Incident/Investigation Report

Agency: **Sonoma County Sheriff's Office** Case #: **SD131016002**

CONTROLLED DOCUMENT - DO NOT DUPLICATE

Incident Information

Date/Time Reported: **10/16/2013 0340**	Occurred Between: **10/16/2013 0340** & **10/16/2013 0340**
Location: [redacted] **SHADOW LN** [redacted] **SANTA ROSA CA**	
UCR Status:	Officer: **CECILE FOCHA 110919**
Summary: SRPD in-custody death County-wide protocol invocation	

Charges

Statute: **69 PC - (FEL) OBSTRUCT/RESIST EXECUTIVE OFFICER**		Attempted/Completed: **Completed**
Classification: Assault: Firearm	Weapon: **Personal Weapon (hands; feet; teeth; etc.)**	
Location: RESIDENCE (ANYWHERE ON PREMESIS)		
Statute: **243 (B) PC - (MISD) BATTERY ON PEACE OFFICER/EMERGENCY PERSONNEL/ETC**		Attempted/Completed: **Completed**
Classification: Assault: Firearm	Weapon: **Personal Weapon (hands; feet; teeth; etc.)**	
Location: RESIDENCE (ANYWHERE ON PREMESIS)		
Statute: **000 - FATAL INCIDENT PROTOCOL**		Attempted/Completed: **Completed**
Classification: Other Offenses	Weapon:	
Location: RESIDENCE (ANYWHERE ON PREMESIS)		
Statute: **000 - AGENCY ASSIST**		Attempted/Completed: **Completed**
Classification: Other Offenses	Weapon:	
Location: RESIDENCE (ANYWHERE ON PREMESIS)		

Offenders

Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
AUGUSTINE, CHRISTOPHER ERIC	[redacted]	**38/White/Male**	**5'08"/210**
Address: [redacted]			
Employer/School: UNEMPLOYED -			

Victims

Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
FERRIGNO, KENNETH	[redacted]	**25//Male**	**/**
Address: ,			
Employer/School: SANTA ROSA POLICE -			
Victim of: 000			

Others Involved

Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	[redacted]	[redacted]	**32/White/Female**	**5'02"/120**
Address: [redacted]				[redacted]
Employer/School: [redacted] -				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**44/White/Female**	**5'07"/200**
Address: [redacted]				
Employer/School: -				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	[redacted]	[redacted]	**26/Other/Male**	**6'05"/235**
Address: [redacted]				[redacted]
Employer/School: [redacted]				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	[redacted]		**/White/Male**	**/**
Address: [redacted]				[redacted]
Employer/School: [redacted]				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**55//Male**	**/**
Address: [redacted]				[redacted]
Employer/School: [redacted]				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	[redacted]	[redacted]	**60/White/Female**	**5'08"/155**
Address: [redacted]				[redacted]
Employer/School: -				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Witness	**WOODS, JEFFREY R**		**/White/Male**	**/**
Address: 965 SONOMA AV, SANTA ROSA CA				707-543-3600
Employer/School: SRPD - 965 SONOMA AV, SANTA ROSA				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Witness	**BERG, GARRETT EUGENE**	[redacted]	**24/White/Male**	**5'11"/190**
Address: ,				
Employer/School: SANTA ROSA POLICE - 965 SONOMA AVENUE SANTA ROSA				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**61/White/Male**	**5'10"/**
Address: [redacted]				
Employer/School: -				

Others Involved

Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Reportee	[redacted]	[redacted]	**46/White/Male**	**6'00"/165**
Address:	[redacted]			
Employer/School:	[redacted]			
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	[redacted]	[redacted]	**27/White/Male**	**/**
Address:	[redacted]			
Employer/School:	[redacted]			
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**40/White/Male**	**5'10"/220**
Address:	[redacted]			[redacted]
Employer/School:	[redacted]			
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Witness	**BRANDT, JASON RYAN**		**37/White/Male**	**6'02"/220**
Address: 965 SONOMA AV, SANTA ROSA CA				
Employer/School: SANTA ROSA POLICE DEPT - 965 SONOMA AV, SANTA ROSA				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	[redacted]	[redacted]	**48/Hispanic/Male**	**6'00"/250**
Address:	[redacted]			[redacted]
Employer/School: -				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	[redacted]	[redacted]	**34/White/Male**	**/**
Address:	[redacted]			
Employer/School:	[redacted]			
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Witness	**CELLI, RICHARD TODD**	[redacted]	**46/White/Male**	**5'10"/190**
Address: 965 SONOMA AV, SANTA ROSA CA 95404				707-543-3600
Employer/School: CITY OF SANTA ROSA - 965 SONOMA AVE				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Witness	**MCELHANEY, ERIC D**		**/White/Male**	**/**
Address: 965 SONOMA AV, SANTA ROSA CA 95401				707-543-3600
Employer/School: CITY OF SANTA ROSA - 965 SONOMA AVE, SANTA ROSA CA				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Witness	[redacted]	[redacted]	**65/White/Male**	**6'01"/205**
Address:	[redacted]			
Employer/School:	[redacted] -			
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**41/White/Male**	**5'04"/125**

Others Involved

Address: [redacted]				
Employer/School: -				
Inv Type: **Witness**	Name (Last, First Middle): **WELLINGTON, MARLEE JEAN**	DOB:	Age/Race/Gender: **/White/Female**	Height/Weight: **5'07"/145**
Address: 965 SONOMA AV, SANTA ROSA CA 95404				707-543-3600
Employer/School: SANTA ROSA POLICE DEPT - 965 SONOMA AV,SANTA ROSA, CA				
Inv Type: **Other**	Name (Last, First Middle): [redacted]	DOB: [redacted]	Age/Race/Gender: **31/White/Male**	Height/Weight: **/**
Address: [redacted]				[redacted]
Employer/School: [redacted]				
Inv Type: **Contacted**	Name (Last, First Middle): [redacted]	DOB: [redacted]	Age/Race/Gender: **56/White/Male**	Height/Weight: **/**
Address: [redacted]				[redacted]
Employer/School: -				

Narrative

Initial Narrative
Written by: **CECILE FOCHA 110919**
Date/Time: **10/16/2013 05:12:57**

On October 16, 2013 at approximately 0340 hours, I was contacted by dispatch and asked to telephone Santa Rosa Police Department Sergeant R. Celli. I called Sergeant Celli and he explained that a suspect died while violently resisting SRPD Officers` efforts to arrest. He asked that I come out to the scene as he thought his agency might invoke the county-wide protocol for the investigation of in-custody deaths.

I went to [redacted] Shadow Lane, [redacted], Santa Rosa. I met Sergeant Celli and Officer McElhaney outside the open door to unit [redacted]. Sergeant Celli briefly explained the circumstances of the 911 call and response. He noted two men to my attention and said that they were being transported to SRPD Investigations Bureau. I saw [redacted] leave the scene in a marked SRPD patrol car. I saw [redacted] leave the premises.

Sergeant Celli told me that he had been instructed by his administration that they were going to invoke the in-custody death protocol and were request assistance by our agency. I telephoned the on-call Watch Commander Lieutenant Steve Brown A12 and explained the circumstances as I understood them. Soon Lieutenant Brown informed me that SCSO would indeed accept the role of Lead Agency. I telephoned VCI Sergeant Basurto to provide him with any other details I might have to assist him and the responding detectives.

I told Sergeant Celli that we would take over the investigation and scene henceforth. Sergeant Celli told that the officers that were involved actors on scene were sequestered and would be waiting contact from our VCI Detectives. Officer McElhaney handed me a black camera case with the label "Phillips" affixed (property of SRPD). He told me that he had taken digital photographs of the incident. He surrendered the camera to me as part of the investigation.Sergeant Celli then left stating that he was going to the SRPD station.

At approximately 0450 hours, Lieutenant Brown arrived. At approximately 0505 hours, Deputies Halligan and Vail arrived for scene security. Deputy Halligan began a Major Incident Log. I escorted SRPD VCI Detectives through the scene. I surrendered the camera and case to Deputy Halligan and left at approximately 0655 hours.

Please see the other supplemental reports for further information and details.

FLUP - RUSSELL, R - 10/16/2013
Written by: **Russell, Ryan 1101456**
Date/Time: **10/16/2013 13:29:25**

On 10/16/13, at 0800 hrs., I arrived at [redacted] Shadow Ln. [redacted] to assist Detective Mancilla with his investigation. Upon arrival, I saw that there was crime scene tape across the door of [redacted]. I contacted CSI Detective O. Rodriguez, who was standing outside of unit [redacted], waiting for a search warrant to be signed. I also contacted Detective Mancilla and assisted him while he attempted to locate witnesses to this incident. In unit [redacted], we contacted [redacted]. [redacted] told Detective Mancilla that he never heard any disturbances throughout the night and that he had been asleep all night.

At 0900 hrs., I met with the property manager of the apartments [redacted] and the maintenance manager [redacted]. The two of them provided the following information. [redacted] told me that unit [redacted] was rented by Traveler`s Haven on 07/05/13. Traveler`s Haven is a corporation that rents residences for doctors and traveling nurses. The occupants listed for unit [redacted] was [redacted] and a subject named [redacted]. [redacted] first and last is written on the apartment contact list provided to me by [redacted], however it is not legible. I placed this contact list into evidence. [redacted] went on to tell me that [redacted] had informed the management staff at the apartments that [redacted] had been hired by [redacted] to take care of his dogs.

I asked [redacted] and [redacted] if there had been any issues at unit [redacted]. [redacted] told me that back in July of this year there had been an issue with the toilet in unit [redacted]. Apparently the toilet was broken and removed by the occupants of [redacted]. That toilet was then left in the ivy outside of the residence by the occupants. The occupants attempted to install a new toilet and

maintenance had to be called to repair the new toilet due to leaking from a poor installation. [redacted] told me that he was informed by one of the occupants of the residence that the original toilet had to be replaced because it had become broken during a disturbance. [redacted] went on to say that he believed Santa Rosa Police responded to that residence the night of the before mentioned disturbance.

[redacted] told me that [redacted] came into the office last week to get a house key and mailbox key. [redacted] told me that [redacted] mentioned to her that he was dealing with some sort of issues and that he may have been a protected person in a restraining order. [redacted] could not positively remember the context in which [redacted] spoke about the restraining order, but she believed he was referring to himself as the individual in the restraining order.

[redacted] stated that on 11/14/13 an individual came into her office and spoke with the leasing consultant for the apartments [redacted] told me that she did not know this subject and that he was requesting keys to unit [redacted] The subject was denied a set of keys due to the fact that his name was not on the lease. [redacted] told me that the male subject was rude and that she did not get his name. She told me that [redacted] might have the subjects name, however [redacted] was not working today.

[redacted] informed me that this same subject came back into the office yesterday complaining about having to move a U-Haul trailer that had been parked in front of unit [redacted] The trailer was illegally parked and was blocking parking spaces. The subject was mad because he had to move the trailer out to a posted no parking zone and believed he would receive a parking ticket. [redacted] said that when the U-Haul trailer was parked in front of unit [redacted], it had been attached to [redacted] vehicle (White colored, Lincoln MKT, LIC # 6VUP052). [redacted] told me that vehicle was now parked in front of the apartment complex.

[redacted] went on to tell me they did not have any more information on the residence. [redacted] added that he thought unit [redacted] was strange. He told me that [redacted] would be gone for several days at a time and that there would be numerous male adults at [redacted] residence. These male subjects would be up at all hours of the night and would frequently be walking around with their shirts off. I ended my interview with [redacted] as there was no more information they could think of regarding the occupants of unit [redacted].

At 1140 hrs., Detectives` Newton, Percy and I searched [redacted] vehicle. [redacted] vehicle was parked in front of the apartment complex. The vehicle was the before mentioned Lincoln, MKT, LIC # 6VUP052. Underneath the front passenger`s seat I located a receipt from Taco Bell and a pipe with some burnt marijuana in the bowl. I placed both items in a paper bag and gave them to Detective O. Rodriguez at the scene.

Nothing further.

FLUP - PERCY, J - 10/16/2013
Written by: **Percy, James 110968**
Date/Time: **10/16/2013 13:46:08**

SUPPLEMENTAL REPORT RE SCSO 131016-002 / SRP 13-12804
Sonoma County Sheriff`s Office
Property Crimes Investigation Unit
Detective J Percy

PURSPOSE: Search Warrant for [redacted] Shadow Lane, Apartment [redacted], Santa Rosa, CA.

NARRATIVE:

On 10-16-2013 (today) at approximately 0530 hrs, I received a phone call from Sonoma County Sheriff`s Office Property Crimes Detective Russell stating that Santa Rosa Police had an officer-involved death and this agencies Violent Crimes Unit needed our assistance. I telephoned Sonoma County Sheriff`s Office VCI Sergeant Carlos Basurto and he requested that I meet his unit at the Santa Rosa Police Department for a briefing on this incident.

At approximately 0615 hrs, I arrived at the Santa Rosa Police Department and received the following information. Sonoma County Sheriff`s Office Violent Crimes Sergeant Basurto asked that I draft a search warrant for the above-involved location and

associated vehicles:

On this date, at approximately 0254 hrs, Santa Rosa Police Officers were dispatched to [redacted] Shadow Ln, apartment [redacted] for a false-imprisonment related call where the caller, who was identified as [redacted], had reported that (S) Christopher Augustin was holding his friend, [redacted] inside the apartment against his will. [redacted] was also held by Augustin against his will, but he was able to escape to make this call.

At approximately 0300 hrs, Santa Rosa Police Officers arrived on scene and confronted Augustin inside the residence. Augustin was completely naked and violently fought officers who requested a code-20, requesting emergency back-up for additional police officers. Officers on scene requested a maximum restraint cord to assist with controlling Augustin, as well as emergency medical response.

Fire/EMS arrived on scene. At approximately 0314 hrs, there was a code blue, meaning the suspect was not breathing. CPR was performed and was unsuccessful. Augustin was pronounced dead on scene, inside the residence.

[redacted] reported to officers / detectives that Augustin is a methamphetamine user and addict. Officers / Detectives learned that this residence belongs to [redacted] and he lives there. Detectives from this agency will be conducting an investigation on this incident to determine the cause of events.

Based on the above, I responded back to the main Sheriff`s Office and drafted a search warrant to search [redacted] SHADOW LN, APARTMENT [redacted], in Santa Rosa and any vehicles associated to Augustin, [redacted], which are found parked within close proximity to this apartment complex. I also requested to seize and search any electronic data devices, such as cellular phones, personal data devices, and computers to determine if there were any associated phone calls or message sent which is related to this incident. Furthermore, I requested to conduct a forensic data analysis of any such data / electronic device to memorialize the incident on this date.

I requested to search and seize any indicia related to Augustin, [redacted] I requested to search for any drugs / narcotics of any form, drug paraphernalia, or prescription drugs which may be a contributing factor in this incident. I requested to search and seize any weapons, such as knives, firearms, or any other weapon, which could have been used in this incident, as well as any paperwork deemed relevant to this incident, or any object or material used to restrict one`s movement. I believe this search warrant will allow us to determine the cause and sequence of events in this incident.

After I completed the search warrant, I had Chief Deputy District Attorney Spencer Brady review the search warrant and he approved it. I then presented the search warrant to Sonoma County Superior Court Judge Conger and she signed and granted it. I immediately telephoned Detective Russell who was on scene with CSI Detective Rodriguez and advised the warrant was signed. I then telephoned VCI Sergeant Basurto and advised him the warrant was signed.

At approximately 0954 hrs, I arrived on scene at [redacted] Shadow Lane, apartment [redacted], in Santa Rosa with a copy of the search warrant. I provided Detective Rodriguez and Detective Mancilla with a copy of the search warrant. I was on scene until 1250 hrs this same date and I left.

NOTHING FURTHER

CHRO - GELHAUS, E - 10/16/2013
Written by: **Gelhaus, Erick 110623**
Date/Time: **10/16/2013 17:25:37**

On 10/16/2013 at about 0813 hours, Deputy Schemmel (my trainee) and I responded to [redacted] Shadow Lane [redacted], Santa Rosa to take over scene security from another deputy sheriff. Upon our arrival, we signed the scene entry log.

While there, VCI Detective Mancilla asked that we record all of the vehicle license plates in nearby parking spaces before people began leaving for work, school, etc. I noted the following plates:
AK# GLP510;
AZ# 026GLT;

CA# 7BWF628;
4WDS618;
6TAW197;
3HIU243;
6VQC343;
6VUE480;
6LLP982;
6SLL165;
6CGT375;
4CLL145;
3LCY743;
6EZC862;
HUNEEEY;
6ZSD652;
93782J1;
6JTG729;
6R30002;
4CTD054;

We were released from the scene after Deputy Pabros relieved us at about 1118 hours.

Nothing Further.

CHRO - SCHEMMEL, M - 10/16/2013
Written by: **Schemmel, Michael 1102240**
Date/Time: **10/16/2013 18:03:07**

On 10/16/2013 at about 0813 hours, Deputy Gelhaus and I responded to [redacted] Shadow Lane [redacted], Santa Rosa to take over scene security from Deputies Halligan and Vail. Upon our arrival, we signed the scene entry log.

While there, VCI Detective Mancilla asked that we record all of the vehicle license plates in nearby parking spaces before people began leaving for work, school, etc. I noted the following plates:

5HBA208
4TYY841
4ZYM862
2WDH171
20V7777
5NQN862
5KYR775
7BUT286
5WYE115
3HPK381
6NAC207
6AQG209

We were released from the scene after Deputy Pabros relieved us at about 1118 hours.

Nothing Further.

RTE - SCHARBIUS, J - 10/16/2013
Written by: **Scharbius, Joan 110272**

Date/Time: **10/16/2013 22:29:35**

SRPD, 10-16, 272-JS
Email to #1041 rgrdng Supp dtd 3/24 rqstng case go to DA, 4/24/14, 2150-AH
3 #1041 7/17/14 supps apprvd, Toney taking to DA 7/21/14 1466 jl

---

FLUP - HALLIGAN, A - 10/17/2013
Written by: **ANTHONY HALLIGAN 1102231**
Date/Time: **10/17/2013 02:40:24**

On 10-16-13 at approx. 0340 hours, my field training officer, Deputy M.Vail #1502, and I were dispatched to [redacted] Shadow Lane, Apt [redacted], Santa Rosa, regarding an agency assist.

Upon our arrival, we were informed by Sergeant C.Focha that SRPD had an in-custody death at the residence and we were tasked to provide scene security. I created a SCSO major incident access log and we (Deputy Vail and I) stayed on scene, until we were relieved by Deputy E.Gelhaus and Deputy M.Schemmel at approx. 0830 hours.

Note: During our time on scene we allowed no one to enter or leave the scene without signing the major incident log. Also, gave custody of the SRPD camera and case, which had been surrendered to me by Sergeant Focha, to Deputy Schemmel.

No further information.

FLUP - RODRIGUEZ, O - 10/21/2013
Written by: **Rodriguez, Orlando 110925**
Date/Time: **10/21/2013 14:02:38**

On 10/16/2013, at approximately 0430 hours, I received a call from Detective Sergeant, John Molinari regarding a suspicious death investigation. Sgt. Molinari advised me that the Santa Rosa Police Department had initiated the county wide protocol and was requesting that the SCSO investigate an in-custody death that had occurred. He told me to respond to the Santa Rosa Police Department for a briefing.

I responded to the Santa Rosa Police department and contacted members of the Santa Rosa Police Department Investigation detectives and the SCSO detectives, John Buergler, Troy Newton, John Molinari, James Percy, Ryan Russell, Gary Freitas, Carlos Basurto, Adrian Mancilla, Jeff Toney, and Brandon Cutting.

In summary the following was provided by Detective Sergeant Dave Linscomb:
On 10/16/2013, at approximately 0254 hrs, Santa Rosa Police Officers responded to [redacted] Shadow Lane, apartment [redacted] for a false-imprisonment call. Victim #1/Reporting Party had escaped from the apartment and identified the suspect as Christopher Augustin. The RP stated that Augustin was holding his friend hostage in the apartment. Victim #1 identified his friend as [redacted] (Victim #2).

At approximately 0300 hrs, Santa Rosa Police Officers arrived on scene and confronted Augustin inside the residence. Augustin was naked and fought officers upon contact. The officers requested additional police officers to assist them with Augustin. Officers on scene handcuffed Augustin and requested a maximum restraint cord to assist with controlling Augustin. A maximum restraint cord was placed on Augustin to control him. Augustin stopped breathing, so officers removed the maximum restraint cord and began CPR on him. EMS arrived on scene and continued with life-saving efforts with negative results. Augustin was pronounced dead on scene.

It was reported that Augustin was a methamphetamine user and addict. The apartment of where the incident occurred belongs to [redacted]. A Deputy Sheriff and a SRPD officer were on scene securing the apartment.

Sgt. Molinari instructed me to respond to the scene so I could process it after a search warrant was obtained. Detective Newton responded to assist. I was advised that there were syringes throughout the residence and may contain unknown liquids or contaminants.

At approximately 0710 hours, I responded to [redacted] Shadow Lane, apartment [redacted], Santa Rosa, CA. At approximately 0720 hours, I contacted Deputy M. Vail and Deputy A. Halligan and I signed the crime scene log. Deputy Vail told me that Sgt. Focha had taken possession of a camera belonging to one of the SRPD Officers who had taken photographs of the scene. He pointed to a pelican case that was on the ground within the porch of the apartment. The pelican case had the name "Phillips 214" on it.

I saw that there was yellow barrier tape surrounding the front door of the apartment. The apartment is a 2-story multi-apartment complex, brown in color with green trim and the front door is red in color. Apartment [redacted] is located on the first floor and the numbers [redacted] are displayed on the front door. I took several photographs of the exterior of the apartment complex, the vehicles in the surrounding area and of apartment [redacted]

At approximately 0931 hours, I was advised that the search warrant for the residence was signed by the Honorable J. Conger, Judge of the superior court. I began processing the scene by taking overall photographs of the exterior of apartment [redacted]. I took photographs of the pelican case and the camera that was inside the case. The camera was a "Canon A1200" digital camera. I removed the memory card (SanDisk 4GB) from inside the camera and labeled the memory card as evidence item #925-1. I later downloaded the photographs contained in the memory card onto a CD-disc and labeled the disc as evidence item #925-1A. I released the camera and pelican case to a SRPD Officer.

I opened the front door and went into the apartment. I took overall photographs of the inside of the apartment to document its condition. The apartment is a 1-bedroom, 1-fullbath, kitchen, living room and dining room. There is a rear door on the North West wall of the living room that leads to a patio. As you walk through the patio there is a door that leads to the laundry room.

The apartment appeared to be in disarray, there were clothes on the floor and furniture. There was also U. S. currency and miscellaneous papers scattered throughout the apartment. There was a maximum restraint cord on the floor in the small hallway near the bedroom. The maximum restraint cord had the initials "SRPD" embroidered. I saw a white bag which contained medical waste.

The bedroom was located on the northwest side of the apartment. The naked body of Augustin was lying supine on the floor with his arms to his sides. Augustin`s head was toward the west and his feet were toward the east. I took several digital photographs of the room and Augustin to document the scene. I saw an airway device attached to his mouth, an I/V line on his neck and the I/V bag on the floor next to the left side of his torso. I did not see any signs of trauma or major injury on Augustin. There were two defibrillation electrodes pads on Augustin, one was on the top of his chest and the other was on the left side of his torso. There were also several EKG sticky pads on Augustin`s torso. There was CPR medical accessories next to Augustin`s head, such as an oxygen mask, tubing, clear tape and a resuscitator air pump. Augustin also had an I/V attached to his lower left leg. Augustin had a pair of handcuffs attached to each of his wrists. Augustin`s eyes were partially open and his skin was cold to the touch. Augustin had various tattoos on his arms, chest and back.

I noticed several cuts and bruises on Augustin`s face and head. He also had a bruise on his right knee. Augustin`s left arm had a gauze pad with medical tape over an unknown injury on the inside portion of where the elbow bends. I photographed the rest of the bedroom and continued onto the bathroom and kitchen.

I obtained my video camera and took a short video of the scene to document the scene. I began placing evidence placards to label and document evidence items. I took photographs and a 2nd short video to document the evidence items.

I placed evidence item #925-2 next to two cellular phones located in the living room on top of an end table. Item #925-2A was a Samsung cell phone, model #SGH-i437P, serial [redacted]. At approximately 1202 hours, I collected the cellular phone. I later conducted a forensic download on this cellular phone and copied it to a CD-disc. I labeled the disc containing the forensic download as evidence item #925-2A1.

Evidence item #925-2B was a Samsung cell phone, model #SGH-i547, serial [redacted]. At approximately 1202 hours, I collected the cellular phone. I later conducted a forensic download on this cellular phone and copied it to a CD-disc. I labeled the disc containing the forensic download as evidence item #925-2B1.

I placed evidence item #925-3 next to a laptop "Leveno" computer. At approximately 1204 hours, I collected the computer and placed it in a paper bag.

I placed evidence item #925-4 next to the maximum restraint cord and collected it at approximately 1205 hours. On 10/22/2013, at approximately 1030 hours, I took close-up photographs of the restraint cord using a scale. The maximum restraint cord total length was approximately 101-inches. The nylon cord measured approximately 96-inches, the ring measured approximately 2-inches and the hook measured approximately 3-inches, total length of 101- inches.

I placed evidence item #925-5 next to some medical waste that consisted of latex gloves and other wrappers located by the bedroom door. At approximately 1207 hours, I collected the items.

I placed evidence item #925-6 next to the body of Augustin. At approximately 1250 hours, SCSO Sheriff`s Office Investigative Coroner arrived on scene. Detective J. Haugen, visually examined the body and took photographs. He manipulated the body so I could take photographs of his backside and each of his hands. At approximately 1306 hours, the removal service arrived on scene, Steve Shortis and Richard Payne. A toe tag was placed on Augustin`s right toe and the body bag containing Augustin was secured with coroner lock #21708. At approximately 1314 hours, the body was released to the removal service.

There was a bloodstain on the rug where Augustin`s head was laying. I photographed the bloodstain with and without a scale.

I placed evidence item #925-7 on more medical waste located in the bedroom inside a garbage can. The medical waste consisted of medical pads and medical wrappers. I collected the items at approximately 1207 hours.

I placed evidence item #925-8 next to several papers, one which was a "County of Sonoma" Department of Health Services prescription card, with the name of "[redacted]". The papers were located in the bedroom on top of the computer table. I collected the items at approximately 1213 hours.

I placed evidence item #925-9 next to four pills that were on top of an end table next to the bed. The pills were of different colors and shapes. One was a round pink tablet, with "R150" imprint on it, the second was a yellow oval tablet, with "B21" imprinted on it, the third was a round white tablet, with "Claritin 10" imprinted on it, and the fourth was a brown capsule with no labeling. I collected the items at approximately 1215 hours.

I placed evidence item #925-10 next to a syringe located inside a garbage can that was located in the bathroom. The syringe had approximately 30mm of an unknown brownish liquid. At approximately 1219 hours, I collected the syringe. On 10/22/2013, at approximately 1100 hours, I photographed the syringe with and without a scale. I then emptied the brown liquid into a plastic vial. I destroyed the syringe and labeled the vial containing the liquid as evidence item #925-10A placed it in a DOJ envelope for future testing.

I placed evidence item #925-11 to an "Apple" Macbook pro laptop located in the living room on a sofa chair. At approximately 1221 hours, I collected the laptop.

I placed evidence item #925-12 next to some "Anchor" blue jean pants, 34 by 30. I located a clump of dark brown hair (#925-12A) inside the pant`s right front pocket. I also located a 16-GB memory card (item #925-12B) inside the pant`s coin pocket. I collected the items at approximately 1228 hours. I later downloaded the contents of the memory card onto a CD-disc and labeled the disc as evidence item #925-12B1.

I placed evidence item #925-13 next to a clear plastic baggie containing white powdery residue. I collected the item at approximately 1230 hours. On 10/22/2013, at approximately 1131 hours, I used a presumptive narcotics test kit and tested the white powdery substance. The white powdery substance tested positive for methamphetamines. I placed the remaining powdery substance into a DOJ envelope for further processing.

I placed evidence item #925-14 next to several papers located on top of the kitchen counter and one that was on the floor next to the counter. I collected the items at approximately 1231 hours.

I placed evidence item #925-15 next to 3-syringes located inside a garbage can that was in the kitchen. The syringes did not contain any liquid or other substance. I collected the syringes at approximately 1236 hours. On 10/22/2013, at approximately 1147 hours, I photographed the syringes with and without a scale. I destroyed the syringes after photographing them.

I placed evidence item #925-16 next to medical waste in the bedroom that was next to Augustin`s head. The waste consisted of a oxygen mask, tubing, clear tape and a resuscitator air pump. I collected the items at approximately 1318 hours.

I placed evidence item #925-17 next to a "Nokia" cellular phone, model #520.2 located on the floor in the bedroom. I collected the item at approximately 1324 hours. I conducted a forensic download of the cellular phone and copied the items onto a CD-disc. I labeled the CD-disc as evidence item #925-17A.

I placed evidence item #925-18 next to a "Samsung" cellular phone, model #SGH-i317 located in the bedroom under the mattress. I collected the item at approximately 1328 hours. I later conducted a forensic download on the phone and downloaded its contents onto a CD-disc. I labeled the disc as evidence item #925-18A.

I placed evidence item #925-19 next to a weekly/daily dosage medicine plastic container, containing prescription medications. At approximately 1342 hours, I collected one sample of the daily medications. There were approximately 5-oval tablets, 9-circular tablets, and 3-capsules.

5-Oval tablets:

2-yellow colored with "LU/B21" imprint
1-pink colored with "227" imprint
1-pink colored no imprint
1-blue in color with "400" and "N943" imprint

9-circular tablets:

1-white in color with "A102" imprint
1-white in color with no imprint
1-light brown in color "125" and "Synthroid" imprint
1-white in color with "458" and "Claritin 10" imprint
1-white in color with "2083" and "V" imprint.
1-pink in color with "CL/75" and "APO" imprint
3-pink in color with "R150" imprint

3-capsules:

1-brown and green in color "160/160" imprint
1-green in color with "Alleve" imprint
1-brown in color with no imprint

Detective Mancilla requested that I collect the "Apple" desktop computer that was in the bedroom. I placed evidence item #925-20 next to the desktop and photographed it. At approximately 1344 hours, I collected the computer. On 10/22/2013, at approximately 1214 hours, while placing items in the in the property room, I damaged the computer screen (cracked) by accidently hitting it against the edge of a metal rail. I photographed the damage to document it.

I placed evidence item #925-21 next to a prescription bottle container containing several different type of medication. These medications had some of the same makings/labels as in evidence item #925-19 and the medications appeared to be the same. The container`s label was faded and I could only read "PRIME Therapeutics LLC" on it. There were approximately 10-oval tablets, 34-circular tablets and 2-broken tablets. I collected items at approximately 1345 hours.

Detective Percy provided me with a marijuana pipe and a receipt he located in a "Lincoln MKT" that belonged to one of the involved subjects. I labeled the pipe and receipt as evidence item #925-22 and collected it.

The following items were also located but not collected. There were two unopened bags containing new syringes under the bed mattress, and a black wig on the bed. I located a California identification card belonging to "[redacted]" and other identifying items on top of the center table in the living room. I located an AT&T cellular phone bill belonging to "[redacted]" on top of the center table in the living room. I located a needle/syringe disposal container inside a cabinet under the bathroom sink. The disposal container contained an unknown amount of syringes.

I secured all evidence items in my vehicle. I took overall photographs after the collection of evidence. I placed a copy of the

search warrant and an inventory list on top of the dining table.

On 10/17/2013, at approximately 0955 hours, I attended the autopsy procedure of Christopher E. Augustin, DOB: 01/23/1975. Also present was Deputy D. A. Anne Masterson, D. A. Investigator, John McCutcheon, and VCI Detective, Jeff Toney.

I took photographs of the procedure at the direction of Dr. Arnold Josselson. During the procedure I collected evidence items from the body at the direction of Dr. Josselson. Detective Troy Newton assisted me with the collection of evidence items. Assisting Dr. Josselson with the autopsy procedure was Cecilia Garcia (Forensic Assistant).

At approximately 0956 hours, I collected the coroner`s lock (#21708) that was removed from the body bag. I labeled the coroner`s lock as evidence item #925-25. At approximately 1012 hours, I collected a set of Peerless handcuffs (Serial #494769) from Augustin`s right wrist. I labeled the handcuffs as evidence item #925-26. At approximately 1012 hours, I collected a second set of Peerless handcuffs (Serial # 149784) from Augustin`s left wrist. At approximately 1130 hours, we concluded the autopsy procedure.

I returned to the SCSO CSI office and where I secured the evidence items. I downloaded the photographs of the autopsy onto a CD-disc and labeled the CD-disc as evidence item #925-28.

On 10/22/2013, at approximately 1000 hours, I photographed with and without a scale the following evidence items, #925-1 (memory card), #925-2A (cell phone), #925-2B (cell phone), #925-3 (computer), #925-4 (max restraint cord), #925-8 (misc. papers), #925-9 (medications), #925-10 (syringe), #925-12A (clump of hair), #925-12B (memory card), #925-13 (white powdery substance), #925-14 (misc. papers), #925-15 (3-syringes), #925-17 (cell phone), #925-18 (cell phone), #925-19 (medications), #925-20 (computer), #925-21 (medications), #925-22 (pipe), #925-26 (handcuffs) and #925-27 (handcuffs). I downloaded the photographs onto a CD-disc and labeled the CD-disc as evidence item #925-29.

I also completed a sketch/diagram of the scene using the "Crime Zone" software. I downloaded the diagram onto a CD-disc that included photos of the scene. I labeled the disc as evidence item #925-30 and placed it into evidence.

I placed all evidence items into the Sonoma County Sheriff`s property.

Nothing further.

FLUP - BUERGLER, J - 10/22/2013
Written by: **Buergler, John 1101422**
Date/Time: **10/22/2013 10:31:20**

On 10/16/13 at approximately 0435 hrs, I was contacted by Sergeant Molinari advising me to respond to the Santa Rosa Police Department for an Officer Involved Critical Incident.

I responded from my residence and arrived at SRPD at approximately 0530 hrs. Upon arrival, we were provided a briefing by Detective Sergeant Dave Linscomb. After the briefing, I was assigned to take photographs of the officers involved and to photograph the two involved parties, [redacted].

At approximately 0920 hrs, Detective Cutting advised me that he was done interviewing [redacted] and he could be photographed. I contacted [redacted] and took overall photographs of him along with close-up photographs of his hands. I asked [redacted] if he had sustained any injuries during the incident and he stated he had been hit by a tissue box on the right cheek. On [redacted] right cheek, I located a small abrasion that was approximately one millimeter in length. I photographed the injury, both with and without a scale.

At approximately 0930 hrs, I met with [redacted]. I took overall photographs of [redacted] along with close-up photographs of his hands.

At approximately 1008 hrs, I met with Officer McElhaney in the SRPD training room. I took overall photographs of Officer McElhaney in uniform, along with close-up photographs of his hands.

At approximately 1010 hrs, I met with Officer Wellington in the SRPD training room. I took overall photographs of Officer Wellington in uniform, along with close-up photographs of her hands.

I then responded to the [redacted] in Windsor to process the remaining officers.

At approximately 1120 hrs, I met with Sergeant Celli in Room [redacted]. I took overall photographs of Sergeant Celli in uniform, along with close-up photographs of his hands. Sergeant Celli had a scuff mark on his left pant leg near his knee that I also photographed.

At approximately 1135 hrs, I met with Corporal Woods in Room [redacted]. I took overall digital photographs of Corporal Woods in uniform, along with close up photographs of his hands.

At approximately 1140 hrs, I met with Officer Ferrigno in Room [redacted]. I took overall digital photographs of Officer Ferrigno in uniform, along with close-up photographs of his hands. Officer Ferrigno also had some light scuff marks on his left pant leg below his knee, which I photographed.

At approximately 1147 hrs, I met with Officer Brandt in Room [redacted]. I took overall digital photographs of Officer Brandt in uniform, along with close-up photographs of his hands. Officer Brandt had some light scuff marks on his knees and shins, which I also photographed.

At approximately 1215 hrs, I met with Officer Berg in Room [redacted]. I took overall digital photographs of Officer Berg in uniform, along with close-up photographs of his hands.

After I completed photographing the officers, I set up video monitoring equipment in two rooms for the interviews. The interviews were not video recorded.

At the conclusion of the interviews, Detective Toney advised me that Officer Ferrigno had activated the voice recorder on his personal cell phone during the incident. Detective Toney requested that I obtain a copy of the recording from Officer Ferrigno`s cell phone. I attempted to copy over the file using several different methods, but I was unable to obtain a copy of the file. I contacted Officer Ferrigno and made arrangements for him to burn a copy of the voice memo and provide me with a disc.

