Incident/Investigation Report

Agency: **Sonoma County Sheriff's Office** Case #: **SD140406007**

CONTROLLED DOCUMENT - DO NOT DUPLICATE

Incident Information

Date/Time Reported: **04/06/2014 0248**	Occurred Between: **04/06/2014 0103** & **04/06/2014 0248**
Location: **2796 VENTURA AV, SANTA ROSA CA**	
UCR Status:	Officer: **Toney, Jeffery 1101041**

Summary: A suspect died while in the custody of the Santa Rosa Police Department. The Santa Rosa Police Chief invoked the County Wide Critical Incident Protocol and the Sonoma County Sheriff`s Office Administration agreed to conduct the investigation.

Related Cases: SR140004581

Charges

Statute: **000 - FATAL INCIDENT PROTOCOL**		Attempted/Completed: **Completed**
Classification: Other Offenses	Weapon:	
Location: HIGHWAY (STREETS, ALLEYS, ETC.)		
Statute: **000 - AGENCY ASSIST**		Attempted/Completed: **Completed**
Classification: Other Offenses	Weapon:	
Location: HIGHWAY (STREETS, ALLEYS, ETC.)		
Statute: **148 (A)(1) PC - OBSTRUCT/RESIST/ETC PUBLIC/PEACE OFFICER/EMERGENCY MED TECH**		Attempted/Completed: **Completed**
Classification: Other Offenses	Weapon: **Personal Weapon (hands; feet; teeth; etc.)**	
Location: HIGHWAY (STREETS, ALLEYS, ETC.)		
Statute: **21650.1 VC - RIGHT SIDE ROAD BICYCLE**		Attempted/Completed: **Completed**
Classification: Vehicle Codes	Weapon:	
Location: HIGHWAY (STREETS, ALLEYS, ETC.)		
Statute: **21200 (A) VC - ALL RIGHTS AND PROVISIONS AS VEHICLE DRIVER**		Attempted/Completed: **Completed**
Classification: Vehicle Codes	Weapon:	
Location: HIGHWAY (STREETS, ALLEYS, ETC.)		
Statute: **21651(B) VC - DRIVE WRONG WAY:DIV HWY**		Attempted/Completed: **Completed**
Classification: Vehicle Codes	Weapon:	
Location: HIGHWAY (STREETS, ALLEYS, ETC.)		

Offenders

Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
HOFFMAN, WAYNE CEBALLOS	[redacted]	**47/White/Male**	**6'00"/200**
Address: [redacted]			[redacted]
Employer/School: -			

Others Involved

Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	**RHODES, ERIC TODD**		**34/White/Male**	**/**
Address: 965 SONOMA AV, SANTA ROSA CA 95404				707-543-3600
Employer/School: CITY OF SANTA ROSA - 965 SONOMA AV				
Other	**DOHERTY, TIMOTHY PATRICK**		**31/White/Male**	**/**
Address: 965 SONOMA AV, SANTA ROSA CA 95404				707-543-3600
Employer/School: SANTA ROSA POLICE -				
Contacted	[redacted]	[redacted]	**46/Hispanic/Male**	**/**
Address: [redacted]				[redacted]
Employer/School: -				
Witness	[redacted]	[redacted]	**34//Female**	**5'08"/200**
Address: [redacted]				[redacted]
Employer/School: [redacted]				
Contacted	[redacted]	[redacted]	**58/Japanese/Male**	**/**
Address: [redacted]				
Employer/School: -				
Witness	[redacted]		**/Other/Male**	**/**
Address: ,				
Employer/School: [redacted]				
Contacted	[redacted]	[redacted]	**58/White/Female**	**/**
Address: ,				
Employer/School: [redacted]				
Contacted	[redacted]	[redacted]	**30/Other/Male**	**/**
Address: [redacted]				[redacted]
Employer/School: -				

Others Involved

Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**28/White/Female**	**5'06"/**
Address: [redacted]				[redacted]
Employer/School: -				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**46/White/Female**	**5'04"/170**
Address: [redacted]				[redacted]
Employer/School: -				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**47/White/Female**	**/**
Address: [redacted]				[redacted]
Employer/School: -				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Witness	[redacted]	[redacted]	**34/White/Male**	**5'11"/165**
Address: ,				
Employer/School: [redacted]				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	[redacted]		**//Male**	**/**
Address: [redacted]				
Employer/School: -				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**32/White/Female**	**5'02"/138**
Address: [redacted]				[redacted]
Employer/School: [redacted]				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**49/White/Female**	**5'10"/145**
Address: [redacted]				
Employer/School: [redacted]				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Witness	[redacted]	[redacted]	**63/White/Male**	**6'02"/260**
Address [redacted]				[redacted]
Employer/School: -				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**27/White/Male**	**5'07"/145**
Address: [redacted]				
Employer/School: [redacted]				

Others Involved

Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**24/Other/Male**	**/**
Address: [redacted]				
Employer/School: [redacted]				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Witness	**NEUMAN, VINCENT**		**00/Other/Unknown**	**/**
Address: ,				
Employer/School: SRJC POLICE DEPARTMENT - 1501 MENDOCINO AV SANTA ROSA				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	**SPEDIACCI, MICHAEL QUINTO**	[redacted]	**31/White/Male**	**6'02"/218**
Address: 965 SONOMA AV, SANTA ROSA CA 95404				707-543-3600
Employer/School: SRPD - 965 SONOMA AVE				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	**LUDIKHUIZE, JESSIE J**	[redacted]	**31/White/Male**	**/**
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:
Other	**RICHARDS, JOSEPH**	[redacted]	**41/White/Male**	**/**
Address: ,				
Employer/School: SANTA ROSA JC POLICE - 2032 ARMORY DR, SANTA ROSA, CA				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**68/White/Female**	**5'04"/150**
Address [redacted]				[redacted]
Employer/School: -				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**29/White/Female**	**5'05"/160**
Address: [redacted]				[redacted]
Employer/School: -				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	**MELOCHE, MATTHEW**	[redacted]	**34/White/Male**	**/**
Address: 965 SONOMA AV, SANTA ROSA CA				
Employer/School: SANTA ROSA POLICE DEPARTMENT - 965 SONOMA AV				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**52/White/Female**	**5'02"/140**
Address: [redacted]				[redacted]
Employer/School: -				

Others Involved

Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	**AVINA, JESUS**	[redacted]	**37/White/Male**	**/**
Address: 965 SONOMA AV, SANTA ROSA CA 95404				707-543-3600
Employer/School: SANTA ROSA POLICE DEPT -				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**19/White/Male**	**6'01"/180**
Address: [redacted]				[redacted]
Employer/School: -				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Witness	[redacted]	[redacted]	**43/White/Female**	**/**
Address: ,				
Employer/School: [redacted]				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Contacted	[redacted]	[redacted]	**57/White/Female**	**5'07"/150**
Address: [redacted]				[redacted]
Employer/School: -				
Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	**SWARTZ, GARRISON**	[redacted]	**26/White/Male**	**/**
Address: 965 SONOMA AV, SANTA ROSA CA 95402				707-543-3600
Employer/School: CITY OF SANTA ROSA - 965 SONOMA AV				

Narrative

Initial Narrative
Written by: **Toney, Jeffery 1101041**
Date/Time: **04/06/2014 03:59:00**

Investigative Report
Case # SD140406-007
Sonoma County Sheriff`s Office
Detective Jeffery Toney
Violent Crimes Investigations Unit (VCI)
Re: Santa Rosa Police Department In-Custody Death
SRPD Case # 14-4581

NOTIFICATION

On 04-06-2014, at approximately 0231 hours, Sonoma County Sheriff`s Violent Crimes Sergeant, Shannon McAlvain, called me at home and advised the Santa Rosa Police Department had just been involved in an incident where a subject had died in their custody. The Chiefs County Wide Incident Protocol was invoked and approved by our administration to assist with the investigation. Sergeant McAlvain requested I respond to the Santa Rosa Police Department, where we were to receive a full briefing. I was on call and assigned to be the lead investigator on the case.

BRIEFING

I arrived at the Santa Rosa Police Department at approximately 0341 hours with fellow members of our Violent Crimes Investigations unit along with detectives from our Crime Scene Investigations Unit, Domestic Violence/Sexual Assault Unit and Property Crimes Unit. We met with the Santa Rosa Police Departments Violent Crimes Investigations Unit. Santa Rosa Police Department Violent Crimes Investigations Detective, Andrew Riley, was introduced as the lead investigator and was assigned to be the liaison for SRPD. Sonoma County Deputy District Attorney Scott Jamar and Deputy District Attorney Investigator Ed Hemphill were also present. SRPD Detective Andrew Riley provided the following information in summary:

On 04-06-2014, at approximately 0103 hours, SRPD Officer Garrison Swartz, call sign 6W4, radioed that he was in foot pursuit of a subject on Steele Lane Santa Rosa, CA. At approximately 0104 hours, SRPD Officer Eric Rhodes arrived at the scene, described as being the west curb of Nordyke Avenue, south of Steele Lane. Upon arrival, Officer Rhodes radioed they were with the subject on the ground.

At approximately 0108 hours, SRPD Officer Jesus Avina, radioed a "Code Blue". The male suspect, whose identity was unknown, was transported to Santa Rosa Sutter Hospital by AMR ambulance, where he was pronounced deceased at approximately 0140 hours.

Detective Riley advised there were no firearms, chemical agents, or tasers used during the apprehension of the suspect. All of the involved officers, including three Santa Rosa Junior College Police Officers were currently being sequestered at the Santa Rosa Police Department.

The involved and witnessing officers were identified as SRPD Officer Garrison Swartz, SRPD Officer Eric Rhodes, SRPD Officer Tim Doherty, SRPD Officer Michael Spediacci, SRPD Matthew Meloche, SRPD Officer Jesse Ludikhuize, Santa Rosa Junior College (SRJC) Police Officer, Jeremy Jucatan, SRJC Officer Joe Richards and SRJC Trainee Officer Vincent Neuman.

American Medical Response (AMR) ambulance Medic 771 and Santa Rosa Fire Department (SRFD) Engine 11 responded to the scene and provided emergency medical treatment to the suspect. They were identified as Paramedic [redacted], Emergency Medical Technician [redacted] and Intern [redacted] from AMR. SRFD Engine 11 personnel were identified as [redacted].

