SONOMA COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS INVESTIGATION
19-C-0019

Investigation

On September 3, 2019[1], I was assigned this investigation by Lieutenant Shawn Murphy of the Professional Standards Bureau. He requested I conduct an internal affairs investigation regarding the force used on Inmate Sergio Espinoza-Villalobos on August 16, 2019.

On August 22, 2019, Correctional Lieutenant Peter Skinner authored a memorandum addressed to Captain Mazan Awad. In that memorandum, Lieutenant Skinner felt the actions taken by Correctional Deputies (CD) Matthew Mann and Steven Larman appeared to be in violation of Sheriff's Office policies. Lieutenant Skinner wrote:

MEMORANDUM

DATE: August 22, 2019

TO: Captain M. Awad

FROM: Lieutenant P. Skinner

SUBJECT: Use of Force Incident M2019-0816-10

On Friday, August 16, 2019, at approximately 2100 hours, Correctional Deputies Matthew Mann and Steve Larman contacted Inmate Sergio Espinoza-Villalobos (DOB: [redacted]. Espinoza-Villalobos was out of his assigned cell, MH-19 on his out-of-cell-activity, OCA. Espinoza-Villalobos is classified as a Level-4 inmate. Espinoza-Villalobos is fully retrained in waist and leg restraints while out of his cell. Espinoza-Villalobos' right and left wrist were restrained in handcuffs, as were his right and left ankles.

Correctional Deputy Mann conducted a search of Espinoza-Villalobos' cell. Espinoza-Villalobos made several verbal threats directed at Correctional Deputy Mann. Correctional Deputy Mann completed the search of Espinoza-Villalobos' cell and returned to the deputy's station. Correctional Deputy Mann and Espinoza-Villalobos had a verbal exchange, at which point Correctional Deputy Mann determined Espinoza-Villalobos needed to be returned to his cell.

Correctional Deputies Mann and Larman escorted Espinoza-Villalobos towards his cell. Espinoza-Villalobos looked in the direction of Correctional Deputy Mann, who ordered Espinoza-Villalobos not to look in his direction. Espinoza-Villalobos looked again in the direction of Correctional Deputy Mann, at which point Correctional Deputies Mann and Larman forced Espinoza-Villalobos to the ground.

[1] An underlined date indicates it was part of my investigation, Sergeant Sean Jones, Internal Affairs.

On August 17, 2019, at approximately 1330 hours, Sergeant Jason Airoldi, who was the supervisor on duty the night of August 16, 2019, and I reviewed the video footage from the module overhead camera, and Correctional Deputy Mann's Body Worn Camera (BWC). After reviewing the video footage of the incident it is my belief that Correctional Deputies Mann and Larman applied force to Inmate Espinoza-Villalobos that is outside the scope of the Sheriff's Office Use of Force policy.

The following actions by Correctional Deputy Larman appear to be outside the scope of our Use of Force policy;

- Closed fist strikes to the head of a restrained person in a prone position; elbow strikes to the head of a restrained person in a prone position.

The following actions of Correctional Deputy Mann appear to be outside the scope of our Use of Force policy;

- Knee strikes to the head of a restrained person in a prone position.

I reviewed all video footage of the incident and read all pertinent incident reports. On September 4, 2019, I notified (via email) CD Larman and CD Mann of this investigation. Both CD Larman and CD Mann replied the same day they received the notice. I've copied all incident reports below:

CD Mann authored an incident report on August 17, 2019:

Narrative Report On 8/17/2019 by mmann
"ON 8/16/2019, I WAS ASSIGNED TO WORK IN THE MENTAL HEALTH MODULE ALONG WITH DEPUTIES LARMAN AND WELLS, ON SWING SHIFT, AT THE SONOMA COUNTY MAIN ADULT DETENTION FACILITY.

"AT APPROXIMATELY 2045 HOURS, DEPUTIES LARMAN, WELLS AND I COMMENCED OUT OF CELL ACTIVITY (O.C.A.) FOR INMATE ESPINOZA-VILLALOBOS, SERGIO (10184119).

"IT SHOULD BE NOTED, ESPINOZA IS CURRENTLY CLASSIFIED AS AN ADMINISTRATIVE SEGREGATION, LEVEL FOUR INMATE, WITH A MENTAL HEALTH INTERNAL BEHAVIORAL CODE OF "E". ESPINOZA RETAINS THE HIGHEST SECURITY CLASSIFICATION IN THE FACILITY DUE TO HIS EXTREMELY VIOLENT, UNPREDICTABLE BEHAVIOR AND CONSTANT THREATS OF VIOLENCE TOWARDS STAFF MEMBERS.

LEVEL FOUR INMATES CONDUCT THEIR O.C.A. ACCORDING TO AN "OPERATIONAL ORDER. THREE DEPUTIES AND AT LEAST ONE TASER MUST BE PRESENT. NO OTHER INMATES MAY BE OUT OF THEIR CELLS AND NO CIVILIAN STAFF MAY ENTER THE MODULE.

"LARMAN, WELLS AND I APPRAOCHED CELL MH-19, CURRENTLY ASSIGNED TO ESPINOZA. WELLS APPLIED THE TETHERED RESTRAINT TO ESPINOZA. I KEYED OPEN THE DOOR AND ESPINOZA WAS INSTRUCTED TO STEP TO THE LEFT OF HIS CELL. LARMAN APPLIED WAIST RESTRAINTS TO ESPINOZA SECURING BOTH HANDS AND I APPLIED LEG RESTRAINTS (CHECKED FOR TIGHNTESS AND DOUBLE LOCKED). I CONDUCTED A PAT SEARCH OF ESPINOZA'S PERSON IN ACCORDANCE WITH HIS OPERATIONAL ORDER. NO CONTRABAND WAS LOCATED.

"IT SHOULD BE NOTED I RECENTLY HAD A VOLATILE AND CONCERNING ENCOUNTER WITH ESPINOZA ON 8/12/2019. ESPINOZA BECAME IRATE WHEN MY PARTNERS AND I DID NOT TURN HIS CELL RADIO ON FAST ENOUGH FOR HIS LIKING. HE BEGAN KICKING HIS DOOR AND YELLED OUT OF HIS CELL THAT HE WAS GOING TO STAB MY PARTNERS AND I IF WE DID NOT TURN ON HIS RADIO. DEPUTY MUELLER ENTERED A MANAGEMENT NOTE IN THE CRIMNET COMPUTER SYSTEM AT1447 HOURS ON 8/12/2019. ESPNOZA HAS PREVIOUSLY ATTEMPTED TO STAB A DEPUTY IN CUSTODY WITH A SHARPENED PIECE OF MEDICATION TUBING (SEE M2019-0622-07). ESPINOZA HAS HAD MANY PREVIOUS INCIDENTS, REFER TO HIS INCIDENT REPORTS AND MANAGEMENT NOTES.

"ONCE ESPINOZA WAS SECURED IN RESTRAINTS AND PAT SEARCHED, WE ESCORTED AND SECURED HIM IN THE "C" DAYROOM FOR HIS O.C.A. IN ACCORDANCE WITH HIS OPERATIONAL ORDER. ESPINOZA'S OUT OF CELL TIME IS CONDUCTED IN A SEPARATE DAYROOM THAN HIS CELL DUE TO A KEEP AWAY ISSUE WITH ANOTHER PROBLEMATIC LEVEL FOUR INMATE.

"ONCE ESPINOZA WAS SECURED IN THE "C" DAYROOM, I BEGAN SEARCHING HIS CELL PER HIS OPERATIONAL ORDER. THE SCOPE OF MY SEARCH WAS TO LOCATE ANY CONTRABAND ESPINOZA WAS NOT AUTHORIZED TO HAVE IN HIS CELL. HOWEVER, DUE TC SEVERAL JAIL MADE WEAPONS BEING FOUND AND USED AGAINST STAFF IN THE MENTAL HEALTH MODULE, MY MAIN FOCUS WAS TO TRY AND LOCATE ANYTHING THAT COULD BE UTILIZED AS A WEAPON.

"AS I SEARCHED ESPINOZA'S CELL, I OBSERVED ESPINOZA STANDING AT THE DIVIDING WALL OF THE "C" DAYROOM INTENTLY WATCHING ME. "ESPINOZA BECAME AGITATED AND STARTED YELLING AT ME FROM THE "C" DAYROOM. I ASKED ESPINOZA WHAT WAS WRONC AND HE STATED HE DID NOT LIKE IT WHEN PEOPLE SEARCHED HIS CELL. I EXPLAINED TO ESPINOZA IT WAS OUR POLICY TO SEARCH HIS CELL EVERY TIME HE CAME OUT OF HIS CELL FOR ANY REASON. DUE TO ESPINOZA'S INCREASINGLY AGITATED BEHAVIOR, I ACTIVATED MY DEPARTMENT ISSUED AXON BODY 2, BODY WORN CAMERA (BWC), AND CONTINUED MY SEARCH.

"ESPINOZA BEGAN DIRECTING THREATENING STATEMENTS AT ME. ESPINOZA YELLED THAT HE COULD NOT WAIT TO, "SEE ME ON THE STREETS". HE STATED HIS SPECIFIC RELEASE DATE AND THAT HE WAS GOING TO FIND ME WHEN HE GOT OUT. I FINISHED SEARCHING THE CELL WITH NEGATIVE FINDINGS OF CONTRABAND. I ATTEMPTED TO SPEAK WITH ESPINOZA REGARDING HIS BEHAVIOR AND THE THREATS HE WAS MAKING TOWARD ME. ESPINOZA CONTINUED TO VERBALLY ASSAULT ME UTILIZNG A STRING OF UNINTELLIGIBLE PROFANITIES.

"DUE TO ESPINOZA'S CLASSIFICATION, HE ONLY RECEIVES O.C.A. EVERY OTHER DAY. ALTHOUGH ESPINOZA'S BEHAVIOR WAS EXTREMELY UNACCEPTABLE, MY PARTNERS AND DECIDED TO ALLOW ESPINOZA TO EXPRESS HIS FRUSTRATION VERBALLY. WE DECIDED TO NOT LOCK HIM DOWN IMMEDIATELY, HOPING THAT VOICING HIS FRUSTRATIONS WOULD DIFFUSE THE SITUATION. ESPINOZA CONTINUED TO ESCALATE THE SITUATION AND I ADMONISHED HIM FOR HIS BEHAVIOR. I EXPLAINED TO HIM WE WERE TRYING TO GIVE HIM THE BENEFIT OF THE DOUBT, BUT IF HIS BEHAVIOR WAS GOING TO CONTINUE TO ESCALATE, HE WOULD BE ESCORTED BACK TO HIS CELL. ESPINOZA ASKED IF WE WOULD MAKE HIM GO BACK TO HIS CELL. I STATED WE WOULD ESCORT HIM BACK IF HE WANTED TO AND HE STATED, "OKAY THEN." DEPUTY LARMAN, WELLS AND I ENTERED THE "C" DAYROOM TO ESCORT ESPINOZA BACK TO HIS CELL.