I downloaded my digital photographs onto a DVD-R and it was labeled as JB-A and booked into evidence.

No further information.

EVID - NEWTON, T - 10/22/2013
Written by: **TROY NEWTON 110827**
Date/Time: **10/22/2013 11:17:09**

On 10-16-13, at about 0945 hours, I was on scene at SRPD Investigations. [redacted] of "AMR" arrived on scene to draw blood from [redacted]. I witnessed the blood draw and took possession of the evidence from [redacted]. I packaged, labeled, and sealed the evidence (item #TN1) in a DOJ Biological Specimen Blood Kit. I submitted the item into Property/Evidence.

Nothing further at this time.

NL - SCHARBIUS, J - 10/23/2013
Written by: **Scharbius, Joan 110272**
Date/Time: **10/23/2013 02:37:04**

EV SHTS, 10-23, 272-JS
EV SHTS 10/24 DD2149
EV SHTS, 10-24, 272-JS
EV SHT, 11-13, 272-JS
Ev Sht, 11/15/13, 1881-MCM
EV SHT, 11-24, 272-JS

EV SHT, 12-10, 272-JS
Ev Shts, 1/8/14, 2150-AH
Ev Sht, 1/9/14, 2150-AH
Ev Sht, 1/9/14, 1881-MCM
Ev Sht, 1/14/14, 2150-AH
EV SHT 4/17/14 DD2149
Ev Sht, 4/24/14, 2150-AH

FLUP - MANCILLA, A - 11/07/2013
Written by: **Mancilla, Adrian 1101309**
Date/Time: **11/07/2013 10:59:35**

SUPPLEMENTAL REPORT
VIOLENT CRIMES INVESTIGATIONS UNIT
DETECTIVE ADRIAN MANCILLA
SCSO CASE# 131016-002

On 10/16/2013, at approximately 0430 hours, I received a phone call from Violent Crimes Investigations Detective Sgt. C. Basurto of a critical incident that the Santa Rosa Police Department (SRPD) was involved with (SRPD case # 13-12804). Sgt. Basurto requested I respond to the Sheriff`s Office Investigations Bureau for a briefing. I responded to the Sheriff`s Office and met with Sgt. Basurto and other VCI detectives.

At approximately 0600 hours, I arrived at SRPD, along with other VCI detectives, and was further briefed on the critical incident. We were informed of an in custody death that SRPD officers were involved with. After the briefing, I was assigned scene management of the apartment complex where the incident had occurred, contacting medical personnel and the canvassing of the neighborhood.

At approximately 0720 hours, VCI detectives and I arrived at [redacted] Shadow Lane Apt [redacted] in Santa Rosa. We conducted a walk-through of the apartment. I entered through the front door and immediately noticed the living room was disheveled with items strewn about the floor and on the couch. I entered into the single bedroom apartment and noticed a naked male subject, identified as (OF) Christopher Augustin, lying supine near the doorway. Medical equipment was attached to Augustin`s face and chest areas. Augustin had handcuffs attached to each wrist, but weren`t attached together. I noticed the top mattress was pushed to the side of the bed. I exited the apartment and began to contact neighbors and any possible witnesses.

The apartment building associated to [redacted] Shadow Lane Apt [redacted] was a part of the [redacted] which included several apartment building units within the entire apartment complex. The building associated to apartment [redacted] had a portion of the structure that was two stories tall and another portion that was three stories. Apartment [redacted] was a downstairs apartment with the front door located on the eastside of the structure. Apartment [redacted] was directly above apartment [redacted] and its front door was also located on the eastside of the structure. The south side of the building consisted of several one car garages with access only from the outside. The westside of the building contained three stories. The first floor contained apartment [redacted] and apartment [redacted], the second floor contained apartment #[redacted], the third floor contained apartment [redacted].

STATEMENT OF (IO) [redacted]

At approximately 0740 hours, I contacted the resident of apartment [redacted]. The resident lived alone in the apartment and identified herself as (IO) [redacted] gave me the following recorded summary statement:

[redacted] said she had lived in her apartment for 10 years. She knew her downstairs neighbor in apartment [redacted]. She referred to him as a doctor and knew he worked at the Sonoma County Jail. She knew his name was [redacted] and had moved into his apartment about 4 months ago. During that time frame, he traveled a lot, specifically to Palm Springs. She described a lot of activity at his residence and "transient people" as coming and going. She thought she had seen at least 10 people come and go out of his apartment. She described them as male and female subjects. She met one of the male subjects about 2 weeks ago and knew him as '[redacted]." She described [redacted] as a tall and skinny person. Someone named "Chris" came around about two days ago.

At approximately 0100 hours, she was awakened when she heard someone yelling, things being thrown against the wall and doors slamming from [redacted] apartment. She heard the loud noises and wasn`t able to go back to sleep. She remained inside

her bedroom from 0100-0230 hours. In that time frame, she heard loud talking coming from [redacted] apartment. She went into her living room and began watching TV. At about 0230 hours, the noise escalated. She thought about calling the police, but didn`t call. She said it was so loud, "You couldn`t sleep if you wanted to." She opened up her front door and heard [redacted] talking on the phone outside the apartment. In the manner in which [redacted] was talking, she thought [redacted] was talking to the police. She heard [redacted] say that the guy was threatening him, abusing him and to please hurry. [redacted] remained on the phone until the police arrived. She recalled seeing about 4 police cars arrive into the area. The officers went inside the apartment and [redacted] remained outside. She remained outside her apartment and observed [redacted]

One police officer exited the apartment and asked [redacted] if he knew whether or not the guy inside the apartment was on drugs. [redacted] stated that "Chris" used Methamphetamine. She heard [redacted] tell the officers that Chris tried to get him to strip naked and was abusing him. She also heard [redacted] say that he was able to jump over his rear fence to get away from Chris. After the police entered the apartment, she heard someone inside the apartment screaming. She assumed it was Chris screaming but [redacted] was still inside the apartment. She described Chris as being about 5`8" tall with a husky build and having brown hair.

One police officer saw [redacted] and asked her if she could watch two dogs that [redacted] was holding. He also asked her if she had a blanket for [redacted]. She agreed. She heard one officer ask for an ambulance over his radio. The ambulance later arrived with a gurney. One officer took [redacted] away into the parking lot and spoke to him away from the apartment. At one point, one officer asked [redacted] to go back inside her apartment, which she did. [redacted] later fell asleep on her couch.

About two days prior (10/14/2013), Chris arrived at [redacted] apartment. She recalled it was about 0530 hours. She heard loud noises coming from in front of the apartment. She looked outside her apartment and saw a small U-haul trailer in front of [redacted] apartment. She walked outside and [redacted] introduced her to Chris. [redacted] told her Chris was going to stay with them for a few days. She also recalled seeing two girls come and go from the apartment the same day. She had heard from both [redacted] and [redacted] that they had traveled back and forth from Palm Springs. One day prior (10/15/2013), she noticed things were quiet at [redacted] apartment. I spoke to [redacted] for a while longer and later ended the interview.

At approximately 0840 hours, PCI Detective R. Russell and I began a neighborhood canvass and contacted the resident inside apartment [redacted]. The resident was identified as (IO) [redacted] Detective Russell and I conducted a recorded interview with [redacted] told us he did not see or hear anything all night long. Based upon the layout of [redacted] apartment, [redacted] bedroom and the bedroom to apartment [redacted] shared a common wall. We later ended the interview.

We noticed apartments [redacted] were vacant. We attempted to contact the residents of apartments [redacted], but were unsuccessful. I left business cards at the front doors of both apartments and requested them to contact me at their convenience. I attempted to contact the residents of both apartments multiple times, but have been unsuccessful. I attempted to contact the residents of apartment [redacted] but again was unsuccessful. I left a business card on their front door and requested them to contact me at their convenience.

STATEMENT OF (IO) [redacted] SHADOW LANE APT [redacted]

At approximately 1400 hours, the resident of apartment [redacted] contacted me near apartment [redacted] The resident, identified as (IO) [redacted], asked me if I had left a business card on his front door. I said yes. [redacted] gave me the following summary statement:

[redacted] lived in the apartment with his wife and one young child. He recalled going to bed at about 2200 hours the previous night. He was awakened by a fire engine and ambulance around 0300 hours. He looked outside his window and observed the fire engine and ambulance. He did not see or hear anything else and later went back to sleep. His wife stayed in bed the entire time. He and his wife spoke about the fire engine after they had awakened, but nothing else was talked about. I asked him if he knew any of his neighbors. He said no. I later ended the interview.

Detective Russell contacted the property manager and obtained a copy of the emergency contact information for apartment # [redacted], see attached copy. I later contacted CSI Detective O. Rodriguez in front of apartment [redacted]. I had previously contacted PCI Detective J. Percy regarding a search warrant for apartment [redacted]. Detective Percy authored a search warrant for the apartment and it was later signed by the Honorable Julie Conger, see Detective Percy`s supplemental report for further details.

At approximately 1110 hours, I re-entered apartment [redacted] and assisted CSI detectives with a search of the residence. After CSI Detective Rodriguez processed the residence, Coroners Detective J. Haugen removed the body of Christopher Augustin, see their

supplemental reports for further details and an itemized list of the items taken as evidence. At approximately 1345 hours, (VI) [redacted] and (VI) [redacted] contacted me in front of apartment [redacted]. I advised them we were just about done with the service of the search warrant and would relinquish the residence back to their control. At approximately 1400 hours, all Sonoma County Sheriff`s Office personnel exited from the apartment and I relinquished the residence back to [redacted].

At approximately 1500 hours, I contacted the EMS dispatch center and was advised the EMS personnel that responded to [redacted] Shadow Lane Apartment [redacted] consisted of the following personnel:

Sonoma Life Support/AMR Ambulance crew medic 773 was staffed by Paramedic [redacted] EMT [redacted] and EMT trainee [redacted].

Santa Rosa Fire Department Engine Company # 6 was staffed by Paramedic Captain [redacted], Engineer [redacted] and Firefighter [redacted]

On 10/17/2013, I contacted Manager Operations Officer [redacted] from Sonoma Life Support/AMR. [redacted] supplied me with the Patient Care Report from the incident at [redacted] Shadow Lane Apartment [redacted], see attached (AM1).

STATEMENTS FROM SANTA ROSA FIRE DEPARTMENT PERSONNEL

On 10/21/2013, at approximately 1200 hours, I contacted Paramedic [redacted] at Station # 6, located at 205 Calistoga Rd in Santa Rosa. [redacted] recalled the incident at [redacted] Shadow Lane Apartment [redacted], Santa Rosa. He was working Engine Company # 6 with Engineer [redacted] and Firefighter [redacted]. [redacted] gave me the following recorded summary statement:

[redacted] had been a Paramedic for the last 20 years and been with the Santa Rosa Fire Department for the last 15 years. He recalled being dispatched to the above mentioned address at about 0300 hours for a medical stand by for a law enforcement incident, but couldn`t recall the specific details to the incident. The ambulance arrived on scene just prior to the Engine Company`s arrival. The ambulance was staffed with a paramedic and had already removed the gurney from the ambulance when they arrived on scene. County Policy states that the first arriving paramedic has control of the incident. When [redacted] entered the apartment, he observed SRPD Sgt. Rich Celli performing chest compressions on the patient. The patient had handcuffs on each arm, but were not attached. They began to work on the patient and at one point moved a bed over to make room. He recalled the top mattress being moved over more to make room in the small bedroom.

The AMR paramedic, [redacted]" asked [redacted] to start an IV on the patient. [redacted]`s crew attached a "Lucas Device" to the patient. The device provides chest compressions for CPR. He attempted to start an IV on the patient`s arm but was unsuccessful. He then attempted to start an IV on the patient`s lower leg. He was successful on his second attempt. The process involved drilling a hole into the patient`s bone. At the same time, [redacted] was accessing an IV on the patient`s neck. Patches from an EKG machine were placed on the patient and he observed that the patient was in asystole, or in a flat line rhythm. By protocol they can only administer epinephrine. Both he and [redacted] administered a total of three shots of epinephrine. He recalled seeing some electrical activity afterwards that would have equaled to about 20 beats per minute, but no pulse was felt. They continued CPR and would check the patient for a heart rate. No indication of life was observed. He and [redacted] consulted with one another. They also called Santa Rosa Memorial Hospital and consulted further with hospital staff. By protocol, at a certain point both he and [redacted] stopped life saving measures and [redacted] pronounced the patient as deceased. He recalled seeing a container of medication with unmarked pills.

[redacted] said everyone was professional and never acted inappropriate. He recalled seeing one officer, unknown name that appeared traumatized by the incident. The fire crew left before the ambulance and they went back into service. [redacted] also told me that [redacted] from the Santa Rosa Fire Department could supply me with the patient care report that was associated with this case. I later ended the interview.

On 10/23/2013, I spoke to [redacted] by telephone regarding the Shadow Lane incident. [redacted] later emailed me a copy of the Santa Rosa Fire Department Patient Care Report and a copy of the Incident Report, placed onto a CD and later booked into evidence (AM2).

At approximately 1230 hours, I contacted Fire Engineer [redacted] at Station # 2, located at 65 Stony Point Road in Santa Rosa. [redacted] told me he recalled the incident at [redacted] Shadow Lane Apartment [redacted], Santa Rosa. He was

working Engine Company # 6 with [redacted] and Firefighter [redacted] gave me the following recorded summary statement:

[redacted] had been with the Santa Rosa Fire Department for the past 7 years and an engineer for the past 5 months. He had been an EMT since 2002 and had previous experience as a volunteer firefighter. He recalled being dispatched to a staging event for the Santa Rosa Police Department.

The engine company arrived on scene shortly after the ambulance crew. He entered the apartment and located a nude patient in the bedroom. He was lying on his back and had handcuffs on each arm. Santa Rosa police officers were performing CPR and the fire crew relieved the officers. They began life saving measures with their equipment. The paramedics began attending to the patient and he assisted them by handing them equipment. At a certain point, life saving measures were stopped and the patient was pronounced deceased by the ambulance paramedic.

[redacted] noticed a "stressed" looked on some of the officers` face, but nothing appeared strange or odd. He felt everyone was professional and he never witnessed any inappropriate behavior. He recalled seeing the bed pushed away from the wall, but didn`t know who had moved the bed. After the subject was pronounced deceased, they got the fire engine back into service and returned to the fire station. I later ended the interview.

On 10/24/2013, at approximately 1357 hours, I contacted [redacted] at Station # 2, located at 65 Stony Point Road in Santa Rosa. [redacted] told me he recalled the incident at [redacted] Shadow Lane Apartment [redacted] Santa Rosa. He was working Engine Company # 6 with [redacted] and [redacted]. [redacted] gave me the following recorded summary statement:

[redacted] had been with the Santa Rosa Fire Department for the past 8 months. He worked for Cal-Fire for 8 years prior and had been a volunteer firefighter for 12 years. He had worked as an EMT for about 9 years. He recalled being dispatched to the incident on Shadow Lane. At about 0300 hours, his crew was dispatched to a staging event for the police. He believed it was a "possible [redacted] event."

They arrived on scene after the ambulance crew. He entered the apartment and observed a male subject seated at a table. He entered the bedroom and saw the patient lying on the floor nude with one handcuff on each hand. The handcuffs were not together or attached to anything. The bed was askew and it appeared there may have been some kind of struggle in the bedroom. He saw a police officer conducting chest compressions on the patient. The ambulance paramedic was attending to the patient`s airway. [redacted] relieved the officer and began chest compressions. A chest compression device was attached to the patient and [redacted] began to assist the medics with a heart monitoring device. The medics administered medication to the patient and he assisted them by handing them equipment. They attended to the patient further and at some point the ambulance paramedic called Santa Rosa Memorial Hospital and consulted with them. The patient was later pronounced deceased.

[redacted] stated he never witnessed any inappropriate behavior from any member of Fire, EMS or police personnel. He recalled one of the EMS personnel asking the male subject that was seated at the table if he had ever observed the patient acting strangely before. The male subject said yes and the incident had occurred about a year ago. EMS personnel asked the male subject whether or not the patient had used any illegal drugs. The male subject said there was a possibility that he did. They got the fire engine back into service and returned to the fire station. I later ended the interview.

STATEMENTS FROM SONOMA LIFE SUPPORT/AMR PERSONNEL

On 10/30/2013, at approximately 1458 hours, I spoke to Sonoma Life Support/AMR EMT [redacted] at their headquarters, located 930 South A Street in Santa Rosa. EMT [redacted] recalled the incident [redacted] Shadow Lane Apartment [redacted], Santa Rosa. He was working Medic 773 with Paramedic [redacted] and EMT trainee [redacted]. EMT [redacted] gave me the following recorded summary statement:

EMT [redacted] had been with Sonoma Life Support/AMR and an EMT for the past 7 years. He was working on 10/16/2013 with Paramedic [redacted] and EMT trainee [redacted] They were working on Medic 773. He recalled being dispatched to [redacted] Shadow Lane, Santa Rosa for a possible [redacted] subject. They staged in the area of Summerfield Road and Montgomery Drive in Santa Rosa. EMT Hayes heard over the police scanner that the incident was a "code blue" and medical was clear to enter. EMT [redacted] was driving the ambulance and they drove into the complex.

Prior to entering the apartment, he observed an unknown subject standing in a balcony above the apartment. The person yelled, "I hope the doctor is alright." [redacted] walked into the apartment and near the bedroom. He observed a naked unconscious male subject lying on the floor near the opening of the bedroom. An SRPD sergeant was performing chest compressions on the subject and there were other officers in the apartment too. He noticed the bed in the bedroom was askew. [redacted] remained outside the bedroom and assisted Paramedic [redacted] from outside the bedroom. [redacted] handed Paramedic [redacted] medical equipment from outside the bedroom. Fire personnel arrived and assisted with chest compressions. Paramedic [redacted] treated the patient, administered medication to the patient and at a certain point life saving measures stopped. Paramedic [redacted] pronounced death and EMT [redacted] advised the dispatch center. They recovered their equipment and later got the ambulance back into service. EMT [redacted] added that they treated the patient per county protocol and he never observed any inappropriate behavior. I later ended the interview.

At approximately 1715 hours, I spoke to Sonoma Life Support/AMR EMT Paramedic [redacted] at their headquarters, located 930 South A Street in Santa Rosa. Paramedic [redacted] recalled the incident at [redacted] Shadow Lane Apartment [redacted], Santa Rosa. He was working Medic 773 with EMT [redacted] and EMT trainee [redacted]. Paramedic [redacted] gave me the following recorded summary statement:

Paramedic [redacted] had worked for Sonoma Life Support/AMR as a paramedic for the last 7 years and had worked as an EMT with AMR for 2 years prior to becoming a paramedic. He recalled being dispatched to [redacted] Shadow Lane Apartment in Santa Rosa for a staging event. While enroute the call turned into a cardiac arrest.

He arrived on scene and recalled seeing several officers there. He walked into the residence and saw Santa Rosa Police Officer Wellington speaking to a male subject near a table. He walked into the bedroom and saw a male subject lying supine on the floor. Police officers were performing chest compressions on the male subject. Paramedic [redacted] wanted to create some more room around the male subject so he moved the bed over to the side. He told the officer to continue chest compressions while [redacted] intubated the patient`s airway. Fire arrived and began chest compressions with a "Lucas Device." [redacted] attempted to start an IV into the patient. Someone else attached the defibulator patches and attached them to the monitor. He went through multiple rhythm and pulse checks. After intubating the patient, [redacted] started an IV in the patient`s neck. [redacted] noticed the patient was in an asystolic rhythm, which was no electrical activity in the patient`s heart. He stated the patient was "clinically dead." Following protocol, [redacted] administered medication to the patient. While chest compressions continued.

[redacted] contacted Santa Rosa Memorial Hospital and updated them on the subject`s condition and the life saving efforts. At a certain point, life saving measures ceased and [redacted] pronounced the patient dead. All life saving efforts were within protocol. After death was pronounced, they began to gather their equipment and returned the ambulance back into service.

Paramedic [redacted] did notice some peculiar marks inside the patient`s mouth while intubating him. Based upon his experiences in the medical field, he recognized the marks as burn marks normally caused from smoking a glass pipe. The prior times that he`d seen the marks were from known Methamphetamine users. He also overheard the male subject inside the residence tell the police officers that inappropriate sexual acts were being performed while he was being held captive. He was sodomized and held captive for hours inside the apartment. He also noticed some Marijuana drug paraphernalia inside the living room. He recalled seeing a pill bottle containing multiple types of pills. He did not believe they were prescription pills because they did not have any identifiers on them. I later ended the interview.

On 11/13/2013, at approximately 1524 hours, I spoke to Sonoma Life Support/AMR EMT trainee [redacted] the Sheriff`s Office main building regarding this incident. EMT trainee [redacted] recalled the incident [redacted] Shadow Lane Apartment [redacted], Santa Rosa. She was working as an EMT trainee with EMT [redacted] and Paramedic [redacted]. EMT trainee [redacted] gave me the following recorded summary statement:

EMT [redacted] had been an EMT for about ten months and had worked for AMR for about three months. She recalled being dispatched to an unknown medical call to assist Santa Rosa PD. As they were enroute to the address, they were told it was a "code" which meant the subject wasn`t breathing. They arrived at the apartment and she recalled someone from an upstairs apartment telling them to hurry up and get inside the apartment. She saw several officers inside the apartment and one was speaking to someone near the doorway. She entered the bedroom and saw an officer clearing items so they could attend to the naked male subject that was lying on the floor. The subject`s feet were near the doorway and they positioned him so they had an area to work without any obstructions. She recalled seeing a pair of handcuffs on his left wrist. She handed Paramedic [redacted] necessary equipment and began an IV. She assisted with the bag valve mask after the subject had been intubated. Fire personnel attached the "Lucas Device" to the subject and chest compressions continued. Medication was administered to the subject as well,

but the subject never regained consciousness. The subject was eventually pronounced deceased.

The ambulance crew eventually gathered their equipment and returned the ambulance into service. She did recall seeing what she referred to as "drug paraphernalia" inside the living room area. She also recalled seeing a wig and some sexual items inside the bedroom, specifically a dildo and some lubes. At no point did she see any Police/Fire personnel act inappropriately. As the ambulance crew was near their ambulance, they checked the vital signs of a male subject (unknown name) that was standing outside the apartment. The subject`s vital signs were normal. The subject stated he had been inside the apartment and was held hostage. I later ended the interview.

I later transferred all of the above mentioned interview recordings onto a CD and booked the CD into evidence (AM3).

CASE STATUS
Attached to main report.

Nothing further.

FLUP - CUTTING, B - 01/21/2014
Written by: **Cutting, Brandon 1101641**
Date/Time: **01/21/2014 14:49:38**

Sonoma County Sheriff`s Office (SCSO)
Case #131016-002
Violent Crimes Investigations Unit (VCI)
Detective Brandon Cutting

On 10/16/13 at 0430 hours, I was contacted by VCI Sgt C. Basurto and notified that Santa Rosa Police Department had been in an Officer Involved Shooting (OIS). Sgt Basurto advised that SRPD had invoked the Sonoma County Chiefs Protocol for the OIS.

At 0545 hours I arrived at SRPD for the briefing.

The following is a summary of what I learned during the briefing. ON 10/16/13 at 0254 hours, SRPD received a 911 call from [redacted] Shadow Lane Apt [redacted] Santa Rosa. The call came in from (RP) [redacted] who stated that (OF) Christopher Eric Augustin was holding (VI) [redacted] in a bedroom within apartment [redacted].

SRPD Patrol Officers arrived at the scene and shortly after advised that they had Augustin in maximum restraints and were requesting code 3 medical. EMS arrived on-scene and shortly after, the on-scene Officers advised that he was 10-55.

The following SRPD Officers were identified as being on-scene:
Sgt R. Celli
Officer K. Ferrigno
Officer J. Brandt
Officer J. Woods
Officer G. Berg

There were two additional Officers that arrived at the scene and assisted with [redacted]:
Officer M. Wellington
Officer E. McElhaney

All of the Officers were separated and being transported to the [redacted] in Windsor. Officer`s Wellington and McElhaney were at SRPD office meeting with their attorneys so they could provide a witness statement at the Police Department.

**Interview with (IO) [redacted]:
On 10/16/13 at approximately 0700 hours, I was assigned to conduct a recorded interview with [redacted] He was and had been in an interview room at the Police Department which was being recorded for audio and video. Based on the statement that Detective

G. Wojcik, SRPD VCI Liason, advised that [redacted] was being cooperative and was resting in the room.

The following is a summary of what [redacted] told me. For exact statements made by [redacted], refer to the recorded interview.

I began by introducing myself to [redacted]. I explained to him that the interview was voluntary and that he could stop the interview at any time if he needed a break or wanted to stop talking. [redacted] agreed and said that he would provide a voluntary interview; however, if he felt that he needed to later on, he might ask to speak to an attorney. I acknowledged that he has the ability to do that if he feels that he needs to.

The following is a summary of what I learned from my interview with [redacted]. For exact statements, refer to the video/audio recording of the interview.

The following subjects were identified by [redacted] through the interview. Since the relationships were difficult to follow as they were stated, I am identifying the relationship between each below:
(IO) [redacted] (unknown last name) - Most recent ex-boyfriend of [redacted] Not present at the scene and is living in Palm Springs.
(RP) [redacted] Currently involved in sexual relations with [redacted] Introduced to [redacted].
(IO) [redacted] (unknown last name) - [redacted] ex-boyfriend- years prior. Most recently involved in a dating relationship with Augustin in Palm Springs.
(OF) Christopher Augustin- [redacted] ex-boyfriend. Were having sexual relations with [redacted] during the time prior to 911 being called for the incident.

[redacted] identified himself as being a Psychiatrist (MD) at the Sonoma County Jail. He started in that position on June 22nd, 2013.

When [redacted] first came to Sonoma County he was living with his boyfriend, [redacted] (unknown last name). Approximately one month ago, [redacted] had an argument in which someone called Santa Rosa Police Department. Nobody was arrested during that incident; however, that was when [redacted] returned to Palm Springs.

[redacted] drove [redacted] back to Palm Springs since he was not from Santa Rosa and had places to go there. Prior to leaving Palm Springs, [redacted] arranged to have (RP) [redacted] be [redacted] driver. Walters returned to Santa Rosa in the beginning of October with [redacted] where he stayed in the one bedroom apartment with [redacted] According to [redacted] he and [redacted] were having sexual relations.

On 10/9/13, [redacted] drove back to Palm Springs to pick up furniture from the home that [redacted] owns there. [redacted] stated that he was not intending on bringing [redacted] back to Santa Rosa, however, he was aware that [redacted] had left his clothes behind. [redacted] described [redacted] as having been homeless (in Palm Springs) prior to staying with [redacted] also stated that [redacted] had issues too and would exhibit the same tendencies that [redacted] would by yelling and becoming paranoid.

While they were in Palm Springs, [redacted] began hanging out with an old boyfriend`s ex, (OF) Christopher Augustin. Prior to this trip to Palm Springs, [redacted] had occasion to witness Augustin in what he referred to as a [redacted] episode. When [redacted] first met Augustin (1 years ago), he was introduced to him by his ex-boyfriend, [redacted] (unknown last name). Shortly after meeting Augustin he began hearing from [redacted] about issues that Augustin had. [redacted] suspected that Augustin was having [redacted] issues. [redacted] knew from his prior relationship that [redacted] too had issues resulting in [redacted] having paranoid moments.

During the trip to Palm Springs on 10/9/13, he had the occasion to spend time with Augustin and began to like him. He disclosed that [redacted] had been talking about him as if Augustin was having problems. Following this conversation, Augustin agreed to travel with [redacted] back to Santa Rosa. [redacted] was aware that Augustin did not tell [redacted] that he was leaving Palm Springs. This trip back to Santa Rosa was the first time that Augustin and [redacted] had met.

During the visit to Palm Springs, [redacted] had obtained a restraining order against [redacted] He had gone to get the restraining order with [redacted] who also had obtained a restraining order against Augustin [redacted] thought the restraining order between [redacted] and Augustin had expired since it was issued).

[redacted] had been told about several prior episodes that [redacted] said Augustin had. [redacted] had a firsthand experience of Augustin having a [redacted] break. This took place at [redacted] Palm Springs house while Augustin was still together with [redacted] approximately one year ago. During that incident Augustin and [redacted] were getting ready to have a sexual encounter. Augustin was naked and began acting paranoid the same as he did on the early morning of 10/16/13 prior to his death. That situation was only ended when [redacted] came to the house and picked Augustin up. [redacted] thought that [redacted] was able to calm the situation down because Augustin trusted him.

[redacted] associated a lot of the behavior issues of Augustin on his injecting methamphetamine. Although [redacted] has not actually seen Augustin "slamming"/injecting dope, he suspected that this was when he would act paranoid and have the problems with everyone [redacted] said that he knew that Augustin was injecting methamphetamine 2-3 times a week, although he stuck with not having personally observed this. [redacted] also knew that [redacted] too would inject methamphetamine. He stated that [redacted] was a regular user when he and [redacted] were together. [redacted] was aware of both [redacted] and Augustin having prior arrests for drugs and domestic violence with each other.

[redacted] had a rented U-Haul trailer which was towed by his Lincoln MKT to bring his furniture from Palm Springs to Santa Rosa. [redacted] said that he had several people arranged to load the trailer in Palm Springs that did not come through. As a result, the departure from Palm Springs was delayed.

[redacted] said that [redacted] Augustin and he left Palm Springs at approximately 2030 hours on Sunday night (10/13/13). The drove through the night and arrived in Santa Rosa at approximately 0630 on Monday morning (10/14/13). When they arrived at the apartment, [redacted] told [redacted] that he would unload the trailer while [redacted] was at work during the day.

[redacted] said that [redacted] dropped him off at work and then returned to the apartment to unload the trailer. [redacted] was supposed to be picked up by [redacted] at 1630 hours on 10/14/13, after work. [redacted] came an hour late and picked him up at 1730 hours. [redacted] learned that [redacted] had to unload the entire trailer by himself since Augustin slept all day [redacted] was upset about having had to move the furniture by himself.

[redacted] explained that he went to bed early on the night of 10/14/13. He woke up at approximately 0300 hours and stayed up with Augustin and [redacted] who had been up all night talking. He stayed awake, talking with them. Augustin was telling him about things he knew about [redacted] with other men in Palm Springs.

[redacted] went to work early in the morning after being up and talking with Augustin and [redacted] was done at work at approximately 1500 hours on 10/15/13. Augustin and [redacted] were at the house when he got home. The apartment was a mess at that time.

[redacted] recalled that he went to sleep at approximately 1700 hours on 10/15/13. [redacted] woke between 1930 and 2000 hours. Augustin and [redacted] were not in the apartment when he woke up [redacted] said that he was cleaning up the apartment when Augustin and [redacted] returned to the apartment approximately 20 minutes later with pumpkins and other Halloween related items from a drug store. [redacted] went back to sleep between 2100 and 2130 hours. When he went into his bedroom to sleep, he described that Augustin and [redacted] were bickering a little at that time, but they were getting along. When [redacted] went to bed, [redacted] and Augustin were dressed as they had been when they got back from the drug store.

At approximately 0200 hours, [redacted] was woken by Augustin coming into his bedroom. He said that Augustin was naked and very upset. Augustin was saying, "He is trying to get me", "You have to do something", "He is crazy". [redacted] did not immediately know what was going on, but knew that Augustin and [redacted] were fighting. At the time that Augustin came into his room, he was blaming everything on [redacted] got up and saw that [redacted] was on the apartment`s balcony/porch in his underwear. [redacted] told [redacted] that Augustin was crazy and was going to kill him.

[redacted] went back into the bedroom and spoke with Augustin. Augustin was blaming [redacted], saying that it was [redacted] who was dangerous. [redacted] explained that during his conversation with Augustin he suspected that he was acting [redacted] because of methamphetamine as he had seen in the past. [redacted] was able to leave the bedroom on several occasions during the incident. At one point, Augustin grabbed a shirt that was still wrapped in packaging as it was bought. Augustin began saying that something was in the shirt and started ripping the shirt and the packaging apart. He was acting very paranoid about the items in the room.

Augustin told [redacted] to call the police a couple of times against [redacted] thought that if he called 911 at that point, it would be for a "[redacted]" case only. Augustin tried to take [redacted] phone from him at one point, but [redacted] did not let him get it

so he was not successful in that try.

[redacted] never came into the bedroom where Augustin was. [redacted] remained on the balcony or outside the apartment the whole time that [redacted] was awake and knew what was going on.

Augustin then picked up a shoe box and threw the box at [redacted] striking him in the face causing a visible mark on his face. At the point that Augustin threw the box at his face, [redacted] became afraid that he was going to begin damaging his furniture so he told [redacted] to call 911. [redacted] did not tell Augustin that law enforcement had been called, but did tell him that he was being so loud that the police would likely come. [redacted] walked to the front of the apartment to call 911 (estimated to be approximately 20 -25 minutes after he was woken up) and remained near the front area of the apartment so he could see Augustin until SRPD Officers arrived. [redacted] thought the Officers arrived very quickly.

When SRPD arrived, one Officer spoke with him while another went inside the residence. When SRPD arrived, Augustin was standing in the corner of the bedroom, naked. At some point pretty quickly after the Officers arrived, [redacted] was instructed to sit down at the dining room table, just inside the front door. From where he was seated, he could not see inside his bedroom, however, he could hear very clearly what was happening in the room.

[redacted] said that the Officers were doing a very good job trying to reassure Augustin [redacted] said, "They were doing all of the appropriate things." [redacted] could tell that Augustin was getting combative with the Officers [redacted] explained that Augustin was a very muscular person. It sounded to [redacted] that the Officers were having trouble subduing Augustin. [redacted] heard the Officers telling Augustin, "Santa Rosa Police, we are here to help". [redacted] could hear as Augustin kept escalating the situation and getting more upset. The Officers could be heard telling him to put his hands on top of his head. [redacted] estimated it was at least sixty seconds before he heard what he assumed was a physical struggle between the Officers and Augustin. [redacted] got the impression that the commands the Officers were giving were completely appropriate. At some point during the encounter, [redacted] heard Augustin yelling, "Help, help, they are killing me!" He could tell that the Officers were having difficulties with Augustin, however, they continued during the entire incident to try to calm Augustin down.

[redacted] heard one of the Officers telling Augustin, "You put your hands behind your back now!" [redacted] then heard the Officers yelling, "Wake up, wake up". [redacted] then knew that the Officers were doing CPR. He could not specifically say that they said they were doing CPR or just knew from what they were doing. It was at that point that he realized that Augustin had just died (he later saw Augustin on the ground after the medics had called Augustin deceased).

[redacted] thought that there were only two Officers at the house at first, and then he thought two more may have arrived. [redacted] made a point to tell me that the SRPD Officers that were involved, in his opinion, were totally appropriate. He identified that it was Augustin who kept elevating the situation.

After Augustin was identified as being deceased, a SRPD Officer asked that he come with them down to the Police Station. [redacted] said that he agreed without any problems to go to the station. [redacted] said that he has not spoken to [redacted] since the incident.

[redacted] told me on several occasions that the law enforcement response was done "by the book". [redacted] also stated that based on his training and experience, he believed that Augustin was acting as he was because he had "Drug induced [redacted] Disorder".

[redacted] was concerned about where he was going to go after our interview was completed. [redacted] was afraid to leave [redacted] alone, feeling like he and [redacted] could get a hotel or stay somewhere else. [redacted] also identified that we should locate a sheet (cream colored) in his bedroom which would have blood on it. The blood was not from this incident, but he thought it was from a nose bleed he had recently had. There might also be some needles in the bedroom which belonged to both [redacted] and Augustin. He also identified that his car (Lincoln SUV) should be parked in front of the management office at the complex.

[redacted] provided me with verbal consent to have the CSI Detectives photograph the injury to his face and overall appearance. He also provided consent to download his cell phone which he identified as a Samsung "Smartphone". [redacted] said that Augustin had a Samsung "go Phone". [redacted] had an iPhone.

**Interview with Santa Rosa Police Department Officer M. Wellington:
On 10/16/13 at approximately 1013 hours, I conducted a recorded interview with SRPD Officer Marlee Wellington. The interview

was conducted at SRPD in a private office. It was attended by Officer Wellington`s Attorney, Julia Hickman from the Law Offices of Rains Lucia Stern.

The following is a summary of my interview with Officer Wellington. For exact statements, refer to the recording booked into the SCSO Property/Evidence room.