Detective Riley reported that an identification card and cellular telephone was located at the scene, but the suspects identity was unknown at the time of the briefing.

INVESTIGATIVE ASSIGNMENTS

After the briefing, Sergeant McAlvain issued the investigative assignments as follows:

Sonoma County Sheriff`s Property Crimes Detectives James Percy and Ryan Russell were assigned to conduct a neighborhood canvass of the crime scene to interview possible witnesses.

Sonoma County Sheriff`s Domestic Violence Sexual Assault Detective`s Gary Lawson and Scott Singleton were assigned to contact and interview emergency response personnel from American Medical Response and Santa Rosa Fire Department Engine 11. They were to also contact and interview witnessing officers from the Santa Rosa Junior College Police District. Detective Eddie Engram was assigned to contact and interview all Santa Rosa Sutter Hospital Staff involved with receiving and treatment of the deceased

suspect.

Sonoma County Crime Scene Investigations Detective Travis Koeppel was assigned to respond to Santa Rosa Sutter Hospital and process the decedent. Detective John Buergler was assigned to process the involved officers. Detectives Orlando Rodriguez and Troy Newton were assigned to process the crime scene.

Sonoma County Sheriff`s Violent Crimes Investigations Detective Brandon Cutting was assigned to conduct interviews of the involved witnessing officers from the Santa Rosa Police Department. I was assigned as the lead investigator and was responsible for conducting interviews of the primary involved officers from the Santa Rosa Police Department and Santa Rosa Junior College Police District.

After the investigative assignments were disseminated, I responded to Santa Rosa Sutter Hospital, located at 3325 Chanate Road, Santa Rosa, California to view the decedent. I arrived to the Emergency Department at approximately 0435 hours. Upon arrival, I met with Santa Rosa Police Officer Matthew Meloche who was guarding the decedent. This area was closed and cordoned by a privacy curtain.

I contacted Sheriff`s dispatch and requested the Coroner Detective telephone me. Moments later, I received a call from Sonoma County Sheriff`s Coroner Detective Brent Kidder. I briefed Detective Kidder on the circumstances of the investigation and requested he respond to Sutter Hospital.

CSI Detective Travis Koeppel arrived at Sutter Hospital at approximately 0445 hours. We entered the emergency room and privacy curtain where I observed the deceased body on a gurney covered by a white blanket. Detective Koeppel removed the blanket to begin processing the decedent. I observed a White male adult lying supine on the gurney. The subject had what appeared to be dried blood upon his face and head and there was a medical device (tube) protruding from his mouth. Detective Koeppel explained his plans to obtain fingerprints from the deceased in order to reveal his identity. Detective Koeppel advised he would be using both an ink pad roller and the Cogent Mobile Fingerprint Scanner for this process. At this time I left Sutter Hospital and responded to the scene.

SCENE

I arrived to the area of Steele Lane at Nordyke Avenue, Santa Rosa, CA at approximately 0510 hours and met with Detective`s Cutting, Percy and Russell. Deputy District Attorney Scott Jamar and Deputy District Attorney Investigator Ed Hemphill were also present.

The above listed intersection was cordoned by yellow police barrier tape. A Major Incident Log was established and the scene was being managed by Sonoma County Sheriff`s Deputy Shawn Forghani. A Major Incident Log and police barrier tape was established and being managed by Deputy Hank Stolfi at the south end of the scene, located at Nordyke Avenue and Oliver Lane.

CSI Detectives O. Rodriguez and Newton had begun processing the scene and were currently photographing and videotaping the area. The scene was determined to be the west curb edge and side walk fronting [redacted] Nordyke Avenue, Santa Rosa, CA. At approximately 0516 hours, CSI Detectives completed videotaping the scene and I signed the Major Incident Log and entered the crime scene to conduct an investigative walk through.

There were two marked Santa Rosa Police Department patrol vehicles in the roadway, parked facing north, fronting [redacted] Nordyke Avenue. Santa Rosa Police patrol vehicle #5975 had all its lights off. Santa Rosa Police vehicle # 5935 had its front driver spotlight on and it was pointed to an area on the sidewalk fronting [redacted] Nordyke Avenue. The front passenger spotlight was also on, pointing forward. The area of sidewalk that was illuminated by the spotlight was littered with clothing, latex gloves, handcuffs, a handcuff key, a cellular telephone and medical waste. There were blood stains on the clothing and sidewalk. There was a bicycle lying on the ground near a tree west of the sidewalk.

There was a third Santa Rosa Police patrol vehicle # 5936 parked with lights off, facing east outside of the cordoned area on Steele Lane just east of Nordyke Avenue. At approximately 0549 hours, I signed the Major Incident Log and exited the scene. Prior to leaving the area, I received a telephone call from CSI Detective Travis Koeppel. Detective Koeppel informed me that during a check of the deceased arrestee`s fingerprints, using the Blue Check Mobile Identification Device, he was identified as

(OF-1) WAYNE ALAN CEBALLOS HOFFMAN/ DOB: [redacted].

I met with Deputy Shawn Forghani at his patrol vehicle at the corner of Steele Lane/Nordyke Avenue and requested he complete a records check on Hoffman using the Mobile Data Computer in his vehicle. The records return revealed a photograph of Wayne Ceballos Hoffman. I recognized the person in the photograph to be the same as the decedent.

Refer to the supplemental reports authored by the Sonoma County Sheriff`s Crime Scene Investigations Detectives for their observations, findings and the evidence collection process.

INVESTIGATIVE INTERVIEWS

At approximately 0555 hours Detective Cutting and I arrived at the Santa Rosa Police Department`s Investigations Bureau to conduct interviews with the involved officers and witnessing officers related to this incident. All of my interviews with the involved officers were conducted in a second floor interview room, where they were audio recorded. The interviews were being observed via CCTV in the second floor Investigations Office by District Attorney Scott Jamar, District Attorney Investigator Ed Hemphill, and acting liaison Detective`s of the Santa Rosa Police Departments Violent Crimes Investigations Bureau.

INTERVIEW WITH SANTA ROSA JUNIOR COLLEGE POLICE OFFICER JEREMY JUCUTAN # JC1086 by: DETECTIVE JEFF TONEY

At approximately 0634 hours, I conducted an interview with Santa Rosa Junior College District Police Officer Jeremy Jucutan. Attorney, Jason Jasmine, with the law firm of Carroll, Burdick & McDonough was present during the interview representing Officer Jeremy Jucutan. At the completion of the interview the audio recording was transferred to a CD-R disc by Santa Rosa Police Violent Crimes Detective Hector De Leon. The disc was provided to me and then marked as evidence item # JT-1 for future reference. I later booked the disc into evidence in the Sonoma County Sheriff`s Office Property/Evidence locker.

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".

We began the interview by introducing ourselves for the record. I advised Officer Jucutan that we were present to discuss an incident that had occurred earlier this morning on Nordyke Avenue in Santa Rosa, CA. I reminded Officer Jucutan that this was a criminal investigation that I was conducting and that he was being interviewed as witness in this investigation.

I clarified and established with an affirmative response from Officer Jucutan that the statements being sought from him were voluntary. I also reminded Officer Jucutan that he was free to leave and or stop speaking to me at any point during the interview if he chose. Officer Jucutan answered in the affirmative, indicating he understood. When questioned, Officer Jucutan stated he had ample time to consult with his attorney prior to this interview and that there was nothing that would hinder him from providing a statement at this time.

When questioned, Officer Jucutan provided the following statements in summary: Officer JEREMY JUCUTAN is currently employed by the Santa Rosa Junior College Police Department as a sworn Police Officer. He has been a Police Officer for approximately two years and has no prior employment with any other law enforcement agencies.

Officer Jucutan is currently assigned to work a uniformed patrol assignment on grave shift, working every other Wednesday from 2200 - 0600 hours and Thursday through Saturday from 1800 - 0600 hours. His general duties include patrolling all districts surrounding the Santa Rosa Junior College, responding to calls for service and enforcing all city, state and federal laws.

Officer Jucutan was dressed in what he described as his standard patrol duty uniform during our interview, which he described as being a blue long sleeved button up shirt with his name embroidered on the right chest, SRJC Police patches on the shoulders, a badge embroidered on the left chest, blue BDU style pants and duty boots. The duty belt he wears while on duty consists of double handcuffs, collapsible baton (ASP), Model 22 .40 Glock duty firearm, key holder with keys, flashlight holder, police radio, Taser and magazine holders. Officer Jucutan states he also carries an audio recording device on his person; however it was not activated during the incident now being investigated.

Prior to going on duty on 04-05-2014, Officer Jucutan received approximately seven hours sleep and consumed a normal meal. Officer Jucutan is not currently sick or injured and he did not receive any injuries as a result of the incident we were discussing. He has no physical disabilities, he is not diabetic, nor does he suffer from any medical conditions. He is not taking any medications, or drugs and he has not consumed any alcohol during the last twenty-four hours. He has not consumed any alcohol since this incident now being investigated.

Earlier this morning, while on duty as call sign, 12-George-10, Officer Jucutan stated he was contacting a subject at [redacted] Richmond Drive Santa Rosa, who was determined to be on probation. Officer Jucutan was monitoring his police radio which has a scanning ability to monitor radio transmissions from the Santa Rosa Police Department`s primary channel.

Officer Jucutan heard an unintelligible voice come over the radio and it sounded as though the person was in distress. At this time, he wasn`t sure what was going on. As he continued listening carefully, he heard a Santa Rosa Police Dispatcher repeat the previous transmission, indicating an officer was in foot pursuit on Nordyke Avenue at Steele Lane.

Officer Jucutan described how this was very close in proximity to his current location. He released the subject he contacted, got into his vehicle and drove northbound on Berkley Drive with his emergency overhead lights activated. He came to a stop sign and contacted his dispatcher. In doing so, he is unable to hear Santa Rosa Police radio transmissions, explaining how things could be happening that he is unaware of because he was advising his dispatcher he was responding to Santa Rosa Police Department`s (SRPD) foot pursuit.