"I TOOK CONTROL OF ESPINOZA'S RIGHT ARM WITH A FIRM GRIP ON HIS RIGHT BICEP, LARMAN TOOK CONTROL OF HIS LEFT ARM AND WE BEGAN ESCORTING ESPINOZA BACK TO HIS CELL. AS WE ENTERED THE "B" DAYROOM, ESPINOZA CONTINUED TO VERBALLY ASSAULT ME AND LOOK IN MY DIRECTION. FEARING THAT HE MAY SPIT ON ME, I ORDERED ESPINOZA TO STOP TURNING HIS HEAD TOWARD ME AND TO LOOK FORWARD AS WE WALKED. THIS ENRAGED ESPINOZA EVEN

MORE. ESPINOZA TENSED HIS BODY AND RIGHT ARM, AND TURNED TOWARD ME.

"DUE TO ESPINOZA'S BEHAVIOR AND STATEMENTS THROUGHOUT THE EVENING, I FEARED ESPINOZA WAS GOING TO ATTEMPT TO ASSAULT ME BY EITHER SHOVING ME WITH HIS SHOULDER OR TRYING TO BREAK FREE OF MY GRASP. I UTILIZED A HEAD PULL TAKEDOWN BY GRABBING THE BACK OF ESPINOZA'S HEAD AND USING MY BODY WEIGHT TO FORCE HIM TO THE GROUND. LARMAN MAINTAINED CONTROL OF ESPINOZA'S LEFT ARM AND WELLS CONTROLLED ESPINOZA'S LEGS (SEE LARMAN AND WELLS' SUPPLEMENTAL REPORTS.) AS WE WENT TO THE GROUND, I LOST CONTROL OF ESPINOZA'S RIGHT HAND. I FELT HIS RIGHT HAND GRAB A TIGHT HOLD OF MY LEFT HAND. HIS HAND THEN BEGAN GRABBING AT ITEMS ON MY DUTY BELT. I VOCALIZED THIS TO MY PARTNERS. LARMAN ALSO YELLED AT ESPINOZA TO LET GO OF HIS HAND. IT WAS CLEAR TO ME THAT ESPINOZA WAS STILL ACTIVELY FIGHTING WITH LARMAN AND I AND WANTED TO CAUSE US HARM. I UTILIZED APPROXIMATELY THREE KNEE STRIKES INTENDING TO STRIKE ESPINOZA IN THE RIGHT SHOULDER AND UPPER TORSO. I DID THIS IN ORDER TO DIFUSE HIM FROM USING HIS HANDS TO GRAB LARMAN AND I UNTIL WE COULD GAIN CONTROL OF HIS WRISTS.

"AS ESPINOZA FOUGHT WITH DEPUTY LARMAN AND I, HE WAS VIOLENTLY MOVING HIS BODY TRYING TO BREAK FREE FROM OUR CONTROL. DUE TO ESPINOZA SHIFTING HIS WEIGHT SIDE TO SIDE, IT SHOULD BE NOTED THAT MY KNEE STRIKES ENDED UP MAKING CONTACT WITH ESPINOZA'S HEAD, INSTEAD OF HIS SHOULDER WHICH WAS MY INTENDED TARGET.

"MY STRIKES WERE EFFECTIVE AND I WAS ABLE TO GAIN CONTROL OF ESPINOZA'S RIGHT ARM BY UTILIZING AN ELONGATED REAR WRIST LOCK, APPLYING PRESSURE. AS SOON AS I GAINED CONTROL OF ESPINOZA'S HAND, I FELT HIS ARM AND BODY STOP TENSING AND FIGHTING. AS SOON AS I FELT ESPINOZA WAS NO LONGER RESISTING, I STOPPED APPLYING ANY PAIN COMPLIANCE. I COMMUNICATED THIS TO LARMAN AND WELLS AND WE HELD OUR POSITIONS WITHOUT APPLYING PAIN COMPLIANCE IN ORDER TO CALL FOR BACK UP. ESPINOZA THEN STATED HE WAS GOING TO COMPLY WITH OUR COMMANDS FROM THAT POINT FORWARD.

"MOMENTS LATER, THE FOLLOWING STAFF ENTERED THE MODULE: SAM-ONE, SERGEANT AIROLDI AND DEPUTIES FERRARI, MORGAN,

"WILLIS AND ROUALDES. LARMAN AND I WERE RELIEVED AND STOOD BY AT THE DEPUTIES DESK IN AN ATTEMPT TO FURTHER DE ESCALATE THE SITUATION.

"MEDIC-ONE, RN QUARESMA RESPONDED TO MENTAL HEALTH MODULE TO EVALUATE ESPINOZA. AT THE CONCLUSION OF HER EVALUATION, RN QUARESMA MEDICALLY CLEARED ESPINOZA TO REMAIN IN THE FACILITY.

"ESPINOZA WAS ESCORTED TO THE FRONT OF HIS CELL. THE RESTRAINTS WERE REMOVED AND ESPINOZA WAS SECURED IN HIS CELL WITHOUT FURTHER INCIDENT.

"IT SHOULD BE NOTED THIS REPORT IS A SUMMARY OF THE EVENTS AND THAT PORTIONS OF THIS INCIDENT WERE RECORDED ON MY BODY WORN CAMERA (BWC). THIS REPORT IS NOT INTENDED AS A TRANSCRIPT OF THE ENTIRE INCIDENT. I LATER UPLOADED THE VIDEO RECORDING FROM MY BWC TO EVIDENCE.COM

"ON 08/17/2019 AT APPROXIMATELY 1815 HOURS, SERGEANT AIROLDI AND DEPUTY DESOTO TOOK PHOTOS OFF THE INJURIES ESPINOZA SUSTAINED. SEE ATTACHED PHOTOS.

"SAM-ONE, SERGEANT AIROLDI RESPONDED TO THE INCIDENT.

"WATCH COMMANDER, LIEUTENANT SKINNER WAS NOTIFIED OF THE

"INCIDENT. NOTHING FURTHER.

"MANN #2508"

CD Larman authored an incident report on August 23, 2019:

Supplemental Report On 8/23/2019 by slarman
"ON 8/16/2019, I WAS ASSIGNED TO WORK IN THE MENTAL HEALTH MODULE ALONG WITH DEPUTIES MANN AND WELLS, ON SWING SHIFT, AT THE SONOMA COUNTY MAIN ADULT DETENTION FACILITY.

"AT APPROXIMATELY 2045 HOURS, DEPUTIES MANN, WELLS AND I STARTED OUT OF CELL ACTIVITY (O.C.A.) FOR INMATE ESPINOZA-VILLALOBOS, SERGIO (10184119).

"ESPINOZA IS CURRENTLY CLASSIFIED AS AN ADMINISTRATIVELY SEGREGATED INMATE, LEVEL 4, WITH AN INTERNAL BEHAVIORAL CODE OF AN "E" ASSIGNED BY MENTAL HEALTH STAFF. ESPINOZA IS CURRENTLY CLASSIFIED AS THE FACILITIES HIGHEST LEVEL INMATE FOR BOTH ADMINISTRATIVE SEGREGATION AS WELL AS MENTAL HEALTH IBC DUE TO PREVIOUS INCIDENTS INCLUDING BUT NOT LIMITED TO STABBING A DEPUTY (SEE M2019- 0622-07), MAKING WEAPONS INSIDE OF THE JAIL, THREATENING TO HARM DEPUTIES AND SUPPORT STAFF. ESPINOZA FREQUENTLY GETS HIGHLY AGITATED, UNPREDICTABLE AND IN RETURN THREATENS VIOLENCE AGAINST STAFF AND OTHER INMATES.

"AS AN AD-SEG LEVEL-4 INMATE, ESPINOZA IS ON AN OPERATIONAL ORDER (OP-ORDER). PER HIS OP-ORDER, ESPINOZA COMES OUT OF HIS CELL WITH WAIST RESTRAINTS, LEG RESTRAINTS, THREE DEPUTIES PRESENT AND A MINIMUM OF ONE DEPUTY MUST HAVE A FACILITY ISSUED TASER. ONCE ON OCA ESPINOZA'S OP-ORDER STATES HE IS TO BE PAT SEARCHED AND HIS CELL MUST BE SEARCHED FOR ANY CONTRABAND.

"WAIST RESTRAINTS ARE DESIGNED TO ALLOW AN INMATE A RELATIVELY LARGE RANGE OF MOVEMENT TO ACCOMPLISH TASKS WHILE THEY CONDUCT OUT OF CELL ACTIVITY. AS A DEPUTY SINCE OCTOBER OF 2015, I HAVE EXPERIENCED MULTIPLE OFFICERS BE ASSAULTED BY RESTRAINED INMATES OR DETAINEE'S RESULTING IN SIGNIFICANT INJURIES.ADDITIONALLY I HAVE EXTENSIVE EXPERIENCE WORKING WITH ESPINOZA AND HAVE WITNESSED HIM MOVE QUICKLY AND SHOW GREAT MOBILITY IN RESTRAINTS.

"PRIOR TO STARTING ESPINOZA'S OCA I GAVE ESPINOZA ORDERS TO TURN HIS LIGHTS ON AND SET DOWN WHAT HE HAD IN HIS HANDS IN ORDER TO SEE INTO HIS CELL, IN FEAR HE COULD HAVE A WEAPON ON HIM. DEPUTY WELLS PLACED TETHERED HANDCUFF'S ON ESPINOZA AND DEPUTY MANN KEYED OPEN THE CELL DOOR. I PLACED WAIST RESTRAINTS ON ESPINOZA. I CHECKED THEM FOR FIT AND DOUBLE LOCKED THEM. MANN APPLIED LEG RESTRAINTS AND PERFORMED A PAT SEARCH WITH NEGATIVE FINDINGS.

"ESPINOZA RUNS HIS OCA IN THE "C" DAYROOM PER HIS OP-ORDER. THIS WAS ADDED TO HIS OPERATIONAL ORDER DUE TO ESPINOZA PREVIOUSLY HAVING CONVERSATIONS WITI- INMATE BERNABE RAMIREZ (10160519) ANOTHER LEVEL-4 INMATE IN THE "B" DAYROOM WHERE THE TOPIC OF DISCUSSION HAS BEEN DIRECTED AT EDUCATING ESPINOZA ON HOW TO AFFECTIVELY MAKE WEAPONS AND ASSAULT STAFF.