I began the interview by stating that I was conducting the interview because she was a witness to the critical incident that took place. I confirmed that she understood that the interview was voluntary and that she had ample time to speak to her attorney prior to meeting with me. Officer Wellington stated that nothing would hinder her from providing a statement to me.

Officer Wellington has been a Police Officer with the Santa Rosa Police Department since December of 2006 when she was sworn in as a Police Officer. She is currently assigned to the patrol division where she works the graveyard (Union team) shift. On the night of 10/15/13, her regularly scheduled shift started at 2100 hours and she was assigned to beat one (NW Santa Rosa). Her call sign during this shift was "6U1".

Officer Wellington`s training in law enforcement began with the POST Certified Law Enforcement Academy. Since her graduation and being sworn in as a Police Officer, she has attended training in Narcotic investigations, rifle training, handgun training, shotgun training, Mental Health Crisis Management training and Driving Under the Influence Training. In addition to the above listed trainings, she has had on the job experience and routine trainings through briefings. Aside from Patrol, she has not had any other specialty assignments.

The primary responsibility for her current assignment on patrol is to respond to calls for service in her beat.

On 10/15/13, she slept approximately 4 hours and ate regular meals prior to the incident. She is not currently being medically treated for any injuries and is not taking any medications currently. As a result of this incident, Officer Wellington did not suffer any injuries. Officer Wellington has not had any alcohol in the past 24 hours.

During this shift, Officer Wellington was wearing a standard Santa Rosa Police Officer uniform which consisted of a blue uniform shirt and pants, a metalic badge, SRPD patches on both shoulders and her name on the front of her uniform. She does not carry a back-up firearm and during this incident, she did not have need to employ any of the tools on her duty belt. She carries a department issued service pistol and a taser on her duty belt, neither of which item was used during this incident.

Officer Wellington provided me with the following summary of what she recalled of the event:
She was working on reports as she was behind two reports from the prior shift. She heard the call being dispatched initially, although she was not assigned the incident since it was not in her assigned beat. Officer Wellington said that she was familiar with the area from working that area. To her recollection, shortly after the first call went out, she heard the on-scene Officers ask for additional units. She could hear that the background noise on the radio transmission sounded chaotic. Officer Wellington was then dispatched to the incident.

Officer Wellington was traveling to the call when she heard the on-scene Officers asking for units to respond "code-20". Officer Wellington then responded to the scene with her lights and siren activated. While she was traveling there from Sonoma Av, she heard the on-scene Officers requesting that the next unit to the scene bring in a maximum restraint device.

When Officer Wellington arrived in the apartment complex, she retrieved her maximum restraint device from the trunk of her car. She had been told over the radio that there was a male subject standing with dogs near the front of the apartment. She located the subject, identified as [redacted]. [redacted] pointed out the apartment and she ran into the apartment. When she was inside, she entered a small bedroom where Officers were with Augustin. Sgt Celli asked that she give them the maximum restraint device and then contact and detain [redacted] who was in the dining room area. She provided the restraint device and then went to the dining room to contact [redacted]

Officer Wellington told me that while she was enroute to the call, she had heard that [redacted] was "code 4", but that [redacted] needed to be contacted and detained.

When Officer Wellinton contacted [redacted] in the dining room, she activated her digital recorder. Due to the fact that she did not yet know what [redacted] involvement was, her focus was more on [redacted] than what was going on in the bedroom. She had not conducted a search of [redacted] so she did not know what weapons he may have had or may have been in his reach. [redacted] was

seated when she first contacted him and he remained seated during her contact with him in the apartment. At the point where [redacted] thought that they were going to bring Augustin from the bedroom and out of the house, [redacted] asked Officer Wellington to move back away from the path that they would bring him. [redacted] thought that Augustin would get more upset if he saw [redacted] sitting there. [redacted] moved to the back of the table and remained there through the incident.

Officer Wellington stated that she remained with [redacted] from the time that she arrived, then she transported [redacted] to the Santa Rosa Police Department. Shortly after they arrived at Santa Rosa PD, she was relieved from [redacted]

In follow-up to some of the points that Officer Wellington brought up, we discussed that she left her maximum restraint device with the Officer`s in the bedroom. She did not remove the device from the apartment and once she gave it to the Officer`s, she was unsure of where it ended up.

Aside from her first contact with [redacted] in front of the apartment, she did not have any further contact with him. While she was inside the apartment with [redacted] did not enter the apartment.

Officer Wellington did not have any involvement in the incident as it happened in the bedroom. Based on where [redacted] was seated, she suspected that he could hear the incident, but she could not speculate if he was able to see into the room or not from where he had been seated. Officer Wellington was able to hear some of the incident in the bedroom and recalled that she had heard the request for medical to respond to the apartment. Based on her location, she was able to see into the bedroom, but could not describe anything because her attention was diverted and she was only able to see uniforms.

From Officer Wellington`s recollection, only Officer Brandt and Sgt Celli were present when she first arrived. More Officers arrived while she was in the dining room, but she was not able to say exactly who or what their roles were. She stated that Officer Farigno, Officer Berg, Officer Woods, Officer Phillips and Officer McElhaney arrived at times during or just after the incident.

The Emergency medical team arrived and cleared the scene prior to her leaving the apartment with [redacted]

Officer Wellington stated that she had recorded a statement from [redacted]. She provided me with a brief summary of what [redacted] told her.
[redacted] was asleep and at approximately 0200 hours he was awoken when Augustin burst into his room and was upset with [redacted]
[redacted] explained that Augustin was having a [redacted] episode. Augustin was acting extremely paranoid and delusional.
-When Augustin first came into the bedroom, he was being friendly with [redacted] as he felt [redacted] was on his side. Augustin began changing his mental state. He had a "worsening level of aggitation". Augustin`s paranoia was rising as well.
[redacted] could not talk Augustin out of his aggitation and was unable to calm him down.
-Augustin became assaultive towards [redacted] This was when Augustin began accusing [redacted] of "plotting" against him.
-Augusin ripped a shirt and the packaging it had been in. Augustin was making statements that he was looking for something being hidden from him inside the packaging. Augustin then ripped a shoebox and threw part of it at [redacted] striking him in the cheek. A red mark was observed by Officer Wellington on [redacted] right cheek.
[redacted] described Augustin`s physical demeanor as having a defensive stance. His fists were raised and clenched as if he was prepared to punch.
[redacted] became fearful for his safety, concerned that Augustin was going to further assault him.
[redacted] also thought that in addition to his [redacted] "break", that he was under the influence of crystal methamphetamine.
[redacted] said that Augustin had admitted to using meth to him.
[redacted] said that when he knew that he could not control Augustin, he went to the porch where [redacted] was and told him to call the police.

The statements that were made to Officer Wellington by [redacted] were recorded by her digital recorder. She gave me consent to take her digital recorder and download the digital recording of the contact. Officer Wellington`s attorney agreed to this as well. Officer Wellington did not think there were any other recordings on the digital recorder.

At the conclusion of my interview with Officer Wellington, I stopped my digital recorder (approximately 28 minutes long). Officer Wellington had provided me with her digital recorder which I took possession of.

Once I was back at the Sonoma County Sheriff`s Office, I was able to open the files on the digital recorder. Only one recording was found on the files, "3400051.DSS". I copied the file to a CD which I later booked into the property/evidence room at the

Sonoma County Sheriff`s Office.

Additionally, a copy of the interview with Officer Wellington was booked into the property/evidence room at the Sonoma County Sheriff`s Office.

**Interview with SRPD Officer Garrett Berg:
On 10/16/13 at approximately 1427hours, I conducted an audio recorded interview with Santa Rosa Police Department Offficer Garrett Berg. The interview was conducted in a private hotel room inside of the [redacted] The interview itself was observed by a Sonoma County District Attorney Investigator as well as Detectives from the Petaluma Police Department Investigations Unit.

Present in the interview room for the entire interview was Officer Berg`s attorney, Mr. Jonathan Murphy, from the Law Offices of Rains Lucia Stern, PC.

I began the interview by explaining that the interview was taking place as a result of the investigation into the critical incident in which a suspect, Augustin, was now deceased. I explained that the interview was a voluntary interview and Officer Berg said that he had ample time to speak to his attorney prior to our meeting. When I asked if anything would hinder him from giving me a statement at that time and he replied, "Absolutely not."

Prior to this interview, Officer Berg and I had never met before.

Officer Berg told me that he had been hired as a Police Officer by Santa Rosa Police Department on June 13, 2013. He was currently four months into the SRPD Field Training Program. His primary Field Training Officer at the current phase of his program was Officer Jeff Woods. Prior to his attending the Santa Rosa Junior College Law Enforcement Academy Jan-May 2013, he did not have any other law enforcement training.

I asked Officer Berg to provide me with a narrative of the incident as he was involved. The following is a summary of what Officer Berg told me. For exact statements, refer to the digital recording booked into the property/evidence room.

On 10/15/13, Officer Berg was assigned as a trainee working with Officer Jeff Woods. He was working a normally scheduled graveyard shift which began at 2100 hours. He was driving SRPD patrol car #49. Officer Berg was driving for this shift and was at a point in his training where he was expected to be doing the work of a Police Officer. He was wearing a standard SRPD Patrol uniform, blue short sleeved uniform shirt and blue uniform pants. He was carrying a firearm, baton and taser on his duty belt, none of which did he employ during this incident.

Officer Berg denied having consumed any alcohol in the past 24 hours. He had no prior physical injuries or illnesses and did not incur any injuries as a result of this incident. Officer Berg had been getting normal sleep and eating normal meals through his assignment to the graveyard shift.

At approximately 0200 hours, Officer Berg was at Sutter Hospital (Chanate Rd, Santa Rosa) when he initially heard patrol units being dispatched to the incident. Officer Berg and Officer Woods were at Sutter Hospital transporting a voluntary 5150 W&I subject.

As Officer Berg and Officer Woods were leaving Sutter Hospital, Officer Berg said he heard the units at the call with radio traffic. Officer Berg could hear in the background of the transmission that there was yelling in the background. Officer Berg started driving towards the call, since that is what he is supposed to do during the FTO program. Officer Berg was getting going from Sutter when he heard the Officers at the scene calling for a "code 20".

Officer Berg drove "code 3" from Sutter to the scene. When he arrived, he parked near other on-scene patrol cars and walked through a parking lot in the direction of where the apartment was. When he was near the apartment, a male subject with a dog pointed to the front of the apartment where the incident was taking place. Officer Berg entered the apartment as he could see Officers in a bedroom within the apartment. When he came into the bedroom of the apartment, he observed that Augustin was lying naked on the carpet at the foot of the bed with his feet close to the bedroom door and his head away from the door and to the left. Augustin was lying on his stomach and was handcuffed with his hands behind his back.

Officer Berg explained that the Officers in the room on his arrival were in the process of applying a maximum restraint device and

asked him to assist by holding one of Augustin`s legs. Officer Berg stated that Sgt Celli was on the left of Augustin and had just tied the device around Augustin`s waist and was beginning to restrain Augustin`s ankles. Officer Brandt was on the right side of Augustin and Officer Ferrigno was at Augustin`s feet, attempting to restrain his feet for the device to be applied. While Officer Berg was at the feet, one of the Officer`s told him that Augustin had been kicking, biting and spitting, which was why they were applying the maximum restraint device.

When Officer Berg first entered the room, he observed that Augustin was breathing, although he did not personally observe Augustin resisting during his involvement. Officer Berg assisted by holding one of Augustin`s feet to keep his ankles crossed to ensure that he could not kick them.

Sgt Celli had just completed applying the leg restraints when Officer Brandt noticed that the suspect did not appear to be conscious. At that point, Augustin was not responding to anything they were saying to him.

The collective of Officers rolled Augustin to his left side facing Officer Brandt. Brandt did a sternum rub on Augustin with no response and was yelling in an attempt to get a response or wake him up. Officer Brandt attempted to get a pulse but was not able to locate one. At that point, Sgt Celli ordered that the leg restraints and handcuffs to be taken off immediately. Officer Berg said that he and Officer Ferrigno removed the leg restraints. When Officer Berg was done he saw that the handcuffs had been removed, but he did not see who had removed them.

Augustin was moved to his back. Officer Berg described that Augustin continued to be non-responsive and he did not see Augustin breathing at that point. Sgt Celli immediately started providing CPR to Augustin.

Officer Berg said that he moved to get out of the way of Sgt Celli. Officer Berg started going toward the front door since Medical had been requested to respond into the apartment. Officer Berg wanted to get to the front door to escort medical inside the apartment. Officer Berg said that as he was approaching the front door, EMS was at the front door. Officer Berg estimated that it was approximately 30 seconds before EMS was at the apartment.

Officer Berg stated that EMS took over CPR for Sgt Celli.

Officer Berg thought that Officer Wood had stopped at the bedroom door as there was no room for additional people. He could not say what Officer Wood saw since his focus was on the attention they were giving to Augustin.

Officer Berg ended his narrative at that point. I then learned the following things from follow-up questions from his statements:

I spoke to Officer Berg about what he heard when the radio transmissions were made that brought his attention to the call. He stated that he could not hear any specific words being yelled, but could clearly hear that someone was yelling in the background of the radio transmission. Officer Berg also recalled that the original call that Officers had responded to the apartment for was a [redacted] subject that was being violent and assaultive.

When Berg had entered the apartment he did not immediately see anyone else in the apartment. However, he stated that his attention was focused on the Officers that he could see in the bedroom.

Augustin was already handcuffed when Officer Berg arrived in the bedroom. The leg restraints were started being applied after Officer Berg was at the scene. At the time that Officer Berg arrived, Augustin was not making any specific noises, however, he was breathing when he first arrived.

Once Officer Berg heard Officer Brandt yelling at Augustin, he noticed that Augustin`s eyes were open and rolling back in his head

After EMS had arrived and called that Augustin was deceased, Officer Berg went to the front of the apartment and conducted a recorded interview with [redacted]. Officer Berg learned the following from [redacted] Officer Berg provided me with his digital recorder which I was able to obtain and download the recording of the contact. I downloaded the audio recording and later booked it onto a CD in the Property/Evidence room.

Officer Berg told me that following in summary for what he had learned from [redacted], for exact statements, refer to the digital recording itself.

Following EMS` arrival, Officer Berg went to the front of the apartment and contacted [redacted]. Officer Berg did not think that Walters was the same person that he had been flagged into the apartment by since [redacted] did not have a dog with him when he interviewed him, however, he could not say for sure that the two people were different.

[redacted] told Officer Berg that he was staying in the apartment with [redacted]. He knew that [redacted] was a Psychiatric doctor at the Sonoma County jail. [redacted] was living in Palm Springs, CA, but staying in Santa Rosa at the time of the incident. [redacted] had been hired to help [redacted] move from Palm Springs to Santa Rosa. [redacted] knew that Augustin had also been hired to help move [redacted] so the drive would not be as bad. This trip was the first time that Augustin and [redacted] had met before. [redacted] thought that Augustin was "odd" with possible mental health issues.

[redacted] explained that the group had left Palm Springs and arrived in Santa Rosa the day prior to the incident. On the night of the incident (10/15/13), Augustin had left the apartment for a couple of hours and when he returned, [redacted] was asleep. Augustin appeared to [redacted] to be having some type of breakdown.

Augustin ordered [redacted] to remove his clothing and sit on the couch. Augustin had threatened [redacted] by telling him that if he did not do that he would "beat your ass". [redacted] told Officer Berg that he was afraid so he sat on the couch.

[redacted] told Officer Berg that he stayed on the couch for several hours against his will with threat of physical injury from Augustin. Augustin was being aggressive and loud. Augustin went into [redacted] bedroom to wake him. [redacted] fled at that time outside of the apartment. As [redacted] was running out of the apartment he put on a pair of shorts. While he was outside he heard things being thrown around. [redacted] had told Officer Berg that Augustin had thrown shampoo bottles.

Officer Berg recalled that [redacted] had told him he called 911 approximately one hour after the incident began. After he called 911 he went to the upstairs neighbor, [redacted], and was with her until the police arrived. Officer Berg did not recall any further statements that [redacted] made to him.

Officer Berg then went upstairs to the neighbor`s apartment. He spoke with [redacted] in the apartment and she told him that she heard loud noises and could hear that things were getting tossed around. She never saw anything and did not have any further specific details. This interview was captured on the same recording as the one with [redacted].

When asked if there was anything else that he wanted to add, he told me that he recalled that he had held onto Augustin`s left foot. He also noticed that when Augustin was turned on his side to check his level of consciousness, Officer Berg saw that there was a small amount of blood near the left side of his mouth/lip. He also thought he saw what looked like a blood stain by that area on the floor. He did not know what caused that.

At 1455 hours, we took a break in the interview. I returned into the interview room at approximately 1502 hours and we resumed the interview and the recording.

During the entire time that Officer Berg was in the bedroom with Augustin, the only force he observed was that used for the application of the maximum restraint device. He saw that Officer Brandt was holding down Augustin`s right arm while Sgt Celli was applying the device. He also stated that he did not use anything from his duty belt and he did not see anyone else use anything from theirs.

After EMS had responded into the residence and identified that Augustin was deceased, Officer Berg had briefly gone into the bedroom. He stated that Augustin appeared to be in the same position he had been in prior to CPR and EMS` arrival.

Mr Murphy, Officer Berg`s attorney, asked Officer Berg if he knew that the person who flagged him down in the parking lot on arrival to the call was the same person who he interviewed later as [redacted] Officer Berg stated that he did not recall because he did not get a good look at the person who pointed the apartment out and [redacted] was not holding a dog when he interviewed him later as he had been when Officer Berg first arrived. However, the person that identified the apartment where the incident was taking place identified the correct apartment. Also, the person that he interviewed after the incident had identified himself as [redacted]

Officer Berg provided me with consent to download his digital recorder. He stated that it was the only recording on the machine itself. I took the recorder and advised that I would return it after the digital recordings were removed from the machine. I downloaded file name "DS230074.DSS" from the digital recorder provided by Officer Berg to a CD. That CD was later booked as

item #6BC.

The interview with Officer Berg ended at 1502 hours.

**Interview with Santa Rosa Police Officer Jeff Woods:
On 10/16/13 at approximatley 1535 hours, I conducted a recorded interview with SRPD Officer Jeff Woods. The interview was conducted in a private room at the [redacted], Windsor, Sonoma County. Present in the interview room were Officer Woods and his attorney, Jonathan Murphy (Law Offices of Rains Lucia Stern, PC), and myself. The interview was observed in another interview room by a Sonoma County District Attorney Investigator and members of the Petaluma Police Department Investigations Unit.

The interview itself was recorded using my digital audio recorder only.

After introductions were made in the recording, I advised Officer Woods that I was conducting an interview with him related to the critical incident that occurred and resulted in the death of Chris Augustin. Officer Woods told me that he had ample time to speak to his attorney prior to our meeting and that there was nothing to hinder his providing me with a statement. Officer Woods understood that the interview was voluntary.

The following is a summary of what Officer Woods told me through the interview. For exact statements, refer to the booked digital recording of the interview.

Officer Woods has been a sworn Police Officer with the Santa Rosa Police Department since December of 2005. Officer Woods had no prior law enforcement experience. Since he was hired by SRPD, he has worked for the Patrol division. He is currently assigend to the "Union" team (Graveyard shift). He currently is assigned to work Monday-Thursday from 2100 hours until 0700 hours. Officer Woods has attended the Field Training Officer School and is currently assigned as an FTO. During the shift in which this incident took place, Officer Woods had a trainee, Officer Berg. He has also attended and works as a driving instructor for the SRPD EVOC program.

His shift on 10/15/13 began at 2100 hours. This was his normal assigned shift and was not an overtime shift. During this shift he was assigned the call sign "6U3". This indicated that he was working beat #3 in Santa Rosa. Prior to the shift he had not consumed any alcohol in the past 24 hours. He had been eating normal meals and getting normal sleep for his graveyard shift.

Prior to this incident, OfficerWoods did not have any medical or physical conditions and was not taking any medications. As a result of this incident, Officer Woods did not receive andy physical injuries.

Officer Woods was wearing a standard SRPD blue uniform. He was wearing his duty firearm, baton, handcuffs, magazines and his patrol radio on his duty belt. He does not carry a back-up firearm. He also has a Taser, however, he keeps that in his patrol car.

His current role as a Field Training Officer is to let his trainee handle the calls that they are dispatched to. He is supposed to observe and evaluate the trainee`s procedures and legal application a a patrol Officer.

On 10/16/13 when this call began, Officer Woods recalled that he and Officer Berg were at Sutter Hospital on an unrelated incident. While they were there, they heard the radio traffic related to this incident. Officer Woods could hear that there sounded like an altercation as Officer Brandt was putting out radio traffic. Officer Woods indicated that he had the impression that the radio traffic did not sound like "normal" radio traffic so he and his trainee planned to head towards the call when they were done at Sutter Hospital.

When Officer Woods and Officer Berg cleared the call they had been on at Sutter Hospital, they began heading towards the call that Officer Brandt was on. While they were enroute to that call, Officer Woods heard Sgt Celli requesting more units. Officer Brandt could hear that the background noise behind his transmission still appeared to be abnormal. Officer Woods instructed Officer Berg to respond "code-3".

Officer Woods said that he had changed his patrol radio to channel two for a moment to advise that they were enroute to the call. He did not change the radio back to the primary channel at first and did not know what radio traffic he may have missed. When he switched back to channel one, he heard what sounded like a loud commotion during Sgt Celli`s broadcasts. He then heard the request that Officer`s respond "code 20" and that they needed more Officers inside the apartment.

Officer Woods estimated that they arrived at the apartment complex a few minutes after they started responding. When they arrived in the parking lot, [redacted] was standing near the front of the apartment and was directing them into the apartment. [redacted] told Officer Woods, "They are in there" and "Go there". As they ran into the apartment, they saw and heard the Officers in the bedroom.

As Officer Woods was going through the house, he saw that [redacted] was inside the apartment with another male that was seated in the apartment. Officer Woods entered the bedroom first, followed by Officer Berg. When he entered the room, he saw that Sgt Celli had his back to him, Brandt was to his left and Ferrigno was on his right. Augustin was lying naked on the floor in a prone position. Officer Brandt was at Augustin`s head (he could not see if Officer Brandt was holding his head or just positioned near it), Ferrigno was at Augustin`s legs holding them in a leg lock position. Sgt Celli was holding Augustin`s back down. Officer Woods was told that Augustin had been kicking and they were going to apply the maximum restraint device to Augustin.

Officer Ferrigno asked for help with the legs so Officer Woods instantly went to assist. He grabbed onto the ankles and immediately after he did so, he realized that he needed to let Officer Berg step in and evaluate his performance. Officer Woods stood up and let Officer Berg step in to take over. While he had a hold of Augustin`s feet, he did not feel any resistance. He noted that he likely would not though because Officer Ferrigno had control of Augustin`s ankles, limiting the movement of his feet.

Officer Woods stood and evaluated what was going on in the room. From his position, he observed as Sgt Celli was applying the maximum restraint device around Augustin`s waist and ankles. Once the device was applied, he observed as they rolled Augustin to his side. Officer Woods recalled that Officer Brandt had checked for a pulse on Augustin. The group had rolled Augustin to his left side to check underneath him for weapons when Sgt Celli told Officer Woods to get medical into the apartment. Officer Woods did not hear Augustin making any noises and did not look to see if he was breathing because everything appeared to be normal. Officer Woods did not see anyone use any weapons against Augustin, nor did he see any indication that a baton or taser had been used. He did notice that someone`s portable radio was lying on the bed with the holster which retains it on a duty belt. He suspected that the radio had come off during a struggle.

Officer Woods left the room to find EMS and flag them into the apartment. When he went to the front of the apartment, they were already in the parking lot. While he was in front of the apartment, he heard Sgt Celli advise over his portable radio that Augustin was "code blue" and he was starting CPR. Officer Woods escorted EMS into the apartment and remained in the living room area of the apartment while EMS entered the room.

Officer Woods told me that the room was too small for him to enter with all of the EMS staff on scene. Woods noted that he observed the maximum restraint device had been moved to the hallway and removed from Augustin.

Officer Berg had come out of the bedroom and Officer Woods told him to activate his digital recorder and to conduct an interview with [redacted] and the upstairs neighbor. Officer Berg conducted a recorded interview with both [redacted] and the upstairs neighbor, [redacted] Officer Woods was able to hear the interview with both [redacted], asking only a few questions. Officer Woods described that [redacted] was wearing sweat shorts and a jacket of some sort. He was not sure about shirt or shoes.

Officer Woods heard as [redacted] gave his statement. Essentially , [redacted] said that he had been held for approximately four hours by Augustin. He had been forced to strip his clothes off or being hurt. He was able to get away when Augustin went into [redacted] room. Officer Woods only heard the overview of the incident as stated, not all of the details as Officer Berg did not get into all of that. Officer Woods stated that Officer Berg had recorded the incident and it should have been captured through the recorder.

After Augustin was pronounced dead at the scene, Officer Berg and Officer Woods asked [redacted] to go with them to SRPD main office. [redacted] agreed to go with them to the Police Department. Prior to leaving the apartment, Officer Woods had EMS check on [redacted] to ensure that he was okay since he was so excited. He better described that [redacted] was acting eratic. He said that because [redacted] was fidgety and rocking back and forth; based on his training he suspected that [redacted] was under the influence of a stimulant.

Officer Woods said that he and Officer Berg only entered the apartment one more time and that was to obtain the names of the EMS workers at the scene.

Officer Woods and Officer Berg transported Walters back to SRPD. Once they were there, they were relieved. Prior to my interview

with them, they did not discuss the incident with each other.

The only contact that Officer Woods and Officer Berg had with [redacted] was when they were trying to get Augustin`s name. [redacted] did not know his name, however, he was providing them with addresses for people in Palm Springs that could assist with his identification.

Officer Woods described the bedroom and the apartment as being disheveled.

My interview with Officer Woods ended at 1615 hours.

**Conclusion of interviews.

Following my interview with Officer Woods, I concluded my interviews. I spoke with Sgt Basurto (VCI) and he explained that there were no further interviews for me to conduct.

This completed my interviews for the in-custody death of Augustin.

ATT - CUTTING, B - 01/28/2014
Written by: **Cutting, Brandon 1101641**
Date/Time: **01/28/2014 08:03:38**

Attached Transcript of interview.

ATT - CUTTING, B - 03/17/2014
Written by: **Cutting, Brandon 1101641**
Date/Time: **03/17/2014 08:22:12**

Attached Transcription of Involved Officer Garrett Berg interview.

CHRO - TONEY, J - 03/24/2014
Written by: **Toney, Jeffery 1101041**
Date/Time: **03/24/2014 15:55:37**

Investigative Report
Case # SD131016-002
Sonoma County Sheriff`s Office
Detective Jeffery Toney
Violent Crimes investigation Unit
Re: Santa Rosa Police Department In Custody Death
SRPD Case # 13-12804

NOTIFICATION
On 10-16-2013, at approximately 0427 hours, Sergeant Carlos Basurto telephoned me and advised that the Santa Rosa Police Department had been involved in an incident where a subject died in their custody. Sergeant Basurto requested I respond to the main Sheriff`s Office Investigations Bureau. Upon arrival, I met with Sergeant Basurto, Detective Freitas and Detective Mancilla. Detective Cutting was en route to the Santa Rosa Police Department. There, Sergeant Basurto advised that at approximately 0345 hours, Santa Rosa Police Department Sergeant Rich Celli requested a telephone call from Sonoma County Sheriff Sergeant Cecile Focha. During the conversation, it was learned that the Santa Rosa Police Department had evoked the County protocol, as a result of a subject who died in their custody during a call for service at the Shadow Creek Apartments in Santa Rosa, Ca. The Sonoma County Violent Crimes Investigation unit was requested to meet at the Santa Rosa Police Department (SRPD) to receive a full briefing about the incident. I telephoned and briefed the on call District Attorney Investigator, John McCutcheon.

BRIEFING

We arrived at the SRPD at approximately 0540 hours and met with members of the SRPD Violent Crimes Investigation Unit,

Deputy District Attorney Anne Masterson, District Attorney Investigator`s John McCutcheon and Les Vanderpool. SRPD Violent Crimes Sergeant, Dave Linscomb provided the following information in summary:

On 10-16-2013, at approximately 0254 hours, the Santa Rosa Police Department received a 9-1-1 call from [redacted] Shadow Lane, apartment [redacted] The 9-1-1 caller identified himself to the call taker as [redacted]. [redacted] called reporting that a "psych doctor" was being held inside a room by a subject named Chris Augustin. [redacted] stated the subject being held in the apartment was [redacted], a Sonoma County Jail employee. [redacted] reported that he and [redacted] had been held in a room for several hours and that he was able to get out of the room and call 9-1-1. [redacted] told the call taker that Augustin was delusional, and that he was yelling, then apologizing and then yelling again.

Santa Rosa Police Sergeant Rich Celli, Officer Jason Brandt and Officer Kenneth Ferrigno responded to the address and arrived at approximately 0300 hours. Sergeant Celli found [redacted] standing in the parking lot of the apartment complex. As Sergeant Celli attempted to gather information from [redacted], Officer`s Brandt and Ferrigno entered apartment [redacted]. There, Officer`s Brandt and Ferrigno encountered [redacted] and Christopher Augustin. During the contact with Augustin, he began fighting with officers Brandt and Ferrigno.

At approximately 0307 hours, officers inside the apartment called for a "code 20", requesting two additional units and maximum restraints. Additionally, a code 3 ambulance was requested. Santa Rosa Police Sergeant Celli responded from the parking lot into the apartment to assist the officers. Officers Eric Mcelhaney, Marlee Wellington, Jeff Woods and Garrett Berg arrived on scene moments later to assist.

At approximately 0314 hours, a "code blue" was broadcasted and officers began administering CPR on the subject they were attempting to apprehend. Paramedics were summoned into the apartment and they assumed emergency medical treatment. At approximately 0343 hours, paramedics pronounced subject Christopher Augustin deceased.

Sergeant Linscomb played a copy of the 9-1-1 dispatch tape and afterwards informed that the original 9-1-1 dispatch tape was being prepared for evidence. Sergeant Linscomb advised all of the officers that were involved in the incident were currently being sequestered at the SRPD station with plans to have them transported to a more suitable location when available. [redacted] and [redacted] had also been transported to the SRPD station and escorted separately into interview rooms.

After the briefing, Sergeant Carlos Basurto designated our investigative assignments. I was assigned as the lead investigator and tasked with interviewing [redacted], Santa Rosa Police Officer Jason Brandt and Santa Rosa Police Officer Kenneth Ferrigno. Detective Mancilla was tasked with overseeing the scene, conducting witness interviews from American Medical Response Paramedics, Santa Rosa Fire Department personnel and neighborhood witness canvass. Detective Cutting was tasked with conducting interviews with [redacted], Santa Rosa Police Officers Marlee Wellington, Jeff Woods and Garrett Berg. Detective Freitas was assigned to conduct interviews with Santa Rosa Police Sergeant Rich Celli and Officer Eric Mcelhaney. Refer to the individual supplemental reports for the statements obtained during these interviews.

Two CD-R disk copies of the original SRPD 9-1-1 dispatch tape were later provided to me by SRPD Violent Crimes Detective Greg Wojick, who was assigned as the liaison on this case. Each disk was labeled with the SRPD incident case number 13-12804 which had been hand written on the disk with black felt pen. They were individually packaged in manila envelopes which had the date, case number and address of the incident written on the face.

SCENE

At approximately 0721 hours, Sergeant Basurto, Detectives Mancilla, Freitas, Cutting and I arrived at [redacted] Shadow Lane, apartment [redacted] to complete a walkthrough of the scene. Upon arrival, I found that the front door and porch area of apartment [redacted] was secured with yellow police crime scene tape. Sonoma County Sheriff Deputies Vail and Halligan were providing scene security and crime scene log management.

Upon entering the one bedroom apartment, I noted the general appearance of the living room and kitchen area unkempt. I observed a greenish black colored nylon cord bearing the letters SRPD, lying on the floor near the hall entry way. The nylon cord had a metal snap on one end and a metal ring on the opposite end. I recognized this device to be a maximum restraint cord. I observed the body of an adult male identified as Christopher Augustin, lying supine on the floor just inside the threshold of the bedroom. Augustin`s body was naked and there were obvious medical devices on his face and chest. The walkthrough was

completed and Detective Mancilla remained on scene. Sergeant Basurto, Detective`s Freitas, Cutting, and I left the scene to return to the SRPD.

INTERVIEW WITH REPORTING PARTY [redacted] BY: DETECTIVES JEFF TONEY AND GARY FREITAS

Upon arrival, Detective Freitas and I contacted [redacted] in the second floor interview room at approximately 0800 hours. Our interview with [redacted] was audio/video recorded. The following is a synopsis of the interview. Refer to the recorded CD-R disk for the exact statements contents of the entire interview.

During the introduction, [redacted] explained that he was currently homeless and a transient in Palm Springs, Ca. I asked [redacted] to identify the persons he had been with earlier this morning at the Shadow Lane apartments. [redacted] told me, [redacted] and Chris Augustin. When questioned, [redacted] explained he first met [redacted] about a month or so ago when he was riding his bicycle in Palm Springs. He was flagged down by a guy named [redacted] (unknown to pronounce last name) who was [redacted] ex-lover. After a brief conversation, [redacted] invited [redacted] to come over to see him. [redacted] he was staying with [redacted] at [redacted] Riverside Drive Palm Springs, Ca.

[redacted] stated he subsequently went to see [redacted] a few weeks later at the above residence. [redacted] explained that during this time it was 120 degrees outside and he was homeless, so he visited [redacted] states he has had numerous lung surgery`s and currently only has one lung. During the time of his visit, [redacted] was not home and [redacted] later learned that he was in Sonoma County working.

[redacted] explained that during the stay, he did a favor for [redacted] by working on [redacted] pool. [redacted] states something went wrong during the repair which caused the filter system to blow up and [redacted] went ballistic [redacted] went on to describe [redacted] as being a [redacted] and explained that he has no idea how [redacted] is still walking the streets after all he has done. [redacted] stated the next morning; [redacted] imploded himself by getting drunk and was involved in a head on collision while driving [redacted] rental car. [redacted] left the scene of the vehicle accident on foot after sustaining significant head injuries and was subsequently arrested after he was found at the hospital.

During this time, [redacted] returned to [redacted] house because he had broken the pool and he wanted to take the blame for it. Now that [redacted] was incarcerated and [redacted] needed a place to stay, he began working for [redacted] by driving him to and from Santa Rosa. During the first week of working for [redacted] he drove him to Santa Rosa and stayed the week with him at the apartment. [redacted] took care of cleaning the apartment, watched [redacted] dogs and drove him to and from work. [redacted] states everything went well and described how it was an improvement for him considering the week before, he had been on the streets and now he was driving around in a $60,000 car. When questioned, [redacted] denied being in a dating relationship with [redacted] by saying he cannot be bought, or kept like that. [redacted] stated that [redacted] wanted to be in a dating relationship with him, but [redacted] was not having that. [redacted] told me he "plays both sides of the fences", but mostly likes women.

After staying the first week with [redacted] in Santa Rosa, [redacted] drove back to Palm Springs for the weekend. On the way up they stopped by [redacted] (unknown last name) house in Alta Dena to have dinner. [redacted] explained that [redacted] is [redacted] ex-lover. [redacted] described [redacted] as being violent and explained that [redacted] had been sent to prison for being violent with [redacted] during their past relationship [redacted] referred to [redacted] being attracted to the "bad boys" and explained that this was [redacted] taste in men. [redacted] tells [redacted] that he wants to bring [redacted] up with them for the weekend in Palm Springs. [redacted] stated that based on his knowledge of [redacted] violent history and the fact that [redacted] wanted no part of any drama, he talked [redacted] out of bringing [redacted] explained that the purpose of the trip was to rent a U-Haul and bring some furniture back to Santa Rosa.

During his stay with [redacted] in Santa Rosa, [redacted] was receiving phone calls from another one of his ex-lovers named [redacted] told [redacted] that he was staying at his house with his boyfriend Christopher Augustine. This bothered [redacted] because he knew that [redacted] and Christopher had been in a contentious relationship and that [redacted] had previously wanted a protection order against Christopher. [redacted] states that during the first weekend of October, he drove [redacted] back from Santa Rosa to Palm Springs so that [redacted] could get a restraining order filed against [redacted] and [redacted] wanted a restraining order against Christopher Augustine.

