doherty: Okay.

[redacted]: That houses, uh, primarily Nortanoes, uh, African American inmates and, and white inmates that it could be behavioral problems or are there due to their charges **** nature.

Sergeant Larry Doherty: It's not a mental health mod?

[redacted]: No, it is not.

Sergeant Larry Doherty: It's just a, uh, not an Ad Seg mod but close to it?

[redacted]: No.

Sergeant Larry Doherty: Okay. All right. So you have your trainee. So you go over to D mod, um, you became aware that something was taking place, um, and I forget the, um, cell. I think it was, uh, Cell No. D14. Do you ****.

[redacted]: We were, we were searching D10 when this specific incident took place.

Sergeant Larry Doherty: Okay. Go ahead and explain it. You guys were searching D10 and what happened?

[redacted]: Right. So, so it's common practice for us, once we go into a unit and it's decided that we need to conduct a module search. Or if we have any kind of activity going on that we have all the inmates, we order all the inmates to sit down on the bunks, stay off the doors. 'Cause a lot of times when they see us come into the unit they feel the need to, to taunt us, yell at us, be disruptive and it tends to interfere with our being there. Um, so my trainee and I, Deputy [redacted] were searching Cell D10. Um, I heard Deputy [redacted] out in the dayroom ordering inmates to stay off their doors, be quiet. Um, I heard him yelling orders to a specific inmate that wasn't complying, uh, and the inmate was kinda going back and forth with Deputy [redacted].

Sergeant Larry Doherty: And when you're saying going back and forth, you're talking about vocal?

[redacted]: Yes.

Sergeant Larry Doherty: Okay.

[redacted]: Yeah it was, it was just verbal.

Sergeant Larry Doherty: Did you hear what he said or just you heard?

[redacted]: I, I don't recall specifically.

Sergeant Larry Doherty: Okay.

[redacted]: What the inmate said but I do remember [redacted] telling him 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.

Sergeant Larry Doherty: And that's a common practice, um, when we do searches of the mods?

[redacted]: Yeah.

Sergeant Larry Doherty: To have them sit on their bunk?

[redacted]: It is.

Sergeant Larry Doherty: Okay, go ahead.

[redacted]: 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-

Sergeant Larry Doherty: [redacted] is common spelling.

[redacted]: Inmate [redacted] was face down on his bed. It's a single cell, it's a single bunk cell.

Sergeant Larry Doherty: Okay.

[redacted]: 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.

Sergeant Larry Doherty: Okay. And so there's three of 'em. Were all three of 'em on him?

[redacted]: Uh, [redacted] and Morfin were.

Sergeant Larry Doherty: Okay Morfin? And Morfin is M-O-R-F-I-N. [redacted]?

[redacted]: Yeah.

Sergeant Larry Doherty: And [redacted] common spelling.

[redacted]: Common spelling. Uh, Deputy [redacted] was kind of near the desk area. Kinda to, toward, to the rear, uh, just inside the door.

Sergeant Larry Doherty: Okay.

[redacted]: So he 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 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.

Sergeant Larry Doherty: His, his being?

[redacted]: Uh.

Sergeant Larry Doherty: To [redacted]?

[redacted]: Inmate [redacted] left shoulder and upper torso area.

Sergeant Larry Doherty: Okay.

[redacted]: 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].

Sergeant Larry Doherty: Okay. So you had the left hand?

[redacted]: Left hand, yeah.

Sergeant Larry Doherty: And [redacted] had the right hand eventually?

[redacted]: Correct.

Sergeant Larry Doherty: Okay. And then [redacted] had the legs at that time?

[redacted]: Yes.

Sergeant Larry Doherty: And [redacted] had stepped back, um.

[redacted]: And I couldn't see [redacted] at that point.

Sergeant Larry Doherty: Yeah.

[redacted]: I was concentrating on [redacted].

Sergeant Larry Doherty: Did he already have his taser out when he said taser, taser, taser?

[redacted]: I'm not sure. I just, I just heard him yelling taser, taser, taser. I, I, you know, just, I waived him off 'cause we, it was real close quarters.

Sergeant Larry Doherty: Yeah.

[redacted]: We were all kinda crammed in there in the corner, kind of.

Sergeant Larry Doherty: Uh, this is a single bunk cell.

[redacted]: Single bunk cell.

Sergeant Larry Doherty: It's not much bigger, it's actually smaller. Yeah it's smaller than this room here?

[redacted]: Yeah.