"ONCE SECURED ON OCAIN THE "C" DAYROOM, DEPUTIES MANN BEGAN A SEARCH OF ESPINOZA'S CELL. ESPINOZA BEGAN YELLING ACROSS THE DAYROOM AT MANN TELLING HIM HE CAN'T SEARCH CERTAIN THINGS IN HIS CELL. ESPINOZA BEGAN YELLING PROFANITIES AND THREATS DIRECTED AT MANN. ESPINOZA SAID IN ESSENCE THAT WHEN HE GETS AN OPPORTUNITY TO, HE IS GOING TO ASSAULT MANN. ESPINOZA BEGAN STATING THAT HE KNOWS WHERE OUR STAFF PARKING LOT IS AND THAT HE WAS GOING TO GET ONE OF US.

"MANN COMPLETED HIS SEARCH OF ESPINOZA'S CELL AND MANN BEGAN TRYING TO SPEAK WITH ESPINOZA ABOUT HIM BEING UPSET WITH A ROUTINE CELL SEARCH. ESPINOZA CONTINUED HIS PROFANITIES. ESPINOZA WAS TOLD THAT IF HIS BEHAVIOR ONTINUED THAT HIS OCA WOULD BE TERMINATED EARLY. ESPINOZA ASKED TO RETURN TO HIS CELL. WITH THE APPROPRIATE AMOUNT OF DEPUTIES PRESENT, I KEYED OPEN THE PARTITION DOOR BETWEEN THE DEPUTIES STATION AND THE "C" DAYROOM. I TOOK CONTROL OF ESPINOZA'S LEFT ARM WITH A FIRM GRIP, DEPUTY MANN TOOK CONTROL Of ESPINOZA'S RIGHT ARM AND WE BEGAN TO ESCORT ESPINOZA THROUGH THE "B" DAYROOM TO HIS ASSIGNED CELL.

"ESPINOZA TURNED HIS HEAD BEGAN TO YELL PROFANITIES IN MANN'S DIRECTION AS WE WERE ESCORTING HIM. MANN ORDERED ESPINOZA TO FACE FORWARD. AS HE WAS YELLING AT MANN, I COULD FEEL HIM TENSING HIS LEFT ARM AND HIS VOICE INFLECTION BEGAN INCREASING SIGNIFICANTLY. I FELT ESPINOZA ABRUPTLY TERN TOWARDS MANN, MOMENTARILY PULLING AWAY FROM MY GRASP. MANN PERFORMED A TAKEDOWN AND AS ESPINOZA FELL TO THE GROUND AS I STRUGGLED TO KEEP CONTROL OF HIS ARM. ONCE ON THE GROUND ESPINOZA CONTINUED TO RESIST STAFF'S EFFORTS TO CONTROL HIM. ESPINOZA WAS THRASHING BACK AND FORTH WHILE GRABBING AT DEPUTY MANN AND MYSELF. ESPINOZA WAS GIVEN MULTIPLE COMMANDS TO STOP RESISTING AND TO STOP TRYING TO GRAB STAFF. I WAS FEARFUL ESPINOZA WAS ATTEMPTING TO ASSAULT MANN, WELLS, MYSELF, OR

"GRAB ITEMS OFF OF OUR PERSON SUCH AS OUR DEPARTMENT ISSUED OLEORESIN CAPSICUM SPRAY (OC SPRAY) X26 TASER, KEYS OR OTHER ITEMS THAT COULD BE USED AS A WEAPON. DUE TO ESPINOZA'S CURRENT MENTAL STATE, OUR CLOSE PROXIMITY TO ESPINOZA AND THE INABILITY TO CONTROL ESPINOZA WITH CONTROL HOLDS, I DELIVERED APPROXIMATELY 2 TO 3 CLOSED FIST STRIKES IN ESPINOZA'S MID SECTION IN ORDER TO PREVENT HIM FROM TAKING CONTROL OF STAFF OR GAINING CONTROL OF AN ITEM THAT COULD BE USED AS A WEAPON. DURING THIS TIME ESPINOZA WAS TENSING HIS ARMS AND VIOLENTLY THRASHING HIS BODY IN ORDER TO RESIST OUR CONTROL. AFTER MY LAST STRIKE I COULD FEEL ESPINOZA PULL HIS ARM IN TOWARDS HIS BODY, AND HE STOPPED TENSING AND THRASHING HIS BODY.

"IT SHOULD BE NOTED THAT I HAD STARTED MY ORIGINAL SHIFT AT APPROXIMATELY 0715 HOURS. DUE TO MY BODY WORN CAMERA HAVING INSUFFICIENT BATTERY CAPACITY TO LAST THE APPROXIMATE THIRTEEN AND A HALF HOURS THAT HAD TRANSPIRED, MY BODY WORN CAMERA HAD GIVEN ME A LOW BATTERY ALERT EARLIER IN THE SHIFT AND I HAD TURNED MY CAMERA OFF TO PRESERVE THE SMALL REMAINING AMOUNT OF BATTERY IT HAD. DUE TO IT BEING TURNED OFF MY BODY WORN CAMERA WAS NOT "BUFFERING".

"DUE TO THE RAPIDLY EVOLVING SITUATION AND IMMANENT THREAT TO STAFF, I WAS UNABLE TO ACTIVATE MY BODY WORN CAMERA UNTIL ESPINOZA STOPPED RESISTING. ONCE ESPINOZA STOPPED RESISTING I WAS ABLE TO GAIN CONTROL OF HIS LEFT ARM IN AN ELONGATED REAR WRISTLOCK. I DID NOT APPLY PRESSURE TO MY HOLD.

"MOMENT'S LATER ADDITIONAL STAFF ARRIVED IN THE MODULE. AT THIS TIME I WAS STILL CONTROLLING ESPINOZA'S LEFT ARM. DURING THE ALTERCATION I RECEIVED A LACERATION AND CONTUSION TO MY RIGHT HAND. DUE TO MY INJURY I WAS RELIEVED OF MY POSITION AND EXITED THE DAYROOM. I WAS SENT TO KAISER HOSPITAL FOR MY INJURIES.

"IT SHOULD BE NOTED THIS REPORT IS A SUMMARY OF THE INCIDENT AND THAT PORTION OF THIS INCIDENT WERE RECORDED ON MY BODY WORN CAMERA (BWC). THIS REPORT IS NOT INTENDED AS A

"TRANSCRIPT OF THE ENTIRE INCIDENT. I LATER UPLOADED THE VIDEO RECORDING FROM MY BWC TO EVIDENCE.COM

"S. LARMAN #2418"

CD Wells authored an incident report on August 17, 2019:

"ON 8/16/2019, I WAS ASSIGNED TO WORK IN THE MENTAL HEALTH MODULE WITH DEPUTIES MANN AND LARMAN ON SWING SHIFT AT THE SONOMA COUNTY MAIN ADULT DETENTION FACILITY.

"AT APPROXIMATELY 2045 HOURS, DEPUTIES LARMAN, MANN AND I COMMENCED OUT OF CELL ACTIVITY (O.C.A.) FOR INMATE ESPINOZA-VILLALOBOS, SERGIO (10184119).

"LARMAN, MANN AND I APPROACHED CELL MH-19, CURRENTLY ASSIGNED TO ESPINOZA. I APPLIED THE TETHERED RESTRAINT TO ESPINOZA. MANN KEYED OPEN THE DOOR AND ESPINOZA WAS INSTRUCTED TO STEP TO THE LEFT OF HIS CELL. LARMAN APPLIED WAIST RESTRAINTS TO ESPINOZA SECURING BOTH HANDS AND MANN APPLIED LEG RESTRAINTS (CHECKED FOR TIGHTNESS AND DOUBLE LOCKED). MANN CONDUCTED A PAT SEARCH OF ESPINOZA'S PERSON IN ACCORDANCE WITH HIS OPERATIONAL ORDER.

"ONCE ESPINOZA WAS SECURED IN RESTRAINTS AND PAT SEARCHED, WE ESCORTED AND SECURED HIM IN THE "C" DAYROOM FOR HIS O.C.A. IN ACCORDANCE WITH HIS OPERATIONAL ORDER.

"ONCE ESPINOZA WAS SECURED IN THE "C" DAYROOM, DEPUTY MANN BEGAN SEARCHING HIS CELL PER HIS OPERATIONAL ORDER. ESPINOZA BECAME EXTREMELY AGITATED WHEI\ HE NOTICED MANN SEARCHING HIS CELL. ESPINOZA BEGAN YELLING THREATS AND PROFANITIES TOWARD DEPUTY MANN.

"DUE TO ESPINOZA'S ESCALATING BEHAVIOR, IT WAS DETERMINED HE WOULD BE ESCORTED BACK TO HIS CELL EARLY FROM HIS OUT OF CELL TIME. DEPUTIES LARMAN AND MANN BEGAN TO ESCORT "ESPINOZA BACK TO HIS CELL WHILE I RETRIEVED THE TETHERED RESTRAINT FROM THE DEPUTIES DESK.

"MOMENTS LATER, I NOTICED LARMAN AND MANN HAD ESPINOZA ON THE FLOOR IN THE "B" DAYROOM. I RESPONDED AND TOOK CONTROL OF ESPINOZA'S LEGS BY PINNING THEM TO THE GROUND WITH MY HANDS APPLYING PRESSURE WHILE STEPPING ON THE CHAIN OF THE LEG RESTRAINTS. I ACTIVATED MY BODY WORN CAMERA AND "RADIOED FOR SAM- ONE AND MEDICAL TO RESPOND TO MENTAL HEALTHMODULE.

"MOMENTS LATER THE FOLLOWING STAFF RESPONDED TO THE MODULE: SAM ONE, SERGEANT AIROLDI, MEDIC ONE, QUARESMA, DEPUTIES MORGAN, WILLIS, FERRARI, AND ROUALDES.

"I MAINTAINED CONTROL OF ESPINOZA'S LEGS UNTIL HE WAS ASSISTED INTO A CHAIR IN THE B-DAYROOM. I TOOK OVER CONTROL OF ESPINOZA'S LEFT ARM WITH A FIRM GRIP ON HIS WRIST.

"MEDIC ONE, R.N. QUARISMA MEDICALLY EXAMINED ESPINOZA AND CLEARED HIM TO REMAIN IN THE MODULE.