At this point, Officer Jucutan observed an SRPD patrol vehicle driving eastbound on Steele Lane. He said his first instinct was that maybe the Santa Rosa Officer had heard something he didn`t, or that maybe there had been a radio update and the location was wrong. Officer Jucutan began following the SRPD vehicle and the vehicle made a sharp u-turn and drove back towards Nordyke Avenue and he followed him westbound on Steele Lane onto Nordyke Avenue on the south side of Steele Lane. He parked his patrol vehicle on the east side of Nordyke Avenue facing south and left his overhead lights on.

Officer Jucutan got out of his vehicle and ran towards where he saw at the time, only one SRPD Officer kneeling down. When he got closer to the scene, he saw two officers struggling with a subject on the ground that was face down. One of the Officers was positioned near the subjects head and he couldn`t remember where the other Officer was positioned.

Officer Jucutan was behind the SRPD unit he had followed in and he went around the subject who was still struggling and fighting with the Officers. Officer Jucutan said he was looking for a place where he could help control the subject, but there was no room, so he immediately went to the subject`s legs. The subject was kicking his legs, trying to kick the Officers off of him to get away, or at least, actively resisting.

Officer Jucutan engaged the subject`s legs in an attempt to place them in a figure four leg restraint hold, to prevent him from kicking and hurting the Officers, and himself. He struggled with controlling the subject`s legs momentarily and then was finally able to successfully get the subjects legs locked stationary. After he did this, the subject continued resisting.

The SRPD Officer on the subjects left side, which was also his left side, had the subjects left arm behind the small of his back. He saw that the subject`s right arm was beneath his body near his waistband. Officer Jucutan said his thought was that he wasn`t sure what the subject was grabbing for, or if he had a weapon or something that could hurt them.

The Officer`s were yelling, "Give us your hand. Give us your hand!" Officer Jucutan said there were some strikes, distraction strikes; he saw being delivered where he believed was the subjects left side of his body near his ribs/kidney area. They were trying to get the subject to comply with their orders to release his right hand to be handcuffed.

Officer Jucutan maintained control of subject`s legs. He never engaged, or made contact with the subject`s upper body. He said eventually the subject`s right hand became free and after a short struggle the officers were able to handcuff the subject. They rolled the subject over and Officer Jucutan saw a pool of blood on the ground and blood coming from the subject`s nose and mouth area. During this time, they realized the subject was unresponsive.

Officer Jucutan said an Officer, who he could not recall by name, immediately removed the handcuffs from the subject and began administering CPR. He said he heard the officers radioing for paramedics to respond Code-3 for an unresponsive subject.

He said also during this time, he had stood up and noticed an ambulance drive by westbound on Steele Lane. He said he flashed his flashlight at the ambulance to get their attention. He wasn`t sure if this ambulance was the unit dispatched for them, or if it was just a coincidence that they happened to be driving by. The ambulance didn`t see Officer Jucutan so he ran to the corner of Nordyke Avenue at Steele Lane and noticed the ambulance had now passed County Center Drive and was near the freeway overpass. He again used his flashlight in an attempt to get their attention, but they didn`t see him. He then walked back to the scene where he observed only. He said this was pretty much all he saw.

I asked Officer Jucutan if he has received any specialized training in any areas. I clarified my question and asked if he held collateral assignments such as SWAT, Firearms Instructor, or any other dedicated training in areas which he used during his contact with the suspect. Officer Jucatan told me he attends the bi-weekly gang meetings held at the Sonoma County Sheriff`s Office and he assists with the Cadet Program at the Santa Rosa Junior College District Police Department.

I mentioned how earlier he said he had been contacting a subject who was on probation and dealing with this subject when he heard an unintelligible voice on the radio. I asked Officer Jucutan if he remembered the voice on the radio being a male or female. Officer Jucutan said from what he could remember it was a male voice. Officer Jucutan said he couldn`t understand what the voice was saying, but he believed the person was in distress because the voice tone sounded excitable and it sounded like the person was running.

I asked Officer Jucutan to clarify how many Santa Rosa Police Officer`s were on scene when he arrived. He mentioned earlier in the interview, he saw two Santa Rosa police officer`s engaged with a subject when he arrived at the scene. He said he basically followed a Santa Rosa Police vehicle from Berkley Drive to Steele Lane then to Nordyke Avenue and Steele Lane. The Santa Rosa Police patrol vehicle he followed parked near the west curb on Nordyke Avenue near the scene, and Officer Jucutan parked more towards the east curb. He said by the time he got out of his vehicle, the SRPD officer had already exited his vehicle and was running to the scene.

I asked Officer Jucutan if he knew the names of the SRPD Officer`s on scene with him prior to this incident. He identified them by name as, Eric Rhoades, Swartz (Unknown first name) and Tim Doherty. When questioned, Officer Jucutan told me he`s previously met all three of the officers in the past and they are familiar to him.

Now having the SRPD Officer`s names, I asked Officer Jucutan if he could tell me where each of the Officer were positioned in relationship with the suspect they were engaging. Officer Jucutan said Officer Rhoades and Officer Swartz were engaged with the subject when he and SRPD Officer Doherty arrived. SRPD Officer Rhoades was positioned at the suspects head. He believes SRPD Officer Swartz was positioned at the lower part of the suspect`s body, or at the suspect`s side.

I asked Officer Jucutan if he could describe the suspect and the clothing he was wearing. He said the suspect was a White male adult, wearing a jacket and jeans and white shoes. He was unable to describe the color of the suspects clothing.

I mentioned how Officer Jucutan had mentioned earlier that he engaged the suspect`s legs upon arrival and how he stated the suspect was actively resisting the officers. I asked him if he recalled whether the subject was on his back, or his stomach. Officer Jucutan said the suspect was lying on his stomach.

I asked Officer Jucutan to further explain how the suspect was actively resisting. He said the suspect was struggling with the officers and he was forcibly pulling his arms away from them and kicking at them. This was the reason Officer Jucutan immediately tried securing the suspects legs. He said the suspects legs appeared to pose the most immediate threat to the officers who were engaged with the suspect.

Officer Jucutan described earlier how he placed the suspect`s legs in a figure-four leg restraint hold. I asked Officer Jucutan to describe this and explain the purpose. Using his arms, Officer Jucutan described how he essentially crossed the suspect`s legs at the knee joint behind him and applied downward pressure to secure the suspects legs in a locked position to prevent him from kicking.

I asked Officer Jucutan if he remembered hearing anything said during the contact and struggle with the suspect. He said the only thing he remembers hearing was the officers saying, "Give me your hands". When questioned, Officer Jucutan said he didn`t remember hearing the suspect saying any words, he only heard him making noises.

I asked Officer Jucutan if he knew why the SRPD Officers had contacted the suspect. He said he didn`t know the reason for the

contact. He only knew what he heard over the radio, which is what prompted him to respond.

Officer Jucutan mentioned earlier in the interview that there were `distraction strikes` used by the officers in order to gain the suspects compliance. I asked Officer Jucutan if he knew which of the officers employed the distraction strikes on the suspect. He said he couldn`t remember exactly which one of the officers it was. He said he believed it was the officer to his left, saying it was either Officer Swartz or Officer Doherty. I then asked Officer Jucutan to describe in his words what `distraction strikes` are to describe how they were deployed.

Officer Jucutan described a distraction strike as one striking another with an open palm, or closed fist. He said he couldn`t tell if the officer was using a closed fist or an open palm to deliver strikes to the suspects left rib cage/ kidney area, to gain the suspects compliance to surrender his hands.

I asked Officer Jucutan to explain if at some point during the struggle, the suspect was handcuffed and he responded, "Yes." I asked if he recalled who handcuffed the suspect. He said there were so many hands involved, he wasn`t sure. Officer Jucutan said he never assisted with the handcuffing process, he maintained control of the suspect`s legs. I asked if he knew how many officers were dealing with the suspect during the handcuff process. He said there were four of them including him, but he wasn`t sure if there were more. He said there could have been anywhere between five or six officers.

We recapped the officer`s positions after the suspect was handcuffed. Officer Jucutan said Officer Rhoades was controlling the suspects head. I asked if he remembered which officer was to his right. He said he couldn`t remember, but he was sure that SRJC Officer Richards was to his right as he controlled the suspect`s legs. I asked Officer Jucutan how long he estimated they struggled with the suspect before he was finally handcuffed. He said about a minute, plus or minus a few seconds.

I mentioned how earlier he indicated that at some point after the suspect was handcuffed, he was unresponsive. I asked how he knew this. He said when the suspect was rolled over, his body appeared unresponsive. He said he let go of the suspect`s legs and stepped away so that the officers could get him rolled to his side and the other officers said he was unresponsive.

When questioned, Officer Jucutan said he was present when emergency medical personnel arrived. I asked him to describe what happened when medical personnel arrived. Officer Jucutan said immediately after the suspect was determined to be unresponsive, one of the officers removed the handcuffs and another officer began rendering Cardio Pulmonary Resuscitation (CPR). When medical personnel arrived, they assumed emergency medical care on the suspect.

When asked, Officer Jucutan said he never hit, punched, struck, kneed or kicked the suspect during his involvement with him. I asked officer Jucutan if he ever saw the suspect punch any of the officers and he said no. I asked him if he ever saw the suspect kick any of the officers. He said he wasn`t sure if the suspect landed any kicks, but the suspect`s legs were flailing and kicking.

I asked Officer Jucutan to explain what ultimately happened with the suspect. He said when the handcuffs were removed from the suspect; medical aid was rendered by officers. Emergency medical personnel arrived and they ultimately placed the suspect on a gurney and into an ambulance and transported him to a hospital.

I asked Officer Jucutan to describe his state of mind when he initially arrived on scene. He said he wasn`t exactly sure what was going on because of the little information he had. He said he was thinking he had to get there as quick as he could to help out any way possible to control the suspect.

I asked Officer Jucutan if his vehicle (ID # 131) was still at the scene, and he said he didn`t believe so. I asked him to explain what he did after the suspect was transport by ambulance to the hospital. He said he was tasked with securing the scene and he cordoned off the intersection of Nordyke Avenue at Steele Lane with crime scene tape. He said an officer remained with him as he secured the scene and he was ultimately relieved by an unknown Santa Rosa Police Officer. He was then transported to the Santa Rosa Police Department by Santa Rosa Police Officer Tim Wilhelm.