On Sunday morning 10-13-13, [redacted] accompanied [redacted] when he rented a dual axel U-Haul trailer from an independent dealer in Palm Springs, in order to move some furniture from [redacted] weekend house in Palm Springs to Santa Rosa. While [redacted] and a homeless friend of his named [redacted] loaded the trailer, Christopher Augustin showed up at [redacted] house. During

this time, [redacted] found out from [redacted] that Christopher Augustine was going to join them to help with loading the furniture and driving. [redacted] stated that Christopher and his lover live only a few blocks from [redacted] states the three of them left Palm Springs at approximately 1700 hours. They left Palm Springs using [redacted] white Lincoln MKT to tow the trailer. [redacted] drove, while [redacted] rode in the back seat with Christopher sitting in the front passenger seat. Before leaving tow, they stopped for some food at Del Taco. [redacted] passed out asleep immediately.

Christopher and [redacted] shared small talk and tried to get to know each other. [redacted] stated that Christopher talked about being in a band and bragged about kicking people`s asses and having a knock out punch. [redacted] said Christopher seemed to be generally bragging about his past, but he was not directing any anger towards him. At some point Christopher told [redacted] that he normally carries a gun, but he did not have it with him on this trip. They made a stop for fuel in the town of Castaic, where [redacted] used [redacted] credit card he had given him earlier to use for fuel. [redacted] stated that Christopher fell asleep after that and [redacted] drove the entire way to Santa Rosa while both [redacted] and Christopher slept.

They arrived in Santa Rosa at [redacted] apartment on Monday morning at approximately 0600 hours. When they arrived, Augustine went to bed while [redacted] got ready for work. During this time, [redacted] disconnected the trailer and parked it within the apartment complex. He then drove [redacted] to work at the Sonoma County jail at approximately 0830 hours or so, suggesting that it might have been later because he remembers [redacted] was late for work. Afterwards, he returned to the apartment and the property manager advised [redacted] that he could not park the trailer within the complex, so he hooked it up and began to unload the furniture. [redacted] then returned the trailer to the U-Haul dealer in Santa Rosa. When [redacted] returned home, he found that Christopher had awakened. Christopher wanted to set up the furniture in the apartment. [redacted] argued that he was tired and needed some sleep. [redacted] then got some sleep.

The next day, [redacted] drove [redacted] to work and then returned to the apartment. [redacted] said that Christopher was "whacked out" all day long and had been bickering with him all day. At one point, Walters told Christopher, I don`t know you and you don`t me, let`s just try and get along together. [redacted] picked up [redacted] from work at approximately 1630 hours and upon returning to the apartment, [redacted] initially wanted them all to go to dinner. [redacted] declined and explained that he was tired and wanted to go to sleep. [redacted] then became irritated because nothing had been done around the house and none of the furniture had been put together. At that time, [redacted] went to bed and [redacted] states he drove to a nearby Walgreens for some cigarettes and then came back to the apartment. Upon returning, Christopher was walking out of the apartment and he told [redacted] that [redacted] was upset that the furniture had not been set up and that he wanted some Del Taco.

[redacted] went into the apartment and contacted [redacted] apologized for not setting up the furniture, but explained that not only had he initially loaded the U-Haul in Palm Springs and drove the whole way, he also unloaded it by himself on arrival and now wanted to catch up on some sleep. [redacted] explained that it was okay and he understood. [redacted] then retired to the couch in the living room and he began to sleep.

[redacted] states that after about two hours Christopher returned and told [redacted] he had brought him some Taco Bell and explained that he had bought some Halloween make up. It was now approximately 2130 - 2200 hours. [redacted] told Christopher that he was not into Halloween and that he would catch up with him in the morning. [redacted] said it was at that time that Christopher snapped. Christopher said, "Dude, take off your clothes and get on the couch". [redacted] answered saying, why would I take off my clothes. Christopher said, because you`re not going anywhere. [redacted] told Christopher he was going to sleep and then [redacted] said he doesn`t know what transpired, but Christopher got into his face while he walked from the kitchen to the living room. [redacted] stated he shouted out for [redacted] who was asleep in the bedroom, but he did not respond. [redacted] suggested the reason [redacted] could not hear is because he takes [redacted]

[redacted] explained he knew of Christopher`s violent past, so he did what he said and took off his clothes. [redacted] says for the next four hours, Christopher spit on him and blew snot on him. He described Christopher as acting paranoid as he walked throughout the house, taking items and throwing them around the house and knocking things over. He was yelling at [redacted], "Why did you do this to me, why did you treat me like that, why are you doing this to me". Christopher then challenged [redacted] to step outside and fight. [redacted] states the apartment that they had spent time cleaning, was now in shambles.

At some point Christopher threw something at [redacted] and it struck him in the teeth. [redacted] explained he knew he had to do something. [redacted] states it was now between 0130 and 0200 hours. Christopher then went and knocked on [redacted] bedroom door. [redacted] responded unintelligibly to the knock and Christopher entered the room. [redacted] took this opportunity to put on a pair of shorts and fled out the back door. From there, he jumped the fence. [redacted] was now standing outside of [redacted] bedroom window and he could hear Christopher telling [redacted] about the mess [redacted] had made. [redacted] yelled for [redacted]

arguing that the mess was not his fault and he jumped back over the fence to the back yard.

During the commotion, [redacted] could see that the upstairs neighbor`s light came on and he could hear her walking about. At this time, [redacted] could hear things crashing from within [redacted] bedroom and he heard [redacted] telling Christopher to stop. Through the bedroom window, [redacted] could see that Christopher was standing by the bedroom door and he thought Christopher was preventing [redacted] from leaving the room. [redacted] stated that at this time he was going to call 9-1-1. However, at some point [redacted] exited the bedroom. [redacted] thought [redacted] had calmed Christopher and he went back into the house.

Christopher had now locked himself in the bedroom while [redacted] and [redacted] spoke in the kitchen. [redacted] later explained that [redacted] was naked at this time, and that he always sleeps in the nude. [redacted] told [redacted] that Christopher was "fucking nuts". He pointed to the living room and kitchen area saying, I`ve been with you for three weeks, does this look like something I would do. [redacted] told [redacted] that he needed to deal with Christopher and that he was leaving. [redacted] stated that Christopher`s demeanor was like a roller coaster. One moment he was agitated and the next moment he was apologetic for being angry. [redacted] began looking for his shoes and [redacted] went back into the bedroom. [redacted] states that`s when he heard crashing sounds coming from the bedroom.

[redacted] explained that his memory was foggy and hazy in regards to what occurred next. At some point he heard the bedroom door lock and he knew [redacted] was pinned in the bedroom. He went back outside and looked through the screened bedroom window. [redacted] explained that he was hoping that the upstairs neighbor would call 9-1-1. He could see what he thought was [redacted] trying to get dressed. He yelled out and told [redacted] he was going to call 9-1-1. He saw [redacted] through the blinds nod his head yes. [redacted] went back to the front door of the house and the lady neighbor upstairs came out to the balcony. She asked [redacted] what was going on and he told her he was going to call 9-1-1.

The 9-1-1 call taker answered and [redacted] explained who he was and what was going on. The police showed up and he began talking with an officer outside. [redacted] states the officers radio "squawked" and he ran into the apartment, telling [redacted] to stay where he was. [redacted] states that while he stood in the parking lot with the dogs, two more officers arrived. The female officer asked [redacted] where everyone was and he pointed to the direction of the apartment. At that time the upstairs lady neighbor asked [redacted] if he wanted to come upstairs. He told her no and explained that the officer told him to stay where he was, but that he could use some water. The neighbor lady brought him a bottle of water, as more and more officer began arriving. The neighbor asked [redacted] again if he wanted to come upstairs to wait for the officers there. [redacted] stated at that point he accompanied her to her apartment because he was cold.

They went upstairs to her stoop (balcony) where she provided him with a t-shirt and a blanket. [redacted] then noticed an ambulance arrive. He wondered why an ambulance was there, because he had heard no gunshots or the sound of mace. He overheard someone saying, there administering CPR (Cardiopulmonary Resuscitation). [redacted] yelled down and asked if the [redacted] was okay. Moments later an officer came upstairs and spoke with [redacted], asking for his name etc. Approximately twenty minutes later, he saw [redacted] exit the apartment with the officers fully dressed. [redacted] was then transported to his current location where he has been sitting.

OBSERVATIONS OF [redacted]

During our initial contact with [redacted], I observed him displaying numerous significant outward signs/symptoms that are indicative of persons who are under the influence of a central nervous stimulant. [redacted] had extremely rapid speech, uncontrollable jerky facial movements, grinding of teeth, the inability to remain still in his chair for more than a few seconds, dry mouth and restricted pupils under ambient lighting.

During a recap of [redacted] statement, he changed his statement regarding his account of the events that took place after their arrival in Santa Rosa.

[redacted] now recalled that on Tuesday, the day after they arrived to Santa Rosa, Christopher had awakened at around 1400 hours and they argued about who was going to pick up [redacted] from work at 1630 hours. [redacted] stated they both hung out at the house and he ([redacted]) smoked some "Weed". [redacted] and Christopher ultimately drive together to pick up [redacted]. When they arrive, [redacted] suggests they all go out to dinner and [redacted] declined, saying he was tired and he wanted to rest. They return home and [redacted] became upset because the house was a mess and none of the furniture had not been put together. At some point around 1700 or 1800 hours, [redacted] retired to his bedroom and went to sleep. [redacted] stated he was irritated with [redacted] because of his comment that nothing had been done at the apartment. [redacted] explained he told Christopher that he needed to

get out of the house.

[redacted] explained that he and Christopher left and went to Ross department store to get some car floor mats he had seen earlier at the store. [redacted] explained the mats were that of the band KISS and that Christopher was a collector of KISS memorabilia. Christopher bought the car floor mats and [redacted] purchased a remote control helicopter. When they left, Christopher asked if he could drive and [redacted] gave him the keys. [redacted] soon became irritated with Christopher`s driving because he states he was heavily on and off the gas.

At some point they find themselves in a residential neighborhood with nice houses and signs saying no outlet. Christopher parked the car and told [redacted] he wanted to smoke a bowl of "Weed". Christopher suggested they get out of the car to smoke the weed and [redacted] declined, saying he did not want to smoke in public. [redacted] explained that Christopher began playing around with his cellular phone for the next twenty minutes. [redacted] sat there wondering what was going on and finally said, let`s get out of here. It was now getting dark and they drove to CVS Pharmacy, to get a vitamin that Christopher had told [redacted] about. [redacted] explained he wanted to buy the vitamin. At this point, [redacted] explained that Christopher became upset because he didn`t want to stop at the store.

Afterwards, they return home. [redacted] was walking around the house naked and he asked [redacted] if he would move the card table temporarily to his car, in order to have more room in the house. [redacted] took the card table outside while Christopher and [redacted] moved a dresser. Afterwards, [redacted] explained that he went to Walgreens to buy some cigarettes and get a break away from the house. While in line at Walgreens, he recognized a guy he had seen earlier at Ross. He had helped the guy earlier by directing him to a shorter line at the check stand. While at Walgreens, he noticed the guy`s eyes were red and watery. He approached the guy and asked him if he wanted to make his eyes even redder. The checkout line was long, so he and the guy went out to the parking lot and smoked a bowl of "Weed".

[redacted] returned to the apartment to find Christopher exiting the apartment. Christopher told [redacted] that [redacted] wanted some Del Taco, so [redacted] threw him the keys and said, go ahead. It was now approximately 2030 hours. [redacted] went into the apartment and conversed a little with [redacted] and then laid on the couch. [redacted] stated that [redacted] retired to his bedroom and eventually went to sleep.

Approximately two hours later (2200-2230) Christopher returned home with some Taco Bell and said, hey man I got some food for you. He had also purchased some Halloween items (make up, pumpkins) from CVS. Christopher immediately went to the bathroom, saying he had to piss. [redacted] stopped him and said, hey man don`t take the food into the bathroom while grabbing the bag from Christopher. [redacted] explained that Christopher was in the bathroom for about ten minutes and this struck him funny.

He finally came out and they talked about which items of food were whose. Christopher asked [redacted] if [redacted] was asleep and [redacted] replied, yes. Christopher then said, okay this is how it`s going to be. You`re going to take off your clothes, you`re not going anywhere. [redacted] noticed an immediate change in Christopher`s demeanor. Christopher then went to the front door and locked the dead bolt and chain lock. [redacted] removed his clothes. He then proceeded to spit, blow snot and throw things at [redacted] for the next four hours. [redacted] explained that Christopher remained clothed during this time and explained further that Christopher never assaulted him sexually or physically. [redacted] described Christopher as being delusional. He would repeatedly ask [redacted] who was sitting on the couch with him. At one point [redacted] got up and pointed to the couch and said, look Chris there`s no one else here.

[redacted] continued describing Christopher`s actions and they were consistent with his earlier account. Detective Freitas asked [redacted] if he heard anything from within the apartment when the police had got there. [redacted] said he heard Christopher screaming and he assumed that the cops were manhandling him, or had tasered him. He knew that he hadn`t heard any gun shots. He then heard the sounds of sirens.

At approximately 0905 hours, we stopped the interview for a break. [redacted] was provided water during this time. At approximately 0920 hours, we returned from a break and proceeded to speak with [redacted]

When questioned about his use of drugs, [redacted] admitted to using methamphetamine before leaving from Palm Springs on Sunday. He stated he did so because he knew he would be driving for a long period of time. [redacted] explained that he "shoots" methamphetamine (ingests intravenously). [redacted] also stated he had knowledge that Christopher also uses methamphetamine, but denied ever recently witnessing him use. Detective Freitas explained to [redacted] that there had been some syringes located

inside the apartment. Without solicitation, [redacted] denied any association, or ownership. Detective Freitas again asked [redacted] if Christopher had ever physically assaulted him during the incident, he replied,"No". When asked if Christopher had ever made any sexual advances towards him, [redacted] said that Christopher made reference to wanting to "fuck" him.

Detective Freitas and I ended our interview with [redacted] at approximately 0926 hours. Upon leaving, [redacted] asked if Chris and [redacted] were okay. We explained that [redacted] was fine and we exited. Upon viewing this video recorded interview, [redacted] is seen and heard saying to himself, "Chris died", after we left the room.

Detective Freitas later spoke with [redacted] again at his request and learned of some additional significant information. See Detective Freitas` supplemental regarding the additional statements made by [redacted]

Both the audio/video and audio only recording were packaged and marked as JT-2/JT-3 and booked into evidence.

Upon completing the interview at the Santa Rosa Police Department, Detective Freitas and I learned that Santa Rosa Police Officers Jason Brandt, Kenneth Ferrigno, Jeff Woods, Garrett Berg and Sergeant Rich Celli had been independently transported and sequestered in separate rooms at the [redacted], located at [redacted] Brooks Road South Windsor, Ca.

Based on the information obtained during the interview with the reporting party, [redacted] I believed [redacted] would be able to provide further information about Christopher Augustin as it was reported they were involved in a dating relationship. Through law enforcement records checks; I located [redacted] and learned that he resided in Palm Springs, Ca. I located a telephone number for [redacted] and exchanged voice mail messages for approximately three weeks.

INTERVIEW WITH SANTA ROSA POLICE OFFICER JASON BRANDT # SR337 BY: DETECTIVES JEFF TONEY AND GARY FREITAS

On 10-16-2013, at approximately 1551 hours, I conducted a digitally recorded interview with Santa Rosa Police officer Jason Brandt. The interview was conducted in a private hotel room [redacted] located at [redacted] Brooks Road South in Windsor, Ca. Detective Gary Freitas was present with me during the interview along with Officer Brandt` s Attorney`s, Julia D. Hickman and Jonathan R. Murphy from Rains Lucia Stern, PC.

Utilizing the format of the Sonoma County Sheriff`s Office Critical Incident Guidelines Manuel, I directed the interview in accordance with the "Involved Officer Interviews".

After explaining to Officer Jason Brandt that I was investigating the death of Christopher Augustin and that he was a witness to the death of Augustin, Officer Brandt told me he understood. He also acknowledged that this interview was a voluntary interview with me and he agreed to provide a statement. The following is a summary of the statement obtained from Officer Jason Brandt. For exact statements, refer to the digital recording booked into the Sonoma County Sheriff`s Property/Evidence.

Jason Brandt is currently employed as a peace officer by the Santa Rosa Police Department (SRPD). Brandt is a thirteen year veteran of law enforcement, all of which has been with the Santa Rosa Police Department. Officer Brandt is currently assigned to the "Union Team". Union Team is an identifier which defines the shift he is currently assigned to work. In this case, Officer Brandt is assigned to the graveyard shift and he works weekdays from 2100 hours to 0700 hours, with weekends off.

On 10-15-2013, Officer Brandt started his shift at approximately 2100 hours. He was dressed in full Santa Rosa Police Department uniform and his call sign was "Union-2". His uniform shirt is defined as having two SRPD shoulder, a metallic badge and name plate on the chest. While on duty, Officer Brandt wears a duty belt with the following equipment: Duty weapon (H&K .40 USP), Oleoresin Capsicum (OC) container, department issued cellular telephone, two sets of handcuffs, two spare magazines, ASP baton, department issued radio, department issued taser, key pouch, glove pouch and earpiece.

Prior to arriving for duty on 10-15-2013, Officer Brandt stated he slept from approximately 0830-1530 hours. He had not consumed any alcoholic beverage during the past twenty-four hours. Officer Brandt is not currently taking any prescribed medications and he is not under the care of a doctor. Officer Brandt states he takes a natural over the counter supplement called Melatonin to assist in naturally triggering his sleep cycle during the day. He stated the last time he took Melatonin was just prior to sleeping at 0830 hours. He has no physical injuries and he did not sustain any injuries as a result of this incident. Upon waking, Officer Brandt explained that he ate some snacks at home prior to leaving for work.

During this shift, Officer Brandt, was dispatched as the secondary officer to the report of a violent [redacted] subject at the Shadow

Lane Apartments, number [redacted]. Officer Ferrigno was dispatched and assigned as the primary officer. While responding to the apartment, Officer Brandt recalled hearing Sergeant Celli advising that he too was responding to the call. Officer Brandt stated all units arrived in the area at about the same time. He noticed Sergeant Celli and Officer Ferrigno`s vehicles were in front of him upon arrival and he radioed dispatch that all units were on scene. Officer Brandt explained he was familiar with the basic geographical layout, as he had been to this apartment complex in the past; however he quickly referred to his mobile data terminal and identified the location of apartment [redacted] as being situated on the south east side of the complex. Officer Brandt followed directly behind Sergeant Celli as they entered the southernmost driveway, while Officer Ferrigno took and alternative route. Ultimately, they all arrived at the same location near the apartment.

As Officer Brandt exited his vehicle, he observed a male subject standing in the parking lot and he recalled that while responding to the area, the SRPD dispatcher advised that it appeared the reporting party had been held inside the apartment, but was able to exit to call the police. The male subject told the dispatcher that there was a psychological doctor inside the apartment with either a patient, or a suspect, Officer Brandt was unsure of the exact details as information was continuing to come in. Officer Brandt was aware that there was some type of disturbance occurring at the apartment.

As they exited their vehicles, Officer Brandt was approximately fifteen feet behind Sergeant Celli as they both walked towards the male subject in the parking lot. Officer Ferrigno was making his approach from a direction in front of them. Sergeant Celli contacted the subject who was later identified as [redacted], the reporting party, and he began speaking with him. Officer Brandt stated he was quickly trying to assess the situation and hear what the male subject was reporting to Sergeant Celli. Officer Brandt stated that during his initial observation, it struck him as odd that the subject who was reporting he was being held inside of a house, was remaining in such close proximity (approximately 75 feet) of the driveway of apartment [redacted] Additionally, Officer Brandt noticed the male subject was standing with two dogs which he had on a leash. The dogs did not seem excited or seem to have been running from the area.

Officer Brandt states he never learned the name of the male subject and had very little contact with him.
*
The reporting parties name was unknown to Officer Brandt at the time this interview was conducted. However, [redacted] was identified during this investigation as the person who called 9-1-1 and subsequently met with Sergeant Rich Celli upon his arrival. For the sake of making this interview easier for the reader, I will be referring to the reporting party by his name, [redacted].

Officer Brandt described [redacted] as being very animated (arms flailing) while he spoke with Sergeant Celli. Officer Brandt said that based on [redacted] demeanor, he believed that he was under the influence of a narcotic, or stimulant; however he could not confirm this at the time. Officer Brandt stood by briefly during the conversation to gather as much information as possible about the call and determine its validity.

At one point, Officer Brandt interrupted the conversation to inquire about how many people were in the apartment. Officer Brandt told me he was trying to get some hard facts about the case in order to better prepare himself and his partners about what they would potentially be dealing with when they entered the apartment. [redacted] told them there were two people inside the apartment and he made the statement, "The guy is going [redacted] in there". Officer Brandt stated he assumed this was the subject they had been called about.

Officer Brandt asked me for clarification as to what he could refer to the deceased throughout the interview because at this point, he did not know his name. Detective Freitas told Officer Brandt that the deceased subjects name was Christopher.

Officer Brandt began asking [redacted] some officer safety questions because at the time, they had limited information and facts about the report. Officer Brandt asked [redacted] if he knew if there were any weapons inside the apartment. [redacted] said he wasn`t sure, but he didn`t assume there were and said other than kitchen knives and things of that nature.

Officer Brandt explained that he advised Sergeant Celli that he and Officer Ferrigno were going to the residence to complete a welfare check on the occupants.

Officer`s Brandt and Ferrigno approached the front door of the apartment and paused briefly to listen for any type of verbal disturbance, or something that would trigger some more information about what he and his partner were walking in to. During the brief pause, nothing was heard from inside the apartment. Officer Brandt states the front door of the apartment was unlocked and slightly ajar. Officer Brandt made a verbal announcement saying, "Santa Rosa Police Department". After hearing no response from anyone inside, he pushed the front door open. At that point, Officer Brandt saw the Psychologist, or Doctor standing within the

hallway of the living room and the kitchen. The Doctor said he`s in there while pointing to the bedroom of the single bedroom apartment. During this time, Officer`s Brandt and Ferrigno entered the apartment.

Officer Brandt stated again he thought it was a little strange that there were persons who remained inside the apartment when the reports were that someone was being held. Officer Brandt noticed that the doctor did not appear to be in distress and did not appear to be running from the apartment, or attempting to flee. Officer Ferrigno contacted the doctor while Officer Brandt began trying to quickly assess where Christopher was inside the apartment.

Officer Brandt didn`t hear anybody yelling initially, but he could hear some movement coming from inside the bedroom. He walked to the hallway fronting the single bedroom and saw that the door was slightly ajar. He described there being about an inch opening between the door and the door jamb. He peered through this opening and his attention went to multiple dressers that were stacked. There was a dresser immediately behind the bedroom door and another against the back wall that came together as a point. In the middle of those was a third type of rectangular trunk, or a dresser which had legs on it. Officer Brandt could see Christopher crouched down behind this trunk or dresser. Officer Brandt said he thought to himself that this was an odd place for someone to be sitting, barricaded in the corner of the room behind three dressers.

Officer Brandt announced his presence by saying, "Santa Rosa Police Department" and Christopher responded saying, "Come on in, come in, come into the room". Officer Brandt stated that the hairs on the back of his neck immediately stood up and he thought to himself that something was wrong here. Officer Brandt was thinking to himself, there`s no good reason why someone would be barricaded in the corner of a bedroom behind a dresser and inviting him in to the room.

At this time, Officer Brandt drew his duty firearm from his holster and remained in the hallway. From this location, Officer Brandt began having a calm conversation with Christopher while maintaining a visual eye through the open space of the door and door jamb. Officer Brandt stated that he could see that Christopher was not clothed from the waist up and he was moving around rapidly within the room like he was looking for something on the ground. Officer Brandt described how he would see Christopher`s head, and then his shoulder. He continually made furtive movements by getting up from the crouching position and he then would go back downward.

Officer Brandt verbally engaged Christopher, telling him that he wanted to come in and talk with him, but that he needed to see Christopher`s hands. Officer Brandt asked Christopher to place his hands up in the air. Officer Brandt stated that at this time it was his opinion that Christopher could not see him because he was still in the hallway looking through the crack of the doorway. Officer Brandt had his duty firearm held at a low ready position, not knowing what was going to happen on the other side of the doorway.

Officer Brandt explained that Christopher would somewhat comply by putting his hands up in the air, but he would then quickly began moving them around and would not keep them in the air. Officer Brandt repeatedly asked Christopher to place his hands up in the air so that he could come in and talk with him. He told Christopher that he needed to know that he (Christopher) didn`t have any weapons on him. Christopher again made furtive movements with his hands by reaching around with his hands. Officer Brandt again asked Christopher to put his hands up in the air and stand up, figuring he would have a better vantage to evaluate whether Christopher had any weapons on him.

During this time Christopher was saying, I don`t really know if you`re a police officer, how do I really know you`re the police. Officer Brandt responded by telling Christopher that he really was a police officer and that he would be able to show him that he was if he would stand up and place his hands up in the air, so that he could ensure that he had no weapons.

The conversation continued back and forth about Christopher keeping his hands visible. Christopher had now stood up and he told Officer Brandt that he was naked. Officer Brandt states he did not question Christopher as to why he was naked as he didn`t feel this was pertinent information. Officer Brandt began to enter the room and he heard Christopher repeatedly asking him to come into the room and that he wanted to see Officer Brandt because he didn`t believe he was the police.

Officer Brandt explained that it was apparent to him that while talking with Christopher, it appeared that he was not in touch with reality. At this time, Christopher was walking around aimlessly in the small space he occupied, but was complying by having his hands held up in the air. Officer Brandt entered the room and now he and Christopher were both looking at each other. Officer Brandt maintained his firearm at the low ready position. Christopher said, you`re not really the police and Officer Brandt responded saying, I am the police. Officer Brandt asked Christopher to take a second, slow down and look at me. Officer Brandt said, take a look at the patches on my arms, look at my badge, and look at my uniform and duty belt, I am a police officer.

Officer Brandt explained how he was using this technique of talking calmly and slowly to Christopher in order to bring him to understand that he was a police officer. Officer Brandt explained that it appeared that Christopher was almost accepting the fact that he was a police officer and then Christopher would revert back and say; no you`re not really a police officer, I don`t believe you. Officer Brandt told explained to Christopher that he did not know what else to tell him, or what else he could do to prove that he was a police officer and he again asked Christopher to look at him.

At that point Officer Brandt noticed that Officer Ferrigno was now behind him and he had his department issued taser pointed at Christopher. Officer Brandt saw that the red laser dot (beam) emitting from Officer Ferrigno`s taser was visible on Christopher`s chest area. Officer Brandt scanned the interior bedroom and he could not see any visible weapons in the immediate area around Christopher. Christopher was standing up with his hands in the air, although he continued to move around somewhat in the area in which he was standing. Officer Brandt did not see any immediate threat which would require the use of his firearm so he holstered his firearm and secured the safety features on the holster.

Officer Brandt states that at this time he began engaging Christopher in a general conversation and he asked him to interlace his fingers on the top of his head. Christopher did not comply with the directive and he began moving his arms from side to side. Officer Brandt began slowly moving towards Christopher, closing the space between him and Christopher. Officer Brandt explained that he was purposely not raising his voice and trying to remain calm because Christopher was still barricaded in the middle of the three dressers. Officer Brandt explained how he would`ve had to go through the dressers to even contact Christopher at this time and he was worried about the potential danger of a weapon(s) behind the furniture which he could not see from his position.

Officer Brandt continued slowly moving closer to Christopher and he was now close enough to where he could reach out with his arms and touch him. Officer Brandt stated that Christopher continued staring aimlessly around the room and appeared extremely nervous and paranoid. Officer Brandt states he grabbed Christopher`s right arm near his wrist area using a soft touch method, thinking he could just slowly escort Christopher around the furniture. While doing so, he was asking Christopher to come around the furniture so that they could talk further.

Upon immediately contacting Christopher, he clenched his arm and began flailing his arms about while shouting at Officers Brandt and Ferrigno that they were trying to kill him and that he was being raped. Officer Brandt grabbed and secured Christopher`s right hand, while Officer Ferrigno moved to the opposing side and secured his left hand. Officer Brandt explained that at this time they were just trying to hold onto Christopher and he remembers being flung forward, because Christopher was extremely sweaty and he could not maintain his grip on Christopher`s arm. Officer Brandt described how Christopher was completely naked and sweating profusely making efforts to maintain a grip on his arm difficult as his fingers kept slipping off of Christopher. As Officer Brandt continued to try and hold Christopher in place, they fell forward to the bed which was approximately five feet from where they had been struggling to control him.

Upon falling forward onto the bed, Officer Brandt continued trying to hold Christopher`s right hand by pinning it down to maintain control. Christopher began kicking his legs violently and "bucking" his head upward while trying to roll his body off of them. Officer Brandt saw that Officer Ferrigno was making efforts to avoid being struck by moving away from Christopher`s legs as he kicked, while trying to grab his left arm and or any other limb to avoid being struck. At this time, Officer Brandt stated he had enough space to reach for his radio and transmit that he had a "combative subject" and needed another unit. Officer Brandt stated he knew that Sergeant Celli was just a few feet away outside of the apartment and would respond inside to assist.

Sergeant Celli arrived within seconds while Officer Brandt was maintaining control of Christopher`s arm. Sergeant Celli came in on the left side of Christopher as he was continuing to flail his body about the bed while shouting out that people were trying to kill him and that he was being raped. Officer Brandt said that Christopher was demonstrating irrational behavior.

Officer Brandt explained how nothing Christopher was saying made any sense. He stated Christopher was not in touch with reality and he was unable to converse with Christopher. Sergeants Celli and Officer Ferrigno were trying to maintain control of Christopher`s body, while trying to avoid being kicked. Officer Brandt saw that while Christopher was flailing his body, he kicked Officer Ferrigno. Officer Ferrigno was attempting to secure Christopher`s legs in a crisscross pattern just to hold him in place and Christopher kept wiggling out of the hold. Sergeant Celli had come in on left side and was trying to control his left arm and upper body area.

Officer Brandt stated that during this time he remembers thinking to himself that he had to try and get handcuffs on this person, because there was just no other way they were going to be able to secure him. Officer Brandt stated he was able to get a

handcuff on his right wrist, but he was able to secure his left wrist. Officer Brandt said Christopher was physically over powering him, even though he was using both his hands to get Christopher`s right hand behind his back to secure his left arm and he just couldn`t do it. During this struggle, Christopher was able to actually pull both of Officer Brandt`s hands beneath his body using only his one hand. This caused Officer Brandt to be pulled forward into Christopher`s body. Officer Brandt told me this caught him off guard and made him realize how strong Christopher was and this surprised him. He initially thought it was maybe because he had bad leverage because he had furniture all around him and there was no foot space, coupled with the fact that he was falling on and off the bed.

At that point, Officer Ferrigno was still trying to maintain control of Christopher`s feet and Sergeant Celli was able to at one point produce Christopher`s left hand. Due to the fact that Officer Brandt could not move Christopher`s right hand to join and secure his left hand in the handcuffs because of his overpowering strength, he removed his second set of handcuffs and handcuffed Christopher`s left wrist. Christopher continued to struggle making initial efforts to join the two handcuffs futile. They continued wrestling with Christopher on the bed and at one point they were able to move each of his hands to his lower back area where Officer Brandt was able to clasp the handcuffs together.

Officer Brandt states he remembers Sergeant Celli saying they needed to transmit over the air that they need leg restraints. During this time Christopher continued to thrash his upper body and legs. Officer Brandt stated he remembers seeing Officer Ferrigno getting bucked off of Christopher`s legs as a result of him kicking violently. Officer Ferrigno could not contain Christopher`s feet. Officer Brandt attempted to assist Officer Ferrigno, but when he released control of Christopher`s hands, it allowed him to thrash his upper body making it difficult to control him on the bed.

Officer Brandt remembers that eventually Officer Wellington arrived. Officer Brandt stated they were not in an appropriate area to apply leg restraints and that the floor would be a safer place. Officer Brandt stated that there was a dresser in the way so he pushed the dresser aside with either his hand or foot. Sergeant Celli advised them to place Christopher on the floor. They all shifted their bodies off the bed in order to place Christopher onto the floor. Officer Brandt maintained his position of control on Christopher`s right side. Officer Brandt states at this time they were all heavily breathing and sweating to include Christopher.

At this time, Officer Brandt sees that Sergeant Celli is starting to apply the leg restraints. Officer Brandt explained to me that the first step in applying the restraints requires one end of the restraint to go beneath the belly. Christopher was on his stomach when Sergeant Celli began placing one end of the restraint beneath Christopher`s stomach, pushing it towards the direction of Officer Brandt. Officer Brandt assisted Sergeant Celli by reaching beneath Christopher`s stomach to retrieve end of the restraint and place it over Christopher`s back, handing it back to Sergeant Celli. During this time, Sergeant Celli and Officer Ferrigno took over the task of applying the leg restraint while Officer Brandt maintained control of Christopher`s upper body.

Christopher`s head was canted to the side and Officer Brandt noticed that he had exhausted himself. Officer Brandt said Christopher was physically exhausted and Officer Brandt could tell that he was breathing heavily. Officer Brandt states that at one point he noticed that Christopher had kind of given up fighting. He had stopped and Officer Brandt figured he was resting. Officer Brandt noticed there was kind of a trend that Christopher would exert a ton of energy by screaming and yelling and then slow down and things would slow down for a second. Then all of the sudden he`d get that instant energy again and he would begin kicking, flailing and screaming again. Officer Brandt described these episodes as waves that were going on during this process.

While the leg restraints were being applied, Officer Brandt could see the rise and fall of Christopher`s chest, and he could hear him breathing. He was continuing to flail his head around at this point. Officer Brandt then noticed that Christopher became lethargic. It drew enough concern that Officer Brandt noticed it. He said to himself, maybe he`s just completely spent at this point, or tired and he`s just resting. Officer Brandt stated he even thinks he said to him, the fights over, just stop.

Officer Brandt explained he remembered that since Christopher was not moving or responding, he reached over to Christopher`s neck and he felt there was a really solid pulse. During that time of the process, Sergeant Celli and Officer Ferrigno were trying to roll him over to get the leg restraints on and properly secure Christopher. It came to the point where all of the sudden Officer Brandt noticed Christopher got really lethargic and it was almost instant. It was enough to where Officer Brandt thought Christopher had really stopped fighting. He`s not combative anymore, he`s not saying anything, and he`s not moving.

Officer Brandt stated he remembered looking at Christopher and he was looking at him with a dazed stare. His eyes were open and he seemed alert, but he was definitely dazed. Officer Brandt saw that no one had struck Christopher and that they had all been by his side at that point so Officer Brandt new that either he was really exhausted, just trying to catch his breath and he was done being combative at that point. Christopher`s head was to his side and Officer Brandt states he didn`t know what it was that

made him want to check Christopher`s pulse a second time, but he did and found no pulse from his neck. Officer Brandt told Sergeant Celli that he could not find a pulse after checking different areas of his neck.

Sergeant Celli said that they were going to administer CPR and instructed the leg restraints be removed. Sergeant Celli and Officer Ferrigno quickly removed the leg restraints, unfastened the handcuffs and moved Christopher to his back. Officer Brandt explained that Sergeant Celli radioed for an ambulance and began administering CPR, while they stood by. Officer Brandt states he didn`t know if Christopher was just spent and was going to come back and start fighting again. He remembers Sergeant Celli telling them to be cautious because he (Christopher) might start fighting again. Sergeant Celli continued administering CPR until the medical services arrived. Officer Brandt states he remembers that both he and Officer Ferrigno asked Sergeant Celli if he needed a break while he was giving CPR and he chose to continue by himself.

When medical services arrived, they relieved Sergeant Celli and began providing medical treatment. Due to the area being so small Officers Brandt, Ferrigno and Sergeant Celli moved out to the hallway.

End of statement at 33:23 minutes

Upon completing his statement, Detective Freitas and I asked Officer Brandt some follow up questions for clarification. He provided the following in summary:

I redirected Officer Brandt`s attention to the beginning of the interview when he was describing the initial dispatched call for service and asked him to describe the circumstances of the call further and explain what a "[redacted]" meant. Officer Brandt stated he remembered being dispatched to some type of dispute within the house where somebody was being held against their will and somebody was able to escape out of the house after being held for a few hours.

Officer Brandt described a [redacted] as someone who is placed on a [redacted] hold for persons who have [redacted] issues. Officer Brandt explained that the gist of the call indicated that there was someone being held hostage in the apartment. He described how they were continually receiving bits and pieces of information from their dispatch center as it was being reported to them by the reporting party.

I asked Officer Brandt to clarify their necessity to enter the apartment upon arriving.