"DEPUTY FERRARI AND I ESCORTED ESPINOZA BACK TO HIS ASSIGNED CELL MH-19. ESPINOZA WAS COMPLIANT. I MAINTAINED CONTROL OF HIS LEFT ARM WITH A FIRM GRIP ON HIS BICEP WITH NO PRESSURE APPLIED. FERRARI MAINTAINED CONTROL OF ESPINOZA'S RIGHT ARM WITH A FIRM GRIP. WILLIS REMOVED LEG RESTRAINTS. ROUALDES PLACED ESPINOZA IN THE TETHERED RESTRAINT. MORGAN REMOVED WAIST RESTRAINTS. ESPINOZA WAS PLACED BACK INTO HIS CELL WITHOUT ANY FURTHER INCIDENT. ROULADES REMOVED THE TETHERED RESTRAINT AND THE FOOD PORT WAS SECURED.

"THIS REPORT IS MEANT TO BE A SUMMARY AND NOT AN EXACT TRANSCRIPTION OF THE EVENTS THAT OCCURRED.

"DURING THE INCIDENT, I WAS WEARING MY BODY WORN CAMERA. THE VIDEO WAS RETAINED AND UPLOADED TO EVIDENCE.COM.

"NOTHING FURTHER."

The use of force used on Espinoza-Villalobos was documented in a Use of Force report (19-UOF-0321) prepared by Correctional Sergeant Jason Airoldi. That report read:

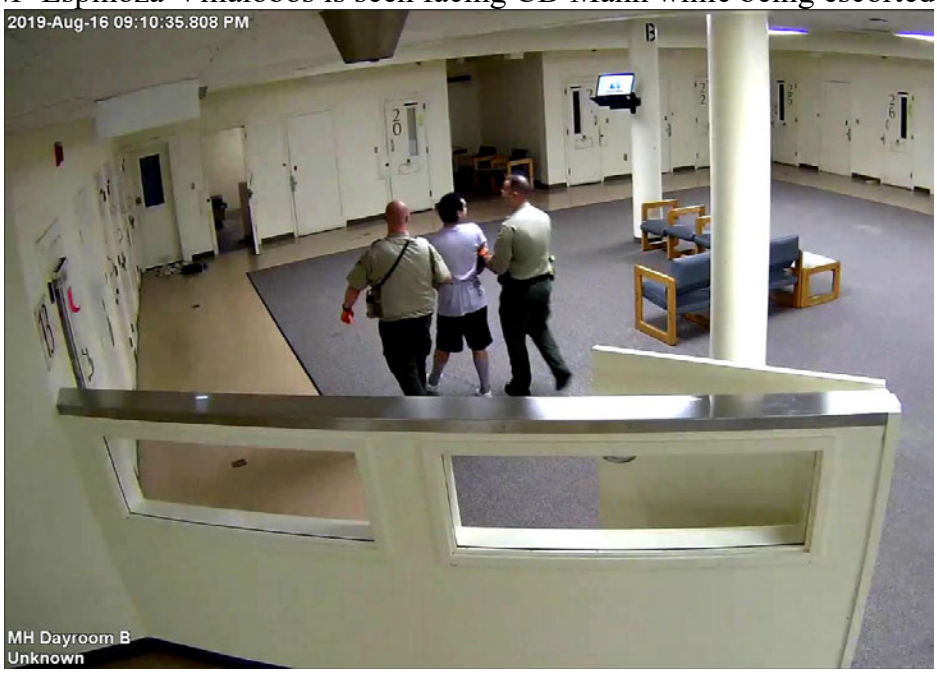
"Inmate Espinoza, Sergio was disrespectful and made threats towards staff. Espinoza was being escorted back to his cell by Deputies Mann and Larman. During the escorted [sic], Espinoza became agitated and turned quickly toward deputy Mann. Deputies Mann and Larman took Espinoza to the ground. While on the ground Espinoza grabbed hold of one of the deputies' hands and wouldn't let go. Deputy Mann delivered 3-4 knee strikes to the side of Espinoza's head to get him to stop. Deputy Larman delivered 3-4 strikes to Espinoza's [midsection] area, and 2 strikes to the back of his head."

On October 3, 2019, Correctional Sergeant Airoldi recommended this report be referred for additional investigation.

This incident was captured on video surveillance (no audio) from a camera mounted above the officer's station in the module. The video was downloaded to evidence.com by Sergeant Airoldi on August 17, 2019 and has a duration of 00:20:01 (hh:mm:ss). The video begins at 09:05:41 PM and ends at 09:25:42 PM.

I reviewed the surveillance video and documented the significant uses of force below:

09:10:34 PM- Espinoza-Villalobos is seen facing CD Mann while being escorted to his cell.



09:10:37 PM- Espinoza-Villalobos is taken down to the ground by CD Mann.



09:10:40 PM-CD Larman delivers three punches to Espinoza-Villalobos' midsection.



09:10:44 PM- CD Mann delivers three knee strikes to the head of Espinoza-Villalobos.



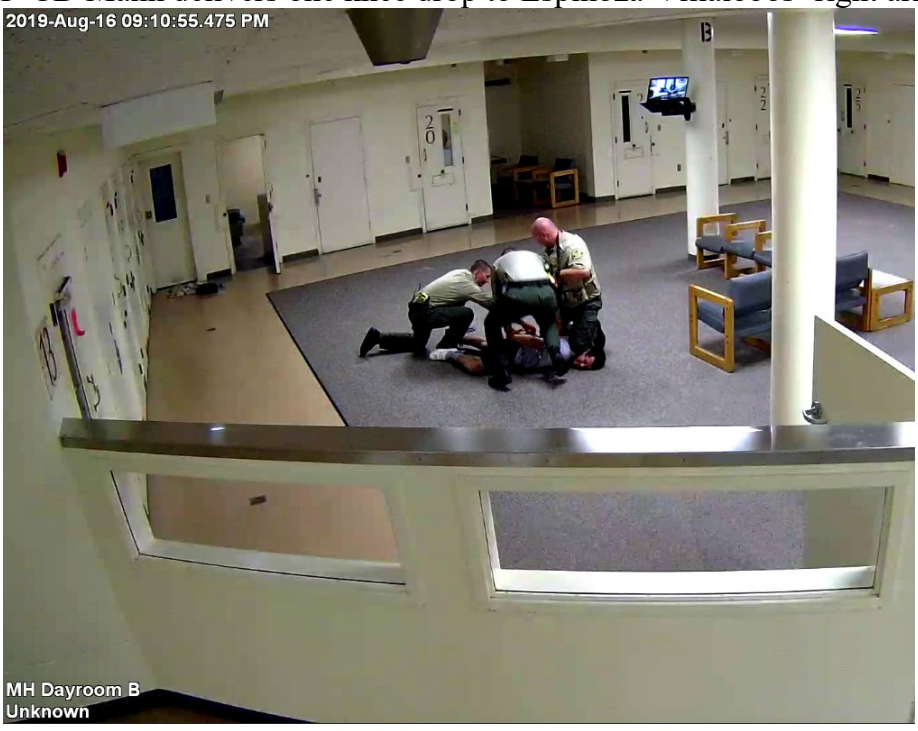
09:10:43- CD Larman appears to deliver an elbow strike to the back of Espinoza-Villalobos' head however it is partially obstructed by CD Mann.



09:10:48 PM- CD Larman delivers an elbow strike to the back of Espinoza-Villalobos' head.



09:10:55 PM- CD Mann delivers one knee drop to Espinoza-Villalobos' right arm.



I reviewed CD Mann's body worn camera (BWC) video which had been downloaded into Evidence.com. CD Mann acitvated his BWC at approximately 2104 hours. The video ran continuously for 09:57 (mm:ss). The first 30 seconds of the video had no audio due to standard device settings. The beginning of the video showed CD Mann searching Espinoza-Villalobos' cell while Espinoza-Villalobos was watching him from the day room area of the module. I've detailed significant points in the video below:

01:07 (mm:ss) Espinoza-Villalobos states "Hey bro don't do that shit man…" while arguing with CD Mann during the search.

01:17 CD Mann states "So, you're on OCA right now. I'm searching your cell 'cuz I'm doing my job."

01:24 Espinoza-Villalobos states "Fuck you nigga."

01:25 CD Mann states "So why don't you go mind your business."

01:27 Espinoza-Villalobos states "No, you wanna fuck up my cell you little bitch."

CD Mann continues with the cell search.

02:37 CD Mann asks Espinoza-Villalobos "Are these dirty on your floor here?"

02:39 Espinoza-Villalobos responds "I can't wait to catch you on the streets bitch. I get out December 8th bitch, I'll see you on the streets."

02:44 CD Mann responds "OK."

Espinoza-Villalobos continues to be vocal and argue with CD Mann. CD Mann walks towards the day room while addressing Espinoza-Villalobos.

03:01 Espinoza-Villalobos states "Watch when I see you on the streets man, when I come out. I'm gonna come after you little bitch ass nigga" while he is walking towards CD Mann.

03:06 CD Mann responds "Why's that?" while Espinoza-Villalobos walks away.

03:08 CD Mann asks, "Do you want to tell me why or do you just wanna threaten me?"

CD Mann goes into the officer's station and asks CD Wells if Espinoza-Villalobos is allowed to have a pen. CD Wells said he is supposed to return it.

03:34 CD Mann holds up the pen and tells Espinoza-Villalobos "Next time remind us, cuz you're supposed to return these."

03:36 Espinoza-Villalobos responds "Fuck you bitch."

03:37 CD Mann states "If you're gonna keep acting like this, you can go back to your cell."

03:39 Espinoza-Villalobos states "…little bitch."

03:41 CD Mann asks "Do you wanna just go back to your cell?"

03:46 Espinoza-Villalobos responds "Ya."

03:57 CD Larman and CD Mann approach Espinoza-Villalobos and grab ahold of his arms to escort him to his cell.



04:04 Espinoza-Villalobos turns towards CD Mann and states "You little pussy ass nigga."

04:05 CD Mann states "Face forward."

04:06 Espinoza-Villalobos states "Fuckin little bitch" while continuing to look at CD Mann.



04:07 CD Mann takes Espinoza-Villalobos to the ground with CD Larman.

04:11 CD Larman states "Stop resisting."

04:12 Espinoza-Villalobos states "Little bitch."

04:13 CD Larman again states "Stop resisiting."

04:18 CD Larman states "Let go of my hand."

04:19 CD Mann states "Let go of his fucking hand."

04:20 CD Mann gains control of Espinoza-Villalobos' right arm.

04:21 CD Mann states "Alright, alright, slow down, we're good, we're good."

CD Mann instructs CD Wells to radio for Sam-1 (Sergeant Airoldi) and Medic 4 to respond to the module.