When questioned, Officer Jucutan said he never saw any witnesses come out of their houses, or bystanders around who might be helpful if interviewed.

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With no further immediate questions, I stopped the interview at approximately 0705 hours. I stepped out of the interview room and met with Deputy District Attorney Scott Jamar, District Attorney Investigator Ed Hemphill and administrative members of the

Santa Rosa Police Department. We discussed the interview briefly and I asked if there were any questions about the interview thus far.

During the break, it was determined the memory was coming close to exceeding its capacity on the DVD recorder. Santa Rosa Police Violent Crimes Detective, Hector De Leon, placed a new DVD-R disc in the recorder and resumed the audio recording.

I returned to the interview room with Officer Jucutan and Jason Jasmine and we went back on record at approximately 0711 hours.

I recapped Officer Jucutan`s statement where he mentioned the suspect was rolled over to his side after being handcuffed and he observed a pool of blood on the sidewalk beneath the suspect. When questioned, Officer Jucutan stated the location of the blood was consistent with where the suspect had been laying. I asked Officer Jucutan if he remembered seeing any obvious signs of injury on the suspect during his initial contact and he said no. He said when he first arrived on scene; he couldn`t see the pool of blood and he didn`t see any obvious injuries on the suspect.

I asked Officer Jucutan if he used his used his baton, taser, chemical agents, or other mechanical use of force at any point while engaging the suspect and he said no. I asked if he saw any of the other officers who were present with him while engaging the suspect, use their batons, tasers, or chemical agents on the suspect and he said no. I mentioned how he stated the suspect had been kicking during the contact and I asked him if the suspect was kicking at him and the officers, or if he was more or less just flailing his legs. Officer Jucutan said at the time it was hard to distinguish the difference. He said the suspect was kicking his legs. He couldn`t tell if the suspect`s legs were just flailing about or if he was aiming for the officers. He said none the less, his perception was that the suspect`s leg actions presented a potential danger of injury to the officers and to him (suspect).

I recalled Officer Jucutan`s earlier statement about him witnessing distraction strikes deployed by one of the officers to the rib/kidney area on the left side of the suspect. With regard to his statement, I asked him if he witnessed any other type of strikes that were deployed to the suspect. Officer Jucutan said he forgot to mention that when he first arrived and was positioning himself at the suspect`s feet, he observed Officer Rhodes deliver one knee strike to the upper portion of the suspect`s body. He said he couldn`t tell if the strike impacted the suspect`s body or what specific part of the suspect`s body was or was not hit.

During the time when Officer Rhodes delivered the knee strike, Officer Jucutan described Office Rhodes being on the ground perpendicular with the suspects head with his body slightly offset towards the left side of the suspect. This is when he saw the knee strike delivered, but he couldn`t tell if it impacted the suspect`s body.

In closing, I asked Officer Jucutan if there was anything else he forgot to mention that would assist with describing the incident. He said there was nothing he could think of.

With no further questions, the interview was completed at approximately 0716 hours.

INTERVIEW WITH SANTA ROSA JUNIOR COLLEGE POLICE OFFICER JOSEPH RICHARDS # JC1026 by; DETECTIVE JEFF TONEY

On 04-06-2014, at approximately 0727 hours, I conducted an audio recorded interview with Santa Rosa Junior College District Police Officer Joseph Richards. Attorney, Jason Jasmine, with the law firm of Carroll, Burdick & McDonough was present during the interview representing Officer Joseph Richards. At the completion of the interview the audio recording was transferred to a CD-R disc by Santa Rosa Police Violent Crimes Detective Hector De Leon. The disc was provided to me and then marked as evidence item # JT-2 for future reference. I later booked the disc into evidence in the Sonoma County Sheriff`s Office Property/Evidence locker.

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".

I began the interview by going around the room and having everyone introduce themselves for the record. I advised Officer Richards that we were present to discuss an incident that had occurred earlier this morning on Nordyke Avenue in Santa Rosa, CA. I reminded Officer Richards this was a criminal investigation that I was conducting and that he was being interviewed as witness in this investigation.

I clarified and established with an affirmative response from Officer Richards that the statements being sought from him were voluntary. I also reminded Officer Richards that he was free to leave and or stop speaking to me at any point during the interview if he chose to do so. Officer Richards answered in the affirmative, indicating he understood. When questioned, Officer Richards stated he had ample time to consult with his attorney prior to this interview and that there was nothing that would hinder him from providing a statement at this time.

I mentioned how I had the occasion to work with Officer Richards on a call for service when I was working at the Windsor Police Department two years ago. Officer Richards mentioned this upon meeting him this morning. I clarified that our relationship was professional in nature and asked him if it was fair to say he and I didn`t associate with each other outside of work. Officer Richards responded, saying this was true.

When questioned, Officer Richards provided the following statements in summary:

Officer JOSPEH RICHARDS is currently employed as a police officer for the Santa Rosa Junior College Police Department. He provides uniformed patrol for the district and he is currently a Field Training Officer. During the incident earlier on Nordyke Avenue, Officer Richard`s call sign was 12 Frank 13 (12-F13). Officer Richards has been employed with the Santa Rosa Junior College Police Department since 2002. He has been a sworn peace officer with the department since 2011.

Officer Richards is recognized as a DRE (Drug Recognition Expert) and he currently works on the departments MDC`s (Mobile Data Computer`s). Officer Richard`s duties include providing general law enforcement for the college district and surrounding areas owned and operated by the Santa Rosa Junior College District.

Officer Richards is currently assigned to work a 12 hour shift from 1400-0200, or 1430-0230 hours, Thursday through Saturday and every other Wednesday. He started today`s shift at 1430 hours. He does not have a permanently assigned police vehicle. During today`s shift he was driving vehicle # 107.

Officer Richards was currently dressed in uniform he was wearing during the incident. He described his uniform and duty equipment as follows: A dark blue utility uniform top having an embroidered Santa Rosa Junior College Police badge on the left chest and his name embroidered on the right chest. The uniform has a Santa Rosa Junior College Police patch on both the right and left shoulder. His duty belt from front center to the right is his duty firearm, a .40 caliber Glock model 22, magazine pouch, expandable baton, taser, portable radio, two handcuff pouches and a small flashlight. Officer Richards was not carrying a backup firearm. He was carrying a folding style knife in his right BDU pocket. He carries a digital audio recorder in his pocket; however he did not activate the recorder before, during, or after the incident.

Officer Richards slept for eight hours prior to starting his current shift and consumed a full meal two hours prior to the incident. Officer Richards is not currently sick or injured and he did not receive any injuries during this incident. He is not diabetic and he does not suffer from any medical conditions. He is not currently under the care of doctor and he is not taking any medications that would hinder the performance of his duties as a police officer. Officer Richards has not consumed any alcohol in the past twenty-four hours and he has not consumed any alcohol post incident.

I explained how the nature of the investigation concerned a significant incident which occurred hours earlier on Nordyke Avenue in Santa Rosa, CA. I asked Officer Richards to provide me a detailed account of the events as they occurred with regard to this incident.

Prior to the incident occurring, Officer Richards and his trainee, Officer Vincent Neuman, were at the SRJC police station where his trainee was working on a report. The SRJC police station is approximately three blocks from where the incident occurred. He said he heard a radio transmission which indicated that an officer was in foot pursuit subject on Nordyke Avenue. He said they responded out of the lot in their vehicle code-3 (lights and siren) on and heard an updated location of Nordyke Avenue at Sucher Lane. He said some of the streets in that area dead end into concrete barriers. They drove north on Elliott Avenue and then turned right on Illinois Avenue, southbound to Sucher Lane where it intersects with Nordyke Avenue.

When they arrived on Nordyke Avenue they looked north and saw lights and officers in that area. They drove north on Nordyke and stopped their vehicle approximately 10 to 15 yards from where the officers were. Officers Richards observed several officers struggling with a subject on the ground. He and his trainee exited their vehicle and ran towards the officer`s location, where he

saw officers trying to handcuff a subject. He said he noticed the subject had one handcuff on and his other hand was concealed under his body. Officers were struggling to retrieve the subject`s concealed hand.

Officers Richards said he had a clear view of the subject`s hand. He knelt down next to the subject and pulled his arm upward behind the small of his back and an unknown Santa Rosa Police Officer secured the subjects wrist in handcuffs. At that point, officers rolled the subject over to his side and that`s when Officer Richards noticed there was a large amount of blood on the ground. He said one of the subject`s eyes was closed and the other was open. Officer Richards said he noticed the subject`s pupil was fixed and dilated. He said his trainee told him that he said they should maneuver the subject to a recovery position and clear his airway.

Officers immediately removed the handcuffs from the subject and began to administer CPR. Emergency medical personnel arrived on scene and assumed medical care on the subject. Officer Richards was contacted by a Santa Rosa Police Sergeant who asked him and his trainee to take a position on Nordyke Avenue at Oliver Lane to secure the intersection for scene integrity. They responded to this location and remained there until being relieved.

I asked officer Richards to clarify what he meant in his earlier statement about responding "code-3". He said this meant they activated the lights and sirens on their police vehicle when they responded to the call to get there in a quick manner. He said the initial radio transmission by the Santa Rosa Police Officer was jumbled and unintelligible. They weren`t exactly sure what was going on, but it sounded like an emergency call and they weren`t sure if the officer was in trouble or not.

I asked Officer Richards if he knew the names of the Santa Rosa Police Officers that were involved. He said he knows of few of their names, but he didn`t know what their involvement was during the incident. He said the north end of Nordyke Avenue is a very dark area with little or no street lights. He said all he saw were officers trying to get the subject handcuffed and he did his part to help. He said it wasn`t until everyone stepped back and stood up that he noticed who was around.

Officer Richards said he believed he saw Santa Rosa Police Officer Doherty performing CPR on the subject and he also recalled seeing Santa Rosa Police Officers Avina and Rhodes present. I asked Officer Richards to describe his mindset when he arrived on scene. He said scene safety is always his first thought. He said when he saw the officers struggling with the subject; his first thought was to assist the officers with getting the subject detained in custody as safely as possible.