While on scene, Sergeant Celli spoke with the reporting party. Officer`s Brandt and Ferrigno went to the apartment to find the front door ajar. There, Officer Brandt announced their presence saying, "Santa Rosa Police Department". After hearing no response from within the apartment, Officer Brandt pushed the front door open. He explained that he pushed open the door because he was concerned that there was still some type of conflict inside. Additionally, the information he received from his dispatch center was that there was potentially a hostage inside and they had not confirmed whether or not there was someone in the apartment that was armed.

I asked Officer Brandt to clarify where and when it was that he contacted Christopher. Officer Brandt stated he initially observed Christopher through a small opening on the hinged side of the single bedroom doorway. Officer Brandt described the bedroom door opening inward into the bedroom. The doorway itself was opened approximately one foot. However, Officer Brandt took a position beyond the doorway opening and was peering through the hinged portion of the door and door jamb. It was from this vantage point that he was able to see Christopher on the left side of the bedroom, crouched down behind three wooden dressers.

Officer Brandt described the dressers as having been purposely positioned together to create a barricade. It was within this barricaded area that Christopher was crouched and appeared to be hiding. Officer Brandt reiterated that seeing this caused the hairs on the back of his neck to stand. It concerned Officer Brandt that Christopher was inviting him into the bedroom and he felt as though Christopher was lying in wait. Officer Brandt did not know what Christopher`s intentions were, or what was on the other side of the door if he opened it.

Officer Brandt drew his duty firearm and held it at a low ready position. Officer Brandt began to verbally engage Christopher and announced that he was the Santa Rosa Police Department. Christopher was in disbelief and argued several times that he did not believe Officer Brandt. Officer Brandt described Christopher acting extremely delusional and paranoid. He was not engaging in any sensible conversation and he was staring aimlessly throughout the bedroom. At one point Christopher stood and had somewhat complied by placing his hands on his head. At this time, Officer Brandt began to slowly peer (pie) around the entrance of the

doorway.

It was at this time that he could see that Christopher was completely naked. Officer Ferrigno had now arrived to Officer Brandt`s location and drawn his taser, pointing it at Christopher. Knowing he now had a secondary officer providing a less lethal force option, Officer Brandt holstered his duty firearm and he began calmly talking with Christopher to figure out what was going on and explained that they were there to help. Officer Brandt had now moved to where he was approximately five to seven feet from Christopher.

Officer Brandt explained that his intention was to simply escort Christopher from that location to a safer place where they could better assess what was going on.

Officer Brandt then described how he walked around the furniture and softly grabbed Christopher`s right bicep to lead him around the furniture and out to an open space. As soon as he made physical contact with Christopher, he began resisting and the fight was on. They immediately began wrestling with him on the bed. It was extremely difficult to control Christopher`s body because he was sweating profusely. Officer Brandt described how Christopher was acting incoherent and was not listening to their directives. Christopher was screaming that he was going to be killed and that he was being raped. They were unable to converse with him because he was violently fighting them and at this point they were just trying to keep him contained on the bed and avoid injury until additional officers arrived.

Sergeant Celli arrived and he made the decision to place Christopher on the ground to be placed in leg restraints.

Officer Brandt stated that he had forgot to mention during his initial account of the incident that when he attempted to place handcuffs on Christopher, there was some hair from a wig which Christopher had been wearing which got in the way and prevented him from securing the handcuffs. He states he had to continually try and remove the clog of hair from the handcuffs in order to secure them.

Christopher was placed onto his stomach on the floor in order to better control him in the small space they occupied. This position also allows the safest and most efficient way to apply leg restraints.

Officer Brandt uses the term "leg restraints" to secure Christopher`s legs. I asked him to clarify whether or not the leg restraints he was referring to were called a "Maximum Restraint Chord" apparatus and he answered, yes. Officer Brandt explained that he has received and continues to receive annual training on the proper application technique of the Maximum Restraint Chord.

Detective Freitas asked Officer Brandt if he were kicked or hit during any time they were trying to control Christopher. Officer Brandt answered, no. He explained that if anything he remembers something hit his shins, but he believes that it was the furniture, or the bed frame.

Detective Freitas asked Officer Brandt if he ever saw Officer Ferrigno, or Sergeant Celli get hit, kicked, punched, or slapped by Christopher. Officer Brandt stated that due to his position being on the right side of Christopher, his attention was more focused on Officer Ferrigno who was trying to control Christopher`s legs. He stated he saw Officer Ferrigno continually moving to avoid being kicked, but he could not say with certainty that he was not kicked.

Detective Freitas asked Officer Brandt if he ever hit, punched, kicked, or kneed Christopher while trying to control him and he answered no. Detective Freitas asked Officer Brandt if he ever saw Sergeant Celli, or Officer Ferrigno hit, punch, kick or knee Christopher and he answered no. Detective Freitas asked Officer Brandt if he or any of the other officers applied, or attempt to apply the "carotid restraint hold" (technique used to render a person temporarily unconscious by restricting the blood flow of the carotid arteries of either side of the neck) and he answered no.

Detective Freitas asked Officer Brandt to explain why he was holding Christopher on the floor and asked if he were trying to control him during the maximum restraint chord application process. Officer Brandt stated he was maintaining pressure on Christopher`s right shoulder and arm on the floor while the maximum restraint chord application was being performed. Officer Brandt explained that he was continually trying to control Christopher because he continued to kick his legs and resist efforts to be controlled.

Christopher was bucking his head backwards and squirming his body. Officer Brandt explained that it was difficult to control Christopher throughout the whole incident because he was so sweaty. At this point of the ordeal, all of the involved officers were

now fatigued and Officer Brandt kept thinking to himself how hard it was to control Christopher. Officer Brandt was still unsure at this point if Christopher was experiencing some sort of drug induced [redacted], or suffering from a mental breakdown, or mental health issue. Officer Brandt explained that at this time he was conscious about keeping good officer safety tactics in mind, but he didn`t believe they were being heavy handed by any means. They were trying to hold him down for his safety, in order to apply the leg restraints.

Detective Freitas asked Officer Brandt if at this time he ever used his knees or the weight of his body to assist in keeping Christopher down on the floor. Officer Brandt acknowledged he used the weight of his upper body to keep Christopher on the bed, because he was flailing his upper body about. Once Christopher was on the floor handcuffed, he was easier to control and he no longer had to use his body weight to control him.

Detective Freitas asked Officer Brandt if there was any time that he lost control, or felt he was going to lose control of Christopher. Officer Brandt answered, "most definitely". He stated initially there were many times he was just trying to grasp anything to hold on when they were trying to control him on the bed. He remembered grabbing Christopher`s arm when they were on the bed and it would slide out from him because Christopher was so strong.

Detective Freitas asked Officer Brandt if at some point Sergeant Celli asked him to activate his personal audio recorder. Officer Brandt answered yes and explained that it had been after the physical incident occurred. Officer Brandt stated unfortunately when he pulled it from his pocket and turned it on, it indicated "battery low` on the screen and he was unable to capture any audio recordings.

Detective Freitas asked Officer Brandt if he had spoken with [redacted] any other time other than when initially seeing him when they pushed the door of the apartment open to find [redacted] point and say, "He`s in there". Officer Brandt explained that he had not spoken with him at all. He stated he knew that Officer Ferrigno would contact him and he wanted to focus his attention to the bedroom to avoid being a sitting duck for him and his partner. He took a position beyond the door of the bedroom to be in a safer position to protect Officer Ferrigno and further assess further what they were dealing with.

Detective Freitas asked Officer Brandt to clarify the approximate time that had gone by after he advised Sergeant Celli he felt no pulse, to when CPR was administered by Sergeant Celli. Officer Brandt explained how Sergeant Celli immediately directed them to remove the handcuffs and leg restraints and they began removing them as fast as they could by removing the knots in the chord to release the legs and they unfastened the middle ratchet of the handcuffs. They then rolled Christopher onto his back and Sergeant Celli began administering CPR and then radioed dispatch he was providing CPR.

Detective Freitas asked Officer Brandt if he knew how long it took the paramedics to arrive from the time they were summoned by Sergeant Celli. Officer Brandt was unable to recall an exact time frame period. Upon their arrival, paramedics assumed the medical treatment of Christopher.

Detective Freitas asked Officer Brandt if he saw anything out of the ordinary, based on his training and experience, about the way that the paramedic and emergency personnel provided care to Christopher and he answered, "Not at all". Detective Freitas asked Officer Brandt if he had any conversations, or overhear any conversations with others officers during the incident, or was there anything he had not told us thus far. Officer Brandt said no. He explained how he realized the seriousness about what was going on when the paramedics were working on Christopher and he was hoping that medical staff would be able to help Christopher become responsive again. He stated he was waiting and peering over the paramedics` shoulders hoping that something would change, but unfortunately it didn`t.

Detective Freitas asked Officer Brandt if he had responded to this particular apartment in the past three or four weeks, for any calls for service involving these same individuals and he answered no.

When asked if there was anything that Officer Brandt wanted to say on the record that had not been said. He replied, "It was a very unfortunate incident".

Officer Brandt`s Attorney, Julia Hickman, asked Officer Brandt if anyone had mentioned things that Christopher may have ingested, or consumed. Officer Brandt explained that after the incident occurred, he remembered stepping out to the front porch of the apartment to get some fresh air. During this time he remembers that the reporting party ([redacted]) was talking on the telephone from the upstairs apartment and he heard him saying that "he was taking steroids". Officer Brandt perceived that [redacted] was talking about Christopher. He heard him again saying, "I know what he was taking, he was taking steroids".

Officer Brandt additionally remembered hearing from someone that Christopher either had a methamphetamine issue, or had been using methamphetamine, but he could not confirm who said this. Attorney Hickman asked Officer Brandt to describe when it was he heard or learned about Christopher being associated with the use of methamphetamine and he said that it was completely after his involvement with Christopher and closer to the time when they had pronounced Christopher deceased.

Having no further questions at the moment we took a break from the interview. Detective Freitas and I exited the room, leaving Officer Brandt with his attorney`s.

At approximately 1659 hours, we reconvened from the break.

Detective Freitas asked Officer Brandt if at any time during the contact with Christopher, he saw him spit on anyone. Officer Brandt explained that he never saw Christopher spit on anyone however, he remembers Sergeant Celli telling Christopher not to spit during the time they were trying to control him. Officer Brandt stated that Christopher`s head was constantly jerking around and that there was a chance that he didn`t see this occur.

Detective Freitas asked Officer Brandt if Sergeant Celli mentioned that he was spit on after the incident occurred. Officer Brandt explained that Sergeant Celli advised him that as a result of the incident, and until further notice they were being directed to not speak about the incident to other involved officers. Officer Brandt stated he did not speak about the incident with anyone and that he drove himself back to the Santa Rosa Police Department.

Our interview with Officer Brandt was concluded at approximately 1703 hours. I later downloaded this recorded interview from my digital recorder onto a CD-R disk and booked the disk into evidence as JT-4 at the main Sheriff`s Investigations Bureau Office.

INTERVIEW OF SANTA ROSA POLICE DEPARTMENT OFFICER KENNETH FERRIGNO # SR473: BY: DETECTIVE JEFF TONEY

At approximately 1727 hours, I conducted an interview with Santa Rosa Police Department Officer Kenneth Ferrigno in a private hotel room ([redacted]) at the [redacted], located at [redacted] Brooks Road South Windsor CA. Present during this interview were Officer Ferrigno`s Attorney`s, Jonathan Murphy and Julia Hickman, from the law firm Rains Lucia Stern, PC.

This interview was audio recorded and the recording was later transferred to a CD-R disk. The disk was secured in an evidence locker in the investigations bureau. The following is a summary of the statements provided to me by Santa Rosa Police Officer Kenneth Ferrigno. The CD-R disks may be referred to for the exact statements made during this interview.

I began the interview by introducing all persons present and I explained to Officer Ferrigno that I was conducting a criminal investigation where he was identified as a witness. Officer Ferrigno acknowledged affirmatively that his presence was voluntary and that he agreed to provide me with his statement. When questioned, Officer Ferrigno acknowledged that he was given sufficient time to meet with and speak with his legal representation prior to providing his voluntary statement at this time.

When questioned, Officer Ferrigno acknowledged that prior to today, he and I had not met or were considered as friends, or acquaintances.

I began asking Officer Ferrigno a series of questions using the standard county wide critical incident protocol guidelines.

Officer Kenneth Ferrigno is currently employed as a Peace Officer by the Santa Rosa Police Department (SRPD). He has been a sworn Peace Officer for approximately ten months, after graduating from the P.O.S.T. (Peace Officer`s Standard Training) Police Academy at the Santa Rosa Junior College Training Center on December 17, 2012. He has been employed by the SRPD since graduating from the police academy. Officer Ferrigno has no prior law enforcement experience and he has not been employed by any other law enforcement agency.

Officer Ferrigno is currently assigned as a uniformed patrol officer assigned to patrol beat 6, which encompasses the eastern portion of the city of Santa Rosa, CA. Officer Ferrigno was dressed in full uniform during our interview. He described his duty uniform as a blue button up wool shirt with two breast pockets, two shoulder patches having the words Santa Rosa Police Department and logo, a badge on his left chest, name plate, duty belt, blue wool pants and black boots. The items on his duty belt include from right to left, his department issued cellular telephone, Oleoresin Capsicum spray (pepper spray), duty firearm,

two sets of handcuffs, collapsible baton (ASP), department issued portable radio, department issued Taser and two spare duty firearm magazines with pouch.

Officer Ferrigno is assigned to the "Union" team, grave shift from 2100 hours - 0700 hours, Monday through Thursday. Officer Ferrigno described the nature of his duties as protecting and serving Santa Rosa, ensuring persons are obeying the laws and responding to calls for service.

Prior to reporting to duty of the shift which this incident occurred, Officer Ferrigno went to sleep at midnight on October 15, 2013 and woke later that morning at 0900 hours, thus giving him nine hours of sleep. He last ate at 1800 hours that evening at which time he had a taco salad. Officer Ferrigno is not currently injured and he did not receive any injuries as a result of this incident being investigated. He is not diabetic, nor is he currently under the care of a doctor. He does not take any medications, or drugs and he has not consumed any alcohol in the past twenty-four hours. He arrived to work and began his shift at 2100 hours on October 15, 2013.

I asked Officer Ferrigno to describe to me in detail the events of the incident which occurred earlier today at [redacted] Shadow Lane apartment [redacted] in Santa Rosa, CA at the Shadow Creek Apartments.

Officer Ferrigno told me he was unsure of the exact time, but at approximately 0200 hours he was at the Santa Rosa Police Department, working on a police report when he was dispatched the Shadow Creek Apartments for the report of a [redacted]. Santa Rosa Police dispatch advised that someone in an apartment was holding a doctor by a gun. Officer Ferrigno explained that it might not have been a hundred percent what he heard, but this is what he thought was said. He said he hustled to his car and began driving to the Shadow Lane Apartments. He noticed the two Officer`s the other two officers who were responding were driving behind him and they all arrived quickly and were on scene around the same time.

Upon Officer Ferrigno`s arrival, he thought he heard dispatch say that they were in the back of the apartment complex, so Officer Ferrigno responded to the north side, or rear of the complex. Officer Brandt and Sergeant Celli took a quicker route and went into the first driveway, where they contacted the reporting party. Officer Ferrigno came from the rear of the complex. Sergeant Celli and Officer Brandt contacted the RP (reporting party), a male subject who he later learned was the reporting party. Officer Ferrigno noticed the reporting party seemed "very high energy" and talked very loudly. Officer Ferrigno could not make out what he was saying.

Officer Brandt asked Officer Ferrigno to come with him to check on the occupants of apartment [redacted] As they were walking to the apartment, they saw a lady from the apartment above [redacted] who said that she had heard loud noises coming from inside the apartment below. Officer Ferrigno and Officer Brandt asked the woman to go back inside her apartment and wait, so that she would be safe. As they approached apartment [redacted], Officer Ferrigno saw that the front door was slightly open. They entered the apartment and announced their presence and didn`t see anyone initially, but then a male subject came out the bedroom. The male subject was telling them that there was a male in the bedroom that was uncontrollable, yelling and screaming and throwing things.

The male subject said his name was [redacted] and he met them in the living room of the one bedroom, one bathroom apartment. Officer Ferrigno had [redacted] take a seat in the living room while Officer Brandt proceeded to the bedroom. A few moments later, Officer Ferrigno heard loud noises coming from the male subject inside the bedroom. He asked [redacted] to stay seated as he went to make sure Officer Brandt was okay and to see what was going on inside the bedroom. As Officer Ferrigno entered the bedroom, he saw that Officer Brandt had his duty firearm pointed at a male subject who was in the left corner of the bedroom, if you were looking into the bedroom. The subject was a White male approximately 5`09" to 5"10" tall and weighed over two-hundred pounds. He was completely nude and was barricaded in the corner of the room. He had a small dresser barricaded in front of him.

At this point, Officer Ferrigno explained he pulled his taser and pointed it at the subject. Officer Ferrigno stated the subject was very high energy and wouldn`t stop yelling as he was moving about the small area. Officer Ferrigno stated he remembers the male subject saying something about him getting raped, or something to that effect. Officer Ferrigno and Officer Brandt began verbally giving the subject verbal commands to try and calm him down. They asked the subject to place his hands on top of his head and interlace his fingers, which he began doing. Officer Brandt then holstered his duty firearm and Officer Ferrigno kept his taser pointed down at the subject. Officer Ferrigno instructed the subject to turn away from them and face the opposite direction, in order for Officer Brandt to have a position of advantage.

The subject initially complied and turned away and he then turned back towards Officer`s Brandt and Ferrigno while screaming unintelligibly. Officer Brandt was able to manipulate his body through a small opening between the pieces of furniture which barricaded the subject and allowed him to make physical contact with the subject, by moving behind him and gain control of him. Officer Ferrigno explained the subject appeared and `completely out of it`. Officer Ferrigno stated that based on his training and experience, it appeared that the subject was under the influence of a stimulant. He was not able to control himself and he kept yelling. He would not comply with the commands given to him. He would initially comply, but then all of the sudden he would pull away from Officer Brandt.

Officer Brandt had the subject in a control hold and he applied a handcuff onto the subject`s left wrist. During this time, Officer Ferrigno continued to point his taser at the subject. Both Officer Ferrigno and Officer Brandt were instructing the subject to place his hands behind him, to the small of his back in order to secure the other handcuff. The subject would begin to move his arms back and then he would stop and move them forward. This went on for a few seconds and Officer Ferrigno stated he went to holster his taser and assist Officer Brandt. After struggling with the subject and numerous unsuccessful attempts to handcuff him for safety, Officer Brandt picked up the subject and placed him in a prone position on the bed, to better control him. The bed was situated within the bedroom near the barricaded furniture.

Officer Ferrigno then immediately attempted to control the subject`s legs with his hands, but the subject began kicking hard at Officer Ferrigno and was now pulling away from Officer Brandt. Officer Ferrigno stated the subject had great strength. Officer Ferrigno described how he and Officer Brandt are both large men, and that their strength combined had little to no effect in controlling the subject. The subject continued to pull away from Officer Brandt`s grasp and he was able to kick Officer Ferrigno off of his legs. Officer Ferrigno explained that the subject`s actions were scary and he knew they had to gain control of him for their safety as quickly as possible.

Officer Ferrigno stated he had both his legs (knees) on the subject`s hamstrings, while holding both of the subject`s ankles with his hands in an attempt to control him. Officer Brandt was attempting to grab the subject`s right arm in order to secure it in a handcuff so that they would at least have control of the subject`s arms. They continued to struggle with handcuffing the subject and then radioed for Sergeant Celli to respond into the apartment to assist them.

The subject continued resisting by repeatedly kicking Officer Ferrigno off of his legs. Sergeant Celli arrived and they were able to secure the subject in handcuffs while controlling him on the bed. Once the subject was handcuffed, they proceeded to move the subject from the bed and onto the floor in a prone position. Sergeant Celli then radioed for additional officers to respond to their location with a maximum restraint cord device. During this time the subject continued to kick his legs. Officer Ferrigno, Officer Brandt and Sergeant Celli were asking the subject to try and relax, stop resisting and stop kicking. They told the subject numerous times that they were not there to cause harm to him.

Officer Ferrigno explained that the subject kept saying weird things about being raped and how he thought they were going to hurt him. Officer Ferrigno explained that he remembered at one point the subject stated he wanted them (officers) to go to jail and that they were going to be in trouble for what they were doing to him. The subject then stated that he wanted to die. Officer Ferrigno explained they continued telling the subject to relax, stop kicking and that they were not there to hurt him.

Officer Ferrigno stated that it was at this time that an officer arrived with the maximum restraint cord device. He was unable to recall the name of the officer who arrived with the maximum restraint cord device. Sergeant Celli began applying the leg restraints as Officer Brandt was controlling the subject`s upper body and Officer Ferrigno was attempting to control the subject`s legs. During the application process, Officers Woods and Berg arrived on scene to assist. Officer Berg assisted Officer Ferrigno with controlling the subject`s legs because he was still kicking and yelling. They got they leg restraints on. Officer Ferrigno explained that once this was done, he believes this was the last time he heard the subject say anything, or speak.

Officer Ferrigno explained that throughout the whole leg restraint application process, Officer Brandt had been monitoring the subjects pulse and breathing. After the leg restraints were applied, Officer Ferrigno said they did not hear the subject breathing. Officer Brandt checked the subject for a pulse and advised he could not find a pulse. Sergeant Celli directed the group of officers to remove the leg restraints and handcuffs from the subject. Officer Ferrigno stated the restraint and handcuff removal process took approximately two minutes to complete. During the removal process, Sergeant Celli radioed Santa Rosa Police Dispatch and advised a "Code Blue" (A code used to indicate a person requiring immediate resuscitation) and he requested Code-3 (A code requesting emergency response) medical to respond to their location. Sergeant Celli immediately began to administer CPR (Cardio Pulmonary Resuscitation).

Officer Berg was monitoring the subject`s right wrist for a pulse, while Officer Brandt was monitoring the subjects left wrist. Officer Ferrigno maintained steady contact with the subject`s legs, to prevent kicking, in the event the subject woke. Officer Ferrigno believed that Sergeant Celli performed CPR on the subject for approximately three to five minutes before paramedics arrived and assumed medical treatment on the subject. Officer Ferrigno explained that all of the Santa Rosa Police Officers exited the small bedroom space to allow paramedics to provide medical care on the subject.

Once officers were out of the bedroom, Sergeant Celli began assigning tasks/duties to the officers. Officer Ferrigno explained that he was tasked with preserving the integrity of scene for photographing purposes. Officer Ferrigno was also assigned to begin an audio recording of the events taking place at the scene. Officer Ferrigno stated that paramedics performed CPR and life saving measures on the subject for approximately thirty to forty minutes before pronouncing the subject deceased at what he believed to be approximately 0343 hours. At that point, Sergeant Celli directed Officer Ferrigno to return to the Santa Rosa Police station and wait. This concluded Officer Ferrigno`s account of the incident.

I redirected Officer Ferrigno to the time when the initial call for service for this incident was dispatched and asked him to again explain the circumstances and his mindset while driving to the call. Officer Ferrigno explained that during his response to the call, he remembered thinking that he had to get there quickly and he was driving at a high rate of speed. He was thinking about all the things he had to do upon arrival. He stated the first report from the dispatcher was that a subject was being held against their will with a gun, or someone was being held with a gun. He does not remember hearing any of the updates provided by the dispatcher because he was driving fast and thinking about all of the things he needed to do upon arrival.

Upon his arrival, he saw Sergeant Celli and Officer Brandt speaking with a male subject who he learned was the reporting party.

I asked Officer Ferrigno to explain what he saw as he and Officer Brandt walked up to apartment [redacted]. Officer Ferrigno recalled seeing a woman out on the balcony of the apartment above [redacted]. She told Officer`s Brandt and Ferrigno that there had been a lot of noises coming from within the apartment below. Officer Ferrigno stated the front door of apartment [redacted] was open slightly. He remembered thinking that this would allow easier access and that they would not have to force entry into the apartment to check the welfare of the occupants and ensure that no one was being held against their will with a gun. Officer Ferrigno stated they pushed open the door, knocked on it and announced their presence loudly. He said that whoever was inside the apartment would know that police officers were present.

Officer Brandt entered the apartment first and Officer Ferrigno followed. Initially, they didn`t see anyone inside. They then saw a male subject who they identified as [redacted], come walking out and he began to briefly explain to them what was going on. Officer Ferrigno states he remembers hearing another male voice screaming from within the back bedroom. Officer Brandt went to determine who was inside the bedroom and the male voice began escalating louder. Officer Brandt had now begun verbally engaging with the male subject.

[redacted] was instructed to sit in a nearby chair while Officer Ferrigno went to the hallway to assist Officer Brandt. Officer Ferrigno states that`s when he saw the nude male subject standing in the back corner of the room. He again described the subject as not being able to stand still and moving uncontrollably. The nude male subject was yelling unintelligibly about being raped and going on about how he didn`t want any trouble.

I made reference to the apartment door and asked for clarification as to whether it was open slightly and ajar. I further asked Officer Ferrigno to explain why they entered. Officer Ferrigno reiterated the purpose for he and Officer Brandt entering the apartment was to check the welfare of the occupants and ensure that no one was being held against their will with a gun.

Officer Ferrigno stated at this point he was thinking that he needed to look after his partner`s welfare and let him handle speaking with the male subject inside the bedroom. Based on their observations of the subject, Officer Ferrigno believed that he and Officer Brandt were of the same mindset that they needed to get the subject detained in handcuffs first and then began asking questions of everyone after that.

Officer Ferrigno states he was concerned because the subject was barricaded and they could not see anything below the subject`s knees. His concern was that the subject could have possibly had access to a gun or a knife that could have been concealed below their view. Given this concern, Officer Ferrigno new that it was necessary to get the subject detained in handcuffs as soon as possible.

I asked Officer Ferrigno if he remembered at any point in time if the subject verbally invited him into the bedroom and he said he

did not. He stated it was possible that he could have asked this of Officer Brandt, but he was not sure. He was not really sure of the dialogue that he and Jason (Brandt) were having. He explained that his job at the time was to provide cover to Jason.

I asked Officer Ferrigno to explain how many times he and or both he and Officer Brandt gave the subject verbal directives for the subject to show his hands, or place his hands on top of his head, in order to detain him. Officer Ferrigno stated he couldn`t estimate, or put a number value to it. He just knew that the directives he gave and that he heard come from Officer Brandt were, "show your hands", "put your hands on the top of your head" , "place your hands behind you to the small of your back" , and "stop kicking". These directives were given to the subject and ignored throughout the entire contact with him.

I asked Officer Ferrigno to explain at what point in time during the contact with the subject, did he reveal himself entirely, if at all. Officer Ferrigno stated the subject could not be seen from the bedroom doorway because of the dresser and furniture that he had pulled into the corner of the bedroom and acted as a barricade. The position of the furniture concealed the lower half of the subject`s body from his knees down, thus obscuring their view of the floor area.

When questioned, Officer Ferrigno explained that he couldn`t quote exactly what the subject had said, but he remembered that when Officer Brandt physically contacted the subject he said, I can`t believe this is happening, I am naked, this is embarrassing.

I began to talk about how the subject had refused there numerous verbal directives and Officer Ferrigno interjected, explaining that it was weird because the subject would initially comply with the directives and place his hands on his head and then it was like something triggered his brain and made him stop. He would put his hands up and then pull them back down. Officer Ferrigno described this as an unsteady situation and the subjects actions kept him and Officer Brandt on their guard to see what he was going to do next. Officer Ferrigno explained that it was obvious that the subject was uncontrollable.

I asked Officer Ferrigno given the subjects behavior and actions, if he was able to formulate an assessment, based on his training and experience as to why the subject might be acting in such a way. Officer Ferrigno stated based on his training and experience he believed the subject was under the influence of a stimulant and that he believed that he must have ingested a high dose of whatever he took to cause him to act this way. Officer Ferrigno referred to his Police Academy training where he learned about the outward signs and symptoms (high energy, non-stop body movement, jitteriness) of impairment commonly displayed by persons who are under the influence of a central nervous stimulant. These signs and symptoms were consistent with how the subject was acting.

I asked Officer Ferrigno to explain if he could, where on the subject`s body did Officer Brandt make initial physical contact. Officer Ferrigno stated Officer Brandt approached the subject`s right side as he pointed his taser at the subject and was ordering him to turn away. Officer Ferrigno explained how it is never safe to apply handcuffs on a person who is facing you. At this point, the subject turned around slightly and Officer Brandt swooped behind him and secured a handcuff on the subjects left wrist, while holding the subjects interlaced hands on his head.

Officer Ferrigno and Officer Brandt then began ordering the subject to place his hands near the small of his back so that he could secure his right hand in the handcuff, and he would not comply. The subject would start to place his hands behind his back and then he would raise them back up. Based on the subject`s unwillingness to comply, Officer Ferrigno holstered his taser and prepared to assist Officer Brandt.

At this time, Officer Brandt picked up the subject and placed him onto the bed in a prone position. Officer Ferrigno made contact with the subject and began trying to gain control of the subject`s legs. The subject then began physically resist their efforts to control him which eventually required the response from Sergeant Celli. Upon Sergeant Celli`s arrival, they were able to secure the subject in handcuffs, however he continued to violently kick and strike Officer Ferrigno. It was at this time that Sergeant Celli requested the response from additional officers and the maximum restraint cord device.

Officer Ferrigno described his role as controlling the subject`s legs when Sergeant Celli applied the maximum restraint cord. Officer Ferrigno explained he was positioned at the subject feet and had control of the subject`s legs upward at his knees and his legs were crossed. He explained he was pushing downward on both of the subject`s ankles to better control them and prevent him from being kicked off.

I asked Officer Ferrigno if he knew if the maximum restraint cord device had been completely applied. Officer Ferrigno explained that the maximum restraint cord device was secured and Officer Brandt made the discovery that the subject was not breathing. He checked the subject`s pulse and found nothing. The restraints were removed and the handcuffs were detached from each

other. Sergeant Celli then began to administer CPR.

I asked Officer Ferrigno if he ever punched, hit, or slapped the subject in any way during his entire contact with the subject and he said, "No sir".

I directed Officer Ferrigno to the fact that he had mentioned earlier that he had began an audio recording during the incident. I asked him to describe the time in which he activated the recording device and to explain the method in which the audio recording was captured. Officer Ferrigno stated Sergeant Celli directed him to activate an audio recording device during the time they began to apply the maximum restraint cord device on the subject. Officer Ferrigno activated the audio recording function on his personal cellular telephone at that time, and placed it in the chest pocket of his uniform shirt.

At approximately 1808 hours, I stopped the interview to take a break. During this time my audio recorder was stopped and I exited the room. During the break, I spoke briefly with Sonoma County Crime Scene Investigator Detective John Buergler about the ability to retrieve the audio recordings of the incident scene by Officer Ferrigno. Detective Buergler explained that he was familiar with the methods used to download the recordings from cellular telephones.

I reentered the room from the break and went back on record at approximately 1822 hours. I found that when I attempted to activate my digital recorder, it was not functioning properly due to an expired battery. Officer Ferrigno`s legal representative, Jonathan Murphy (Rains Lucia Stern, PC) advised that he had an audio recorder activated since the start of the interview and that we were still on record.

Returning from the break, I asked Officer Ferrigno what kind of cellular telephone he had and he explained that it was an I-Phone 5. I explained that I was told by Detective Buergler that with his consent, Detective Buergler could download the information he recorded while on scene during the incident. Officer Ferrigno consulted with his legal representatives and consented to allowing Detective Buergler to take his cellular telephone to download the contents. Detective Buergler entered the room and explained the process in which he would be retrieving the recordings. With no further questions, the interview was concluded at approximately 1825 hours.

Jonathan Murphy later sent me the last 2m: 23s of the interview via e-mail. This e-mail has also been attached to the report. I later transferred the audio recording to a CD-R disk. Both CD-R disks were marked as JT-5 and booked into evidence at the main Sheriff`s Investigations Bureau Office.

INITIAL INVESTIGATION CONCLUSION
At the conclusion of the interviews with the related personnel, Detective`s from the Sonoma County Sheriff`s Office Violent Crimes Investigation Unit met and discussed their respective interviews. It was discussed that all accounts were appropriate for their knowledge of the events which occurred.

AUTOPSY

On 10-17-2013, at approximately 1000 hours, I attended the autopsy of Christopher Augustin. The autopsy was performed at the Sonoma County Morgue Facility by Forensic Pathologist, Doctor Arnold Josselson. Sonoma County Deputy District Attorney Anne Masterson and Sonoma County District Attorney Investigator John McCutcheon were present with me in the viewing room during the autopsy. Prior to the autopsy, I met with Doctor Arnold Josselson and briefed him on the details of the investigation.

Upon completing the forensic examination, Doctor Arnold Josselson provided me with his PRELIMINARY REPORT. In part, I was advised there was Methamphetamine found in a urine sample test obtained from Christopher Augustin. The cause of death was defined as Excited Delirium. Please refer to Doctor Arnold Josselson`s forensic medical report.

TELEPHONE INTERVIEW WITH [redacted] BY: DETECTIVE JEFF TONEY

On 11/13/2013, at approximately 1537 hours, I contacted [redacted] on the telephone. My conversation with [redacted] was audio recorded. The following is a summary of the interview conducted with [redacted] The entire conversation was transferred to a CD-R disk and booked into custody. The CD-R disk may be referred to for the exact statements obtained in this interview.

I asked [redacted] to explain if he could, what he knew about the incident and I asked him to explain his relationship with the

persons involved. [redacted] told me he is 62 years old and he currently resides in Palm Springs, California. [redacted] identified Christopher Augustin as his boyfriend. He stated they had been in a current dating relationship since July 2012 and they were residing together the entire time.

When questioned, [redacted] stated he was familiar with [redacted] and explained they have known each other for the past twenty-eight years. [redacted] described him and [redacted] as domestic partners and they resided together from 2008 to 2010. [redacted] stated [redacted] resides in Palm Springs, on Riverside Drive during the weekend and he works and resides in Santa Rosa, California during the week. [redacted] knew that [redacted] had been working and residing with [redacted] for the past two months. He explained that [redacted] worked by driving [redacted] from Palm Springs and Santa Rosa.

[redacted] states he does not work and is currently on disability. When questioned, he told me that Christopher Augustin had not been working during their fifteen month relationship. I asked [redacted] to explain to me what he knew about the events that took place prior to the October 16, incident. [redacted] told me he introduced Christopher to [redacted] and they were all acquainted. Christopher had some down time and he made plans to go with Homer to Santa Rosa to help move some furniture. [redacted] was initially not going to help [redacted] and then at the last minute he changed his mind. Christopher also made a last minute decision to help [redacted] with the moving.

[redacted] got off the topic and stated he heard that [redacted] made up the song and dance story about being held hostage and captive for four hours. [redacted] stated this was a lame bullshit excuse because he had seen [redacted] Citibank bank records which showed Christopher made a purchase at a Santa Rosa, California Taco Bell restaurant on 10-16-2013 at 0109 hours the day he died. [redacted] explained he knew that Christopher made the purchase for $20.08 because he loved Taco Bell.

[redacted] checked and found that the nearest Taco Bell restaurant was approximately fifteen minutes from the apartment which would mean that Christopher was fine at around 0130 hours and not acting crazy like [redacted] said. [redacted] stated that Christopher did get a little crazy, but [redacted] said he was not sure exactly what happened that morning. [redacted] stated that [redacted] is a nightmare and just some homeless person. He does not know anything about him or his background.

I asked [redacted] to describe Christopher Augustin`s lifestyle and he provided the following. [redacted] told me Christopher dabbled a little with drugs. He explained that Christopher was a guitar player in a band. Christopher collected the music band KISS collectibles and sold KISS memorabilia. He states this is how Christopher had been recently supporting himself. [redacted] explained how he and Christopher were getting ready to buy an on-line business to sell KISS collectibles before the incident occurred.

[redacted] told me Christopher was an ex-pornographic star and explained how he had made over 300 pornographic movies from 2003 - 2011. Christopher`s stage name was "Dick Tracey". He was also a director of pornographic films and [redacted] stated Christopher was trying to get back into the industry after taking a hiatus. [redacted] states that Christopher told him that he came from Los Angeles where he had a house and a big bank account. [redacted] states he doesn`t know if this was just a pure fantasy and said he still had some unanswered questions about Christopher`s past. [redacted] explained that he would be trying to get some further information about Christopher`s past from his ex-wife. [redacted] said Christopher had not been "out" very long (referring to his homosexual lifestyle). He explained that Christopher has a seventeen year old son.

[redacted] commented about how people flocked to Christopher because he was a big ticket porn star. He explained how Christopher had long hair, but that he had been involved in an accident which caused him to lose his long hair. [redacted] told me that if I had seen him, he probably had long hair because he wore a weave. He liked his hair long because he was in a heavy metal band.