04:44 Espinoza-Villalobos states "I didn't even do nothin man, I didn't even move or nothin."

04:49 CD Larman states "He gave you real clear instructions to face forward. You fuckin tensed your body and fuckin turned towards him."

05:14 CD Mann asks "Why are you tensing up on me dude?"

05:16 Espinoza-Villalobos responds "I didn't tense up on you nigga. You started swinging and punching and kicking."

05:28 CD Mann states "After everything you were saying, and you kept turning your head, and you tensed up on me. What am I supposed to think man? We're not gonna let you do something."

06:25 CD Mann tells CD Larman "He's not tensing up right now, lets just go easy on the wrists."

06:28 CD Larman states "He's compliant now, I'm not putting any presssure on anything."

CD Larman and CD Mann are both relieved of their controlling postions by other CDs. They have a conversation at the officer's station:

09:18 CD Mann states "Dude, he did the whole…"

09:21 CD Larman states "He turned towards you and then you started calling fuckin let go of my hand so I started swingin."

09:25 CD Mann states "Ya he just started-his whole, like his whole arm tensed. I don't know what you felt but his whole arm tensed up."

09:30 CD Larman responded "Uh uh, and I felt-and then when we got him on the ground, he was resisting."

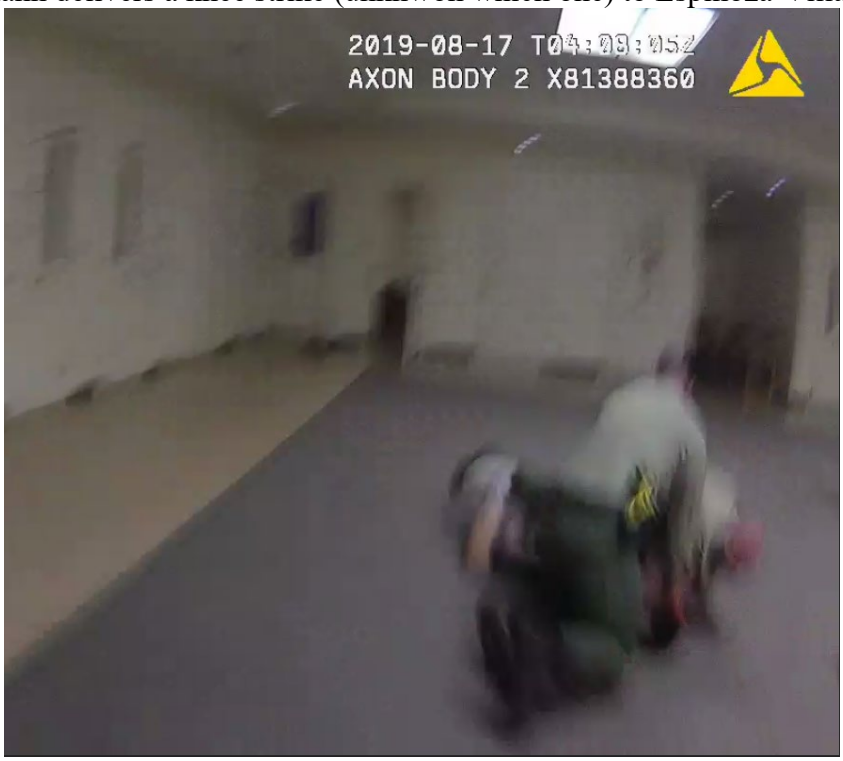
CD Larman and CD Mann end their converstaion and turn off their BWCs.

I reviewed CD Larman's BWC video which had been downloaded into evidence.com. CD Larman acitvated his BWC at approximately 2108 hours. The video ran continuously for 05:31 (mm:ss). The first 10 seconds of the video had no audio due to standard device settings and not being in buffering mode to capture 30 seconds prior. Larman did not activate his BWC until after the Correctional Deputies had Espinoza-Villalobos controlled and they were radioing for the Sergeant to respond. His BWC video did not contain any significant points not already detailed above.

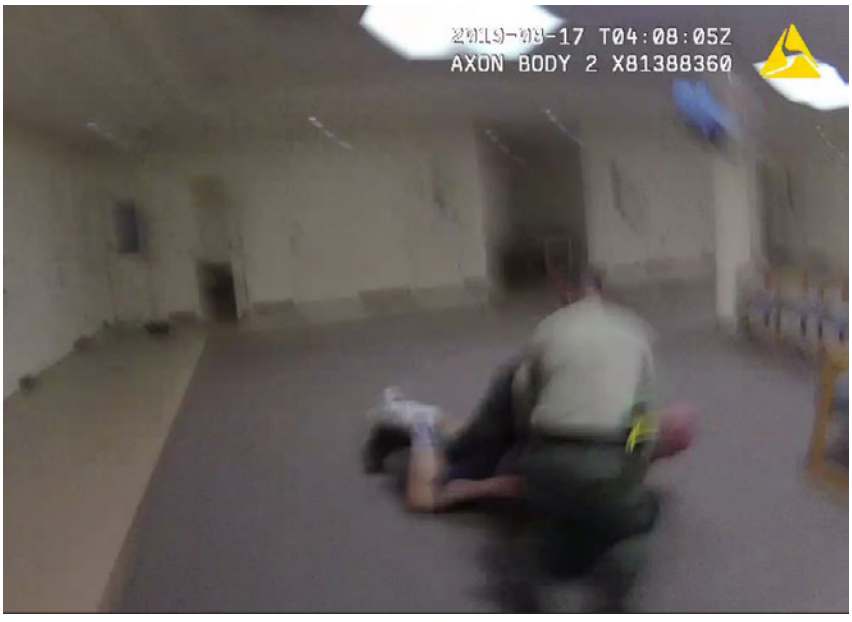
I reveiwed CD Wells' BWC video which was downloaded into evidence.com. CD Wells activated his BWC at approximately 2108 hours. The video ran coninuously for 14:51 (mm:ss). The first 30 seconds of the video had no audio due to standard device settings. The video started as CD Wells was at the locker retreiving the tether when Espinoza-Villalobos was being escorted back to his cell. I've detailed significant points in the video below:

00:08:00 (mm:ss:ms) CD Wells runs towards CD Larman and CD Mann where they already have Espinoza-Villalobos on the ground.

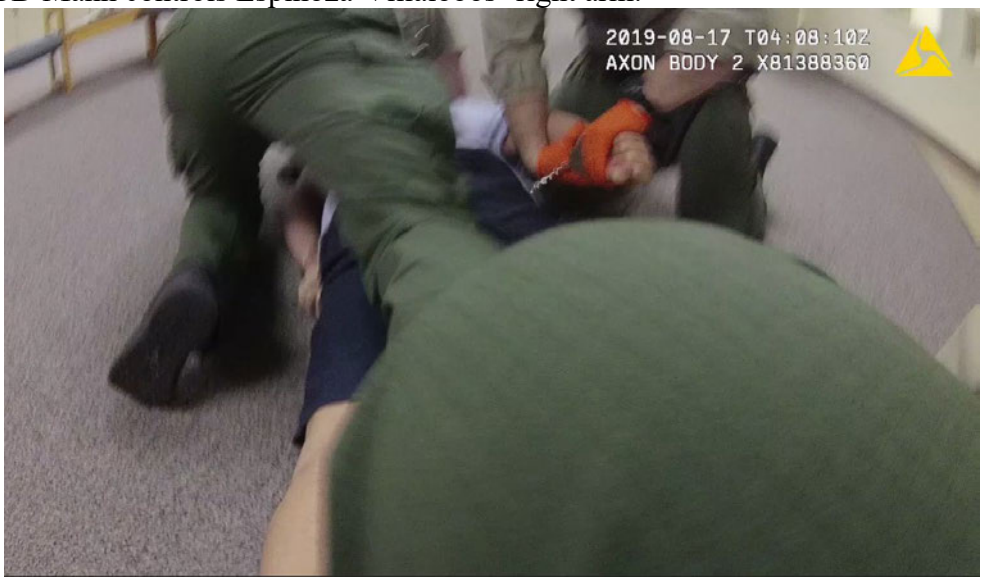
00:10:23 CD Mann delivers a knee strike (unknwon which one) to Espinoza-Villalobos' head.



00:11:02 Espinoza's right arm is down by his side and it appears to stay there until CD Mann later controls it.



00:15:29 CD Mann controls Espinoza-Villalobos' right arm.



00:23:04 CD Mann delivers one knee drop to Espinoza-Villalobos' right arm.



CD Wells' BWC video did not contain any other significant information.

On October 8, 2019, at 0806 hours, Sergeant Doherty and I interviewed CD Larman. The interview was digitally recorded[2]. CD Larman was represented by his attorney Mark Wilson (Mastagni Holstedt). CD Larman was provided with an Administrative Admonishment form (which is attached to this investigation). After reading the form, he signed it. CD Larman and his attorney reviewed the module surveillance video and incident reports prior to the interview. CD Larman essentially stated the following:

He has worked for the Sheriff's Office for approximately 4 years. On August 16, 2019, he was assigned to swing shift (1445 hours – 2245 hours). On that particular day, he worked an overtime shift prior to the start of his normal swing shift. He started work that morning at 0715 hours. On that date, he was working in the mental health module where Inmate Espinoza-Villalobos was housed.

He described Espinoza-Villalobos' classification as an "Ad Seg Level 4" and mental health classification as an "E." He clarified an "E" designation is assigned by mental health professionals and it is reserved for the most volatile and non-compliant mental health inmates. The "ad seg level 4" classification is reserved for inmates with prior violent assaults on staff or similar circumstances. He stated Espinoza-Villalobos had previously stabbed a correctional deputy.

He stated he has prior experiences with Espinoza-Villalobos since he has been working in the mental health module for approximately 3 ½ years, but never has the violent behavior been directed towards him. As part of the mental health module team, he has received additional training in crisis intervention.

On August 16, 2019, CD Mann was searching Espinoza-Villalobos' cell. From the officer's station, he overheard Espinoza-Villalobos threaten CD Mann and state something similar to "this is why I assault you guys. This is why if I see you, if I get a chance to, that I'm going to…and a long run of things that he was going to do. I'm gonna find you in the parking lot, I'm gonna kill you. Um, if I get a chance to, I'm gonna fuck you up." CD Mann verbally responded to Espinoza-Villalobos telling him he was doing his job by searching his cell.

After CD Mann told Espinoza-Villalobos he could go back to his cell if he wanted to act that way, Espinoza-Villalobos agreed to go back to his cell. CD Larman and CD Mann entered the dayroom and CD Larman took control of his left arm. CD Mann controlled his right arm. CD Wells went to get a tethered restraint. Espinoza-Villalobos was in waist and ankle restraints.