When questioned, Officer Richards described the subject who was resisting. He said he really couldn`t tell because the subject was lying prone with his face pointing in a westerly direction and his feet were pointing east. One of the subject`s wrists was secured in handcuffs and the other was beneath his body. Officer Richards said when grabbed the subject`s free arm to pull it behind his back, the subject was actively resisting his efforts by pulling back his arm. Officer Richards said he felt that the angle of his body position offered him an advantage in securing his arm.

Officer Richards was unable to identify the subject`s physical characteristics. When asked, Officer Richards could not describe the officer`s name with regard to where they were positioned around the subject. He said they (he and his recruit) came up really fast and the officers were already struggling with the subject. His main thought was to help get the concealed arm from beneath the subject. He said it all happened very quickly and he didn`t know who was where, or who was doing what. Officer Richards said during the incident, he didn`t see anything which caused him concern. He didn`t see anyone applying pressure to the subjects head, neck or back relative to the position was lying.

I asked Officer Richards if he could describe which one of the subject`s hands he engaged. He said he believes it was the right hand, because he approached his right side. Officer Richards said he forgot to mention that when he pulled the subject`s arm from beneath his stomach he had an object in his hand which was later determined to be a cellular telephone. I asked if he remembered anything being said by the subject or the officers during the struggle. He said he remembers yelling, but he doesn`t remember anything specific that was said. He said he felt as though he and his trainee were the last ones there. He said his involvement was very quick.

Officer Richards said when the subject was turned over; he was wide eyed in disbelief. He thought to himself, what just happened, this guy was just struggling. He again described seeing blood on the ground. One of the subject`s eyes was closed and the other was open with the pupil dilated in a fixed position. When questioned, Officer Richards said he couldn`t determine where the blood had come from. I asked if he had seen blood on the subjects face and he recalled now how he remembered seeing blood inside the subject`s nose when he was rolled to a recover position.

He said he couldn`t remember who he told, but he instructed the officers to roll the subject on his side to a recovery position and clear the blood from his nose so the airway would be clear. I asked if he remembered which one of the subject`s eyes was open and he could not recall. I asked if he recalled how many officers were present with the subject when he arrived and he said there were four or five. I asked if he remembered how the officers were struggling with the subject when he arrived. He said he only remembered them actively moving around with him. He again stated the area was dark and he couldn`t see that well. He was unsure of the type of force being used, if any, or what types of holds may or may not have been applied.

During the time of his contact with the subject, Officer Richards said he never hit, punched, slapped or kicked the subject. Officer Richards said he never used his baton, taser, chemical agents or any other mechanical use of force against the subject. When questioned, he said he said he never witnessed any of the Santa Rosa Police officers hitting, kicking, or striking the subject. He never witnessed them using their batons, tasers, or chemical agents against the subject.

I mentioned he stated earlier that he believed Santa Rosa Police Officer Doherty rendered CPR on the subject. Officer Richards acknowledged this was correct. He said when the subject was found unresponsive, Officer Doherty began pumping on the subjects chest, beginning CPR. He said he believed it was Santa Rosa Police Officer Avina who was trying to keep the subject`s airway open, but he really couldn`t recall. He believes Santa Rosa Police Officer Meloche took over CPR from Officer Doherty. He said CPR was immediately initiated and maintained until Fire and Ambulance arrived and took over. I again confirmed that the handcuffs had been removed prior to administering CPR.

Officer Richards said he was then asked by a Santa Rosa Police Sergeant to move his vehicle and close down the intersection of Nordyke and Oliver. He said Officer Jucutan was instructed to do the same at the intersection of Steele Lane and Nordyke Avenue. Officer Richards said he relieved after about an hour by a Santa Rosa Police Officer. He said he and his trainee, Officer Neuman, left and went back to the Santa Rosa Junior College Police station where Officer Neuman submitted some reports that were due.

He said they were later contacted by Sheriff`s Detectives and asked to respond to the Santa Rosa Police Department to be interviewed. He said he believed Officer Neuman had already been interviewed and he commented about how his involvement at the scene was minimal. Per Officer Richards, Officer Neuman provided light from his flashlight during their arrival. Officer Neuman is in his second phase of training and has been with Officer Richards for one week. Officer Richards described the Santa Rosa Junior College Police field training program consisting of approximately 16 to 20 weeks of evaluated field training before an officer can perform on his own.

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With no further immediate questions, I advised Officer Richards that we would be taking a break and we went off the record at 0752 hours. I stepped out of the interview room and met briefly with Deputy District Attorney Scott Jamar and District Attorney Investigator Ed Hemphill.

I returned to the interview room and went back on the record at approximately 0753 hours. With no further questions, the interview was concluded.

INTERVIEW WITH SANTA ROSA POLICE OFFICER GARRISON SWARTZ # SR474 by: DETECTIVE JEFF TONEY

On 04-06-2014, at approximately 0802 hours, I conducted an audio recorded interview with Santa Rosa Police Officer Garrison Swartz. Attorney, Sarah Burdick, with the law firm of Rains Lucia Stern, PC was present during the interview, representing Officer Garrison Swartz. At the completion of the interview the audio recording was transferred to a CD-R disc by Santa Rosa Police Violent Crimes Detective Hector De Leon. The disc was provided to me and then marked as evidence item # JT-3 for future reference. I later booked the disc into evidence in the Sonoma County Sheriff`s Office Property/Evidence locker.

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."

I began the interview by going around the room and having everyone introduce themselves on the record. I advised Officer Swartz that we were present to discuss an incident that occurred earlier this morning on Nordyke Avenue in Santa Rosa, CA. I reminded Officer Swartz this was a criminal investigation that I was conducting and that he was being interviewed as witness in this investigation.

I clarified and established with an affirmative response from Officer Swartz that the statements he was willing to provide were voluntary. I also reminded Officer Swartz that he was free to leave and or stop speaking to me at any point during the interview, if he chose. Officer Swartz answered in the affirmative, indicating he understood. When questioned, Officer Swartz stated he had ample time to consult with his attorney prior to this interview and there was nothing that would hinder him from providing a statement at this time. I also established there was no close relationship or friendship between Officer Swartz and me, having met him for the first time this morning. Officer Swartz answered in the affirmative.

When questioned, Officer Swartz provided the following statements in summary:

Officer GARRISON SWARTZ is currently employed as Police Officer for the City of Santa Rosa. He has been a sworn police officer for the City of Santa Rosa for approximately 1 years. He has no prior experience with any other law enforcement agencies. He currently works a uniformed patrol assignment and is assigned to the "William" team, working from 1500 hours to 0330 hours Friday through Sunday. Officer Swartz` duties include responding to patrol calls for service, he conducts routine traffic enforcement stops for vehicle code violations and enforces traffic and criminal laws.

Officer Swartz began his shift yesterday at 1500 hours. When working patrol, he drives a fully marked Santa Rosa Police vehicle which has Santa Rosa Police on both the right and left front door and rear trunk area. It also has a star on the sides, with a light bar on the top of the vehicle. Officer Swartz is currently assigned to patrol vehicle #75.

During the time of our interview, Officer Swartz was dressed in civilian attire. When questioned, he said he changed out of his uniform. When asked, Officer Swartz described his uniform as follows: Dark blue uniform top and pants. The uniform shirt has Santa Rosa Police patches on each shoulder. He wears a name plate tag on his right chest showing his first initial and last name. There is an embroidered Santa Rosa Police badge on his left chest.

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At approximately 0808 hours, we took a restroom break and went off the record.

At approximately 0810 hours, we reconvened from the break and went back on the record.

Officer Swartz had been describing his uniform and the equipment he carries on his duty belt. The equipment items are; from center to the right, magazine case containing two spare magazines, X26 taser, collapsible baton, portable radio and flashlight. From center to the left he has his department issued cellular telephone, handcuffs, OC spray canister and his duty firearm, which is an H&K USP .40. He also carries a Ruger LCP .380 as a backup firearm. He normally carries a knife, however during last night`s shift he was not. Officer Swartz` call sign was 6-William- 4 (6W4).

Officer Swartz received approximately seven hours sleep prior to working his last shift and he consumed a full meal during his shift. He is not currently sick or injured and he did not receive any injuries as a result of this incident. He is not diabetic and he does not suffer from any medical conditions which would impair his duties as a police officer. He is not currently under the care of a doctor and he is not taking any medications that would hinder his job performance. When questioned, he has not consumed any alcohol in the past twenty-four hours.

I explained how the nature of this investigation concerned a significant incident that he was involved in, which occurred earlier this morning in the general area of Nordyke Avenue Santa Rosa, CA. I asked Officer Swartz to provide me a detailed account of his actions and observations of the events as they occurred with regard to this incident.

Officer Swartz began his shift on April 5, 2014 at approximately 1500 hours, at approximately 0100 hours; he was driving his marked patrol vehicle westbound on Steele Lane from Mendocino Avenue. Another marked Santa Rosa Police vehicle (unknown officer) was driving in the same direction in front of Officer Swartz. Officer Swartz was approaching the traffic controlled intersection just east of the US 101 overpass when he observed a bicyclist traveling eastbound in the westbound lane, approximately 100 yards in front of his vehicle. Officer Swartz observed the bicyclist ride his bicycle into the westbound lane, through the intersection against oncoming traffic, towards his vehicle, violating numerous California Vehicle Code violations. The bicyclist proceeded to move into the eastbound lane and continued east.

Officer Swartz made a U-turn just before the US101 off ramp/on ramp intersection and he grabbed his radio microphone and broadcast to his dispatch center that he was initiating a "bike stop". During this time, the bicyclist had just approached the

intersection east of the US101 off ramp and continued eastbound in the eastbound lane. Officer Swartz couldn`t remember the name of the street, but he indicated it was the same street which leads to the Sonoma County Courthouse. Later in the interview, it was determined he was referring to Steele Lane at Illinois Avenue. At this point, Officer Swartz activated his overhead light bar. With his driver`s side window down, he used his left hand to activate the driver`s side spot light to illuminate the bicyclist.