Sergeant Larry Doherty: Do you know the dimensions of those single bunk ones?

[redacted]: I don't.

Sergeant Larry Doherty: Like 6 by 9 or something?

[redacted]: Yeah. It's approximate, approximately 7 or 8 feet wide by 9 or 10 feet long.

Sergeant Larry Doherty: And the bunk's in the back usually and then they have a little.

[redacted]: The desk was, uh, on the wall to the right as you walk in the cell.

Sergeant Larry Doherty: Okay.

[redacted]: And directly across from that was the toilet and partition.

Sergeant Larry Doherty: And there's usually, the little partition just for the privacy.

[redacted]: Right.

Sergeant Larry Doherty: When they're using it.

[redacted]: So when I, when I went in the cell [redacted] was kinda towards the right corner of the cell on the bunk.

Sergeant Larry Doherty: Okay.

[redacted]: And when I pulled him onto the floor he landed kind of part way underneath the desk. So it was really cramped, tight quarters.

Sergeant Larry Doherty: Did you ever have to deliver any physical, uh, blows that might be called use of force, um, in order to get him to comply?

[redacted]: No. I never used any pain compliance or personal body weapons or body strikes.

Sergeant Larry Doherty: Did he, uh, he being [redacted], um, ever make any comments that you recall?

[redacted]: Yeah. After, uh, after we had him cuffed and stood him up he, he, I mean he 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.

Sergeant Larry Doherty: Okay.

[redacted]: 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.

Sergeant Larry Doherty: Okay. Um, do you ever recall him saying I'm not resisting when you guys were tellin' him quit resisting?

[redacted]: I don't, I don't, I don't recall, no.

Sergeant Larry Doherty: Okay. All right, but you definitely remember once you got him stood up that he kinda vocalized. He was already handcuffed when you guys stood him up, vocalizing towards Morfin.

[redacted]: Yeah.

Sergeant Larry Doherty: Uh, it was comments, uh, basically, you know, typical threats from an inmate.

[redacted]: Yeah.

Sergeant Larry Doherty: Um, [redacted] role was simply on the legs?

[redacted]: Correct.

Sergeant Larry Doherty: Um, [redacted], when you first got there, so you got [redacted], [redacted] and Morfin and they're tryin' to deal with this guy who's on the bunk, um, curled up.

[redacted]: Mm hmm.

Sergeant Larry Doherty: In the fetal position essentially, and he's not givin' up his hands.

[redacted]: Right.

Sergeant Larry Doherty: Okay. So you don't know what took place to that point?;

[redacted]: I don't.

Sergeant Larry Doherty: Okay. Um, did you ever see [redacted] deliver any strikes?

[redacted]: No.

Sergeant Larry Doherty: Okay. Did you see [redacted] deliver any strikes?

[redacted]: Nope.

Sergeant Larry Doherty: Did, and he obviously, as far as you know, didn't use his taser?

[redacted]: Correct.

Sergeant Larry Doherty: Okay. Um, Morfin you said a total of some elbow strikes delivered to his left side? Left shoulder area?

[redacted]: Yeah, left shoulder area.

Sergeant Larry Doherty: And then you said, um, once you got him to the floor, um, he used some, uh, knee strikes or foot strikes?

[redacted]: So, uh, there were knee strikes that were thrown.

Sergeant Larry Doherty: On the bunk?

[redacted]: On the bunk.

Sergeant Larry Doherty: Okay.

[redacted]: And then once we got on the floor there was, I wanna say he threw a couple knee strikes on the bunk and then once we got on the floor there may have been one or two more knee strikes and then he, then he, he kicked him a couple times.

Sergeant Larry Doherty: Did, and I'm sorry, did he ever use his elbows as you recall?

[redacted]: I didn't see him use any elbows.

Sergeant Larry Doherty: Okay. Um, do you know [redacted]?

[redacted]: Just as an inmate.

Sergeant Larry Doherty: Okay. I mean no prior contacts?

[redacted]: I, uh, just a few months ago I had a contact with him out of custody, uh, he was at the gas station when I was gettin' gas and he walked up to me and told me how good he was doin' and.

Sergeant Larry Doherty: Oh.

[redacted]: Talked about how ****.

Sergeant Larry Doherty: Okay so, uh, uh, you, you had no issues with him?

[redacted]: Oh no.

Sergeant Larry Doherty: Okay.

[redacted]: None whatsoever, yeah.

Sergeant Larry Doherty: All right.