While walking back to the cell, CD Mann told Espinoza-Villalobos to face forward which he stated is common practice so inmates don't spit or bite them. He felt Espinoza-Villalobos' body become tense and he became resistive. He felt Espinoza-Villalobos plant a foot and turn in the direction of CD Mann. CD Mann took Espinoza-Villalobos to the ground. During the takedown, CD Larman lost control of Espinoza-Villalobos' left arm. CD Mann proceeded to

[2] An audio copy of the interview can be found in exhibits.

take Espinoza-Villalobos to the ground and he continued to resist. CD Larman stated he proceeded to "deliver multiple body strikes. When he stops resisting, we stop using force, I stop using force."

CD Larman stated "I felt his hand grabbing at my hand. Um, and I hear uh Deputy Mann give him commands to stop reaching at him. So, I feel he's reaching in our direction for potentially tools on our belts, on my vest, or to gain control of us." CD Larman has received training to protect items on his belt that could be used as weapons against him and waist restraints do not prevent that. Waist restraints provide for greater mobility compared to traditional handcuffs so the inmate can use his hands. He estimated an inmate has 12" of mobility per arm while in waist restraints and has enough mobility to use the phone or read a book if he chooses to do so.

He did not recall exactly how many strikes to Espinoza-Villalobos' body he delivered and stated "I remember multiple strikes to the body until he stopped resisting. Once he stopped tensing, I stopped delivering strikes. When I referenced his incident report which stated he delivered 2-3 body strikes, CD Larman said it sounded "approximately accurate." He used those strikes for "distraction in order for us to gain control" and pain compliance.

When I asked him about his elbow strike to the head of Espinoza-Villalobos, CD Larman said at the time he wrote the incident report, he did not recall delivering the strike. He said watching the video jogged his memory. He said:

> "I do remember controlling his head, shoulders, um, in fear he was going to try to turn and get up. I don't remember it being a strike, I just remember controlling his upper body with my elbow and forearm…I, when he was on the ground face down, he was still tensing his body and he was turning in the direction of Deputy Mann which was away from me. Um, after I delivered strikes, I posted my body weight on him, and he was tensing and turning. I controlled his upper torso, um, with, in the video it looks like a strike, I don't remember it being a strike, but I do remember putting the entirety of my weight on his shoulders and head to keep him on the ground."

CD Larman said after delivering the strikes to Espinoza-Villalobos' body, he continued to resist. After delivering the elbow strike, Espinoza-Villalobos stopped all resistance and CD Larman stopped all use of force. CD Larman then just held a position of control.

CD Larman said "During it, it was an extremely rapidly evolving event and I remember throwing strikes and doing my best to keep him on the ground and keep him off of my partner. Um, I don't remember it being an elbow strike, but I do remember struggling to keep him from turning and keep him from getting up." When asked if he ever thought about just getting off of Espinoza-Villalobos since he was in full restraints, he replied "Negative, never," because he didn't want him to be able to assault them or gain control of any potential weapons in the unit.

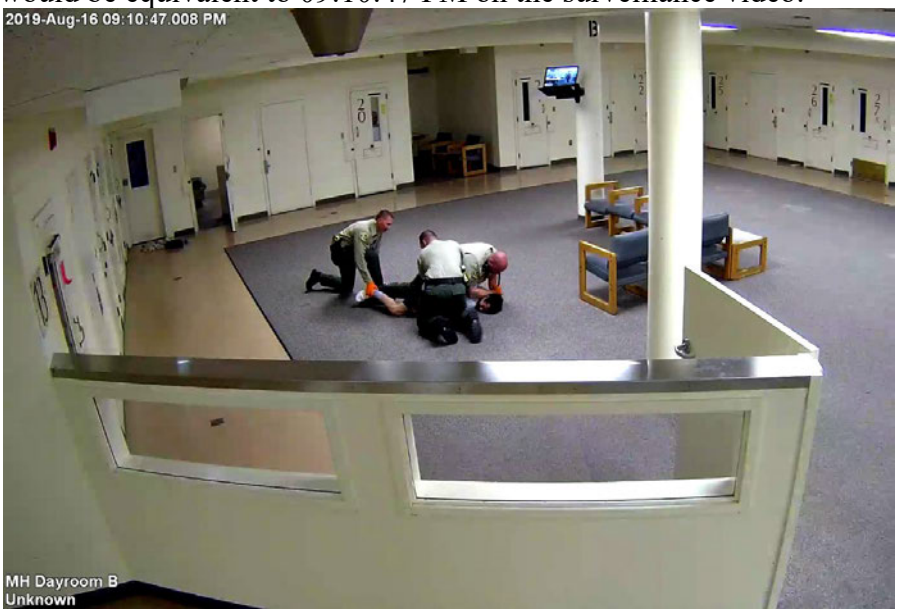
During the struggle, he remembers CD Mann verbalizing "stop resisting, stop grabbing, something to that effect," but he could not recall if that occurred prior to delivering any strikes.

When asked if he was surprised to see on the video he had delivered an elbow strike, CD Larman stated he was.

Nothing further.

I compared BWC video side by side with module surveillance video. Evidence.com indicated CD Mann's BWC began recording at 09:04 PM. When I compared that start time with footage from the surveillance video, the footage and the audio did not sync up. At 09:10:34 PM on the surveillance video, CD Mann can be seen telling Espinoza-Villalobos to face forward (via his hand gesture). This happened 4 minutes and 5 seconds into CD Mann's BWC video in which the same hand gesture can be seen. This would indicate CD Mann's BWC actually began recording at 09:06 PM if one were to use the surveillance video as the actual time. 09:10:34 PM minus 00:04:05 equals 09:06:29.

At 4 minutes and 18 seconds into CD Mann's BWC video, CD Larman can be heard saying "Let go of my hand." If CD Mann's BWC began recording at 09:06:29 PM, then 4 minutes and 18 seconds later would be equivalent to 09:10:47 PM on the surveillance video:



The still frame above indicates CD Larman stated "Let go of my hand" one second prior to delivering the second elbow strike at 09:10:48 PM.

I compared BWC video side by side with module surveillance video. Evidence.com indicated CD Wells activated his BWC at 09:08 PM. When I compared that start time with footage from the surveillance video, the footage and the audio did not sync up. At 09:10:45 PM on the surveillance video, CD Wells can be seen arriving to assist CD Mann and CD Larman at Espinoza-Villalobos' feet. This happened 13 seconds into CD Wells' BWC video. This would

indicate CD Wells' BWC began recording at 09:10:32 PM if one were to use the surveillance video as the actual time.

At 04:26 (mm:ss) into CD Mann's BWC video, CD Mann delivered a knee drop to Espinoza-Villalobos' right arm. This happened five seconds after the 04:21 mark when CD Mann stated "Alright, alright, slow down, we're good, we're good."

On November 6, 2019, at 0928 hours, Sergeant Doherty and I interviewed CD Mann. The interview was digitally recorded.[3] CD Mann was represented by his attorney Mark Wilson (Mastagni Holstedt). CD Mann was provided with an Administrative Admonishment form (which is attached to this investigation). After reading the form, he signed it. CD Mann and his attorney reviewed the module surveillance video and incident reports prior to the interview. CD Mann essentially stated the following:

He has worked for the Sheriff's Office for approximately 3 years, 2 ½ years in the Detention Division and 5 months in the Patrol Division. He is currently assigned to graveyard shift at MADF. He estimated he has worked 2-3 shifts per week in the MADF mental health module over the course of his 2 ½ years in the Detention Division. As a mental health module correctional deputy, he has received specialized in-house training in crisis intervention response and de-escalation tactics.

On August 16, 2019, he was assigned to dayshift at MADF and was working in the mental health module. On that date he worked a double shift. He started at 0715 hours and was scheduled to go off duty at 2245 hours.

Inmate Espinoza-Villalobos was housed in the mental health module on August 16, 2019. Espinoza-Villalobos had a classification rating of Level 4 administrative segregation and behavior code E which is the highest level of classification rating at MADF. He said Level 4 typically indicated the "worst of the worst when it comes to behavior and assaults on staff." The mental health code is a separate code that is assigned by the mental health staff, with "E being the worst." Mental health staff has determined Espinoza-Villalobos is "one of the most volatile inmates and has an extremely high possibility of using violence against staff."

CD Mann knew of prior incidents in which Espinoza-Villalobos was violent towards correctional staff in the past. He recalled the most recent incident in which Espinoza-Villalobos stabbed a Correctional Deputy through the cell food port with a sharpened piece of plastic. He referenced that case (M2019-0622-07) in his incident report.

CD Mann was involved in prior incidents with Espinoza-Villalobos and described his behavior as "unacceptable." In a prior incident, Espinoza-Villalobos complained the music in his cell was not being turned on quickly enough and threatened to stab correctional staff and CD Mann.

[3] An audio copy of the interview can be found in exhibits.

On August 16, 2019, CD Mann was searching Espinoza-Villalobos' in the normal course of duty. Espinoza-Villalobos began threatening CD Mann from the dayroom area of the module stating things along the lines of; I know where you guys park, I get out on this date, and threatening to stab and kill him. CD Mann said he deals with these threats on a regular basis with various inmates, but this appeared to be more of a specific threat and was more personal and concerning to him.

On August 16, 2019, Espinoza-Villalobos was in full waist and ankle restraints. CD Mann estimated he had 8 to 10 inches of mobility, enough to use the telephone, read a book, and function without being completely restricted.

Based on Espinoza-Villalobos' threatening behavior while out of his cell on August 16, 2019, it was determined he needed to go back to his cell. While escorting him back to his cell, Espinoza-Villalobos defied orders to face forward and continued to threaten CD Mann. This was concerning to CD Mann as he feared Espinoza-Villalobos would spit on him, bite him, or head butt him. Espinoza-Villalobos then "tensed up" and planted his feet. CD Mann utilized a "modified leg sweep" takedown and took Espinoza-Villalobos to the ground to gain better control of him.

While on the ground CD Mann felt Espinoza-Villalobos grab (with his right hand) towards CD Mann's duty belt and heard CD Larman say something about "grabbing." He described the area where Espinoza-Villalobos was grabbing as the location where his handcuffs and OC spray (pepper spray) were located on his duty belt. He feared if Espinoza-Villalobos gained control of either of those items, he use them as weapons against them. In an effort to overcome the grabbing, CD Mann delivered three knee strikes intending to hit Espinoza-Villalobos' right shoulder area. After the strikes, Espinoza-Villalobos ceased the resistance and he was able to gain complete control of him.