[redacted] told me he had been invited by Christopher`s family to attend the memorial services in San Francisco. He was appreciative of this and was able to meet and speak with Christopher`s ex-wife about his relationship with Christopher. [redacted] stated there are a lot of stressor`s when you try and present a relationship where one person is 62 years old and the other is 38 years old. He said it`s kind of like dating your grandfather.

I mentioned to [redacted] that I had spoken with Christopher`s ex-wife and learned that he had used steroids. I asked [redacted] if he had any further information. [redacted] told me Christopher had recently gained a bunch of weight and had used steroids a couple of weeks ago. [redacted] told me that Christopher never told him, but he knew that he had gotten some steroids because he wanted to lose some weight and get back to the gym. [redacted] stated Christopher`s method of use was by way of injecting them into his buttocks.

[redacted] spoke about how Christopher began using methamphetamines when he moved to Palm Springs. He said before they met,

Christopher was using heavily, but he had recently cut back. [redacted] described Christopher`s methamphetamine habit as mediocre. He stated that Christopher was on probation for a possession charge and he had been going to classes as part of his probation terms.

When questioned, [redacted] told me that throughout their relationship, Christopher displayed some bizarre behavior. [redacted] told me he hated to say that, but Christopher acted paranoid. He stated Christopher would often accuse him of lying to him and doing this, or doing that. [redacted] stated he had to often reason with him and continually tell him that he wasn`t. He said Christopher had this horrible fantasy that Harold was out to get him at times. [redacted] said that Homer explained to him that Christopher was experiencing drug induced [redacted]. He explained that this behavior had gotten worse over the past few months and he believed it was due to Christopher`s chronic methamphetamine use.

[redacted] explained that he would no longer be able to speak with me because he was getting ready to get on the bus. He asked that I call him back in fifteen minutes.

Fifteen minutes later I telephoned Harold and found that he had arrived home. I asked [redacted] to explain further about how he described Christopher acting bizarre. [redacted] explained that the crystal methamphetamine is being cut with bath salts now days and the bath salts would make Christopher crazy and paranoid on that. I asked [redacted] to explain what Christopher would do that made him seem paranoid. Christopher would say,"What are you doing to me". [redacted] would respond by telling Christopher, "I am not doing anything, everything is fine, every things okay Chris". Christopher would answer saying," no it`s not, something`s going on". [redacted] said he would have to talk him down and that this behavior came out of nowhere. There would be times when [redacted] would have to talk him out of it and Christopher wouldn`t hear of it. He couldn`t understand it, or connect the dots.

[redacted] told me that Christopher had been physically assaultive towards him in the past and had slapped him in the past and was aggressive towards him. After an episode as described above which occurred approximately eight months ago, [redacted] had [redacted] respond to their house. [redacted] wanted [redacted] to evaluate Christopher knowing that [redacted] is an experienced mental health psychiatrist, and would be able to prescribe him medication to alleviate his problem.

[redacted] subsequently prescribed Christopher an [redacted] medication, but [redacted] could not recall the name. [redacted] described Christopher`s paranoid episodes becoming increasingly worse over the past few months and getting to be chronic. [redacted] and Christopher had talked about the situation and they knew they had to do something about it because it was getting worse.

When questioned, [redacted] told me Christopher had no money when he left to Santa Rosa from Palm Springs with [redacted] and [redacted]. [redacted] said he didn`t buy the story that he heard about Christopher leaving the apartment to go and buy methamphetamines. [redacted] again explained that he didn`t buy the story that Christopher held [redacted] hostage for four hours.

[redacted] told me that he believed that [redacted] bought the drugs in Palm Springs before they left. He said [redacted] told him that the drugs were given to him in two different bags. [redacted] said that [redacted] is some homeless creep. [redacted] states that he doesn`t believe that [redacted] forced any of the drugs onto Christopher, but he may have given him specifically a bunch of bath salts. [redacted] said he received the information about the drugs from [redacted] and that he had reached out to him to learn more of the incident after it occurred.

[redacted] began asking me questions about what I knew of the incident. I explained that the case was under investigation and that there were certain things that I could not disclose to him at this time. [redacted] explained that he knew that Christopher did not have a bad heart and he asked if a taser was used on Christopher. I told [redacted] there was no taser used on Christopher by law enforcement during the incident. [redacted] told me that Christopher had a ripped or ruptured diaphragm which he sustained from being beat by four males who jumped him two years ago. [redacted] didn`t know too much about the incident, but he said it was a hired beating. He said Christopher was treated for his injuries sustained from the beating at the hospital in Palm Springs.

I asked [redacted] if he was aware that Christopher was going to accompany [redacted] and [redacted] to Santa Rosa. [redacted] stated he and Christopher talked about it. [redacted] said that [redacted] initially didn`t like Christopher and that he had a bad rap in the gay community. People referred to Christopher as a liar and said his hair was fake and that he wasn`t a guitar player. [redacted] stated that a couple of years ago, [redacted] burned his hair in an accident. Christopher put weaves in his hair in order to keep his rock star image. [redacted] said Christopher`s huge presence made people in the gay community jealous and he got a bad rap.

[redacted] tried to foster the relationship between Christopher and [redacted] so that they could all hang out together. [redacted] told [redacted] that he should try and get to know Christopher better and take him along to help in Santa Rosa. [redacted] explained that he and Christopher had an argument a few days prior and they were trying to put everything in perspective about living in Palm Springs and buying the on-line business. He said Christopher chose to go to Santa Rosa and help [redacted] as a way to clear his head. [redacted] suspect [redacted] was hanging out with [redacted] because he`s a known doctor with a large house and a lot of money.

I explained to [redacted] that I learned that [redacted] and Christopher had stopped in the city of Alta Dena and saw a person named [redacted] (unknown last name) on their way up north. [redacted] said [redacted] was [redacted] ex-lover and he was unaware that they had stopped to see him. [redacted] stated he did not communicate with Christopher while he was in Santa Rosa. He knew that he was more than likely there, but he never spoke with him. [redacted] said he was over at [redacted] house speaking with his housekeeper and learned of a frantic call from [redacted] the night before.

[redacted] said he immediately began calling the Santa Rosa Police and learned that Christopher was not in custody, or at any of the local hospitals. He attempted to contact [redacted], but he could not reach him. Ultimately, [redacted] received a telephone call from a Detective at the coroner`s office advising him that Christopher was dead.

When questioned, [redacted] told me that [redacted] did not use any recreational drugs. [redacted] explained that he knows [redacted] takes [redacted]. He said he takes it and it knocks him out. He had heard from [redacted] that [redacted] had taken the [redacted] the evening of 10-15-2013 and went to bed because he had to work the next morning. [redacted] told me that he was doing his own investigative work, because the story he heard was just not adding up and he wanted to know what happened. He again brought up the fact that Christopher had recently been seen by a [redacted]

When questioned, [redacted] explained that he had spoke with [redacted] about the incident. [redacted] told [redacted] that the evening of the incident, Christopher came into the bedroom while he was sleeping and woke him up. He was acting strangely and began throwing pieces of a shoebox at him. [redacted] said he believes Christopher`s behavior was due to him using methamphetamine that night, but he is more concerned about the quality of methamphetamine that Walters gave to him. [redacted] again stated that if [redacted] gave him bath salts, it would explain why it made him act crazy. He said when the quality of the drug was good, Christopher wouldn`t have any problems. It was only when it was cut with bath salts that it caused him to have weird behavior.

I asked [redacted] if he had heard about Christopher leaving the apartment that night and going to the Santa Rosa CVS Pharmacy to make a purchase. [redacted] told me he did not think this was true because he had checked [redacted] bank records and found no such transaction. [redacted] paused and told me he would check the bank records now. I asked [redacted] if he and [redacted] shared the account. He told me he manages [redacted] finances for him, therefore he had access to all of his bank account statements. [redacted] said he is an ex accountant so he helps [redacted] He told me [redacted] makes a lot of money, but he cannot manage a penny. [redacted] again reviewed the Citibank account summary and stated there was no transaction listed for CVS, only the Taco Bell purchase.

[redacted] told me he would fax me a copy of the bank statement so that I could see the activity of purchases prior to the death of Christopher. I explained that I would need [redacted] permission to receive the statements. I explained that I had been attempting to contact [redacted], but we had been missing each other`s calls. I asked [redacted] to have [redacted] contact me to make arrangements for me to receive a copy of his bank account summary. [redacted] agreed and stated he would speak to [redacted] about my request.

[redacted] explained that it was possible that [redacted] sent Christopher out to get something from CVS, but he knows that Christopher did not have any money, so he would have had to use [redacted] bank card. [redacted] contends that Christopher did not know anyone in Santa Rosa; therefore he does not believe that Christopher would have purchased any methamphetamine in Santa Rosa. [redacted] states he finds [redacted] narrative about being held hostage for four hours to be without merit because Christopher was out at 0100 hours making a purchase at the Taco Bell restaurant. [redacted] said when told, [redacted] agreed that it made no sense to him either.

[redacted] told me he shouldn`t have this, but he said if Christopher were taking steroids they were more than likely [redacted]. He told me he was currently looking at the bottles of steroids he had in his refrigerator that belonged to Christopher. [redacted] explained that Christopher purchased theses steroids on the black market and that he had been using them for the past

two weeks.

[redacted] began crying and asked about getting some of Christopher`s property back. I explained the process and thanked him for speaking with me. [redacted] again explained that he would be talking with [redacted] to retrieve his bank account statements for me to review. I provided [redacted] my contact information and requested he contact me with any further information.

End of Interview

Upon completing the telephone interview, I downloaded the audio recording from my digital recorder to a CD-R disk. I marked the CD-R disk as JT-6 and booked it into evidence at the main Sheriff`s Investigations Bureau Office.

TELEPHONE INTERVIEW WITH [redacted], CHRISTOPHER AUGUSTIN`S EX-WIFE BY: DETECTIVE JEFF TONEY

On 10-17-2013, at approximately 1230 hours, [redacted] contacted me on my office telephone. This conversation was not audio recorded. The following is a summary of my conversation with [redacted].

[redacted] introduced herself to me by explaining that she was calling on behalf of Christopher Augustin. [redacted] explained that she was Christopher ex-wife and she was calling to find out what occurred. [redacted] told me she had learned of Christopher`s death from her brother [redacted]. Apparently [redacted] had been contacted by a friend of Christopher`s named [redacted] and he notified him of Christopher`s death.

When questioned, [redacted] told me she and Christopher were married in 1995. They resided together in Las Vegas, Nevada. Christopher was employed as an iron worker in the union and he also worked as a plumber. In 1996 they had their son [redacted], who is currently seventeen years old. A few years later, they moved to Los Angeles where Christopher worked in construction.

In the year 2000, their relationship declined when Christopher physically assaulted her during an argument by throwing her across the room and choking her in front of their son. Prior to the assaultive behavior, Christopher was injecting steroids. She explained how Christopher gained a bunch of weight during the time she was pregnant and then he became skinny. She believed he took the steroids as a means of trying to bulk up. During this time he was also using methamphetamine. At first she could not believe it when he brought a bag home and asked her if she wanted to do some with him. She stated she was surprised because it was Christopher who got her away from doing methamphetamine because he didn`t like drugs. Christopher began to heavily abuse steroids and methamphetamine and this caused his assaultive behavior.

As a result, [redacted] moved out with her son in 2000 and they legally divorced in 2002. In May of 2000, Christopher began working in the pornographic industry as an actor. She remembered going to court to seek full child custody during this time and stated everyone in the courtroom was laughing at the fact that Christopher was a pornographic actor.

[redacted] states she has maintained a friendship with Christopher, calling him her best friend and referring to the fact that he was still the biological father of their son. She said about six months ago, Christopher called her on the telephone acting extremely bizarre and paranoid. During the conversation, he told [redacted] that he had seen an alien standing in his bedroom and that there were people coming in and out of his house. [redacted] said she downplayed the conversation by telling Christopher that he was probably seeing people leaving for work. She suspected Christopher had been using methamphetamines and it was ultimately frying his brain.

[redacted] said the last time she heard from Christopher was on Thursday, 10-10-2013 at around 0600 hours. At that time Christopher posted a message to her on Facebook. In the message he told Marla that everything was all good and that he was out of trouble.

I provided [redacted] with an investigative summary, explaining that because the investigation was active, I could not jeopardize the integrity by providing details which had not been investigated. [redacted] explained that she understood and thanked me for speaking with her.

End of telephone conversation

TELEPHONE INTERVIEW WITH [redacted], CHRISTOPHER AUGUSTIN`S SISTER BY: DETECTIVE JEFF TONEY

On 10-17-2013, at approximately 1414 hours, I received a message from Sonoma County Sheriff`s Investigations Detective Tony

King, advising me to contact [redacted]. Detective King received a voicemail message on his desk telephone from [redacted] requesting a return call regarding her deceased brother Christopher Augustin.

I contacted [redacted] by telephone and the conversation was audio recorded. The audio recording was later transferred to a CD-R disk. The following is a summary of the conversation and the CD-R disk may be referred to for exact statements made during the telephone interview.

[redacted] introduced herself and stated she was calling to find out what happened to her brother. She indicated that she had been in correspondence with family members, specifically her sister-in law, [redacted], but she needed to hear it for herself from the police.

I told [redacted] that I would tell her what I could at this point and reminded her that the investigation was on going and because of this; I was obligated to preserve the integrity of the investigation. I provided her with the preliminary circumstances surrounding the death of her brother. [redacted] was grateful and she thanked me.

[redacted] told me she currently a drug counselor after years of being addicted to methamphetamines. She explained that she has been a recovered addict for over five years now. Additionally, she explained that her entire family of brothers and sisters had abused and were addicted to methamphetamine. She and her older brother were the only ones who were able to break free of the addiction to methamphetamine. She said that her younger brother Christopher was never able to turn his life around and stop using methamphetamine.

[redacted] asked if her brother had been tasered by the police during the incident and I told her no. She said she knows that when an incident such as this happens, people and family are upset and they want to blame somebody. She said she didn`t wish any ill will towards the Santa Rosa Police Department and that none of this would have even happened if her brother wasn`t a drug addict. She said this was really the bottom line. She further explained that every time she went to jail, she deserved to be there and she understood. [redacted] said police officers have the shittiest jobs in the world as far as she was concerned and that they see the worst that humanity has to offer all the time.

[redacted] explained that she and her brother would be driving to Santa Rosa to tend to funeral arrangements for her brother and she asked her I knew if her brother had any personal effects on him and how she could go about retrieving them if he did. I told [redacted] that it was unknown what if any personal property Christopher had at the apartment and that she would have to contact the persons he was with during the incident. She explained that she didn`t want to deal with the people he was with, because they were more than likely "tweakers" anyway. Again [redacted] thanked me for talking with her and explained that she would contact me with if she had any further questions.

End of telephone conversation.

Upon completing my conversation with [redacted], I transferred the audio recording from my digital recorder onto a CD-R disk. The disk was marked as JT-7 and booked into evidence at the main Sheriff`s Investigations Bureau Office.

On 10-24-2013, at approximately 1530 hours, I responded to the Santa Rosa Police Department and obtained an evidentiary copy of the SRPD dispatch 9-1-1 recording and CAD printout from SRPD Dispatch Supervisor Giomi. The disk was secured and sealed in a manila envelope and released to me by signature. I secured the evidence until returning to the Sheriff`s Investigation`s Bureau where I placed it into evidence.

On 12-11-2013, at approximately 1020 hours, I spoke with [redacted] by telephone. [redacted] explained that spoke with [redacted] about my request for a copy of his Citibank account summary. [redacted] told me he wished to cooperate in any way that he could and he agreed to provide me with his bank account summary transaction statement from 10-01-2013 through 10-16-2013. [redacted] told me he would have [redacted] fax them to me.

AUTOPSY REPORT

On December 26, 2013, I received the completed autopsy report from Forensic Medical Group, Inc. In summary, this report identified as Case No. 13-1223, written by Doctor Arnold Josselson provided the following:

CAUSE OF DEATH: Cardiopulmonary arrest during struggle with police while being arrested, in an individual under the influence of

methamphetamine (excited delirium), (minutes).
COMMENT: The blood methamphetamine level (2800 ng/ml) is extremely high.

Refer to attached autopsy report for complete details.

On 02-07-2014, at approximately 1332 hours, I received a three page facsimile to include a cover sheet addressed to me from [redacted]. The remaining two pages were a copy of [redacted] Citibank checking account (# [redacted]) summary from 10-02-2013 through 10-21-2013. The photocopied statements had [redacted] name listed below the Citibank logo on both of the pages. While reviewing the account summary, I observed a debit card purchase transaction illustrated being made at the Santa Rosa Taco Bell restaurant on 10-16-2013 at 0109 hours, for the amount $20.08. There were no further transactions listed on this date. These documents were later marked as JT-12 and booked into evidence at the main Sheriff`s Investigations Bureau Office.

Photocopies of these documents have been attached to this report.

While reviewing the case interviews, recordings and documents on 03-20-14, I learned that I did not have the audio recording downloaded from Santa Rosa Police Officer Kenneth Ferrigno. I contacted Sonoma County Sheriff`s Crime Scene Investigator, Detective Buergler to confirm that he retrieved the audio recording download from Officer Ferrigno`s cellular telephone on 10-16-2013. Detective Buergler to confirm that he retrieved the audio recording download from Officer Ferrigno`s cellular telephone on 10-16-2013. Detective Buergler advised that during the initial download attempt, technical and equipment issues prevented the download. Detective Buergler explained that during that time, Officer Ferrigno stated he was familiar with the download process and would be providing Detective Buergler with the recordings when it was completed. Detective Buergler had not yet received the audio recording. I requested Detective Buergler check on the status of the recording with Officer Ferrigno.

On 03-24-2014, at approximately 0915 hours, I received a departmental e-mail from Detective Buergler with the attached e-mail correspondence he had with SRPD Officer Kenneth Ferrigno. On 03-24-2014, at approximately 0450 hours, Officer Ferrigno e-mailed Detective Buergler. In summary, Officer Ferrigno apologized and explained he thought the downloaded audio recording had been sent to him.

I later met with Santa Rosa Police Violent Crimes Detective Greg Wojick (Case liaison) at the Santa Rosa Police Department and received a CD-R disk containing the downloaded recordings from Officer Ferrigno`s cellular telephone. The disk was labeled SRPD 13-12804/SCSO 131016-002. I later returned to the Sheriff`s Investigations Bureau and provided the disk to Detective Buergler. Detective Buergler copied the CD-R and booked the original into evidence.

I later opened the disk and found the file was named "10-55 @0343 10-16-13". I listened to the entire audio recording which is approximately 46m: 07s. Upon completion, I determined the contents of the recordings were consistent with the information obtained from the statements provided by the officers directly involved in the critical incident. Afterwards, I marked the CD-R as JT-10 and booked it into evidence at the main Sheriff`s Investigations Bureau Office.

**** End of investigative supplemental report related to this call-out.

I request this entire investigative report be forwarded to the Sonoma County Deputy District Attorney`s Office for review.

WITS - FREITAS, G - 03/27/2014
Written by: **Freitas, Gary 110548**
Date/Time: **03/27/2014 15:32:43**

Supplemental Report
Case Report #131016-002
Detective Gary Freitas #548
Violent Crimes Investigations Unit

Investigation:

On 10/16/13, at approximately 0425 hours, I received a call from Detective Sergeant Carlos Basurto informing me of a Violent Crimes Investigations Unit call-out. He told me officers from the Santa Rosa Police Department were involved in some type of incident that resulted in the death of an individual and the Critical Incident Protocol had been activated, telling me to meet in the Investigations Bureau at the Sheriff`s Office for a briefing.

I arrived at the Sheriff`s Office Investigations Bureau and met with Sergeant Basurto and other Violent Crimes Investigations detectives. Sergeant Basurto told us that officers from the Santa Rosa Police Department were dispatched to an apartment complex on the eastside of Santa Rosa regarding a subject who was holding a person hostage. He said officers arrived and ultimately entered the apartment and fought with the subject while trying to arrest him. He continued and said that during their attempts to control the suspect, he stopped breathing and was pronounced dead at the scene. Sergeant Basurto told us a briefing would be conducted at the Santa Rosa Police Department at approximately 0600 hours.

At approximately 0547 hours, Violent Crimes Investigations Detectives arrived at the Santa Rosa Police Department for a briefing of the incident. Santa Rosa Detective Sergeant Dave Linscomb provided us with information he had to that point related to the event, telling us that some of the involved officers were being sequestered at the [redacted] in Windsor. In addition, he told us Officer McElhaney, who was present during the incident, was being sequestered at the Police Department. He also told us that the two victims, [redacted], were also at the Police Department in separate interview rooms.

Detective Jeff Toney was designated the Lead Investigator for this investigation, and it was decided that Detective Cutting would interview [redacted], that Detective Toney would interview victim [redacted] with my assistance, and that I would interview Officer McElhaney with the assistance of Detective Toney.

INTERVIEW WITH [redacted] by DETECTIVES FREITAS AND TONEY

On 10/16/13, at approximately 0800 hours, Detective Toney and I began interviewing [redacted] in an interview room in the Investigations Bureau at the Santa Rosa Police Department. This interview was recorded and later transferred to a disk and submitted into evidence by Detective Toney. Detective Toney documented the majority of the interview in his investigative report; however, [redacted] confided in me additional information when I brought him something to eat towards the end of his initial interview with Detective Toney. The following is a summary of that interview.

Towards the end of our interview with [redacted], Detective Toney and I took a break to confer about any other questions we needed to ask him. Prior to the break food had been brought to the Investigations Bureau, and once we talked to one another about the information [redacted] provided us, I decided to bring him something to eat. I re-entered the interview room and gave him his food and then left to get him a cup of water. When I returned, he asked me how Chris (Augustin) was doing and I bluntly told him he died.

[redacted] asked me how Chris died and I told we didn`t know, telling him that was why it was important for us to know how much methamphetamine Chris ingested. I then asked him if he knew of any medical conditions Chris had. He told me he did not, explaining that he did have scars on his back and may have had a few surgeries, saying, "I saw the man naked and it looked like he had been through some battles." I then explained to him that because he described Chris`s demeanor the way he did, that was why we asked him about how much drugs he consumed. [redacted] responded by saying, "I grew up in Los Angeles and have been on the street a long time and never seen anything like that, scared me," describing Chris`s demeanor.

I left the interview room to get more water for [redacted], telling him it shouldn`t be much longer. When I returned a short time later [redacted] said to me, "Hey sit down for a second I have some information for you." He then told me, "He came back. He said he had shots and asked me if I wanted to do some. I told him no, I wanted to go to bed. He was having trouble hitting himself, for some reason he couldn`t get the plunger to plunge. Said it kept sticking, stopping. He went through about 4 or 5 rigs (syringes) at the kitchen sink. I wanted no part of it I didn`t want to get high. Then he went in the bathroom and came out and I said, "Did you get it?" He didn`t respond to me. When he came back out of the bathroom his whole demeanor was different."

[redacted] then went on to describe for me what occurred when Chris returned to the apartment after being gone for some time. In summary he said he returned carrying a bag containing food from Dell Taco, and a bag from the CVS store. According to [redacted] Chris went through 5-6 syringes trying to get one to work properly. He said he asked Chris what was up and he told him the syringe, "Won`t plunge, it won`t slide." [redacted] said he asked him if he needed another rig and he told him no. [redacted] then said he

told Chris he would get him a new one, telling him, "Better to be safe than sorry. I told him sometime when it won`t slide I take Neosporin and apply it to the plunger to make it slide easier." He said he then gave Chris some, "Triple antibiotic."

I asked [redacted] if he saw Chris set the syringes up to be used. He said he did not, explaining he was on the couch and Chris was at the kitchen sink. He then said Chris went into the bathroom for 10 minutes or so, and when he came out, told him he wanted to get high. [redacted] said Chris told him, "Let`s do a shot and see where it goes." [redacted] told me he replied, "Dude, no, I`ve been up to long and I want to go to bed."

According to [redacted], when Chris was in the kitchen and he was on the couch, he could hear him getting frustrated and "Pissed off" about having problems with the syringes, telling me he said, "Dude you gotta come over here." [redacted] said he told him, "Dude I`m not into it tonight, I`m shaking, I need to eat and I need to sleep," speculating that was perhaps why he (Chris) put him on the couch. [redacted] again said Chris went through 4 or 5 syringes at the kitchen sink trying to get one to work, telling me he did not see the drug he was trying to use.

Next, [redacted] said he was on the couch, and because he is a helpful person, he got up and got Chris another syringe, gave it to him, and told him to coat the plunger. [redacted] then said Chris had already transferred the solution from one syringe to the other, put the plunger in and tipped it up to look at the contents. He said he saw what was in the syringe and described it as being somewhat clear but was oddly translucent, saying he turned and walked away telling him, "Dude they`re cheap (syringes). They`re cheaper than doing something stupid. Be safe, rigs are cheap." He then said Chris grabbed at least two syringes and went back to the kitchen. He said he was on the couch watching TV and stopped paying attention to what Chris was doing.

He continued and said he saw Chris go into the bathroom a couple of times, speculating he did that to get better light. When he did that, [redacted] said he did not actually see if he brought syringes with him because his hands were low and out of his sight. [redacted] then said he got up from the couch to use the bathroom and Chris came out. When they passed one another, [redacted] said he sensed Chris was successful in injecting the drugs, saying, "He came out and I noticed he was like, it was like he was done, a sigh of relief, and I asked him if he was successful and he didn`t answer me. And when I came out of the bathroom that was when he was a different person. I said something to him, I said oh, so you did get it in and you just didn`t answer me, and he was just like angry. You could see it in his eyes. From then on it was a roller coaster."

I confirmed with [redacted] that Chris, when he left the apartment, was gone for 1 to 2 hours and went to the CVS store, asking him if, to his knowledge, did he go anywhere else. [redacted] said he did not know. I then asked him if Chris bought drugs somewhere. Again, he said he did not know, but explained that Chris did tell him that he knew a couple of people in the area.

I then asked [redacted] if Chris had anything in his hands when he came back to the apartment. He said, "Yeah, he had food, a bag from CVS. I got a drink from him Taco Bell set it on the table. He turned and walked into the kitchen, and said you know I got you something to eat; I was like cool I was just about to eat some chips. And then he went into the bathroom and I said what`s wrong and he didn`t answer. I said ah fuck it; at that point I was done because he was argumentative the day before when [redacted] was gone at work."

Next, [redacted] said Chris came out of the bathroom after about 10 minutes and he had to use the bathroom. He said Chris seemed like he was done and was "tiding up," saying he was putting the cap back on the rig (Syringe), explaining that he didn`t know there was a collector (syringe disposal container) under the sink.

I then reiterated to [redacted] what he previously told me about what Chris was carrying when he came back to the apartment. [redacted] said he took the drink from Chris and put the Dell Taco box on the coffee table. He said Chris just turned and walked away carrying another bag, telling him he had to use the bathroom. [redacted] seeing the food bag in Chris`s hand, told him to wait a minute but Chris told him he had to pee and just slammed the door closed. [redacted] said when Chris came out of the bathroom he told him he wanted to, "Do a shot." He said Chris was then standing in the kitchen, "Making something up" and asked him if he wanted to, "Do some of this stuff." According to [redacted] he told him no.

I then had [redacted] describe for me what he meant by the term, "Making something up." He said usually the rigs that were there didn`t have a ring on the back of them, saying they were the type used by veterinarians. He then said that when he would load a syringe he would, "Back load" it. He said that was when you take the drugs and make it powdery enough so you can put in inside the syringe after you remove the plunger. He said once the drugs are put inside the syringe, you put the plunger in and pull it back to draw the water inside. He said you let the drugs dissolve and then you shoot it.

[redacted] continued and told me he was a cocaine addict for 20 years and started shooting drugs when he was 16 years old. He went on to describe the fact you have to filter cocaine but not methamphetamine before you inject it, but he didn`t know about heroin since he didn`t abuse that drug. Concerning what Chris was doing related to injecting drugs, [redacted] said he was back loading the rig, but that was all he could see, saying he didn`t know what the substance was he was using. [redacted] then said Chris was, "Pissed" because he was having a lot of trouble with the rigs (plungers). When asked, [redacted] said he didn`t think Chris was having trouble getting the needle in a vein, although he said he knew Chris was dehydrated because he hadn`t been drinking fluids.

I then asked [redacted] if he was sitting on the couch and Chris was inside the kitchen. He said he was, and he got up to get him (Chris) another rig that was in the dresser behind the dining room table. He said he could tell Chris had a rig sitting there (kitchen) and he had a business card in his hand and was trying to stuff it (drugs) into the syringe. He said the drug Chris was trying to use was a white powder. I asked him if it was from a baggie and [redacted] said he didn`t see a bag, just the card that he was using to pour the drugs into the syringe. [redacted] then said that while Chris was trying to get the drugs into the syringe, he did something and said, "I just about fucked up." [redacted] said he responded by telling Chris, "Yeah those rigs are a pain. That`s why I opted for the spoon." He said Chris didn`t respond to what he said, speculating he was mad because the syringe plunger wouldn`t slide down.

Next, I confirmed with [redacted] that he saw Chris empty the contents of the first syringe into another syringe. He said that was correct, telling me the first syringe had blood in it and Chris was mad because once he got the needle in his arm, the syringe plunger would not slide, saying it wasn`t clogged, it just wouldn`t slide down when pushed. He said he tried a couple of syringes and on the second or third one, told him that one was bent also.

I then asked [redacted] at what point did he get the impression Chris was able to get a syringe to work. He said when Chris came out of the bathroom, and he walked in to use the bathroom, Chris breathed a sigh of relief as he walked by him. I asked him if that was the second time Chris came out of the bathroom, to which he replied, yes. Paul said Chris was in the bathroom for 10 minutes before going to the kitchen sink. He said when he was in the kitchen, he went into the bathroom, came back out, and then went back inside. He said when he came back out the second time he was quiet and he stopped, "Bitching." [redacted] said he used the bathroom, saw that it was clean (no paraphernalia) and came out and said, "You were successful, eh?" [redacted] said Chris never even said yes to his question, telling me his response to him was, "Yeah, what the fuck," saying he was very aggressive after that.

Next, I said to [redacted] "What you`re clear on though is that after that whole rig thing when he came out of the bathroom the last time" and [redacted] finished what I was going to say by telling me Chris was, "A totally different person." I then asked [redacted] if he ingested any drugs with Chris. He told me he did not, at least not then, telling me he was ready for bed. He then told me he and Chris had sex earlier that day. He said Chris wanted to have more sex with him but he didn`t want to. I asked [redacted] when it was that he and Chris had sex, and he told me it was when [redacted] was at work. [redacted] went on to tell me he wasn`t attracted to Chris because of his aggressive nature, but agreed to have sex because he didn`t want any problems with him and it, "Was just easier to concede." I then asked him where they had sex, and he told me on the couch in the apartment, volunteering that there were pictures on Chris`s telephone that he (Chris) took of semen on his ([redacted] back.

I then asked [redacted] when was it that he used drugs, telling him I got the impression he ingested some while at the apartment. [redacted] told me he did in fact use methamphetamine while at the apartment. He said he did a line for the drive from Palm Springs, and had a little left over that he did between the time they got to the apartment and when they took [redacted] to work, which was between 6 AM and 8 AM.

[redacted] acknowledged they arrived in Santa Rosa at about 6 AM, which is when [redacted] and Chris woke up. He said they were inside the apartment and he un-hitched the trailer, and while doing that, shot some methamphetamine. When asked, [redacted] said the drugs he used were not the drugs that Chris used later that evening, explaining that the only drugs he had was the small amount left over from the ride there that he got for facilitating a deal (Palm Springs). I then asked him if he knew whether or not [redacted] used (methamphetamine). He told me he did not know.

According to [redacted] has rented an apartment in Santa Rosa for the past 4-5 months. He said he has driven him back and forth on three occasions, including this last trip. He said he met him about a week before driving him to Santa Rosa the first time. [redacted] also said [redacted] still owns a house in Palm Springs and has a couple who manages that property. In fact, he told me that was who he was talking to on his telephone last night, letting them know something happened here in Santa Rosa.

I then asked [redacted] if he and Chris ingested any drugs while the two were having sex. He said, no, further explaining that [redacted] had no idea he brought any drugs with him on the trip. Next I asked [redacted] what time did he and Chris have sex. He said it was after he unloaded the trailer and returned it, estimating it was noon or 1 o`clock. He said they had sex for about an hour, and

that he agreed, more or less to have sex with him to just, "Keep peace," and to keep Chris on a "Level keel." Concerning when they had sex, I asked [redacted] if there was any violence during that encounter. He said no, but also said Chris wanted to get rougher than he would allow. I asked him what he meant and he told me, "Just more aggressive, and just harder, firmer." He said he told him, "Dude I can`t take that."

I concluded my interview with [redacted], and at approximately 1100 hours, a paramedic came into the interview room and took a sample of his blood. That sample was ultimately given to Crime Scene Investigation Detective, Troy Newton. Also while [redacted] was inside the interview room, an officer came in and handed him his cellular telephone, explaining to him that the Sheriff`s Office wanted to look for evidence inside the phone. The officer asked [redacted] for permission for us to examine the contents of the cellular telephone, which he gave. The officer then handed [redacted] his telephone and he used the pass code to unlock it and disable the pass code protection function. The officer then took the telephone and maintained possession of it until it was turned over to Detective Toney who booked it into evidence.

INTERVIEW WITH OFFICER ERIC McELHANEY by DETECTIVES FREITAS AND TONEY

After completing the interview with [redacted], Detective Toney and I began interviewing Officer McElhaney at approximately 1025 hours, in an interview room on the second floor at the Santa Rosa Police Department. Officer McElhaney was represented during this interview by Jonathan Murphy from the law firm of Raines, Lucia, & Sterns. The interview was recorded and later transferred to a disk that was marked for future identification by reference as item number GF-1, and later submitted into evidence.

I began the interview by informing Officer McElhaney that the nature of our investigation was criminal, that he was being questioned as a witness, and that his decision to give this interview was voluntary. He acknowledged this, and when asked, said he had ample time to discuss the incident with Mr. Murphy before being interviewed. I then asked him basic questions about his years of law enforcement experience and shift assignment before asking him to give me a free flowing, detailed, narrative of what occurred, beginning from the time when he first became aware of the call for service, until his involvement stopped. The following is a summary of what Officer McElhaney told Detective Toney and me about this.

According to Officer McElhaney, he has been employed by the City of Santa Rosa as a police officer for almost 4 years. Before that, he said he was a police officer with the City of Cotati for 5 years. He said on this particular shift he was working overtime, but usually works the "William Team," Friday thru Sunday from 3:30 PM until 3:30 AM. His assigned shift that night was graveyard and began at 9:00 PM, saying he was working zone 8 and his call identifier was Union 8. When asked, Officer McElhaney said he is certified to determine if someone is under the influence of controlled substances. In addition, Officer McElhaney said he was injured on-duty in April and just returned from a light-duty assignment.

Concerning the event, Officer McElhaney said he does not recall what time it was, but he was at the station writing a report when he heard Officer Ferrigno, call designator Union 6, and another unit, get dispatched to the event in question. He said his understanding was that the reporting party (RP) called to say a doctor was being held hostage at the residence. He said initially he stayed at the station and continued to write his report.

Officer McElhaney continued and said a few minutes later he heard Sergeant Celli leave his office and tell dispatch to attach him to the call. A few minutes later he said he heard Sergeant Celli`s voice on the radio broadcasting, "We have combatant" and heard someone yelling in the background. At that point Officer McElhaney said he switched his radio to Channel 2 and attached himself to the call before switching back to channel 1 and leaving the station.

According to Officer McElhaney, as he was leaving the station he heard over the radio Sergeant Celli request a, "Code-20," and also heard a lot of yelling, speculating it was the, "Subject in the background yelling over Sergeant Celli." Next, he said he heard units on the scene request medical personnel respond Code-3, and also heard, "Code Blue, starting CPR." He said he responded to the scene Code-3 and when he got there he said he parked his car, got out, and began looking for the apartment. While looking for the apartment he said the ambulance came into the complex with their lights on and he had a quick conversation with them in an attempt to identify where the apartment was. They decided which apartment it probably was and he said he got into the ambulance for the sake of time and rode with them to the scene.

When they arrived there, Officer McElhaney said he got out of the ambulance and saw Officer Woods who directed him to the left where the apartment was located. Officer McElhaney then recalled that earlier, he heard Sergeant Celli broadcast information concerning a subject, who was the (RP), outside the apartment with a couple of dogs and another subject inside the apartment that needed to be contacted but who was not necessarily a threat. Officer McElhaney said he ran inside the apartment and saw,

who he believed was Officer Wellington, standing there with a subject [redacted]), saying they were engaged in a calm conversation. Officer McElhaney then described the apartment as being small, saying it was about 15 to 20 feet from the front door to the back bedroom.