[redacted]: I had had issues with him in the past but that was in the past. The, the, everything's been resolved and.

Sergeant Larry Doherty: And how long ago was that when you say the past?

[redacted]: Two or three years ago.

Sergeant Larry Doherty: Okay.

[redacted]: And he's been very respectful ever, ever since then.

Sergeant Larry Doherty: And at that time, um, was he in a regular cell or was he in any special cell?

[redacted]: He, he is typically, historically a problematic inmate.

Sergeant Larry Doherty: Okay.

[redacted]: He's, he's always been shown to be kind of a behavioral issue.

Sergeant Larry Doherty: Because of his mouth?

[redacted]: He, yeah. He, he does a lot of things, says a lot of things that, you know, just aren't respectful and, and he gets into trouble quite a bit.

Sergeant Larry Doherty: Okay. And callin' Morfin a bitch, that's one of their typical terms, uh, for an inmate?

[redacted]: Typically, I mean if you, the littlest things can mean the biggest things inside of custody. Um, if you get, if you get called a bitch or a punk in a correctional setting, typically that's, I mean, that's the, almost the lowest of the low and it's, that's fighting words basically.

Sergeant Larry Doherty: It's a derogatory comment?

[redacted]: Yes, absolutely.

Sergeant Larry Doherty: Okay. Um, 'cause it has two connotations. One that you, you're my bitch and the other one could be a sexual connotation?

[redacted]: Correct.

Sergeant Larry Doherty: Both in the facility?

[redacted]: Yes.

Sergeant Larry Doherty: Um, Morfin, other than comments such as quit resisting or gimme your hands, um, any other comments by Morfin that you recall?

[redacted]: When we were escorting [redacted] out of D mod, um, at the same time we were doing the search there were several deputies conducting meetings with the inmates that were out of their cell while their cells were being searched, uh, addressing negative behavior. Um, we were walking in front of those inmates and there was some exchange between [redacted] and Morfin, um, when [redacted] was making those threats such as, you know it wasn't a fair fight. I'd kick your ass if I had another chance. Gimme, you know, can't wait to **** get you back in the cell one on one. Morfin was kinda going back and forth with him. It, it was a fair fight, it was one on one. You had your chance kind of a, kind of a thing.

Sergeant Larry Doherty: Did he ever, if you recall, make a comment to the effect of how'd you like my elbows or how'd you like my knees?

[redacted]: I can't say 100 percent one way or the other.

Sergeant Larry Doherty: Yeah.

[redacted]: It, I know, I know there was, it was, there was something similar to that but I'm not sure exactly what it was.

Sergeant Larry Doherty: Okay.

[redacted]: I mean it, there was, there was banter going back and forth between the two. In my opinion it was not professional, it wasn't necessary and it was kinda, you know, kinda pokin' at. They were, they were, you know, exchanging back and forth.

Sergeant Larry Doherty: Okay. You've gone to, uh, been here 5 years. Uh, plenty of classes in regards to the use of force. Um, we're taught to use elbows.

[redacted]: Right.

Sergeant Larry Doherty: We are taught to use knee strikes. Um, are you familiar with, uh, using kicking?

[redacted]: Uh, yes. Uh, as a, like a front, a front kick.

Sergeant Larry Doherty: To the?

[redacted]: To like the legs or.

Sergeant Larry Doherty: The shins?

[redacted]: Or shin area, yeah.

Sergeant Larry Doherty: To get somebody to drop. Um, so, he's on the bed, with he being [redacted], okay? And you have [redacted] and Morfin tryin' to get his hands. Um, you get there and you pull his legs out 'cause you got him to a, a location that allowed more officers to deal with him?

[redacted]: Yes.

Sergeant Larry Doherty: The bunks a tight area, it's hard to work with three guys and/or four with your, uh, trainee.

[redacted]: Right.

Sergeant Larry Doherty: So when you got him out on the floor, um.

[redacted]: Well including my trainee there was five deputies in there.

Sergeant Larry Doherty: Including [redacted].

[redacted]: Yeah.

Sergeant Larry Doherty: But he's taser, taser, taser.

[redacted]: Right.

Sergeant Larry Doherty: Um, all you did was pull him out by his legs and eventually try to grab his left hand?

[redacted]: Yep.

Sergeant Larry Doherty: Okay. Um, you didn't need to use any strikes?

[redacted]: No.

Sergeant Larry Doherty: Okay. Um, as far as you know, [redacted] had never used any strikes?

