MARK ESSICK
Sheriff-Coroner

JAMES NAUGLE
Assistant Sheriff
Law Enforcement Division

ALAN VERNON
Assistant Sheriff
Detention Division

Sonoma County Sheriff's Office

LETTER OF REPRIMAND

DATE: January 8, 2020

TO: Correctional Deputy Matthew Mann

FROM: Sergeant Sean Jones

This proposed disciplinary action is based on your conduct and performance as described herein. This conduct constitutes grounds for disciplinary action pursuant to the Rules of the Civil Service Commission, County of Sonoma, and/or the following General Rules and Regulations of the Sonoma County Sheriff's Office:

RULES AND REGULATIONS REGARDING CONDUCT

5. PROCEDURES

B. DUTIES, CONDUCT AND RESPONSIBILITY

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

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.

STATEMENT OF FACTS:

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, you conducted a search of his cell (MH-19). Espinoza-Villalobos was verbally challenging and threatening you during the search of his cell.

Based on his behavior, a 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 based on those actions you took him to the ground.

While on the ground, Espinoza-Villalobos grabbed towards you and CD Larman. You delivered three (3) knee strikes to Espinoza-Villalobos' face and one (1) knee drop to his upper right arm area.

Based on the use of force, this investigation was initiated.

Use of Force:

Based on the video footage and your incident report, you utilized three knee strikes in an effort to overcome Espinoza-Villalobos' resistance. You gave a statement that Espinoza-Villalobos grabbed for items on your duty belt that could be used as weapons against you. That action, coupled with Espinoza-Villalobos' violent threats during this incident and violent history, would understandably raise significant safety concerns. Those knee strikes were intended to impact Espinoza-Villalobos' shoulder. Instead, due to your inability to clearly see your 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.

You 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 you ultimately left your knee in that position as a control technique, you 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.

In reference to the knee drop, you said during your interview you did not realize you had done it until watching the module surveillance video prior to the interview, thus explaining why it was not documented in your report. You attributed this lack of recollection to having worked several consecutive 16 hour days and not reviewing the surveillance video prior to writing your report.

The finding on this policy violation was sustained. In the future, be more cognizant of the force options you employ.

In addition, the Sheriff has ordered you to attend remedial use of force training not to exceed 4 hours. You are responsible for contacting the use of force detention sergeant to complete such order.

YOUR RIGHT TO A RESPONSE

Under applicable law, and the Rules of the County Civil Service Commission, you have various legal rights in connection with this Notice, which you should discuss with your attorney, union representative, or other representative.

You have the right to an Administrative Appeal. You have three (3) working days to contact Captain Darin Dougherty at 565-3007 to request such an appeal.

This letter will be placed in your permanent personnel file. This letter may contain comments adverse to you interest. You may file a written response within thirty (30) days, which will be attached to this letter and placed in your permanent personnel file. Your signature below certifies that you have been provided a copy of this document, are aware of its contents, and understand your right to file a written response and/or an Administrative Appeal.

Sergeant Sean Jones
Internal Affairs

Received by:

CD Matthew Mann

Date: 1/12/20