Officer Swartz said he was approximately thirty feet behind and to the right of the bicyclist at this point and he yelled out his driver`s door window for the bicyclist to stop. The bicyclist turned around and looked at him as he turned right (southbound) onto Illinois Avenue. Illinois Avenue at Steele Lane is a traffic signal controlled intersection. At this intersection, Illinois Avenue is a north and south two lane roadway. The lanes are separated by a concrete median at the intersection.

When the bicyclist turned right (southbound) onto Illinois Avenue, he unlawfully turned into the northbound lane. Officer Swartz turned right onto Illinois Avenue and proceeded southbound in the southbound lane. He said he repeatedly yelled out his window, "Stop, stop, stop, Police, stop", but the cyclist ignored his orders and continued riding southbound.

During this time, his dispatcher asked for his location. He said he had no idea what street he was on and he radioed to the dispatcher to stand by. He accelerated past the cyclist to where the roadway becomes undivided and stopped his patrol car in the middle of the roadway and exited his car. He repeatedly yelled for the bicyclist to stop, but the bicyclist rode around him and his vehicle and proceeded southbound. Officer Swartz got back in his patrol vehicle and again pursued the bicyclist. He said his overhead lights were still on the entire time. The south end of Illinois Avenue is not a through street. The south end turns into a concrete median with plants and cannot be accessed by a vehicle. Illinois Avenue turns left at this point and turns into Sucher Lane. The bicyclist turned left and continued eastbound onto Sucher Lane. During this time, Officer Swartz radioed his dispatcher and provided them his location (he couldn`t remember the streets name as we spoke) and advised the bicyclist was trying to get away from him and failing to yield.

As Officer Swartz pursued the bicyclist eastbound on Sucher Lane, he got within approximately twenty feet behind and to the right of the bicyclist and repeatedly yelled, "Police, stop." The bicyclist turned and looked back at him several times, but continued riding his bicycle east on Sucher Lane. Officer Swartz said he noticed the bicyclist was swerving his bicycle from left to right as he rode on the left side of the roadway. Officer Swartz continued pursuing the bicyclist, driving his patrol vehicle on the right side of the roadway.

The bicyclist continued riding eastbound on Sucher Lane where it ends and tuned left onto Nordyke Avenue. Officer Swartz tuned left onto Nordyke Avenue and continued yelling out his window for the cyclist to stop, but he continued riding northbound on Nordyke Avenue. Officer Swartz accelerated his vehicle and drove past the cyclist. He stopped and purposely parked his patrol vehicle in the middle of the roadway. Officer Swartz said he didn`t want the cyclist to hit his patrol vehicle and get hurt over some vehicle code violations. After stopping his patrol vehicle, Officer Swartz jumped out of his car and ran left towards the bicyclist`s pathway, thinking the cyclist would again attempt to go left around his patrol car. This time, the bicyclist veered right and went around the right side of his patrol car, and then rode back to the left side of the roadway.

Officer Swartz got back into his patrol vehicle and accelerated towards the cyclist. Officer Swartz said the bicyclist was constantly swerving his bicycle about two feet left and right from a straight line. Officer Swartz said he drove his patrol vehicle next to the bicyclist to where his front driver`s window was even with the cyclist, and repeatedly yelled at him to stop. The bicyclist responded saying, "I can`t, my brakes don`t work, my brakes don`t work." Officer Swartz said he then told the cyclist repeatedly to stop pedaling the bike. He told the cyclist if he stopped pedaling he would come to a stop. The bicyclist kept saying, "I`m going to, I`m going to", but he continued pedaling the bicycle, swerving it back and forth from a straight line.

At this point, Officer Swartz accelerated his vehicle past the bicyclist. As he did, the cyclists` bicycle collided with the rear driver`s quarter panel of his patrol vehicle. Officers Swartz said it wasn`t a big collision. It was more like the bicycle brushed up against his vehicle and he kept riding. Officer Swartz drove up ahead of the bicyclist again. He said he wanted to create enough distance between him and cyclist so he would have more time to estimate the cyclist`s next move so that he could stop him. Officer Swartz stopped his patrol vehicle angled west, in the middle of the roadway. As he was putting his vehicle into park, he saw the bicyclist veer his bicycle left from the middle of the roadway and he struck the west curb approximately twenty feet south of Officer Swartz` patrol vehicle.

When the cyclist struck the curb, he fell off the bike and landed on the sidewalk. The force of the collision caused the bicycle to continue traveling west past the sidewalk and into a grassy area. During this time, the subject is now on his knees, looking like he was trying to get up. Officer Swartz exited his patrol, ran towards the subject and jumped on him. He said he halfway tackled the

subject onto the ground and began giving him repeated verbal commands, "Put your hands behind your back."

Officer Swartz said the subject was on his stomach. Officer Swartz had his left leg on top of the subject`s legs and his right knee was on the ground next to the subject`s right side. The subject`s right arm was next to his right side and it was being blocked by Officer Swartz` right leg. The subject was thrashing his left arm back towards Officer Swartz and he was trying to use his left arm to get up and get away.

Officer Swartz said he was repeatedly yelling for the subject to put his hand behind his back, but he failed to do so. Officer Swartz said he leaned across the subject`s body from the right to the left and grabbed the subjects left wrist, in an attempt to bring his hand behind his back. Officer Swartz said the subject didn`t appear to be large in stature; however he used all his strength in an attempt to pull the subjects arm back. He said he couldn`t because the subject was pulling against him, trying to break from his grasp.

Officer Swartz was repeatedly shouting at the subject to stop resisting. He repeatedly told the subject to place his hands behind his back, but he failed to comply. Officer Swartz said it was very clear at this time the subject was not following his commands. Officer Swartz said he let go of the subjects left wrist, while maintaining control of his right wrist with his right hand and he delivered approximately two or three strikes with his left hand to the subjects left rib cage area. Officer Swartz said he used this pain compliance force option in efforts to persuade the subject to place his hands behind his back. He said the subject still refused. He said he didn`t really hit the subject that hard in the beginning. Again, he said he hoped the pain from the light hits would get the subject to place his hands behind his back. Officer Swartz said the strikes didn`t seem to affect the subject at all. After the initial volley of strikes, Officer Swartz again grabbed the subject`s left wrist with both his hands and tried getting it behind his back, but the subject resisted his efforts.

Officer Swartz said he again let go of the subject left wrist and struck his rib cage area two to three times with more force than before, while telling him to place his hands behind his back. Officer Swartz said he gave the subject time to comply in between delivering the strikes, thinking he would feel the pain and comply with his orders, but he still refused. Officer Swartz said he continued giving two to three strikes to the subjects side, approximately four or five times. He said he was ultimately hitting the subject as hard as he could to get him to comply, but he failed to do so. Officer Swartz said the strikes didn`t seem to affect the subject at all. He said he never heard the subject yelling in pain or anything; it seemed to be no big deal.

Officer Swartz said there were a few times he heard the subject saying, "I`m trying, I`m trying", but Officer Swartz said the only thing keeping the subject from placing his hands behind his back, was him resisting Officer Swartz. Officer Swartz said he could absolutely not get the subjects left hand behind his back.

Officer Swartz said at this time, Officer Rhodes showed up. He said he didn`t even remember hearing his patrol car arrive. Officer Swartz said prior to delivering strikes to the subject, he radioed for a "Code-20", meaning he requested emergency assistance. Officer Rhodes took a position on the upper left side of the subject`s body while Officer Swartz was on the subject`s right side, leaning over his body. Officer Swartz said he heard Officer Rhodes telling the subject to place his hands behind his back, and he too was telling the subject to place his hands behind his back, but the subject would not comply. Officer Swartz said he didn`t know exactly what Officer Rhodes was doing at this time because he was concentrating on trying to get the subjects arm behind his back. Officer Swartz said he stopped using hitting the subject once Officer Rhodes arrived. He could see Officer Rhodes moving around but he wasn`t sure what he was doing other than giving the verbal commands, telling the guy to put his hands behind his back.

Approximately five seconds later, two additional officers showed up which Officer Swartz believed were Santa Rosa Junior College Police Officers, but he wasn`t really sure. He said one of the officers took a position on the subject`s right side and the other on the subject`s left side. Officer Swartz said they helped him take the subjects left arm and place it behind his back.

At this time, Officer Swartz was able to retrieve his handcuffs and cuff the subjects left wrist. Officer Swartz said he remembers seeing Officer Doherty there at this time and he assisted him with cuffing the subjects left wrist. Once this was done, Officer Swartz used the chain link portion of the handcuffs to pull the subjects left arm behind his back, and introduced pain compliance by pulling the subjects arm upward in order to coerce the subject to bring his right hand behind his back. Officer Swartz said the subject continued to resist their efforts by pulling his arm away from them.

Officer Swartz said he doesn`t remember the subject yelling, or saying anything during this time. He said there were so many officers telling the subject to place his arm behind his back. As Officer Swartz controlled the subjects left arm with his left hand, he

said one of the other officers that was there helped him take the subjects left arm from the side of his body and bring it behind his back. Officer Swartz said it probably took about ten seconds to secure the subjects right arm behind his back because he was fighting the entire time, trying to push forward.

Officer Swartz said he was using only one of his arms and the other officer was using both of his hands. He said he didn`t know about the other officer, but he was using as much strength as he could to get the subjects right arm behind his back. He said it was difficult to handcuff the subject because he had a puffy jacket on covering his wrist and he had clothing on beneath the jacket. He said the subjects clothing and the fact that he was aggressively pulling away from them, made it difficult for them to handcuff the subject. With the assistance of the other officers, Officer Swartz was able to finally cuff the subject`s right wrist. He said he was only able to secure the cuffs using two clicks.

Once he knew the subject was handcuffed, he was still hovering over him. He said all of the officers took a deep breath and back away from the subject. Officer Swartz said he remembers someone said to put him on his side and they rolled the subject on his side. Officer Swartz said that`s when he realized there was a bunch of blood on the ground where the subjects face had been. Officer Swartz said he could only see the right side of the subjects face and he saw there was blood on the right side of his face. He said he couldn`t see any lacerations or cuts or anything, but he was aware that facial wounds bleed heavily

During this time, Officer Doherty was rubbing the subject`s chest saying, "Hey buddy, buddy wake up" and he wasn`t responding. Someone said to remove the handcuffs immediately and Santa Rosa Police Officer Meloche radioed for Code-3 (Emergency/Lights and Sirens) medical response to the scene. Officer Swartz said he handed his handcuff key to Officer Doherty, who had gloves on, and he removed the handcuffs from the subject while Officer Swartz held his arms. The handcuffs were removed quickly and Officer Swartz rolled the subject back onto his side. They rubbed the subject`s sternum again to but there was no response to the stimulus. The officers rolled the subject onto his back. Officer Swartz got up and took a position above the subject head and provided light to the subject`s body with his flashlight.