[redacted]: As far as I know.

Sergeant Larry Doherty: Okay. Um, 'cause you don't know what took place before?

[redacted]: I do not.

Sergeant Larry Doherty: All right. Um, when you pulled him off the bunk did he hit his head on the bunk?

[redacted]: I'm, I'm not sure if he did or not.

Sergeant Larry Doherty: Okay.

[redacted]: It's very possible that that did happen.

Sergeant Larry Doherty: Did you ever see any bruising on him/

[redacted]: I did.

Sergeant Larry Doherty: Okay. Um, did you ever ask him where he got 'em?

[redacted]: I did not.

Sergeant Larry Doherty: Okay. Um, at that time, and when I say this, it's Morfin's report.

[redacted]: Right.

Sergeant Larry Doherty: So Morfin's responsible for like making sure he gets medical attention or anything like that, right?

[redacted]: Mm hmm.

Sergeant Larry Doherty: You're just an officer that was assisting him.

[redacted]: Correct.

Sergeant Larry Doherty: Okay. So elbow strikes, trying to get somebody to get their arms to release, put 'em behind. Have you ever used 'em?

[redacted]: An elbow strike? I personally have not, no.

Sergeant Larry Doherty: And, um.

[redacted]: Typic, and typically when somebody's got their arms tucked under them it's, ****.

Sergeant Larry Doherty: Just a tug?

[redacted]: Yeah, pain compliance, and you know pressure, different, different, uh, pressure holds that you can apply, uh, knee strikes maybe.

Sergeant Larry Doherty: Yeah.

[redacted]: But I, I just don't see the place for elbow strikes.

Sergeant Larry Doherty: Okay. How about, um, kicking.

[redacted]: Not, not kicking.

Sergeant Larry Doherty: Okay. Did, um, Morfin ever, um, during that time, up 'til he was handcuffed, um, threaten to kick your guys' ass, that you recall?

[redacted]: Did, did Morfin threaten to kick.

Sergeant Larry Doherty: I'm sorry not Morfin, I'm sorry, [redacted].

[redacted]: Okay. Uh, he didn't make any threats towards me.

Sergeant Larry Doherty: Okay.

[redacted]: Or, or any other staff members that I can recall other than Morfin.

Sergeant Larry Doherty: While you were there?

[redacted]: Uh, yeah, correct.

Sergeant Larry Doherty: While you were there. Um, based up on your training, the foot strikes. Would it have been appropriate? Somethin' you woulda done?

[redacted]: I, I would not have done that, no.

Sergeant Larry Doherty: Okay. All right. So you eventually get him handcuffed, stood up. Comments are made but then they take him down to booking.

[redacted]: Right.

Sergeant Larry Doherty: And you went with him. And then, uh, Morfin and him are just doin' their exchange, their verbal exchange about whether it was a fair fight or not. Um, once he was in booking were you relieved?

[redacted]: I was not.

Sergeant Larry Doherty: I mean were you allowed to go back?

[redacted]: No.

Sergeant Larry Doherty: Okay.

[redacted]: I, I stayed, I stayed down, um, with [redacted] all the way until we placed him in one of the holding cells in booking.

Sergeant Larry Doherty: Okay.

[redacted]: Um, [redacted] continued to escalate as far as his aggression and behavior, uh, so Morfin, uh, was removed from the area just 'cause it wasn't, it just wasn't helping the situation. [redacted] was focused on Morfin so, uh, I think [redacted] may have pulled him away and said hey just go chill out in the office. Just get away from the situation. Um, [redacted] demeanor changed and he seemed to calm down quite a bit.

Sergeant Larry Doherty: Once, uh, Morfin was gone?

[redacted]: Yeah. I mean he was still pretty worked up and aggressive, um, wasn't, wasn't very nice to the medic who was, who was treating him.

Sergeant Larry Doherty: Uh huh.

[redacted]: Um, the medic saw him. There was a photo taken of [redacted] uh, face and like upper like shoulder area. He was still clothed and stuff. To my knowledge that was the only photo that was taking, or taken from.

Sergeant Larry Doherty: Were you aware of any other injuries that he was claiming?

[redacted]: He, he was asked if he had any injuries other than, other than what's on his face.

Sergeant Larry Doherty: Visible?

[redacted]: And I wanna say he said something to the – and it was, and I think at that point it may have been, there may have been a video recorder going.

Sergeant Larry Doherty: Okay.

[redacted]: I could be wrong. I know there was a camera present. I don't know if it was out just to take pictures or if it was video, video recording.