CD Mann believed his knee strikes did not land on the intended shoulder target area based on Espinoza-Villalobos' struggling movements. He said he could not see the intended target area as he was preoccupied in trying to gain control of Espinoza-Villalobos' hand.

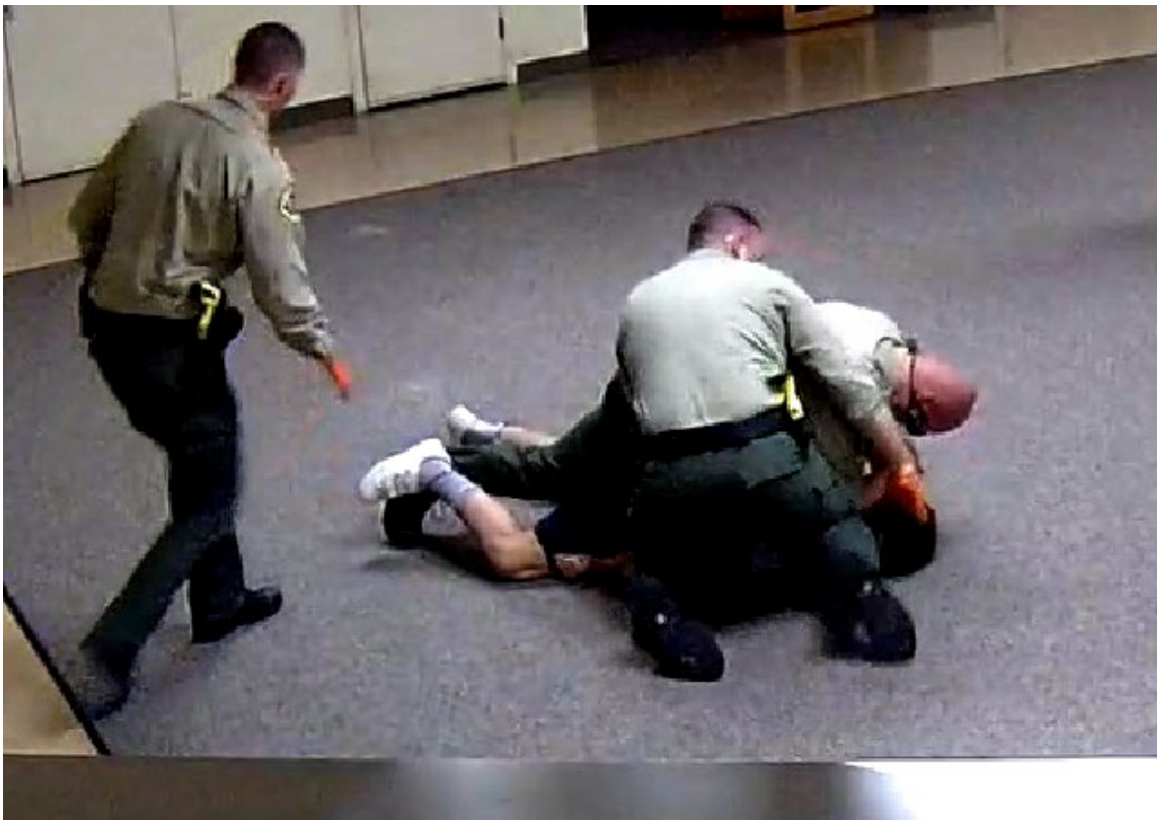
CD Mann recalled CD Larman threw some sort of strike, whether it be a punch or elbow, but he was so focused on what he was doing that he couldn't say for certain what level of force CD Larman used. He believed CD Wells was in the middle of getting the tether restraint when this event occurred but ultimately assisted by controlling Espinoza-Villalobos' legs.

In reference to CD Mann's "knee drop," he stated that movement was intended to be a control technique preventing Espinoza-Villalobos from getting up. He intended to put his knee on Espinoza-Villalobos' shoulder/upper arm area but with the added adrenaline, he may have brought his knee down with such force as to turn it into a strike. He did not realize he had done that until watching the module surveillance video prior to this interview. He attributed this lack of recollection to having worked several consecutive 16 hour days and not reviewing the surveillance video prior to writing his report.

CD Mann stated he his only intentions were to ensure Espinoza-Villalobos did not hurt him or CD Larman. Based on his training and experience, he believed the only potential use of force issue would be the knee drop, but he reiterated it was not an intentional strike.

Nothing further.

Based on CD Mann's statement of not being able to clearly see his intended target while delivering the three (3) knee strikes, I've included a screenshot of CD Wells' BWC video that captured the moment CD Mann delivered knee strikes. This screenshot corroborates CD Mann's statement.



On November 6, 2019, I met with Correctional Sergeant Todd Grenier who supervises the Detention Division's use of force program. He and I viewed the module surveillance video together and I later emailed him seeking his professional opinion on the force used. Sergeant Grenier wrote:

From: Todd Grenier
To: Sean Jones
Subject: RE: 19-PP-0019
Date: Thursday, November 7, 2019 1:51:11 PM
Attachments: M2019081610.docx
image001.png

Good afternoon Sergeant Jones,

I have attached a word document with my responses to the questions listed below. Please let me know if you have any questions or need additional clarification about my responses.

Thanks,

Todd

From: Sean Jones
Sent: Wednesday, November 06, 2019 3:28 PM
To: Todd Grenier <Todd.Grenier@sonoma-county.org>
Subject: 19-PP-0019

Good afternoon Sgt. Greiner,

Thank you for taking the time today to watch the module surveillance video in this case. Please review the incident reports (M2019-0816-10) prior to answering the following question. After reading the incident reports and watching the video, and as a Defensive Tactics Instructor Sergeant, could you please offer an opinion regarding the use of force used on inmate Sergio Espinoza-Villalobos? Understandably, you are not aware of the statements given by the correctional deputies so you may have some difficulty. I am interested in your professional opinion on the strikes used and if they are part of the Detention Division DT program. The force seen in the module surveillance video includes:

1. CD Mann takedown of Espinoza-Villalobos.
2. CD Larman 3 punches to Espinoza-Villalobos' midsection.
3. CD Mann 3 knee strikes to Espinoza-Villalobos' head.
4. CD Larman 2 elbow strikes to Espinoza-Villalobos' head.
5. CD Mann knee drop to Espinoza-Villalobos' upper right arm.

Thank you,
Sean

Sergeant Grenier authored a written response to the questions I asked of him:

"I have reviewed the surveillance video, Correctional Deputy Larman and Correctional Deputy Mann's body worn camera footage, and read the incident report (M2019-0816-10).

"I realize even video footage of the event won't give me the entire picture of the event. I haven't spoken to any of the correctional deputies involved in the incident and I am not aware of any statements given by them.

"These are my opinions based upon reading the incident report and watching the videos.

1. "CD Mann takedown of Espinoza-Villalobos.

"According to the incident report, Correctional Deputy Mann used a "head pull" takedown to bring Espinoza-Villalobos to the ground. The technique is part of the Detention Division DT program and is taught as a "hair pull" or "forehead sweep takedown." The technique is commonly modified due to an inmate's lack of hair to grab. Correctional deputies are taught that it is appropriate to modify the technique if it is needed to complete the takedown of the inmate.

"Espinoza-Villalobos had recently made threats towards Correctional Deputy Mann and they were in close proximity to each other. Espinoza-Villalobos tensed his body and turned towards Correctional Deputy Mann. Correctional Deputy Mann believed Espinoza-Villalobos was preparing to assault him.

"I believe the takedown was a reasonable use of force. Putting Espinoza-Villalobos on the ground diminishes his ability to assault Correctional Deputy Mann.

2. "CD Larman 3 punches to Espinoza-Villalobos' midsection.

"A closed fist strike is commonly known as a "punch." Closed fist strikes aren't taught as part of our curriculum in the Detention Division DT program, but they aren't banned. We teach two strikes using the hands. The "Bottom Fist Strike" and the "Palm Heel Strike." I have listed a description of both below.

"Bottom Fist Strike: Closed fist, strike with bottom of fist.

"Palm Heel Strike: Fingers curled up, thumb in, strike with meaty part of palm.

"Closed fists strikes are discouraged because of the increased risk of injury to the correctional deputy delivering the strike. They may break their hand on a hard body

part of the target or hit another hard object if they miss their intended target. Closed fist strikes aren't treated much differently than a bottom fist strike or a palm heel strike in regards to the level of force delivered.

"Correctional Deputy Larman delivered three closed fist strikes to Espinoza-Villalobos' midsection. Correctional Deputy Larman wrote in the incident report that Espinoza-Villalobos was "grabbing at Deputy Mann and myself" and was "fearful Espinoza was attempting to assault Mann, Wells, myself, or grab items off our person such as our department issued oleoresin capsicum spray (O.C. Spray), X26 Taser, keys or other items which could be used as a weapon."

"Correctional Deputy Mann wrote that Espinoza-Villalobos grabbed his hand and he 'Vocalized this to my partner (Correctional Deputy Larman)'. He also wrote, 'Larman also yelled at Espinoza to let go of his hand.'"

"I would consider the three closed fist strikes Correctional Deputy Larman delivered to Espinoza-Villalobos' midsection reasonable if Espinoza-Villalobos was attempting to assault staff or take a weapon off his body or Correctional Deputy Mann's body or if he reasonably believed Espinoza-Villalobos was attempting to do so.

"Espinoza-Villalobos was in the prone position with both his hands secured in waist restraints. People are still dangerous and can be assaultive while having their arms and legs secured in restraints, but it does lessen their ability to do so.

"I was unable to see Espinoza-Villalobos grabbing Correctional Deputy Larman or Correctional Deputy Mann on the surveillance video or the body worn camera footage. Espinoza-Villalobos' hands were obscured from view for a large portion of the videos by either staff and/or the camera angle.

3. "CD Mann 3 knee strikes to Espinoza-Villalobos' head.

"A knee strike is part of the Detention Division DT program. We teach the correctional deputies to deliver knee strikes to standing targets and targets on the ground.

"There are no restricted target areas for the knee strikes. They are taught that certain target areas can cause more severe damage than others. For example, a knee strike to the groin, neck, head, or throat will most likely cause more damage than a knee strike to the thigh, arm, or shoulder. They are taught the target area must be reasonable given the totality of the circumstances and the situation.

"Correctional Deputy Mann wrote, "As we went to the ground, I lost control of Espinoza's right hand. I felt his right hand grab a tight hold of my left hand. His hand began grabbing at items on my duty belt."