When he went to the back bedroom, Officer McElhaney said he saw Sergeant Celli on his knees performing chest compressions on a subject. He said he believes Officer Ferrigno and Officer Brandt were in the room with Sergeant Celli. He said they asked where medical was and he told them they were behind him. He said they told him to have medical, "Step it up," and when he ran back out to check, said the medics were coming through the door with the gurney. To assist them, Officer McElhaney said he moved some furniture out of the way to clear a path for them and they "Took over." He said Sergeant Celli told the officers present that if they weren`t recording (personal voice recorders) they should begin and started assigning jobs for officers to do. Officer McElhaney said he turned his recording device on and was assigned to make sure nothing was disturbed inside the scene, and to take photographs when the opportunity presented itself.

He continued and said Officer Dave Phillips went to his patrol car, which was parked in front of the apartment, got his camera, and gave it to him so he could take photographs. He then said, "Tried to make sure no one moved anything and we were standing by while the medics worked on the suspect," saying that went on for what seemed like a long time. He said he heard the medics say they had gone through their "rounds" a couple times, explaining, "They were working on him pretty hard and they had him hooked up to a machine that I don`t know what it is called but it provides chest compressions." He then said that the fire fighters came in within a couple of minutes of them getting there, and there were 5 or 6 medical/fire personnel inside the bedroom working on the suspect while, "We were outside trying to doing our thing, being busy but being responsive in case he (suspect) popped up, revived, and became combative again." Officer McElhaney then said at one point the suspect was pronounced dead by a medic whose name he does not know, and the fire and medical personnel cleared from the scene, saying the firemen left first followed by the medics. Once they left, Officer McElhaney said he went in the bedroom where the suspect was lying and took overall photographs.

Officer McElhaney then told me that Sergeant Celli was making a lot of telephone calls and doing other supervisory duties, "Getting things moving." He said he stayed at the apartment with Sergeant Celli while other officers transported witnesses to the station. He then said Sergeant Sentsinger of the SRPD arrived as did Sergeant Focha of the Sonoma County Sheriff`s Office. He said he gave Sergeant Focha the camera he used to take photographs, and then drove back to the station to finish his in-custody reports, and to sit with Officer Burg believing he was sequestering him. He said he stayed with Officer Burg until it was decided that he should be sequestered as well.

After Officer McElhaney completed his narrative of his observations and involvement in this incident, I briefly repeated back to him in essence what he told me concerning his initial arrival at the apartment and his observations concerning Sergeant Celli performing Cardio Pulmonary Resuscitation, asking him who else was in the bedroom with Sergeant Celli. He said to the best of his recollection, admitting it was somewhat, "cloudy," Officer Brandt, and Officer Ferrigno were inside the bedroom with Sergeant Celli. I then asked him what he saw those two officers doing. He said he was not sure, explaining there was a lot of movement in and out of the room between Brandt and Ferrigno. He further explained that no one was standing in one place very long as they worked to secure the scene.

I then told Officer McElhaney I noticed a Maximum Restraint Cord in the apartment when I walked through to view the scene, asking him if he saw the restraint being applied to the decedent. He said he was not present when that occurred, explaining the cord was on the floor when he arrived. In addition, Officer McElhaney said when he arrived it was difficult to see the suspect because of all the personnel present, but he could see he was naked and laying on his back, and CPR was being performed. He then said that afterwards when he took photographs, he saw that there were two pairs of handcuffs (one pair on each wrist) on the suspect, but they were loose (not connected). In addition, he said the Maximum Restraint Cord was lying on the floor in the hallway.

I then asked Officer McElhaney if he heard any conversations that would have given him any indication as to what occurred before he arrived at the apartment. He responded by telling me there were many, "Collateral conversations going on" that he heard portions of, indicating the suspect`s demeanor would escalate, de-escalate, and then escalate again. He said the officers were trying to talk the suspect down, telling him to calm down, that they were there to help him, and no one wanted to hurt him, but he was flailing and kicking. He acknowledged this was information he heard from other officers that were talking amongst themselves.

I then asked him if he had any direct conversations with the officers who were there when he arrived concerning what occurred

before he got there. He said he asked Sergeant Celli if any, "Blows were thrown." According to Officer McElhaney, Sergeant Celli told him, no, they were just trying to calm him down. He then said it was his understanding the suspect was kicking and punching, but not the officers, who were trying to de-escalate the situation. Officer McElhaney said he was at the scene for about an hour and then described the photographs he took. He also said he had never been to the apartment before or had any prior dealings with the deceased subject. After Officer McElhaney described for me the photographs he took at the scene, I asked him if he recalled who it was that pronounced the suspect dead. He told me it was one of the medics from Sonoma Life Support, and although he knows who this person is, he does not his name.

Next, I mentioned to Officer McElhaney that earlier in the interview he said he began recording what was being said in the apartment, asking him when that was. He said he activated his recorder a couple of minutes after he arrived at the apartment. He further explained that he arrived, and then a short time later the medics arrived. He said once they went inside, Sergeant Celli had a chance to focus on other tasks and said as a general statement if you`re not recording, you should be. When asked, Officer McElhaney said the recorder he used was in his pocket.

After learning this, I asked Mr. Murphy if he had an opportunity to listen to the recording. After a pause, he said they did not get a chance, in essence explaining that he could not discuss with Detective Toney and me what anything he and Officer McElhaney did or discussed in private. I explained to Mr. Murphy that we wanted that recording and he said, "Absolutely."

I then asked Officer McElhaney if he had ever been to the apartment where this incident occurred. He said he had not. Next, I asked him if he had ever had any dealings with the person they were performing Cardio Pulmonary Resuscitation on. He said not that he was aware of, but that he does not even know the person`s name.

I then asked him if he saw anything being done out of the ordinary, and were things, in his opinion, being done properly. He responded by saying, "Absolutely, it was done very professionally, and I think they were working very hard to revive him when I arrived, in terms of medical" saying he was there about 30-40 seconds before care was turned over to the medics who were, "Right behind me." He said the firemen arrived approximately 5 minutes later. And when asked, Officer McElhaney said he saw nothing out of the ordinary concerning how the medics and firemen responded to the situation. My final question for Officer McElhaney was to establish, how long he thought he was there at the scene. He told me he thought it was about 1 hour.

Detective Toney said he had no questions for Officer McElhaney and I asked Mr. Murphy if he had any. He stated to Officer McElhaney that during his statement he talked about the suspect`s resistance related to kicking and punching, and his overall demeanor over the course of the incident, asking him if that information was gleaned from parts of conversations he heard and that he was not personally there when those things occurred. Officer McElhaney responded by saying he was not personally there for any of that, and that when he arrived, CPR was being performed on the suspect in an effort to try and save his life. The interview concluded at approximately 1050 hours.

The recording of this incident that was captured on Officer McElhaney`s digital voice recorder was downloaded from his recording device by Detective Buergler and given to Detective Toney who marked the disk for future identification by reference as item number JT-9, and later submitted it into evidence.

I listened to the recording in its entirety and found it to be consistent with what Officer McElhaney, and later Sergeant Celli, both said about what occurred inside the apartment once the suspect became unconscious and medical personnel arrived.

INTERVIEW WITH SERGEANT RICH CELLI by DETECTIVES FREITAS AND TONEY

10/16/13 @ approximately 1425 hours, Detective Jeff Toney and I began interviewing Sergeant Rich Celli inside room [redacted] at the [redacted] in Windsor. Present during this interview, and representing Sergeant Celli, was Julia Hickman from the law firm Raines, Lucia, and Stern. The interview was recorded by me and Ms. Hickman on separate digital recorders. My recording of the interview was later transferred to a disk, marked for future identification by reference as item number GF-2, later submitted into evidence

The following is a summary of the interview with Sergeant Celli. For a complete account of this interview, refer to the audio recording, and the transcript that is attached to this supplemental report.
After introductions, I began the interview by informing Sergeant Celli that I was conducting a criminal investigation into this matter and that he was being interviewed as a witness. I then established that the statement he was about to give was voluntary, and at any time he could, if he so chose, not speak to me and would be free to leave. After acknowledging that he understood

this, I asked him if he had ample time to prepare for the interview, to which he replied, yes.

According to Sergeant Celli, he has been employed by the City of Santa Rosa as a police officer for almost 23 years, has been a supervisor for 7 years, and currently works the patrol graveyard shift (2100-0700) Monday through Thursday, which is a uniform assignment. According to Sergeant Celli, his duties as a sergeant include supervising a team of approximately 8-10 patrolmen. He said he oversees his subordinates` patrol duties throughout the shift and conducts employee evaluations related to job performance. In addition, Sergeant Celli, when asked, said he has had specialized training and assignments to include working as part of the Neighborhood Enforcement Team, as a detective in the Narcotics/Vice Unit (5 years), Field Training Officer (5.5-6 years), Neighborhood Revitalization Unit/C.O.P. Unit (1 year), Sergeant of the Field Training Officer program (1 year) and almost 14 years as a member of the Special Weapons and Tactics Unit (SWAT) where he was a sergeant for 7 years.

Next, I asked Sergeant Celli to describe his uniform and duty belt equipment, any drugs or medications he has been taking (Tylenol), whether or not he consumed any alcohol within the last 24 years, which he had not, when he last ate and slept, when he arrived at work that night, and whether or not he received any injuries as a result of this incident. Concerning injuries, Sergeant Celli said his back was, "A little sore."

I then asked Sergeant Celli to provide for us a detailed summary of the incident, from the time he became aware of the call to when it concluded. In summary he said the following. That at approximately 0300 hours he was in the Sergeant`s office when he heard units being dispatched to [redacted] Shadow Lane regarding a subject being held against his will inside the residence. He said his understanding was that the person calling was doing so from outside the apartment and the person being held against his will was a doctor.

Sergeant Celli continued and said two officers were dispatched to the call and he informed the Dispatch Center he was also responding. He said he left the Police Department, turned on his cars emergency lights, and drove E/B on Sonoma Avenue, telling me the call information did not upload onto his Mobile Data Computer (MDC) so he listened to updates as he drove. As he drove E/B, he said Officer Ferrigno was in front of him and they turned north on Farmers Lane and then right onto Montgomery Drive. He then said that Officer Brandt came from north to south and pulled in behind them as they continued to the call.

As they were approaching the area of Montgomery Drive and Summerfield Road, Sergeant Celli said he asked the dispatcher if there was an update concerning the location of the apartment in the complex. He said he heard a dispatcher in the background asking the caller where the apartment was. He said he and the other officers were advised the apartment in question was down the first driveway and then all the way to the back. According to Sergeant Celli, Officer Ferrigno was ahead of him when they made the turn onto Shadow Lane and he drove past the first driveway and went to the second. He said he turned into the first driveway as directed which put him in the lead position. He said he turned off his lights and approached the back of the complex where he saw a subject standing in the middle of the parking lot. He illuminated him with his flashlight, saying the man, who was later identified as, [redacted] was the person who called. He said [redacted] was being very animated by flailing his arms up and down and he was walking back and forth. He said there were two small dogs with him and he stopped his patrol car and called out to him to come to where he was. According to Sergeant Celli, [redacted] was "extremely excited" and "appeared to be under the influence" of narcotics. He said his demeanor fluctuated, and although he was able to communicate with [redacted] he had to re-focus him a couple of times and finally got him to sit on the curb.

Sergeant Celli said [redacted] told him a subject named; "Chris" was out of control inside the apartment with a man named [redacted] He said he was trying to follow along with what [redacted] was saying but it was somewhat confusing as he tried to make sense of what he was telling him. He said he asked [redacted] specifics concerning whose residence it was, who lives there, and who was [redacted] and Chris. He said [redacted] would not answer when asked about Chris, but did say he was [redacted] driver and that [redacted] was a doctor. In describing the initial encounter with [redacted] Sergeant Celli said it was, "Bizarre."

As he continued to try and get more information from [redacted] Sergeant Celli asked him how he got to where he was. He said [redacted] told him they arrived there last night after driving from Palm Springs towing a trailer. He asked him what time he thought it was and [redacted] told him it was 11:00 PM. Sergeant Celli said he asked him if he was sure about the time and [redacted] changed his time estimation to it being around 2:00 AM. Sergeant Celli again said the information he was getting from [redacted] was confusing.

While speaking to [redacted], Sergeant Celli said Officer Brandt had positioned himself to his right about 10 yards away, saying he was listening to parts of his conversation with [redacted] while at the same time watching towards the doorway of the apartment [redacted] pointed to which was located behind a stairwell.

Next, he said Officer Ferrigno pulled up and parked in front of that stairwell and got out of his patrol car and approached the scene while he was still evaluating the information he was receiving from [redacted]. He said Officer Brandt then told him he was going to do a welfare check of the people inside the apartment, and he said he told him to take Officer Ferrigno with him. Sergeant Celli said Officers Ferrigno and Brandt went behind the stairway and out of his view, telling me he did not hear them knock on the apartment door nor did he hear any conversation between them or anyone else, explaining that he was dealing with [redacted] who also told him at some point that Chris also drove there from Palm Springs.

As Sergeant Celli continued to gather information from [redacted] he said Officer Brandt radioed to him that he needed him inside because he was, "Dealing with a combative subject." He said he directed [redacted] to stay where he was and ran about 20 yards across the parking lot and into the apartment through the open front door. He said as he came through the front door he noted the residence was in disarray, saying there were cushions and papers on the floor and lots of furniture in the front room that was situated to the right as he stepped inside. He said to the left he saw [redacted] sitting in a chair at the kitchen table. He said [redacted] appeared upset but was not combative, and he heard Officers Ferrigno and Brandt in a "physical altercation directly in front of me, straight through."

Sergeant Celli continued and said he entered the room where his officers were and the first thing he saw was the bed turned sideways with a portion of the mattress off the box spring. He said there was a lot of furniture in this room. He said he saw Officer Ferrigno and Officer Brandt actively struggling with a naked male who was partially on the bed and floor. He said they were ordering the subject to stop resisting while also ordering him to give up his hands. Next, he said Officer Brandt asked him to take one of the suspect`s arms and try and handcuff him. Sergeant Celli explained that at that point he had not had a conversation with the officers concerning what occurred, explaining that they "Were in a pretty good fight with this guy. He was kicking, actively trying to kick Officer Ferrigno off of him. He was on his side but when I got there I was able to put a knee on the shoulder and roll him onto his chest a little bit better than he was. Brandt handed me cuffs I reached out for the right hand of the subject which was just over his right shoulder. I believe Ferrigno was holding onto it at the time. One of them was holding onto it while Brandt was holding on to the left hand."

Sergeant Celli then said that the subject was trying to grab the hands and fingers of the officers while still kicking. He said he pulled the subjects hand straight out and was able to get a handcuff over the wrist, and Officer Brandt reached over the top and was able to close the clasp of the handcuff securing it around the wrist. Sergeant Celli described the encounter as a "Pretty good fight" with the subject trying to push up off the bed, saying his efforts were actually moving them back and forth. He said, "We`re getting kicked off of him pretty well." He also said that as he held the handcuff, he was trying to use the cuff ring as leverage to hold it (and that hand) up and over his left shoulder to bring it back and up, while ordering him to put his hand behind his back. He said the subject then reached up and grabbed his own hair and began to pull, saying that as he did this it appeared as though he was pulling out his hair. It was then that Sergeant Celli said he realized the subject was wearing a wig. He said the wig seemed to be well attached and the subject was screaming and fighting, and then he pull it off and it was in his hand and got wrapped up in the handcuffs. He said the subject continued to fight and kicked Officer Ferrigno backwards as he tried to place his legs into a "Figure 4" (leg lock) to control him.

Sergeant Celli then said that he put out a request over the radio for additional units because he didn`t know what [redacted] were doing. He said he believes he mentioned that the man in the parking lot needed to be contacted and that [redacted] was "Code-4."

Sergeant Celli then said Officer Brandt was able to get the handcuff on the subject`s left hand (wrist) and was trying to pull that hand behind his back. He said he was able to get the subject`s right hand behind his back and now they were trying to get the two sets of handcuffs (one pair on the left wrist and the other pair on the right) to clasp together. While trying to accomplish this, Sergeant Celli said the subject was yelling out that he was either going to kick their ass or kill them. As a result, Celli said he asked Ferrigno and Brandt to start a recorder. He then said he recalls Officer Ferrigno pulled out what appeared to be his personal cell phone and began recording.

As they continue their efforts to control the subject, Sergeant Celli said he continued to yell, and at one point said he had been raped and that he doesn`t know who they are even though they had been identifying themselves. In addition, he said Officer Brandt, either sometime before or during, was telling the subject they were there to help him, that it was going to be ok, and for him to stop resisting. Sergeant Celli then said he got back on the radio and requested "maximum restraints," (cord used to restrain the subjects legs) and a unit for a "Code-20" (emergency). He said it takes some time for the additional unit to arrive and the subject continued to fight with them. So much so, according to Sergeant Celli, that the suspect kept getting out of the Figure 4 leg lock Officer Ferrigno put him in by bucking him off and back. Sergeant Celli said that at this point the subject was

handcuffed behind his back but was still fighting them. He said he was off to the left side of the subject with his knee on his (subject`s) left elbow and holding on to the two sets of handcuffs with his right hand. While he is doing this, he said Officer Brandt is by the subject`s head but not on it, trying to hold him down at the shoulders while Officer Ferrigno is trying to control the subject`s legs.

According to Sergeant Celli, an officer arrived with a Maximum Restraint Cord and they started to work on getting the restraint strap around the subject`s waist, all the while the subject is continuing to yell at them. Then, he said the subject went limp and Officer Brandt immediately rolled him to his right side to check on him. Sergeant Celli said when they checked on him, he was breathing. He said he knew this because when he looked down he saw he was actively breathing, describing that as his back rising and falling. He said the subject was not yelling anymore and they continued to work at getting the Maximum Restraint Cord in place and secured. To accomplish this, Sergeant Celli said, "I pull it across and Brandt reaches underneath. We get it across and then I start trying to make a knot on the side of his waist." He said he was trying to get the cord as tight as possible, but since the subject was not wearing any clothes, it was not very tight.

Sergeant Celli continued and said that at some point the subject began fighting again and starts to kick Officer Ferrigno off of him. He said Officer Woods, who is now there, gets on the subject`s legs to assist in holding them down. The subject begins yelling again saying that one of his eyes is bulging out of his face. Sergeant Celli said the subject was face down and he looks at his face and determines his eyes are not bulging. Then, Sergeant Celli said he was able to start wrapping the ankle and legs with the remainder of the Maximum Restraint Cord, and at some point while doing this, the subject said something like, "Hail Satan, or something about the devil." At about the same time, Sergeant Celli said he was securing the clasp end of the Maximum Restraint Cord around the ankles when the subject went limp and was no longer responsive.

Sergeant Celli then wanted to clarify that prior to that he requested medical respond Code-3 to his location. He said he made this request either before he began applying the restraint cord, or as he got it on the right hand side of the subject. He said he made this request because he knew they were not going to be able to transport the subject (in his combative state).

He said both he and Officer Brandt saw that the subject was limp and they rolled him up on his right side and turned him over so he was chest up, seeing now that his eyes were rolled back. He said he and Officer Brandt immediately start giving the subject sternum rubs and ordered him to wake up, explaining that to him, it was obvious the subject was not waking up. He then said that he began telling the officers to take off the restraints. He said he pulled off the restraints and let the officers know he was going to remove the handcuffs as well, reminding them to be prepared to grab his arms in the event he starts to fight again.

Sergeant Celli said he removed the handcuffs from both his arms/wrists and rolled him onto his back and they slide him onto the floor with his chin up and in position to start Cardio Pulmonary Resuscitation. According to Sergeant Celli, he announced on his radio that the subject has gone, "Code-blue," and he was starting CPR. He said the subject`s legs were extended out straight, his hands were out to his side, and he performed chest compressions until the ambulance and fire personnel arrived.

He said when medical personnel; arrived, he informed them the situation was narcotic related and they had not used a Taser or the carotid (restraint). Sergeant Celli added or, "Any force that would have no positional asphyxia type things." He then said, "Jason (Brandt) at one point even said, hey, let`s make sure he`s in a good position to breath. We really paid attention to that the entire time making sure we were not on top of him and we were allowing him to get plenty of air and some space." He then said that once the medics got there, he got up and they took over performing CPR on the subject, saying he explained to them what they had done prior to their arrival. He said he then began ordering the officers who were there to do different things.

One of the things he did was to direct Officer Wellington to turn on her digital recorder and contact [redacted] who was still in the kitchen. He said he also told other officers to turn their recorders on if they spoke to anyone. In addition, he said he told Officer McElhaney to get a camera and take photographs of the scene to include the first responders (fire/medics). He said Officer Ferrigno was standing in the hallway and he had him keep his recorder turned on. Also, he had officers Woods and Burg contact [redacted] and the upstairs neighbor on the landing of the second floor apartment.

As the medics continued to work on Chris, Sergeant Celli said they continually provided him updates, and he asked the dispatcher to have the on-call Lieutenant give him a call, also informing them that at that time, it appeared as though the incident would be an in-custody death.

By now the situation had stabilized so Sergeant Celli said he had officers Ferrigno and Brandt drive back to the station. He said he also had Officer Phillips, who had been at the scene but not given a roll; go to the station as well to sit with them as a

sequestering officer. Sergeant Celli then told us that at that time he did not realize how much of a role Officer Woods and Officer Burg had during the incident and had them transport [redacted] back to the station. He said he spoke to [redacted] who agreed to go back to the station so he had Officer Wellington drive him back.

Sergeant Celli then said that he notice the medics were talking to one of their supervisors inside the apartment and saw that [redacted], a fire supervisor was there as well. He said they asked him if a Taser or the Carotid Restraint was used during this incident and he told them, no.

Sergeant Celli then recalled that before [redacted] were transported to the police station, one or both of them mentioned that Chris had used "crystal." He said he does not know what time frame they were referring to when they said this. Concerning that, Sergeant Celli said he believes the ambulance supervisor said he may have seen burn marks on the inside of Chris`s mouth/lips that may be attributed to smoking a pipe, but he never saw that.

Next, Sergeant Celli said Sergeant Focha from the Sheriff`s Office arrived and he briefed her and then he returned to the police station and sat with another supervisor in the Sergeant`s Office until he left and came to the hotel.

When Sergeant Celli finished his initial narrative of the incident, I asked him questions to clarify certain aspects of what he already said about the incident. Sergeant Celli said when he first arrived and contacted [redacted]; he parked his patrol car 30-35 yards away from him and was approximately 25 yards away when, based upon his demeanor, he had him come to where he was and sit on the curb. I then asked Sergeant Celli, based on his training and experience, did the actions of [redacted] when he first saw him, lead him to believe he was under the influence? Sergeant Celli responded by saying, "Yeah," of a controlled substance that was probably methamphetamine or cocaine.

I then asked Sergeant Celli if he heard anything coming from the direction of the apartment while talking to [redacted]. He told me he wasn`t focused on the apartment, saying he didn`t hear anything until Officer Brandt said he was going to check on things in the apartment. He further stated that he didn`t hear anything when Officer Ferrigno and Officer Brandt moved over to the apartment, saying he was focused on trying to figure out what they had. I then asked him if he briefed officers Ferrigno and Brandt. He said when Officer Brandt heard the conversation between him and [redacted]; it was because he (Brandt) was standing there and could overhear what was being said. He said Officer Ferrigno drove up, and when Officer Brandt saw he (Celli) was ok with [redacted], he went and conducted the check welfare inside the apartment. Sergeant Celli added that to that point he did not have enough information to know what they had so he did not make a plan of action.

When asked about whether or not he was able to get any more information about what occurred from [redacted], Sergeant Celli said [redacted] told him he had been inside the apartment. He then said he heard that [redacted] had been held against his will in the apartment for approximately 4 hours by Chris, and that he fled out the back to make the phone call, explaining he was able to flee when Chris turned his attention to [redacted] and away from him. According to Sergeant Celli, he didn`t know if [redacted] actually told him this or someone else told him [redacted] said that.

I then asked Sergeant Celli if he was talking to [redacted] when he heard there was a struggle inside the apartment. According to Sergeant Celli, he heard Officer Brandt on the radio calling for him to come inside because they needed help. He said he believes Officer Brandt said they had a combative person or something to that effect, telling me he knew then it was a fight.

I then said, "So you walk up to the front door, door open?" Sergeant Celli responded by saying, "Yes." I then asked him about the lighting conditions inside the apartment. According to Sergeant Celli, the apartment was well lit and [redacted] was to his left and sitting in the kitchen area. I then asked him as he stepped inside the apartment, what were his senses telling him. He said he heard a struggle ahead of him. He then described the layout of the apartment to include a doorway in front of him. He said he approached the open doorway and saw officers Ferrigno and Brandt "Engaged in a fight," with the suspect, and he immediately step inside the room to assist them.

Next, I asked Sergeant Celli to explain what he saw. He said, "As you come inside the bedroom the bed is directly in front. Where the bed frame would be its positioned a little to the right like it had been moved to the right. The mattress was further to the right, so now it`s off-angle. The suspect is essentially lying over the top of the mattress trying to get up onto his knees. Officer Ferrigno is over the top on the right side, either pulling on his legs and trying to reach for that left or that right hand, and Officer Brandt is stuck in between the box spring, door, and a set of Chester drawers to the left, and he`s wedged in between those, and he`s holding onto the left hand he may actually be trying to hold both. He`s on top of him trying to keep pressure to just keep him down. That`s when I come over the top and go in between the two of them and I focus on that right hand trying to get it

away."

I then asked Sergeant Celli to describe for us, in detail, the actions of the suspect to resist their attempts to control him. He said the suspect was yelling at them but he was not sure what he was saying. He said he was trying to pull his arms back in and away from them, and trying to get up. He said he was kicking Officer Ferrigno back trying to get him off of him. He said they were collapsing on the suspect trying to get him broken down off his base and to a prone position. He said the suspect would build back up to his base (hands and knees) and then he said, "Officer Brandt and I are unable to keep his shoulders down we`ve got him fairly well contained chest wise. He`s coming back up but we are able to use our leverage with our elbows and arms to hold on to his I remember my arms going across his right shoulder blade and grabbing onto his wrist and holding on to him that way so he has no way to bring that shoulder up and back."

I then asked Sergeant Celli if he was concerned that if the suspect got to an upright position, that he would have an advantage. He responded by saying, "Oh yeah, the fights on again, absolutely. At that point we have limited control. We`ve got enough to keep working, but in my mind set, was that if this guy gets up we`re in the middle of it and I`ve got no idea what`s in the room."

I then asked Sergeant Celli, based on his training and experience, would it be safe to say that it`s easier to control someone in a prone position as opposed to someone who is in an upright position? He responded in essence by telling me the prone position is safer. I then asked him if it was common procedure to put someone you were struggling with or fighting with into a prone position because it is safer for both the officer and the suspect. He said, "Yes, the whole object here was to get him safe, to get him contained." And when asked about what commands were given to the suspect, Sergeant Celli said they told him to stop resisting and ordered him to release his hands and arms and comply with their commands. In addition, he said Officer Brandt was letting the suspect know they were there to help him, but he continued resisting.

Next, I asked Sergeant Celli if, other than trying to get control of the suspect`s arms and legs and trying to get him into a prone position, did he, or did he see, either one of the other officers strike the suspect. According to Sergeant Celli, he said at one point the suspect tried to bite (at the officers) and grabbed the finger tips of his (Celli) right hand as he was trying to hold onto the handcuffs. He said it was then that he said he struck the suspect on his right shoulder blade, one time, with a closed fist. Sergeant Celli said that was the only strike he was aware of that was delivered. Concerning that strike, he said it worked because the suspect`s hand let go (of his) long enough to allow him to change his grip.

I then asked Sergeant Celli how long had they been struggling with the suspect before the Maximum Restraint Cord arrived there. He said it was a couple of minutes, speculating it was 2 to 4 but not 5 minutes because in his estimation, the cord got to the scene pretty quickly. He did acknowledge that one`s sense of time distorts under those circumstances. He also said it was Officer Wellington who arrived with the cord and she dropped it over his right shoulder and onto the floor and he picked the device up.

When questioned about the type of training officers receive related to the application of the Maximum Restraint Cord, Sergeant Celli said they receive training during their Advanced Officer BLOC Training that consists of the proper application procedures while the suspect is handcuffed. In essence, he said they are taught how to immobilize the legs, secure the cord around the waist, and to secure the hasp-end around the legs and pull as tight as you can, knowing that generally it never gets tight enough. He said they used to teach, "Going over the handcuffs," but no longer do that, saying instead, they now bring the portion of the cord that is secured around the waist, over to the side. In addition, he said they also teach to make sure the person is turned up to a position where they can breathe. I then asked Sergeant Celli if officers receive annually refresher training related to the proper application procedures. He said he thought it was annual training, but could be bi-annually, saying he didn`t know. When asked about whether or not the Santa Rosa Police Department has a policy regarding the Maximum Restraint Cord, Sergeant Celli said, "Yeah there`s documented training on it."

We then talked about the Figure 4 leg-lock position as it relates to the application of the Maximum Restraint Cord. Sergeant Celli described the process as essentially trying to get one leg across the other leg and then putting the trailing leg up and over the first leg, which locks the first leg underneath the now top leg. He said it is called the "Figure-4" because once the legs are in the proper position; they resemble the number, 4. He said the goal is to try and get the person`s feet as close to their buttocks as possible to keep them from flailing and kicking.

I then asked Sergeant Celli if the suspect was still struggling after both sets of handcuffs were secured to his wrists. He said yes, he was still struggling. I then asked him if he was still trying to get up to a base position or a "half-base position" because his hands were secured behind his back. He said, yes to that as well, explaining the suspect was still trying to push up with his chest

and still trying to get his legs underneath him by kicking Officer Ferrigno off of him.

Then I asked Sergeant Celli how many times the suspect kicked either him or the other officers. He estimated it was 3-5 times. I asked Sergeant Celli if he was kicked by the suspect. He said he was not because he was off to the left side of the suspect, explaining that he simply moved out of the way of those kicks. He then said Officer Ferrigno was concentrating solely on securing the suspect`s legs and he was just trying to keep the suspect from reaching out and grasping Officer Ferrigno`s hands. And when asked, Sergeant Celli said it was Officer Brandt who was trying to control the suspect`s upper body by placing one hand on the suspect`s shoulder and his other hand may have been on the suspect`s left hand/arm. Concerning that, Celli said he does not recall Officer Ferrigno pushing on the head or neck of the suspect, saying when the suspect would flail; Officer Ferrigno would re-focus on trying to secure his legs.

I then asked Sergeant Celli if he ever felt like he was losing control of the suspect. He said, no, because they were applying constant pressure on him to maintain that control, describing it as, "Sustained resistance the entire time." He then said, "I recall Officer Brandt grunting trying to use what force he could to get that hand behind his back and keep it there." "Then I would do whatever I could to keep him from scratching and biting. I do remember at some point Officer Brandt moved to the front of subjects head and the guy lifted his head and started spitting at Officer Brandt, saying he told him not to spit." He said at that point Officer Brandt had his hands on the suspect`s right shoulder.

Concerning the position of the suspect`s body, I asked Sergeant Celli if he was still on the bed at that time. He said he was, describing the position as being across the corner of the bed with his chest and head on the box spring while his legs, feet and knees were off the bed. In other words, Sergeant Celli said the suspect was on the bed from the waist up.

I then asked him at what point when he was trying to control the suspect, did he get the sense that he (suspect) had calmed down. According to Sergeant Celli, it appeared as though the suspect had feigned fainting. He said he thought he was trying to catch his breath, which in his opinion, was what he was doing when he began fighting again. Sergeant Celli said, "As soon as I saw that he had, he stopped kicking and actively twisting and rolling his hands and scratching and yelling, that`s when Officer Brandt and I checked his breathing. Saw that it was working and we immediately went back at trying to get the restraints there. And then as we were doing that he comes right back to. Whether he had been passed out or whether he was just taking a break, I don`t know."

Sergeant Celli, when asked, said he did not smell any alcohol coming from the suspect. I then asked him to describe for me the suspect`s breathing, asking him if his breaths were fast paced and his respirations full. He said he did not pay attention to the suspect`s breathing that way, saying he was in a fight and doing a lot of yelling. In addition, Sergeant Celli said, "I imagine he was just like me. At the end I was out of breath. We were in a fight."

When I asked Sergeant Celli if he was giving commands during this struggle, he responded by telling me, "The entire time." I then asked him if those commands seemed to work. He said, "Maybe for the right hand getting it turned briefly, long enough I don`t even know about that because we were giving commands and I was able to get that hand back. But it might have been that I just used enough torque to get that arm bar turned and enough leverage there. The left hand, no way, um he was having none of it. Officer Brandt had to doing everything he could to pull it out straight, roll it over and drive it back. And then the kicking never, it didn`t stop, it kept on going." And when asked if the Figure-4 leg lock was successful, he said, "Yeah, it took a long time to get those cuffs together. I was pulling towards his left side; Officer Brandt was pushing that left hand to the right side and both towards the middle of the back. We were finally were able to do it and the entire time he was still kicking and fighting against that and against the Figure-4. Officer Ferrigno, he would have to keep on re-applying it. At one point the fig-4 came all the way out, his legs came out all the way straight. I only saw it once where he completely bucked Officer Ferrigno off, and he had to reengage."

Concerning the application of the Maximum Restraint Cord, Sergeant Celli said he stripped it (cord) out straight, found the ring, and tried to move it under the suspect`s left side. He said he was still fighting at that point and they were still trying to apply the Figure-4 Leg Lock. Sergeant Celli continued and said every time he would try and lift up the suspect (to get the cord underneath him) the suspect would get the leverage to kick out. He said they rolled him to his left side far enough for Officer Brandt to reach down, and as the suspect rolled back onto his belly, he was able to reach in and pull the cord out far enough where he (Brandt) could loop it and then he (Celli) pulled it across with a loop on the left side of the suspect`s hip. Sergeant Celli said he then tied a knot, albeit one that was not very good, to the portion of the cord that was around the suspect`s waist.

I then asked him if he handed the clasp end of the Maximum Restraint Cord to Officer Ferrigno once the cord was secured around

the suspect`s waist. He said because officers Ferrigno and Woods were still trying to control the suspect`s feet, he started wrapping the cord around his ankles. He said he saw the cord around the ankles wasn`t going to be tight enough so he wrapped it one more time and brought the hasp end to the ring and attached them together. He said it at that point they realized the suspect stopped fighting and had, "Obviously gone down."

Sergeant Celli continued and said once they realized this, they immediately rolled the suspect onto his left hand side and Officer Brandt started yelling at him to wake up. He said they rolled him over a little further and both he and Officer Brandt began giving the suspect sternum rubs (used to wake up an unconscious person) and commands. Sergeant Celli then said the suspect wasn`t responding to the rubs and verbal commands so he rolled him over further so he could check him for a pulse, explaining he reached down and checked the right side of his neck but didn`t feel a pulse. Next, he said he rolled him back onto his belly and told everyone he was going to remove the Maximum Restraint Cord and handcuffs, which he did. Once the restraints were removed, Sergeant Celli said the suspect was rolled back onto his back and all three of them pulled him off of the box spring mattress and onto the floor. When they got him to the floor, Celli said the suspect`s head was tilted and he immediately started performing Cardio Pulmonary Resuscitation, which consisted of chest compressions only. Later in the interview Sergeant Celli would tell us that they receive updated training on the proper CPR procedure, but didn`t know when the last time was.

According to Sergeant Celli, before he started performing Cardio Pulmonary Resuscitation, he broadcast on his radio that the suspect, "Went code-blue" and he was starting CPR. He said he performed compressions on the suspect until medical personnel arrived a couple minutes later. When asked, he said he believes it was the ambulance medics that arrived first, and that it may have been a fireman who relieved him and took over chest compressions.

Next, I asked Sergeant Celli where he went once the medics and firemen arrived. He said he stepped out of the room and went to the living room and began directing officers to turn on their recorders, while Officer Ferrigno stayed with the suspect. He said he does not know where Officer Brandt went. When asked if he carries a recorder, Sergeant Celli, in essence, said he uses his personal phone as a recorder, but was not in a position to turn it on when they were fighting with the suspect.

Concerning which officers turned on their recorders, Sergeant Celli said Officer McElhaney told him he did, and then he saw Officer Ferrigno activate his. He said the officers let their recorders run for a long time while they were talking to individuals, including Officer Wellington who spoke to [redacted]. He said at some point he had them turn their recorders off.