Sergeant Larry Doherty: Okay.

[redacted]: Um, but I do s, remember, uh, [redacted] making some comment about like just what you see or some, somethin' like, I mean you, you see what's on my face or, you know, something like, along those lines.

Sergeant Larry Doherty: So you don't, you weren't aware of how he might've obtained those bruises?

[redacted]: No.

Sergeant Larry Doherty: Okay. Um, you don't know if it's when they got pulled off the bunk or anything like that. Or if he had 'em prior?

[redacted]: I don't, no.

Sergeant Larry Doherty: Because he was facing somewhat away from you? Facially?

[redacted]: Uh, during the incident initially?

Sergeant Larry Doherty: No. When you went to pull him off the bunk.

[redacted]: Oh yeah, he was. He was facing, his head was facing towards the back of the cell.

Sergeant Larry Doherty: Okay.

[redacted]: When I walked into his cell.

Sergeant Larry Doherty: So you just see his back.

[redacted]: The first thing – correct, his back, his back, or, you know his buttocks and his, and his feet were pretty much the only thing I could see.

Sergeant Larry Doherty: Okay.

[redacted]: And his back.

Sergeant Larry Doherty: All right, um.

[redacted]: So the medic saw him in booking. Um, she asked him if he had any injuries. He kinda made that sarcastic comment about just like basically what you see or whatever. Um, she checked his vitals, cleared him. Uh, we escorted him into one of the booking holding cells. I wanna say it was BK8. Um, we ordered him up to the bench, had him kneel on the bench, cross his ankles, which is common, typical. That's our normal operating procedure when we have somebody, have somebody that's typically could be assaultive. Um, it just allows us to gain better control over them once we take the cuffs off and allow staff to safely exit. Um, so he, he complied with those orders. Um, he was kinda chippin' away. Uh, yellin' at, yellin' at staff. I wanna say at, at that point Sergeant [redacted], so he was right there once we got him down to booking. Um, and I removed the handcuffs and we, we left.

Sergeant Larry Doherty: Okay. Um, did you write a report that day?

[redacted]: I did not.

Sergeant Larry Doherty: Okay. Um, in regards to the blows that were given. Um, the knees, where were they directed at? The upper left?

[redacted]: Up, yeah ,upper, upper left torso, arm, shoulder area.

Sergeant Larry Doherty: Okay. Do you know if the knee strikes ever hit the back of his head?

[redacted]: Not that I know of.

Sergeant Larry Doherty: Okay.

[redacted]: I mean it, we were all kind of, you know.

Sergeant Larry Doherty: No I understand.

[redacted]: It was, uh, tight quarters. It was.

Sergeant Larry Doherty: So, so you're pretty much tunnel vision because everybody's there?

[redacted]: Yeah and it, you know, it's, when people are movin' around and you're fightin' to get, you know, you have that many people on one person tryin' to, tryin' to gain control of 'em it's, you know, it's hard to be extremely accurate when you're throwing strikes like that.

Sergeant Larry Doherty: Yeah.

[redacted]: So it's possible.

Sergeant Larry Doherty: So the kicks.

[redacted]: Right.

Sergeant Larry Doherty: So Morfin must've stood up at that time? I, I mean, I understand.

[redacted]: Yeah. I mean he, he was, he went to a standing position.

Sergeant Larry Doherty: Okay you're going **** for the left. [redacted] was going for the right, so he stood up.

[redacted]: Mm hmm.

Sergeant Larry Doherty: And those blows, where were they delivered to?

[redacted]: Uh, the same location. That upper left shoulder, torso area.

Sergeant Larry Doherty: Do you know if it ever struck him in the head?

[redacted]: No. I don't think it, I think they more landed towards like his arm and maybe the shoulder blade. I don't think anything landed on his head.

Sergeant Larry Doherty: Any comments made by Morfin when he was doin' the kickin'?

[redacted]: Not that I remember, no.

Sergeant Larry Doherty: Okay. Um, so you, did your trainee leave at that time too? ****, uh, [redacted] said you guys are done?

[redacted]: She – so my trainee stayed in the unit and.

Sergeant Larry Doherty: Okay.

[redacted]: Continued to assist with the search with an, with another trainer.

Sergeant Larry Doherty: Gotcha. Gotcha.

[redacted]: Um, it was ****.

Sergeant Larry Doherty: She didn't even go downstairs with you?

[redacted]: No, she did not.