Santa Rosa Police officer Doherty began administering chest compression on the subject and Officer Meloche appeared with a plastic hooked shaped device which he placed into the subject`s mouth to assist with breathing. Officer Doherty was administering chest compressions for approximately fifteen seconds and Officer Swartz said he saw the subjects head moving and his tongue was moving back and forth. With this observation, they stopped the chest compressions and engaged the subject verbally to get a response, saying "wake up, wake up". During this time he could see the subjects tongue continuing to move slightly, but that was it, so they again began administering chest compressions.

Officer Meloche had medical scissors with him and he cut the subject`s shirt open. Officer Swartz said he saw blood coming from the subject`s nose and it appeared clotted. Officer Swartz said he put gloves on and used the subject`s shirt to pinch his nose in an effort to remove the blood from the subject`s nose and make it easier for him to breathe. He said they continued chest compressions on the subject. Officer Swartz stood up and stepped back, holding his flashlight to illuminate the area. He said there were approximately four officers around the subject at this time. Santa Rosa Fire arrived on scene and assumed medical treatment on the subject. At that point, Santa Rosa Police Officer Michael Spediacci pulled him away from the scene and had him stand by his patrol vehicle.

Officer Swartz told me that was about all he remembered. I asked Officer Swartz if he was relieved from the scene at some point and if so, what time did he leave and where did he go. Officer Swartz said he wasn`t sure what time it was but after Officer Spediacci pulled him aside, he stood by his patrol car with him.

Santa Rosa Police Sergeant Ludtke and Sergeant Boettger arrived. Sergeant Ludtke told Officer Swartz to return to the Santa Rosa Police Station with Officer Spediacci. Per his Sergeant`s request, he left his patrol vehicle at the scene and walked with Officer Spediacci to his vehicle which was parked on Steele Lane, and they drove to the SRPD where Officer Spediacci remained with him, until being relieved by another officer.

I asked Officer Swartz if American Medical Response (AMR) ambulance paramedics arrived when he was there. Officer Swartz said AMR arrived on scene approximately thirty seconds after Santa Rosa Fire. When questioned, Officer Swartz said he believed emergency medical personnel were still treating the subject when he was walking away. He said he remembers there being a machine that was administering chest compressions on the subject.

I asked Officer Swartz if we could clarify a few things. Officer Swartz confirmed his earlier statement that he was initially driving westbound on Steele Lane in the number two lane when he observed the bicyclist. I mentioned that I heard him say they at one

point when he was talking about the bicyclist and I asked him if he could clarify if there was more than one. Officer Swartz confirmed there being only one person he was referencing.

I asked Officer Swartz if he could describe the person on the bike. He said he was wearing a big puffy jacket and riding a men`s mountain bike style bicycle. The adult male subject did not have a helmet on and Officer Swartz believes there was a light on the front of the bike. He said the subject was wearing dark clothing and his pants were worn low partially exposing his buttocks. When questioned, Officer Swartz confirmed that he was attempting to contact the bicyclist because he violated numerous vehicle code violations.

I mentioned to Officer Swartz that he stated earlier that he verbally engaged the subject on the bike and I asked him to clarify this again. He said when he caught up to the subject and activated his spot light on him; his driver`s window was down. He said during that entire time he was yelling out his window, "Hey stop your bike, stop your bike." I asked Officer Swartz if he ever used his vehicles PA system and he said no, it was all verbal. Officer Swartz said he knew the bicyclist saw him from the start. He said before he even yelled out his window, he had his patrol vehicle`s emergency lights on with a forward facing solid red light and his spotlight was fixed on the bicyclist. During this time, the bicyclist looked back him, but refused to stop and kept pedaling.

I asked Officer Swartz to clarify how it was that the bicyclist came in contact with rear driver`s side corner panel his patrol vehicle. I further asked if he saw the bicyclist maintain his movement during the contact with his vehicle, or crash and fall off his bicycle as a result of the contact. Officer Swartz said the bicyclist maintained traveling forward on his bike during the contact. He said the bicyclist barely brushed the side of his patrol vehicle.

I mentioned how ultimately Officer Swartz described the bicyclist struck the curb and I asked him to clarify where he was during this time. Officer Swartz said the bicyclist was initially riding his bicycle to the rear driver`s side of his patrol vehicle. Officer Swartz accelerated his vehicle north on Nordyke Avenue and parked his patrol vehicle angled slightly northwest in the middle of the road. Officer Swartz said there was approximately twenty feet between the front of his patrol vehicle and the west curb of Nordyke Avenue. He said if the bicyclist would have maintained the northbound direction he was riding, he would have rode right past his vehicle.

Officer Swartz said as he began getting out of his patrol vehicle, he witnessed the bicyclist make a hard left turn and his bicycle impacted the west curb. The impact caused the bicyclist to fall off the left side of the bike onto the ground, while the front and back wheels continued forward onto the sidewalk and the bicycle continued rolling west onto the grass of a residence and came to rest. He clarified and said when the bicyclist fell off the bike; his momentum caused the bike to continue moving forward.

I asked Officer Swartz if he saw any obvious injuries on the subjects face when his face was illuminated by his spot light and he looked back at him. Officer Swartz said he saw no injuries on the subjects face at that time. When questioned, Officer Swartz said he didn`t see any injuries on the subjects face when he initially engaged the subject on the ground.

Officer Swartz mentioned earlier in the interview that during the initial contact with the subject, he had his right leg on the subject`s right side pinning the subjects right arm which was down to his side, while attempting to get control of the subjects left arm. Officer Swartz said he was trying to keep as much pressure on the subject`s right arm while trying to secure his left arm because the subject was wearing a puffy jacket and baggy pants. He said he didn`t know who the guy was and he feared the subject had a weapon on him that he might try and retrieve with his right hand.

I asked Officer Swartz if he could elaborate further about his state of mind and his concerns when he engaged the subject. Officer Swartz said his number one concern was to get the subjects hands under control as soon as possible because a person`s hands present the most potential danger to him, i.e. retrieving weapons, punching.

Officer Swartz said his thought process was to get control of the subjects left hand first and then his right. When the subject resisted Officer Swartz` efforts to gain control of his left hand by pulling against him, he then escalated his force and began delivering closed fist strikes to the subject`s left rib cage area while giving verbal commands to the subject to place his hands behind his back. Officer Swartz again mentioned how the subject actually replied back to him at one point saying, "I`m trying." Officer Swartz said he remembers thinking to himself, no you`re not trying. He said all the subject had to do is place his hands behind his back, or stop resisting him.

Officer Swartz said he believes he deployed two to three strikes to the subject`s left rib area five different times. He said he escalated the force of his strikes each time after stopping momentarily in between strikes to see if the subject was going to

comply. He said the strikes seemed to have no affect on the subject. Officer Swartz indicated earlier that prior to deploying the strikes he called for a Code-20. I asked him to describe what a Code-20 is. Officer Swartz said Code-20 is their code used to ask for all available officers to respond to his location Code-3 to assist him. He said Code-3 is a code meaning to respond with the patrol vehicles lights and sirens activated.

When questioned for clarification, Officer Swartz said he observed blood on the sidewalk and the subject`s face immediately after they rolled him to his side. He said the right side of the subjects face was covered in blood from his chin to his eyebrow area. I asked if he was able to determine, or knew if the subjects face could have been injured from falling off his bike onto the concrete. Officer Swartz said he saw the subject fall off his bike but he couldn`t say whether or not his face hit the concrete. He said once he fell he was on his knee and it looked like he was trying to get up, so he jumped on him and tackled him. He said he didn`t see the subject face again until after he was handcuffed and rolled to his side.

I asked Officer Swartz to describe how he tackled the subject. I asked if he tackled the trunk of the subject`s body, or his head, offering examples to my question. He said when he saw the subject on his knee; he was facing away from him and the left side of the subject`s body was facing Officer Swartz. Officer Swartz said he jumped and used the force of his body to take the subject to the ground. When they fell, the subject landed flat on his stomach and his body was perpendicular to the curb. Officer Swartz positioned himself on the right side of the subject`s body, leaning over him. Officer Swartz said he didn`t see the subjects head contact the concrete when he tackled him.

I asked Officer Swartz if he used any other means, or method of force besides the closed fist strikes on the subject, such as his baton, taser, body kicks, or knee strikes. Officer Swartz said he did not. I asked Officer Swartz if he saw any of the other officers involved with the subject use any force such as their batons, taser, or chemical agents and he said no. I asked Officer Swartz if he saw any of the officers who were engaged with the subject hit, punch, strike, slap, or kick the subject. He said once Officer Rhodes showed up he saw him (Rhodes) moving towards the upper half of the subject`s body, but he couldn`t see what he was doing because he was concentrating on securing the subject`s hands. I asked Officer Swartz he if he saw the subject hit, punch or kick any of the officers. He said if he did, he didn`t see it. He said the subjects arms were flailing around so it was possible, but he didn`t see it.

At approximately 0845 hours, I went off the record to take a short break. During this time I left the interview room and met with DDA Scott Jamar to see if there were any questions.

I returned to the interview room and went back on the record at approximately 0849 hours. I told Officer Swartz there were a few follow up questions.

I provided Officer Swartz a pen and sheet of paper to draw the best he could, the route/pathway he took when he made his initial observation of the bicyclist and also the path he pursued the subject on his bike. Officer Swartz completed the drawing (Not to Scale) and followed it by narrating his travels. Officer Swartz signed and dated the drawing. I later marked the drawing as item # JT-4 for future reference. I later booked this item into an evidence locker at the Sheriff`s main office.

With no further questions, I began to end the interview. Officer Swartz` Attorney, Sarah Burdick, stated she had some follow up questions.