"Correctional Deputy Mann delivered three knee strikes to Espinoza-Villalobos' head. Correctional Deputy Mann wrote his intended target was Espinoza-Villalobos' right shoulder and upper torso. I believe knee strikes to the shoulder and upper torso area are reasonable if Espinoza-Villalobos was attempting to grab weapons on Correctional Deputy Mann's duty belt, holding on to his hand, or if Correctional Deputy Mann believed that Espinoza-Villalobos was doing so.

4. "CD Larman 2 elbow strikes to Espinoza-Villalobos' head.

"An elbow strike is part of the Detention Division DT program. We teach the correctional deputies to deliver elbow strikes to standing targets and targets on the ground.

"There are no restricted target areas for the elbow strikes. They are taught that certain target areas can cause more severe damage than others. For example, an elbow strike to the groin, neck, or throat will most likely cause more damage than an elbow strike to the thigh, arm, or shoulder. They are taught the target area must be reasonable given the totality of the circumstances and the situation.

"In the surveillance video, Correctional Deputy Larman delivers three closed fist strikes to Espinoza-Villalobos' midsection (addressed in question two). Then he delivers two elbow strikes to Espinoza-Villalobos' head. I read Correctional Deputy Larman's supplemental incident report (M2019-0816-10). I couldn't find any reference to the elbow strikes in his report or any other part of the incident report.

"Espinoza-Villalobos was in the prone position with both his hands secured in waist restraints. People are still dangerous and can be assaultive while having their arms and legs secured in restraints, but it does lessen their ability to do so.

"Correctional Deputy Larman wrote, "After my last strike, I could feel Espinoza pull his arms in towards his body, and he stopped stopped [sic] tensing and thrashing his body." The last strike he refers to in his incident report is a closed fist strike. The elbow strikes occur after the closed fist strikes.

"The first elbow strike is partially obscured on the surveillance video, but the last elbow strike can be clearly seen on the surveillance video. Espinoza-Villalobos appears to be reasonably under control when Correctional Deputy Larman delivers the two elbow strikes to his head. They don't appear reasonable based upon the information I have read in the incident report or what I observed in the video.

5. "CD Mann knee drop to Espinoza-Villalobos' upper right arm.

"We teach the correctional deputies to use their legs or knees to help keep the inmates shoulder pinned to the ground and use their legs to restrict the movement of the inmates

"arm while holding it in a control hold. This technique is commonly used to control an inmates arms while they are on the ground while waiting for more staff members. You will also see it used when applying or removing restraints.

"A knee drop isn't taught or part of the Detention Division DT program. We don't teach the correctional deputies to deliver a strike when transitioning to that position.

"Correctional Deputy Mann does appear to land heavily on Espinoza-Villalobos' shoulder with his knee while transitioning to that position. I don't believe it would be reasonable if the knee to the shoulder was intended as an intentional strike if Correctional Deputy Mann believed he already had control of Espinoza-Villalobos.

"I have seen several staff members land roughly on a person while trying to get into that position in real life and training scenarios. Many times it is because they are in a rush due to the stress of the situation and/or their physical limitations to move up and down easily."

Nothing further at this time.

Conclusions and Findings

In reviewing and investigating this incident, I determined the following: On August 16, 2019, at approximately 2100 hours, inmate Sergio Espinoza-Villalobos, a level 4 inmate, was out of his cell on his Out of Cell Activity (OCA) time in the mental health module of MADF. Espinoza-Villalobos was restrained in waist and leg restraints. During this time, CD Mann conducted a search of his cell (MH-19). Espinoza-Villalobos was verbally challenging and threatening CD Mann during this search.

Based on his behavior, the decision was made to escort Espinoza-Villalobos back to his cell. During the escort, Espinoza-Villalobos defied commands to face forward, tensed his body, and was taken to the ground by CD Mann. CD Larman went to the ground on top of Espinoza-Villalobos.

While on the ground, Espinoza-Villalobos grabbed at CD Mann and CD Larman. CD Larman delivered three (3) punches to the right side of Espinoza-Villalobos' midsection and two (2) elbow strikes to the back of his head. CD Mann delivered three (3) knee strikes to Espinoza-Villalobos' face and one (1) knee drop to his upper right arm area.

Additional staff arrived to assist including Correctional Sergeant Airoldi who later completed a Use of Force Report recommending the incident be further reviewed.

On August 17, 2019, Correctional Lieutenant Skinner and Correctional Sergeant Airoldi reviewed the module surveillance footage of the incident. Lieutenant Skinner authored a memorandum to Captain Awad stating he believed the elbow and knee strikes were outside the scope of the Sheriff's Office Use of Force policy.

After reviewing all incident reports, watching all BWC video, interviewing CDs Mann and Larman, and watching the module surveillance video, it is undeniable Espinoza-Villalobos verbally threatened CD Mann. The evidence clearly showed Espinoza-Villalobos turn and face CD Mann as he was being escorted back to his cell prior to him being taken to the ground.

A struggle ensued that was captured on CD Mann's BWC, CD Wells' BWC, and module surveillance video.

The purpose of this investigation was to determine whether or not the use of force by correctional deputies when handling Inmate Sergio Espinoza-Villalobos violated Sheriff's Office Rules and Regulations or Office-Wide Policy, more specifically:

RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

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

Use of Force: This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide Deputies of this Sheriff's Office with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each Deputy is expected to use these guidelines to make such decisions in a professional, impartial and safe manner.

ACTIVE RESISTANCE/ASSAULTIVE BEHAVIOR: When a subject verbally or physically indicates their intent to inflict bodily injury, assaults a deputy, or any other person. The deputy reasonably believes there is an imminent danger of violence. The subject may assume a fighting stance, display boxing or mixed martial art skills, attempt to escape, prevent his/her arrest, interfere with a deputy's lawful authority by inflicting pain or physical injury to the deputy, or any other person.

REASONABLENESS: The Fourth Amendment "reasonableness" inquiry is whether the peace officers' actions were "objectively reasonable" in light of the facts and circumstances confronting them, at that moment, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that peace officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.

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.

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.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by the Office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 LEGAL AUTHORITY FOR USE OF FORCE

California Penal Code Section 835: An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subject to such restraint as is reasonable for his/her arrest and detention.

California Penal Code Section 835a: Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the subject being arrested; nor shall such officer be deemed an aggressor or lose their right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

California Penal Code Section 843: When the arrest is being made by an officer under the authority of a warrant, after information of the intention to make the arrest, if the person to be arrested either flees or forcibly resists, the officer may use all necessary means to effect the arrest."

Title 15, California Code of Regulations Section 3268: (Reasonable Force) The force that an objective, trained and competent employee, faced with similar facts and circumstances, would consider necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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.



CORRECTIONAL DEPUTY MATTHEW MANN

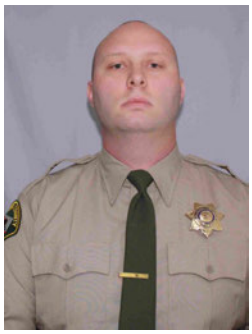
Date of Hire: 10/18/2016
Last two evaluations:
01/04/2019-05/31/2019: Exceeds Standard
08/28/2018-01/13/2019: Standard

Based on the video footage and CD Mann's incident report, CD Mann utilized three knee strikes in an effort to overcome Espinoza-Villalobos' resistance. Both CD Mann and CD Larman gave corroborating statements that Espinoza-Villalobos grabbed at items on their duty belts that could be used as weapons against them. That action, coupled with Espinoza-Villalobos' violent threats during this incident and violent history, would understandably raise significant correctional deputy safety concerns. Those knee strikes were intended to impact Espinoza-Villalobos' shoulder. Instead, due to CD Mann's inability to clearly see his target, those strikes impacted Espinoza-Villalobos' head. Those knee strike techniques are authorized and taught by Sonoma County Sheriff's Office defensive tactics instructors and they are a reasonable force response in this instance.

CD Mann also dropped a knee down on Espinoza-Villalobos' upper right arm after all resistance had ceased. The placement of a knee to the upper back/shoulder area is authorized and taught by Sonoma County Sheriff's Office defensive tactics instructors as a control technique. Although CD Mann ultimately left his knee in that position as a control technique, he brought it down with such force that it turned from a control technique to a strike (knee drop). At the time of the knee drop, Espinoza-Villalobos' had ceased to resist and he was under control. While unintentional, the strike appeared to be unnecessary at the time based on Espinoza-Villalobos' level of resistance.

Based on information I received and later learned; I believe CD Mann failed to follow Sonoma County Sheriff's Office policies and used unnecessary force (knee drop), therefore a finding of Sustained should be given.

Finding: Sustained



CORRECTIONAL DEPUTY STEVEN LARMAN

Date of Hire: 10/19/2015
Last two evaluations:
09/11/2018-04/01/2019: Standard
04/21/2017-09/10/2018: Standard

Based on the video footage and CD Larman's incident report, CD Larman utilized three midsection punches in an effort to overcome Espinoza-Villalobos' resistance. Both CD Mann and CD Larman gave corroborating statements that Espinoza-Villalobos was grabbing at items on their duty belts that could be used as weapons against them. That action, coupled with Espinoza-Villalobos' violent threats during this incident, and violent history, would understandably raise significant correctional deputy safety concerns. The use of hand strikes are authorized and taught by Sonoma County Sheriff's Office defensive tactics instructors and they were a reasonable force response in this instance.

CD Larman also utilized two elbow strikes on the back of Espinoza-Villalobos' head. The use of elbow strikes are authorized and taught by Sonoma County Sheriff's Office defensive tactics instructors, however, like all force options, it needs to be based on reasonableness to overcome resistance, affect an arrest, or prevent escape. CD Larman did not reference the elbow strikes in his incident report and did not recall using elbow strikes until he reviewed the module surveillance video. When questioned about the strikes, CD Larman believed they were more of a downward pressure control technique to prevent Espinoza-Villalobos from getting up. Based on video footage, it is undeniable CD Larman's use of force with his elbows would be considered strikes. It is well known that peace officers are sometimes unable to recall all strikes used while in the middle of a rapidly unfolding violent event and therefore understandable he did not recall utilizing elbow strikes until reviewing the video footage. This does not however alleviate the requirement that the force used be necessary to overcome the inmate's resistance. The use of the two elbow strikes to the head of Espinoza-Villalobos appeared to be unnecessary in comparison to his level of resistance at that time.

Based on information I received and later learned; I believe CD Larman failed to follow Sonoma County Sheriff's Office policies and used unnecessary force (elbow strikes), therefore a finding of Sustained should be given.

Finding: Sustained