Sergeant Larry Doherty: Okay.

[redacted]: It, it was me, Morfin doing the escort. Um, once we, once we stood [redacted] up in the cell I transitioned to the right arm, uh, and Morfin was on the left arm and we stayed in that position all the way through the escort down to booking.

Sergeant Larry Doherty: And is that where you met [redacted]?

[redacted]: I, I wanna say [redacted] met us in the hallway or just at the door to D mod.

Sergeant Larry Doherty: Okay.

[redacted]: And was there during the escort I believe.

Sergeant Larry Doherty: Okay. All right.

[redacted]: He was, he was behind us ****.

Sergeant Larry Doherty: So it was just the three of ya so there's no video goin' on at that time?

[redacted]: No.

Sergeant Larry Doherty: Okay. And downstairs in booking. You know pictures were taken, you don't really know if there was video being taken?

[redacted]: I'm not 100 percent sure, no.

Sergeant Larry Doherty: Okay. Did anybody wear a body worn camera that you were aware of during that time?

[redacted]: No.

Sergeant Larry Doherty: Okay. 'Cause that's a new program, right?

[redacted]: Correct. And it hasn't been implemented yet.

Sergeant Larry Doherty: Okay. All right. So there's no body worn camera. In fact we don't have videos within the cell?

[redacted]: Correct.

Sergeant Larry Doherty: Okay. And, um, are you aware or not if the cameras within the mods and/or booking when we, they're there and they go over to, who watches 'em? Who can see 'em?

[redacted]: The, the cameras – well as far as the, the cameras that are installed in D module?

Sergeant Larry Doherty: Yeah.

[redacted]: Uh, as far as, to my knowledge they're not recorded.

Sergeant Larry Doherty: Okay.

[redacted]: Um, there is C and D mod 'cause we're having issues with inmates breaching the doors when, on grave shift when no staff was present 100 percent of the time.

Sergeant Larry Doherty: 'Cause it's shared mods.

[redacted]: They're shared units and it allowed the deputy who was conducting a safety and security round in one unit to look in the camera for the adjacent unit.

Sergeant Larry Doherty: Okay.

[redacted]: And see if there were inmates out when the door breach was activated prior to responding.

Sergeant Larry Doherty: And central control also can see?

[redacted]: No.

Sergeant Larry Doherty: ****.

[redacted]: Not those cameras, no.

Sergeant Larry Doherty: No, okay.

[redacted]: As far as the cameras in booking, I know that there was new cameras that were installed in booking and various other areas of the facility that are recording.

Sergeant Larry Doherty: Mm hmm.

[redacted]: But I'm not, I'm not sure. Last I heard officially, uh, that system was not online due to a policy that hadn't been written yet. But I haven't heard, uh, if it was actually up and running now.

Sergeant Larry Doherty: Okay. D mod's on second floor?

[redacted]: Correct.

Sergeant Larry Doherty: Okay. Um, so your amount of force that you used was just to pull his legs.

[redacted]: Mm hmm.

Sergeant Larry Doherty: Off the bunk and then try to get his arm back?

[redacted]: Yep.

Sergeant Larry Doherty: And is that a use of force, as far as you're aware of?

[redacted] Not really. I mean that's, that's why I didn't write a supplemental report initially.

Sergeant Larry Doherty: Okay. So that's why, okay.

[redacted]: I didn't write a supplemental.

Sergeant Larry Doherty: So you didn't write a supplemental report because you're only required to use a sup, write a supplemental report when you actually use force?

[redacted]: Mm hmm.

Sergeant Larry Doherty: Okay. And all you did was pull the legs and then get his arm back?

[redacted]: And cuff, and handcuff him.

Sergeant Larry Doherty: But nothing, no blows, no strikes, um?

[redacted]: No pain compliance, no pressure, no, no, you know, just, uh, firm grip just to get his, pull his arm out from under, under him and then place cuffs on him.

Sergeant Larry Doherty: Okay. Um, who asked you to write a supplemental report?

[redacted]: I believe it was Sergeant [redacted].

Sergeant Larry Doherty: Do you know, did you ask him why am I writing a supplemental report? Based upon what we know, you only do it when you write, do a use of force?

[redacted]: Correct. Um, there was, there was a question as to maybe, uh, use of force issue and proper documentation on what was used.

Sergeant Larry Doherty: Okay.

[redacted]: During the incident, uh, and since I was involved with the incident, uh, I was instructed to, to write a report on my observations and my participation.