I then asked Sergeant Celli if he knew who pronounced the suspect dead. He said he didn`t, but that it was probably the ambulance medic. He said someone from the bedroom yelled, "10-55," or "We`re done." He said he heard them talking to Memorial Hospital telling them they were going to stop working on the patient, saying they finally stopped their efforts.

Next, I asked Sergeant Celli if he watched any of the medical procedures they were performing on the suspect in their attempts to save his life. He said he saw them put a chest compression device over his chest and believes they secured his arm so he wouldn`t flail. In addition, he said he heard them talk about giving the suspect some medications, but don`t know what they were.

Next, I asked Sergeant Celli if he could recall, with any specificity, what the suspect was yelling at them when they were fighting to control him. He said the suspect had threatened them but he could not recall, saying "I know they were there, don`t know if it was, I`m going to get you, threats of harm. He was all over the place."

I then asked Sergeant Celli what sternum rubs were designed to do. He responded by telling me they are designed to wake someone up who is unconscious.

I also asked Sergeant Celli if there were any conversations he had with anyone, or did he overhear any conversations between officers about the incident that he believes we should know about. He responded by telling me that once Officer Ferrigno, Officer Brandt, and him were no longer dealing with the suspect, he told them not to talk to each other about the incident, and to wait to be interviewed.

After the above question, I deferred to Detective Toney and asked him if he had any questions for Sergeant Celli. Detective Toney mentioned to him that earlier he said he did not smell any alcohol on the suspect, to which he responded by telling him that was accurate, he did not detect any. Detective Toney then asked Sergeant Celli, based upon his training and experience, did he form an opinion as to what was causing the suspect`s demeanor. He said that although he did not have a chance to conduct a formal evaluation, it appeared to him the suspect was in a [redacted]" brought on by being under the influence of a stimulant. This, he

said, was based upon the different things he was yelling, and his, "Rage."

Julia Hickman then asked Sergeant Celli when was it that he first attempted to summon the medics. He said it was right around the time they were trying to secure him with the Maximum Restraint Cord. He then said he didn`t know if it was before the suspect feigned being limp, or when he went limp the first time, saying it could have been at that time. According to Sergeant Celli, he saw he was breathing and went ahead and called for the medics to respond. Ms. Hickman then asked him why he did that. He said the reason was twofold, explaining that there was some type of obvious emergency with the suspect, and they were not going to be able to transport him. He then said, "And then kinda protocol. That type of situation, why not have the ambulance there, why not have medical on stand-by in case they are needed."

Ms. Hickman then asked Sergeant Celli when it was that he first attempted CPR. He said after the sternum rub did not work, and after he looked at his eyes and saw that they were rolled back and he was obviously not responsive and breathing, it was at that time. When asked, Sergeant Celli said he began performing Cardio Pulmonary Resuscitation as quickly as he could when he realized the sternum rub was not working and the restraints were removed.

After that question, Detective Toney and I stepped out of the room to confer with those that were monitoring the interview from another room. It was decided that no other questions needed to be asked and we returned to the room and ended the interview with Sergeant Celli.

After interviewing Sergeant Celli, I sat in on Detective Toney`s interview with Officer Brandt. Refer to his report for details of that interview. At the conclusion of the interview with Officer Brandt, I monitored Detective Toney`s interview with Officer Ferrigno, and left the hotel.

There is nothing further at this time.

ATT - FREITAS, G - 04/14/2014
Written by: **Freitas, Gary 110548**
Date/Time: **04/14/2014 16:51:08**

Transcript of interview with Sergeant Rich Celli of the SRPD

ATT - TONEY, J - 04/23/2014

Written by: **Toney, Jeffery 1101041**
Date/Time: **04/23/2014 14:07:12**

Transcript of audio recorded telephone interview with [redacted], sister of suspect Christopher Augustin.

ATT - TONEY, J - 05/06/2014
Written by: **Toney, Jeffery 1101041**
Date/Time: **05/06/2014 09:44:08**

Transcripts of telephone interview with [redacted].

ATT - TONEY, J - 06/05/2014
Written by: **Toney, Jeffery 1101041**
Date/Time: **06/05/2014 14:20:56**

Transcripts of audio recorded interview with SRPD Officer Jason Brandt.

ATT - TONEY, J - 06/05/2014
Written by: **Toney, Jeffery 1101041**
Date/Time: **06/05/2014 14:26:19**

Transcripts of audio recorded interview with SRPD Officer Kenneth Ferrigno

ATT - TONEY, J - 06/05/2014
Written by: **Toney, Jeffery 1101041**
Date/Time: **06/05/2014 14:59:05**

Transcripts of audio recorded interview of Sonoma Life Support/AMR EMT Paramedic [redacted]

ATT - FREITAS, G - 06/10/2014
Written by: **Freitas, Gary 110548**
Date/Time: **06/10/2014 12:18:56**

Transcript of interview with SRPD Officer MeElhaney

ATT - CUTTING, B - 07/11/2014
Written by: **Cutting, Brandon 1101641**
Date/Time: **07/11/2014 11:33:41**

Attached Transcription from interview with [redacted].

ATT - TONEY, J - 07/17/2014
Written by: **Toney, Jeffery 1101041**
Date/Time: **07/17/2014 15:24:15**

Attached transcripts of audio recorded interview with [redacted].

ATT - TONEY, J - 07/17/2014
Written by: **Toney, Jeffery 1101041**
Date/Time: **07/17/2014 15:34:23**

Detective Cuttings audio recorded interview with SRPD Officer Jeff Woods

FLUP - TONEY, J - 07/17/2014
Written by: **Toney, Jeffery 1101041**
Date/Time: **07/17/2014 15:40:50**

Add Offense "Fatal Incident Protocol"

SONOMA COUNTY SHERIFF'S OFFICE

CORONER INVESTIGATIONS UNIT
3336 Chanate Road Santa Rosa, Ca 95404
707.565.5070 Fax 707.565.5049





Steve Freitas
Sheriff-Coroner

Lorenzo Duenas
Assistant Sheriff
Law Enforcement Division

Linda Suvoy
Assistant Sheriff
Detention Division

DEATH INVESTIGATION REPORT

☐ DEPUTY INVESTIGATION WORKSHEET
☒ CORONER DETECTIVE INVESTIGATION

SCSO CR#	CORONER CASE #:
	13-0001223

INCIDENT INFORMATION *(Areas in gray to be completed by Coroner Detective's only)*

☒ CORONER CASE ☐ STORAGE ONLY	☐ CO-SIGN ☐ NON-REPORTABLE	☒ RESPONSE ☐ NO RESPONSE	DONOR CASE:	DONOR BANK NAME:	REMOVAL SERVICE:
					J Morris

DATE/TIME RECEIVED:	NAME AND AGENCY OF PERSON REQUESTING DEPUTY CORONER: (Officer, Nurse, EMS, etc.)	PHONE #:
10/16/2013 (1200)	Sonoma County Sheriff's Office Violent Crimes Detective Mancilla	

DECEDENT INFORMATION *(Include all physical characteristics in I/LEADS)*

DECEDENT'S NAME (FIRST, MIDDLE, LAST):	DOB:	AGE:	ETHNICITY:	GENDER:
Christopher Eric AUGUSTIN	[redacted]	38	W	M

DECEDENT'S RESIDENCE ADDRESS: (Street, City, State, Zip)	HOME PHONE:
[redacted] Sunny Dunes Road [redacted] Palm Springs, Ca 92264	

OTHER INDICIA / MEDICAL CARDS, ETC. (i.e., Kaiser #):	DRIVER'S LICENSE NUMBER:	DL STATE: ☒ CA	SSN:
	[redacted]		

MARITAL STATUS:	DISPOSITION OF DECEDENT'S PERSONAL PROPERTY:
Unk	☐ BOOKED IN EVIDENCE ☐ RELEASED TO NOK ☒ SECURED IN RESIDENCE ☐ OTHER:

NEXT OF KIN NAME / ADDRESS: ☐ ADDRESS IS SAME AS DECEDENT ☐ PAMPHLET PROVIDED	RELATIONSHIP TO DECEDENT:	PHONE #'S:
[redacted]	[redacted]	[redacted]

NEXT OF KIN NOTIFIED?	IF NOTIFIED, BY WHOM: ☐ INVESTIGATING DEPUTY ☐ RP	DATE/TIME NOTIFIED:	AGENCY: ☐ SCSO ☐ AT SCENE
☒ Yes ☐ No	Det. B. Kidder (friend [redacted] at 1800 hrs)	10/16/13 (1900)	

DEATH INFORMATION *(If death occurred at a hospital, please refer to hospital Death Checklist on reverse side)*

PLACE OF DEATH (Facility Name or Address Location): ☐ SAME AS DECEDENTS RESIDENCE	☒ RESUSCITATIVE EFFORTS WERE MADE ☐ DEATH WAS OBVIOUS
[redacted] Shadow Lane apt. [redacted] Santa Rosa, Ca	

DATE/TIME OF DEATH:	PRONOUNCED BY: (Title, Name, ID#, and Agency)	LOCATION OF DECEDENT (MORTUARY NAME): ☒ CMF
10/16/2013 (0343)	Santa Rosa Fire Paramedics	

HOW WAS DECEDENT IDENTIFIED: ☒ DL PHOTO ☐ FAMILY MEMBERS ☐ OTHER:	WHO MADE IDENTIFICATION (NAME/RELATIONSHIP):
	Det. J. Haugen #855

DATE/TIME LAST KNOWN ALIVE:	BY WHOM (NAME):	ADDRESS:	PHONE #:
10/16/2013 (prior to death)	Santa Rosa Police Officers tasked with arrest.	-	-

CLOTHING DESCRIPTION:
Nude

LAW ENFORCEMENT AGENCY WITH JURISDICTION: ☒ SCSO	REPRESENTATIVE TITLE AND NAME:	OTHER AGENCY CR#: ☒ N/A
	Violent Crimes Detective Mancilla	

MEDICAL INFORMATION

DECEDENT'S PRIMARY PHYSICIAN: ☒ UNKNOWN	PHYSICIAN OFFICE #:	DATE LAST SEEN: ☒ UNK	PHYSICIAN WILL SIGN D.C.
			Coroner

MEDICAL / SOCIAL HISTORY: ☐ UNKNOWN
[redacted]

FOUND MEDICATIONS: ☒ NONE LOCATED

DRUG/ALCOHOL HISTORY: ☐ UNKNOWN
suspected methamphetamine use

If decedent's death was the result of an accident / injury, please complete the following:

DATE & TIME OF INJURY:	LOCATION OF INJURY(ADDRESS): ☐ JOB RELATED INJURY	CITY:	COUNTY:

DESCRIBE HOW INITIAL INJURY OCCURRED: ☐ Motor Vehicle Accident - DECEDENT WAS: ☐ Driver ☐ Passenger ☐ Pedestrian - DECEDENT WAS WEARING: ☐ Seatbelt ☐ Helmet

VEHICLE MAKE/MODEL/COLOR:	LICENSE PLATE NUMBER:	DISPOSITION (TOW COMPANY NAME):

NARRATIVE

SCENE DESCRIPTION:

The scene was located at [redacted] Shadow Lane apt. [redacted] in Santa Rosa, Ca. This is the "Shadow Creek Apartments" which are a multi-unit apartment complex off of Montgomery Drive, behind a small shopping center. Apartment [redacted] is a ground level apartment with other apartments directly above. Apartment [redacted] had a living room, dining room, kitchen, bathroom and two bedrooms.

SONOMA COUNTY SHERIFF'S OFFICE
CORONER INVESTIGATIONS UNIT
3336 Chanate Road Santa Rosa, Ca 95404
707.565.5070 Fax 707.565.5049

Steve Freitas
Sheriff-Coroner
Lorenzo Duenas
Assistant Sheriff
Law Enforcement Division
Linda Suvoy
Assistant Sheriff
Detention Division

BODY CONDITION AND POSITIONING:

The decedent was located in what appeared to be the master bedroom of apartment [redacted] The decedent was on his back just inside the doorway, in front of the bed which was located in the middle of the room. The decedent had his arms at his sides, completely nude and had medical apparatus attached to his body (endotrachial tube, circular leads, catheter). There were some abrasions on the decedent's left knee and right elbow. There were some blood markings on the decedent's forehead with some faded blood on the carpet near his head. I found no other obvious external trauma to the decedent. There was no obvious evidence of drug/ alcohol abuse (overdose) at the scene and no suicide note.

INVESTIGATION:

On Wednesday October 16, 2013 at 1200 hours, Sergeant Stashyn was contacted by Sonoma County Sheriff's Office Violent Crimes Detective Mancilla regarding a death at [redacted] Shadow Lane in Santa Rosa. Det. Mancilla explained that Santa Rosa Police Officers attempted to arrest the decedent at the residence and the decedent soon thereafter died. As a result of the death involving peace officers, the county wide critical incident protocol was enacted and members of the Sheriff's Office VCI unit were called in to investigate the death. Det. Mancilla told me the following in essence:

[redacted] is a psychiatrist/ mental health professional associated with the Sonoma County jail and the California Department of Corrections and Rehabilitation (CDC). [redacted] lives at the aforementioned address in Santa Rosa as well as a home in Palm Springs, Ca. [redacted] has an "assistant" by the name of [redacted] who had been helping [redacted] with moving back and forth from the two residences for the past two weeks. On Monday (10/14/2013) [redacted] picked up the decedent who also lived in Palm Springs and the three men continued the moving project.

On today's date at approximately the 0300 hour, Santa Rosa Police Department received a 911 call from [redacted] who told them that [redacted] was inside the residence being held against his will by the decedent. SRPD Officers responded to the residence and in the process of attempting to arrest the decedent he became unresponsive. Medical aid was summoned, CPR initiated and death was pronounced at 0343 hours.

Sonoma County Sheriff's Office Violent Crimes detectives were then notified and took over the investigation.

I arrived on scene with Coroner-Sergeant Stashyn where we were met by Detective Mancilla, Sergeant Molinari, CSI Detectives Rodriguez, Newton, PCI Detectives Russell, Percy and crime scene security Deputy Pabros. I entered the scene and noticed the house was in disarray. It should be noted that crime scene investigators had been searching the residence since a search warrant had been secured hours before.

The decedent was located in the master bedroom lying on his back with his hands at his sides. The decedent had no clothes on and had several medical apparatus attached to his body (see above). The decedent had no obvious external trauma to his body with the exception of an abrasion on his left knee and right elbow. There was some blood spots on his forehead and faded blood on the carpet by his head. The decedent had handcuffs on both wrists but his wrists were not bound together. I found nothing to indicate suicidal ideation and no "suicide" note was located. No obvious drugs or alcohol were located.

I took digital photographs of the scene and the decedent which I later booked into property as evidence. I also made copies for the pathologist to review and one copy for the case file.

See attached Patient Care Report (PCR) from first responding paramedics.

I contacted J Morris Mortuary Services for a contract removal of the decedent to CMF where he was eventually transported, (secured black body bag lock # 21708) registered and scheduled for a post mortem examination with a forensic pathologist from the Forensic Medical Group. Sergeant Stashyn and I followed the removal van back to CMF to preserve the chain of custody.

SONOMA COUNTY SHERIFF'S OFFICE
CORONER INVESTIGATIONS UNIT
3336 Chanate Road Santa Rosa, Ca 95404
707.565.5070 Fax 707.565.5049

Steve Freitas
Sheriff-Coroner
Lorenzo Duenas
Assistant Sheriff
Law Enforcement Division
Linda Suvoy
Assistant Sheriff
Detention Division

Sergeant Stashyn contacted law enforcement in Texas for notification of the decedent's brother, [redacted] That notification had not yet been completed by the time I was off-duty at 1700 hours. Detective Brent Kidder was briefed of the situation for any pending call back from the next of kin.

Detective Kidder later advised that he spoke to [redacted] at about 1900 hours, who had already been made aware of the death by a friend of the decedent's named [redacted] As Detective Kidder began providing some of the information regarding the death, [redacted] interrupted him telling Detective Kidder that he did not wish to hear the details, that "cops stick together" and "cover each other's backs" so he was not interested in hearing what Detective Kidder had to report. [redacted] ended the conversation by saying he would get the information he needed through a lawyer.

Forensic Pathologist Dr. A. Josselson did not request full body X-rays of the decedent.

Case pending.

CONCLUSION:

Detective J. Haugen #855

On Monday December 30, 2013, I reviewed the autopsy exam report by Forensic Pathologist, Doctor Arnold Josselson, M.D., with the Forensic Medical Group. Doctor Josselson indicated the cause of death as, "Cardiopulmonary arrest during struggle with police while being arrested in an individual under the influence of methamphetamine (excited delirium), (minutes)." With no other significant conditions listed. Toxicology tests were requested that resulted in the following:

*** All Matrix Source = Femoral Blood ***

Caffeine	Positive	mcg/mL
Naloxone	Positive	ng/mL
Amphetamine	86	ng/mL
Methamphetamine	**2800**	**ng/mL**
Hydroxyzine	30	ng/mL

Please refer to Doctor Josselson's autopsy examination/toxicology test reports for the complete findings.

I reviewed the investigation conducted by Sonoma County Sheriff's Office Violent Crimes Detective J. Toney. Detective Toney's report included statements from witnesses and exam of physical evidence which indicated that upon contact with Santa Rosa Police Department Officers and the subsequent arrest process, the decedent struggled with their efforts to be placed in restraints. The decedent soon thereafter became unresponsive and medical aid was summoned to assist the decedent to no avail. The decedent had no outward, obvious signs of injury or trauma and there was no suicidal ideation at the scene. For additional information refer to Detective Toney's investigation.

Based on the Sonoma County Sheriff's Office Violent Crimes investigation, autopsy exam and toxicology findings, I have mannered the death as "Accident" on the death certificate amendment.

Nothing further.

INVESTIGATING DETECTIVE / DEPUTY:	ID #:	APPROVED BY:	DATE:
Detective J. Haugen	**#855**		1/24/14

FORENSIC MEDICAL GROUP, INC.

Kelly A. Arthur-Kenny, M.D.
Arnold R. Josselson, M.D.
Mark A. Super, M.D.
Ikechi O. Ogan, M.D.

☒ **AUTOPSY** ☐ **EXTERNAL EXAMINATION**

NAME: AUGUSTIN, CHRISTOPHER ERIC

CASE NO. 13-1223
(SON13-306)

POSTMORTEM DATE: 10-17-2013

PLACE OF DEATH: Usual Residence

DATE: 10-16-2013
TIME: 0343 Hours

AGE: 38 **SEX: Male** **RACE: White**

AUTOPSY FINDINGS:

1. Multiple cutaneous abrasions.
2. Laceration of left upper eyelid.
3. Three scalp contusions.
4. Pulmonary congestion and edema.

CAUSE OF DEATH: Cardiopulmonary arrest during struggle with police while being arrested in an individual under the influence of methamphetamine (excited delirium), (minutes).

COMMENT: The blood methamphetamine level (2800 ng/ml) is extremely high.

HIS A-Josselson

ARNOLD R. JOSSELSON, M.D.
Forensic Pathologist

ARJ/wcp
D: 10-17-13
T: 12-11-13
F: 12-20-13

RECEIVED
JAN 16 2014
Sonoma County Coroner

The autopsy is conducted at the Sonoma County Sheriff-Coroner Morgue Facility in Sonoma, CA.

EXTERNAL EXAMINATION

The body is received in a body bag sealed with coroner's seal number 21708. After the bag is opened, the body is that of a normally developed, normally nourished man appearing the reported age of 38 years. There is no clothing on the body. The body measures 66 inches and weighs 204.5 pounds. The head is symmetrical. The scalp is covered with medium length dark hair with mild male pattern baldness. There is moustache stubble and a goatee and very long sideburns. The face is symmetrical. The irides are dark, and the pupils are round and equal. The sclerae and conjunctivae are normal. The external ears, nose and lips are normally developed. There is no evidence of fracture or hemorrhage of the nose or mouth. The buccal mucosa and tongue show no lesions. The teeth are intact and in good repair without injury. The ears reveal no evidence of trauma or hemorrhage. The neck is symmetrical and the trachea is palpable in the midline. The chest, abdomen, back, upper and lower extremities are normally developed. The abdomen is slightly protuberant, and there are no visible abdominal scars. The external genitalia are those of a normal adult male. There are no needle tracks in the antecubital fossae. There are no transverse scars on the wrists. The hands, fingers, and fingertips are intact and reveal no trauma. The back and posterior body surfaces reveal no abnormalities. Multiple tattoos on the body including the number 1975 on the anteromedial right forearm, a large unidentifiable tattoo on the anterior right forearm, a multi-colored large unidentifiable tattoo on the upper anterior right chest extending onto the shoulder, a large tattoo on the posterior right upper arm and a large tattoo on the anterior right upper arm, a large multi-colored tattoo on the left upper arm of what appears to be a devil with several pumpkins, a tattoo of a figure on the posterior left arm, a tattoo of a face on the anterior left arm, a tattoo on the anterior left upper arm of a face and what appears to be Chinese characters. There is a handcuff around the left wrist and a handcuff around the right wrist and there is an unidentifiable tattoo on the upper back. Each ear is pierced and there is a silver-colored hoop earring through each ear.

EXTERNAL EVIDENCE OF MEDICAL THERAPY

There is an intraosseous needle in the lower left leg, an endotracheal tube, an IV in the right side of the neck, a needle puncture in the left antecubital fossa, EKG and defibrillator pads on the anterior chest and abdomen.

EXTERNAL EVIDENCE OF INJURY

On the posterior lower left side is a 1.3 cm abrasion. On the anterior left knee are a 2 cm abrasion and a 3 cm abrasion. On the inferior aspect of the left knee are two tiny abrasions measuring up to 5 mm. On the anterior lower left thigh just above the knee is a faint red 1 cm contusion. On the left hip are three tiny abrasions measuring up to 5 mm. On the lateral aspect of the left side of the abdomen is a 6 mm abrasion. On the right cheek just lateral to the upper portion of the mouth is a 1.5 cm abrasion. On the chin on the right side is a 3 mm abrasion. On the right temple just lateral to the eyebrow is a punctate abrasion. On the forehead just above the lateral aspect of the right elbow are four small abrasions ranging in size from 1 mm up to 8 mm. On the superior aspect of the forehead just to the right of the midline is a linear 1 cm abrasion and just to the left of the midline is a 3 mm abrasion and in the midline an 8 mm abrasion. On the lateral aspect of the left eyebrow is a small superficial laceration measuring 1 cm. On the medial aspect of the right wrist is an area of abrasion measuring 1.5 cm consistent with the overlying handcuff.

INTERNAL EXAMINATION

The body is examined using the thoraco-abdominal and posterior scalp incisions.

HEAD:

The reflected scalp shows a 3 cm recent contusion in the right frontal area, a 2 cm recent contusion in the midline frontal area and a 3 cm recent contusion in the superior right parietal area. The calvarium and base of the skull are unremarkable. The temporal muscles reveal no hemorrhage. On removal of the calvarium, there is no evidence of epidural, subdural, or subarachnoid hemorrhage. The leptomeninges are thin and delicate. The tentorium, cerebellum, and falx are intact. The vessels at the base of the brain have a normal configuration and show no arteriosclerosis. The brain is symmetrical and weighs 1440 grams. The convolutionary pattern is smooth and symmetrical. There is no evidence of herniation, contusion, laceration, softening or hemorrhage. Multiple coronal sections show no focal abnormalities. The cerebellum, mid-brain, pons and medulla show no abnormalities. The dura is stripped and reveals no abnormalities at the base of the skull. The orbital roofs are intact and unremarkable.

NECK:

No abnormalities are noted in the anterior strap muscles, laryngeal cartilages, hyoid bone or cervical vertebral column.

BODY CAVITIES:

The pleural and peritoneal cavities are free of fluid or adhesions. The pericardium is thin and translucent and encloses a small amount of clear fluid. There are no pericardial adhesions. The diaphragm is intact and all organs are in their normal locations. The subcutaneous fat in the anterior abdominal wall measures approximately 2 inches.

CARDIOVASCULAR SYSTEM:

The 350 gram heart has a normal configuration. The coronary arteries arise normally, and follow a normal distribution. The coronary arteries show no arteriosclerosis. The endocardium, pericardium, epicardium, myocardium, and cardiac valves are normal throughout. The papillary muscles and chordae are normal. The aorta shows a normal pathway and shows no arteriosclerosis.

RESPIRATORY SYSTEM:

The larynx and trachea are intact. The right lung weighs 800 grams and the left lung weighs 740 grams. The tracheo-bronchial tree follows its normal anatomic pathway and contains a slight amount of sputum. The intrinsic pulmonary vessels are patent and reveal no thrombo-emboli. There is congestion and edema in all lobes of each lung. The cut surface discloses no focal abnormalities.

GASTROINTESTINAL SYSTEM:

The tongue, esophagus, stomach, small intestine and colon are unremarkable. The appendix is present. The contents of the stomach consist of 200 ml of partially digested food with no identifiable pills.

HEPATOBILIARY SYSTEM:

The 2160 gram liver has a normal size and shape. The capsule is intact. It has a normal consistency and a normal red-brown color throughout. The cut surface of the liver shows no focal lesions. The gallbladder contains approximately 10 cc of green-black bile of normal viscosity. There are no stones. The extrahepatic biliary system is patent.

PANCREAS:

The pancreas is normal.

ENDOCRINE SYSTEM:

The thyroid and adrenal glands are normal.

HEMOLYMPHATIC SYSTEM:

The 160 gram spleen has an intact capsule and normal parenchyma. The white pulp is visible. The lymph nodes are unremarkable.

URINARY SYSTEM:

The right kidney weighs 120 grams and the left kidney weighs 155 grams. The capsules are smooth and strip with ease. Sectioning reveals normal cortices with distinct cortico-medullary junctions and normal renal pelves. The ureters and bladder have a normal configuration and the bladder contains approximately 50 ml of clear urine. The bladder mucosa is normal.

REPRODUCTIVE SYSTEM:

The prostate gland is normal to palpation.

MUSCULOSKELETAL SYSTEM:

The bony framework is well developed and well retained. No evidence of fracture, trauma or other lesions is noted in the skeletal structures. Cut surfaces of the muscles show no abnormalities.

SPECIMENS FOR HISTOLOGY:

Representative sections of the major organs are saved.

SPECIMENS FOR TOXICOLOGY:

Peripheral blood is submitted for drugs and alcohol. Vitreous, heart blood, urine and gastric contents are saved.

AUTOPSY WITNESSES:

C. Garcia, Forensic Assistant; Detectives CSI O. Rodriguez and T. Newton, Detectives VCI G. Freitas and J. Toney; A. Masterson and J. McKutchin, District Attorney's Office.

ARJ/wcp
D: 10-17-13
T: 12-11-13

NMS Labs
3701 Welsh Road, PO Box 433A, Willow Grove, PA 19090-0437
Phone: (215) 657-4900 Fax: (215) 657-2972
e-mail: nms@nmslabs.com
Robert A. Middleberg, PhD, DABFT, DABCC-TC, Laboratory Director

CONFIDENTIAL

Toxicology Report

Report Issued 10/31/2013 10:02

To: **10325**
Sonoma County Sheriff's Office
Attn: Sgt. Greg Stashyn
3336 Chanate Road
Santa Rosa, CA 95404

Patient Name	AUGUSTIN, CHRISTOPHER
Patient ID	13-0001223
Chain	11662799
Age	38 Y
Gender	Male
Workorder	13257527

Positive Findings:

Compound	Result	Units	Matrix Source
Caffeine	Positive	mcg/mL	Femoral Blood
Naloxone	Positive	ng/mL	Femoral Blood
Amphetamine	86	ng/mL	Femoral Blood
Methamphetamine	2800	ng/mL	Femoral Blood
Hydroxyzine	30	ng/mL	Femoral Blood

See Detailed Findings section for additional information

Testing Requested:

Analysis Code	Description
8052B	Postmortem Toxicology - Expanded, Blood (Forensic)

Specimens Received:

ID	Tube/Container	Volume/ Mass	Collection Date/Time	Matrix Source	Miscellaneous Information
001	Gray Top Tube	9 mL	10/17/2013 10:10	Femoral Blood	
002	Gray Top Tube	7 mL	10/17/2013 10:10	Femoral Blood	

All sample volumes/weights are approximations.

Specimens received on 10/22/2013.

RECEIVED
OCT 31 2013
Sonoma County Coroner

Detailed Findings:

Analysis and Comments	Result	Units	Rpt. Limit	Specimen Source	Analysis By
Caffeine	Positive	mcg/mL	1.0	001 - Femoral Blood	LC/TOF-MS
Naloxone	Positive	ng/mL	1.0	001 - Femoral Blood	LC/TOF-MS
Amphetamine	86	ng/mL	5.0	001 - Femoral Blood	LC-MS/MS
Methamphetamine	2800	ng/mL	50	001 - Femoral Blood	LC-MS/MS
Hydroxyzine	30	ng/mL	10	001 - Femoral Blood	GC

Other than the above findings, examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

Reference Comments:

1. Amphetamine (Benzphetamine Metabolite) - Femoral Blood:

   Amphetamine (Adderall, Dexedrine) is a Schedule II phenethylamine CNS-stimulant. It is used therapeutically in the treatment of narcolepsy and obesity and also in the treatment of hyperactivity in children. Amphetamine has a high potential for abuse. When used in therapy, initial doses should be small and increased gradually. In the treatment of narcolepsy, amphetamine is administered in daily divided doses of 5 to 60 mg. For obesity and children with attention deficits, usual dosage is 5 or 10 mg daily.

   Following a single oral dose of 10 mg amphetamine sulfate, a reported peak blood concentration of 40 ng/mL was reached at 2 hr. Following a single 30 mg dose to adults, an average peak plasma level of 100 ng/mL was reported at 2.5 hr. A steady-state blood level of 2000 - 3000 ng/mL was reported in an addict who consumed approximately 1000 mg daily.

   Overdose with amphetamine can produce restlessness, hyperthermia, convulsions, hallucinations, respiratory and/or cardiac failure. Reported blood concentrations in amphetamine-related fatalities ranged from 500 - 41000 ng/mL (mean, 9000 ng/mL). Amphetamine is also a metabolite of methamphetamine, benzphetamine and selegiline.

2. Caffeine (No-Doz) - Femoral Blood:

   Caffeine is a xanthine-derived central nervous system stimulant. It also produces diuresis and cardiac and respiratory stimulation. It can be readily found in such items as coffee, tea, soft drinks and chocolate. As a reference, a typical cup of coffee or tea contains between 40 to 100 mg caffeine.

   The reported qualitative result for this substance was based upon a single analysis only. If confirmation testing is required please contact the laboratory.

3. Hydroxyzine (Vistaril®) - Femoral Blood:

   Hydroxyzine is a piperazine-derivative antihistamine with pharmacological effects similar to meclizine and cyclizine. It is used for symptomatic management of anxiety and tension associated with psychoneuroses and is sometimes used to control emesis and motion sickness. Hydroxyzine has been found mixed in with batches of illicit cocaine.

   Following a single oral 100 mg dose of hydroxyzine, reported peak serum concentrations ranged from 60 to 90 ng/mL at 4 hr.

   The metabolism of hydroxyzine has not been studied extensively in humans. However, it is known that norhydroxyzine and cetirizine (Zyrtec) are two metabolites of hydroxyzine.

   Toxic effects of hydroxyzine include tremor, drowsiness and dry mouth; overdosage produces central nervous system depression. In a fatal overdose case, a blood concentration of 39000 ng/mL was reported.

Reference Comments:

4. Methamphetamine (Benzphetamine Metabolite) - Femoral Blood:

   d-methamphetamine is a DEA schedule II stimulant drug capable of causing hallucinations, aggressive behavior and irrational reactions. Chemically, there are two forms (isomers) of methamphetamine: l- and d-methamphetamine. The l-isomer is used in non-prescription inhalers as a decongestant and has weak CNS-stimulatory activity. The d-isomer has been used therapeutically as an anorexigenic agent in the treatment of obesity and has potent CNS-, cardiac- and circulatory-stimulatory activity. Amphetamine and norephedrine (phenylpropanolamine) are metabolites of methamphetamine. d-methamphetamine is an abused substance because of its stimulatory effects and is also addictive.

   A peak blood concentration of methamphetamine of 20 ng/mL was reported at 2.5 hr after an oral dosage of 12.5 mg. Blood levels of 200 - 600 ng/mL have been reported in methamphetamine abusers who exhibited violent and irrational behavior. High doses of methamphetamine can also elicit restlessness, confusion, hallucinations, circulatory collapse and convulsions.

   *In this case, the level of methamphetamine determined has not been differentiated according to its isomeric forms. Differentiation of the isomers of methamphetamine is available upon request.

5. Naloxone - Femoral Blood:

   Naloxone is a narcotic antagonist used to counter the central nervous system depression effects of opioids, including respiratory depression. It is also used for the diagnosis of suspected acute opioid overdosage. Naloxone is available as a 0.4 mg/mL solution of the hydrochloride for parenteral injection.

   Naloxone is also available in combination with buprenorphine (Suboxone®) for the treatment of opioid dependence. This combination is available in tablets of 2 mg buprenorphine with 0.5 mg naloxone or 8 mg buprenorphine with 2 mg of naloxone for sublingual administration.

   The reported qualitative result for this substance was based upon a single analysis only. If confirmation testing is required please contact the laboratory.

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded two (2) years from the date of this report; and generated data will be discarded five (5) years from the date the analyses were performed.

Workorder 13257527 was electronically signed on 10/31/2013 09:02 by:

Susan B. Crookham

Susan Crookham,
Certifying Scientist

Analysis Summary and Reporting Limits:

All of the following tests were performed for this case. For each test, the compounds listed were included in the scope. Please refer to the Positive Findings section of the report for those compounds that were identified as being present.

Acode 52409B - Amphetamines Confirmation, Blood (Forensic) - Femoral Blood

-Analysis by High Performance Liquid Chromatography/Tandem Mass Spectrometry (LC-MS/MS) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Amphetamine	5.0 ng/mL	Phendimetrazine	10 ng/mL
Ephedrine	5.0 ng/mL	Phenmetrazine	5.0 ng/mL
MDA	5.0 ng/mL	Phentermine	10 ng/mL
MDEA	10 ng/mL	Phenylpropanolamine	5.0 ng/mL
Methamphetamine	50 ng/mL	Pseudoephedrine	5.0 ng/mL
Norpseudoephedrine	5.0 ng/mL		

Acode 52410B - GC Confirmation Set 1, Blood (Forensic) - Femoral Blood

Analysis Summary and Reporting Limits:

-Analysis by Gas Chromatography (GC) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Amitriptyline	10 ng/mL	Hydroxyzine	10 ng/mL
Amoxapine	10 ng/mL	Maprotiline	10 ng/mL
Brompheniramine	20 ng/mL	Mirtazapine	5.0 ng/mL
Chlorpheniramine	10 ng/mL	Norfluoxetine	10 ng/mL
Chlorpromazine	10 ng/mL	Nortriptyline	10 ng/mL
Clomipramine	10 ng/mL	Pentazocine	10 ng/mL
Desmethylclomipramine	10 ng/mL	Pheniramine	20 ng/mL
Desmethyldoxepin	10 ng/mL	Prochlorperazine	10 ng/mL
Dextro / Levo Methorphan	5.0 ng/mL	Promazine	30 ng/mL
Diphenhydramine	50 ng/mL	Trazodone	0.10 mcg/mL
Doxepin	10 ng/mL	Trifluoperazine	10 ng/mL
Doxylamine	50 ng/mL	Verapamil	10 ng/mL
Fluoxetine	10 ng/mL		

Acode 8052B - Postmortem Toxicology - Expanded, Blood (Forensic) - Femoral Blood

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Barbiturates	0.040 mcg/mL	Salicylates	120 mcg/mL
Cannabinoids	10 ng/mL		

-Analysis by Headspace Gas Chromatography (GC) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	5.0 mg/dL

-Analysis by High Performance Liquid Chromatography/Time of Flight-Mass Spectrometry (LC/TOF-MS) for: The following is a general list of compound classes included in this screen. The detection of any specific analyte is concentration-dependent. Note, not all known analytes in each specified compound class are included. Some specific analytes outside these classes are also included. For a detailed list of all analytes and reporting limits, please contact NMS Labs.

Amphetamines, Anticonvulsants, Antidepressants, Antihistamines, Antipsychotic Agents, Benzodiazepines, CNS Stimulants, Cocaine and Metabolites, Hallucinogens, Hypnosedatives, Hypoglycemics, Muscle Relaxants, Non Steroidal Anti-Inflammatory Agents, Opiates and Opioids.