Sergeant Larry Doherty: Okay. Now does your report indicate that, um, Morfin used strikes?

[redacted]: It does not.

Sergeant Larry Doherty: Okay. Um, and why is that?

[redacted]: Well, uh, the whole purpose of a supplemental report is to document what I did.

Sergeant Larry Doherty: Okay.

[redacted]: Um, and I, I didn't use any body strikes or personal body weapons or any pain compliance or anything so that's, that's my, my supplemental report just documents my participation level.

Sergeant Larry Doherty: And is your report reviewed by a sergeant? Should ****.

[redacted]: Yes, yes it is. And also ****.

Sergeant Larry Doherty: And who was that?

[redacted]: The.

Sergeant Larry Doherty: Was it [redacted]?

[redacted]: I believe it was [redacted], yes.

Sergeant Larry Doherty: Okay.

[redacted]: That's, I mean that's who the floor sergeant was at the time, so.

Sergeant Larry Doherty: Okay.

[redacted]: That's, that's who the report would go to.

Sergeant Larry Doherty: When you say floor sergeant what do you mean by that?

[redacted]: He's the sergeant that's responsible for that specific, the second floor.

Sergeant Larry Doherty: Okay. I gotcha, all right.

[redacted]: So D module is on the second floor so he is responsible for, you know, C, D, Male special.

Sergeant Larry Doherty: Sam 2 then?

[redacted]: Correct.

Sergeant Larry Doherty: Okay. And so you, he asked you to write this report?

[redacted]: And also in my supplemental report I also put in there that I relieved, you know, uh, during the incident while we were trying to gain control of [redacted] prior, prior to putting the handcuffs on. I, I intervened and, and relieved Morfin of, of any ****, any further, you know.

Sergeant Larry Doherty: So you put yourself in between.

[redacted]: Yeah I stopped, I stopped, basically I stopped Morfin from doing anything further.

Sergeant Larry Doherty: Were, were you comfortable with the way he was behaving?

[redacted]: No.

Sergeant Larry Doherty: Okay. Um, if, based upon your training and experience, uh, was it a little excessive?

[redacted]: I think so. I, I was good up until the kicks were thrown.

Sergeant Larry Doherty: Okay.

[redacted]: Um, and I, and I like Morfin. I, I think he's a good deputy. He does a really good job, he's very knowledgeable. I respect the guy.

Sergeant Larry Doherty: Okay. But he, two or three, um, as far as you could tell, um, at that time, was [redacted] doing anything towards Morfin that would justify that level of force? As far as you could tell.

[redacted]: At, at that specific moment, when those body strikes were thrown, no.

Sergeant Larry Doherty: Okay. And when you said body strikes, the kicks?

[redacted]: The kicks, yeah.

Sergeant Larry Doherty: Okay. And how about the knee strikes on the ground?

[redacted]: It, we were giving him orders to stop, you know, to, to put his hands out, put his hands behind his back, you know, prone, get onto his stomach, uh, and he wasn't. He was, he had his arms underneath him. I don't, I don't know if, I don't know what, if he had anything in his, in his hands at the time. I, I wasn't there to see the beginning of the incident and what transpired before I got there.

Sergeant Larry Doherty: Okay.

[redacted]: But he wasn't, he wasn't lashing out. He wasn't, he, the only resistance that he was displaying was, he was, he was clenched up.

Sergeant Larry Doherty: Fetal.

[redacted]: In a, in a ball on the bunk.

Sergeant Larry Doherty: Doing the fetal ****.

[redacted]: Yeah.

Sergeant Larry Doherty: Okay. Um, do you know how Sergeant [redacted] became aware that some, that Morfin might've used excessive force?

[redacted]: I am not.

Sergeant Larry Doherty: Okay.

[redacted]: I haven't, I didn't specifically go to [redacted] and say hey.

Sergeant Larry Doherty: Do you ****.

[redacted]: Somethin' happened. I wanted to give Morfin the opportunity to, to talk to [redacted] himself before that happened. Um, and it was on a – I believe that that date was a Friday.

Sergeant Larry Doherty: Okay.

[redacted]: And I have weekends off. So, and that's why the supplemental was written, I believe on a Monday.

Sergeant Larry Doherty: Okay.

[redacted]: If I remember correctly.

Sergeant Larry Doherty: Yeah, it's 3 days later.

[redacted]: Um, and I, I had talked to, uh, another sergeant and it was ****.

Sergeant Larry Doherty: Who was the other sergeant?

[redacted]: [redacted].

Sergeant Larry Doherty: Okay.

[redacted]: And.

Sergeant Larry Doherty: And you expressed your concerns?

[redacted]: Expressed some, some concerns and was seeking some advice on where I should proceed from where I was at.

Sergeant Larry Doherty: Okay, and when did you do that?

[redacted]: Um.

Sergeant Larry Doherty: On the Friday or the Monday?

[redacted]: Was it a Thursday that happened then?

Sergeant Larry Doherty: I mean, okay, just give me a – okay, it doesn't, the date doesn't matter.

[redacted]: Okay, it was.

Sergeant Larry Doherty: What I'm asking is did, or was it the same day?

[redacted]: No it wasn't the same day.

Sergeant Larry Doherty: Okay

[redacted]: It was, it was, uh, it was, I wanna say it was Monday.

Sergeant Larry Doherty: Okay.

[redacted]: Yeah, 'cause it was Monday. 'Cause I went back to work, I was gonna specifically go to Morfin and talk to him about the incident and some, the what happened and what I had, uh, agreed with and what I didn't agree with and that I was gonna tell him he needs to do something about it or I'm gonna go forward.

Sergeant Larry Doherty: And when you say do something you mean that he needs to go to the ****.

[redacted]: That he needs to go talk to the sergeant.

Sergeant Larry Doherty: Okay. Um, are you aware that in policy it says that if you're uncomfortable with the amount of force used that you're supposed to talk to your sergeant immediately? Are you aware of that?

[redacted]: Uh, I'm not specifically 100 percent but I, I'm, um, probably, yeah.

Sergeant Larry Doherty: Um.

[redacted]: We'll just go with yes.

Sergeant Larry Doherty: Okay. Well I mean, I just wanna, I mean, I want you to specifically know that. I mean the policy is extensive. It's, it's.

[redacted]: There is a lot of policies.

Sergeant Larry Doherty: **** a lot 10, there's like 10 pages or 13 pages of it, I forget how big it is.

[redacted]: For use of force?

Sergeant Larry Doherty: Yeah.

[redacted]: Right.

Sergeant Larry Doherty: So, um, I just want you to, at that time, did you specifically know that you were required to notify your supervisor if excessive force, you thought, was being used. And if you don't, I don't want you to sit there and jump on the sword.

[redacted]: Right.

Sergeant Larry Doherty: It, I mean it is a requirement.

[redacted]: Right. Uh, yes.

Sergeant Larry Doherty: Okay. You had an idea that was gonna do it? Now you said you wanted to, somethin' about you wanted to talk to Morfin. Is that because you never saw him again that shift?

[redacted]: Correct.

Sergeant Larry Doherty: Okay.

[redacted]: So I was working in H module with my trainee.

Sergeant Larry Doherty: Okay.

[redacted]: Morfin. I don't, I'm not even sure where Morfin was working that night, um, but we were working in separate areas and, you know after everything was finished I had to go back to, to my unit with my, with my trainee.

Sergeant Larry Doherty: Okay.

[redacted]: And I didn't get a chance to talk to Morfin after that. I didn't see him after the shift or anything.

Sergeant Larry Doherty: Then you went on your weekend and your intention was two-fold on Monday, one to con, uh, to talk to a sergeant and get some information about how you should proceed and two, you were gonna talk to Morfin and to, to basically tell him hey, you need to step up to the plate and go talk to the sergeant about your actions?

[redacted]: Or I'm going to. Yeah.

Sergeant Larry Doherty: Okay, all right. Um, did you ever get that chance to talk to Morfin?

[redacted]: I didn't. He took, uh, I believe his days off are Tuesday and Wednesday and he took that Monday off.

Sergeant Larry Doherty: Okay. And then at that time you had to write a report?

[redacted]: Correct.

Sergeant Larry Doherty: Okay, about what took place? Um, did you ever talk to Morfin after those 2 or 3 days?

[redacted]: No.

Sergeant Larry Doherty: About this incident? Never did?

[redacted]: Never had a chance, nope.

Sergeant Larry Doherty: Okay. All right. Um, is there anything that I haven't asked that you think is important?

[redacted]: I don't think so.

Sergeant Larry Doherty: Okay.

[redacted]: Nothin', nothin' comes to mind at this particular time.

Sergeant Larry Doherty: Okay. Then I'm gonna go ahead and end this interview. The time now by my watch is 0904 hours. Thank you.

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