Ms. Burdick mentioned how other force options such as a taser, baton and chemical agents were mentioned earlier. She asked Officer Swartz if any of these force options were viable during his engagement with the subject. Officer Swartz said no. He said he had to use his hands to try and quickly secure the subject`s arm after becoming physically engaged with the subject.

Officer Swartz said if he stopped trying to secure the subjects arm to obtain his baton, taser or chemical agent, he would have had to disengage the subject to create space between him and subject in order to safely retrieve a force option from his duty belt. Disengaging the subject would have also allowed the subject to try and escape, or provided him an opportunity to retrieve a weapon from his person. Officer Swartz said because of the immediate physical engagement he had with the subject, he didn`t have the opportunity to pat search him for weapons.

Ms. Burdick mentioned how Officer Swartz described how he escalated the amount of force he used when he delivered the closed fist strikes to the subject. She asked Officer Swartz if it appeared the strikes were effective in gaining the subjects compliance. Officer Swartz said initially he didn`t strike the subject with all of his strength. As the subject continued to resist him, he continued hitting him with more force until ultimately he was hitting him as hard as he could, but the subject continued resisting and he

would not surrender his hands. He said his closed fist strikes didn`t faze the subject at all. He said he never heard the subject yell in pain, or say anything at all.

Ms Burdick asked Officer Swartz if he stopped in between strikes to reassess and see if the subject was compliant. Officer Swartz said he did. He said he had two hands on the subjects left wrist trying to pull it back behind his back. He released his left hand to deliver the strikes and then he stopped to give the subject time to comply with his orders. Each time he tried securing the subjects left arm with both his hands, he would continue resisting.

Ms. Burdick asked Officer Swartz if he believed he was using the amount of force reasonably necessary to overcome the subject`s resistance. Officer Swartz said yes. Ms. Burdick said it sounded like the subject was actively resisting him (Officer Swartz) until he was able to get both handcuffs on the subject. Officer Swartz said yes, the entire time he was trying to get handcuffs on the subject, or even put his arms behind his back, the subject was continually pulling away from him.

Ms. Burdick mentioned how Officer Swartz said he called for a Code-20 on his portable radio. She asked him if there was anything that happened to his radio after that. Officer Swartz said when he keyed his microphone which is clipped to his uniform shirt; the suspect swung his arm and struck Officer Swartz`s hand, causing his radio microphone to fall off of his uniform shirt. He said his microphone was dangling and he was unable to reach it after that.

Ms. Burdick concluded saying, so at that point it was only you on scene, you were using both your hands to try and secure the subjects one hand and you no longer have the ability to summon help. Officer Swartz said yes.

I asked Officer Swartz if he had anything further to add that would describe the incident and he said no, that`s all I have.

With no further questions, we went off the record and the interview was completed at 0902 hours.

INTERVIEW WITH SANTA ROSA POLICE OFFICER ERIC RHODES # SR352 by: DETECTIVE JEFF TONEY

On 04-06-2014, at approximately 0913 hours, I conducted an audio recorded interview with Santa Rosa Police Officer Eric Rhodes. Attorney, Sarah Burdick, with the law firm of Rains Lucia Stern, PC was present during the interview, representing Officer Eric Rhodes. At the completion of the interview the audio recording was transferred to a CD-R disc by Santa Rosa Police Violent Crimes Detective Hector De Leon. The disc was provided to me and then marked as evidence item # JT-5 for future reference. I later booked the disc into evidence in the Sonoma County Sheriff`s Office Property/Evidence locker.

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."

I began the interview by going around the room and having everyone introduce themselves on the record. I advised Officer Rhodes that we were present to discuss an incident that occurred earlier this morning on Nordyke Avenue in Santa Rosa, CA. I reminded Officer Rhodes this was a criminal investigation that I was conducting and that he was being interviewed as witness in this investigation.

I established with an affirmative response from Officer Rhodes that the statements he was willing to provide were voluntary. I also reminded Officer Rhodes that he was free to leave and or stop speaking to me at any point during the interview, if he chose. Officer Rhodes answered in the affirmative, indicating he understood. When questioned, Officer Rhodes stated he had ample time to consult with his attorney prior to this interview and there was nothing that would hinder him from providing a statement at this time. I also established there was no close relationship or friendship between Officer Rhodes and me, even though we previously worked together at the Sonoma County Sheriff`s Office in the Detention Facility when he was employed at the Sheriff`s Office.

When questioned, Officer Rhodes provided the following statements in summary: Officer ERIC RHODES is currently employed as a police officer with the City of Santa Rosa. He has been a police officer for the City of Santa Rosa for approximately twelve years. Since being employed as a police officer, Officer Rhodes has received specialized training as a Field Training Officer and DUI Traffic Collision Investigator. Prior to becoming a police officer, he worked as a Correctional Officer with the Sonoma County Sheriff`s Office for approximately two years.

Officer Rhodes is currently a Canine Handler (K-9) assigned to uniformed patrol. He is currently assigned to the "George Team", working grave shift Friday, Saturday and Sunday from 1800 to 0630 hours. He is assigned to work with the patrol units to support them. His canine partner "Blitz" is patrol and narcotics certified which enables him to use his canine to track offenders who flee and locate narcotics. He is also responsible for completing the basic duties of patrol officer, such as respond to calls for service, conduct investigations and write crime reports. His dedicated call sign during this incident was Six-King-11 (6K11). Officer Rhodes has been in his current assignment since June 2013.

Officer Rhodes was dressed in the same uniform he was wearing during the incident currently being investigated. He described his uniform as being a dark blue BDU which has Santa Rosa Police patches on both right and left shoulder. His first initial and last name is embroidered on the right front pocket, with the word Canine above his name tape. It has a Santa Rosa Police badge embroidered over the left front pocket.

The items on the duty belt he wears while on duty are as follows: remote vehicle door release to release his canine from his patrol vehicle, magazine pouch containing two spare .40 caliber magazines, duty firearm (Sig Sauer P226 .40 caliber) Oleoresin Capsicum spray, handcuffs, collapsible baton, portable police radio, two knifes, two dog leashes and a dog ball. Officer Rhodes carries a digital audio recorder which he said was not activated during the incident now being investigated.

Prior to starting his shift last night, Officer Rhodes received approximately eight hours of sleep and ate a full meal. Officer Rhodes is not currently sick or injured and he did not receive any injuries as a result of this incident being investigated. He is not a diabetic and he does not suffer from any medical conditions. He is not currently under the care of a doctor and he does not take any medications which would hinder the performance of his duties as a police officer. Officer Rhodes indicated that the night before he was working with his canine and his canine pulled him into a creek, causing him to receive some minor bumps, scrapes and bruises. He said he`s been taking regular over the counter Ibuprofen for these minor injuries. When questioned, Officer Rhodes said he has not consumed any alcohol in the past twenty-four hours and he has not consumed any alcohol since this incident occurred.

I explained how the nature of this investigation concerned a significant incident that he was involved in which occurred earlier this morning in the general area of Nordyke Avenue Santa Rosa, CA. I asked Officer Rhodes to provide me a detailed account of his actions and observations of the events as they occurred with regard to this incident.

Officer Rhodes said he became aware of the incident because he heard Officer Swartz transmit on his radio that he was conducting a "bike stop". He said normally an officer would follow by providing his location and he heard Officer Swartz tell the dispatcher to stand by. Officer Rhodes said he perceives this to mean one or two things, either the officer doesn`t know where they are, or there`s something going on that isn`t normal.

At the time of officer Swartz`s initial transmission, Officer Rhodes was driving his patrol car westbound on West College Avenue, somewhere between Glen and Morgan Streets. He said he slowed down and used his MDT (Mobile Data Computer) map feature to retrieve a GPS location for Officer Swartz to see where he was. Officer Rhodes saw that Officer Swartz was in the area of Illinois Avenue and Nordyke Avenue. Officer Rhodes proceeded westbound to get on the freeway and at some point during this time, he heard Officer Swartz on the radio saying he was in pursuit of the bicycle and that it was failing to yield.

Officer Rhodes activated the emergency lights and siren. He entered the freeway from the northbound on ramp from West College. As he was driving he heard Officer Swartz radio that he was chasing the subject on the bike, northbound on Nordyke Avenue. At some point before he exited the freeway off ramp on Steele Lane, he heard the radio key up and someone was screaming in the background. He said he couldn`t hear what was being said, but it sounded to him that the officer needed assistance. He said he assumed it was Officer Swartz being that he just broadcasted he was pursuing a subject. Officer Rhodes said most officers will not use the radio when a fellow officer is pursing someone. He said he believed at that point Santa Rosa Police dispatch placed a "Code" on the channel restricting all radio traffic to the officer in pursuit. Officer Rhodes said based on what he was hearing he knew Officer Swartz needed help and that he was probably fighting with the subject.

Officer Rhodes exited the freeway onto Steele Lane and turned right. He turned right onto Nordyke Avenue and observed Officer Swartz`s patrol vehicle in the roadway with its emergency lights activated and the driver`s door open. Officer Rhodes stopped his vehicle in the middle of the roadway and turned off his siren. He placed his vehicle in park and exited. He said he had to look around because he didn`t immediately see Officer Swartz. After a few seconds he saw a subject, referred to in this interview as John Doe, lying on the ground. He was laying on the Westside of the roadway with his head facing towards the west and Officer Swartz was on top of him. Officer Rhodes said it immediately appeared to him they were fighting. He said it appeared to him that

Officer Swartz was getting pushed around by the subject. He said he could Officer Swartz yelling. He said it sounded like Officer Swartz was yelling commands at the subject, but he couldn`t remember the words he was yelling out. Officer Rhodes said it sounded like the suspect was yelling back, but he doesn`t remember the specific words he was saying.

Officer Rhodes said he immediately ran over to assist Officer Swartz in getting John Doe into custody. As he approached Officer Swartz he radioed they had one on the ground. He said he did so to alert responding officers that they were no longer giving chase to the subject and that they could respond onto the scene. He said he reached them and Officer Swartz was actively fighting with the subject on the ground. He said he kneeled down on the ground next to them as saw that the suspect had his right arm beneath his body with his hand somewhere between his waist and stomach. He said the suspect`s hand was concealed from his view. He couldn`t see the suspect`s hand, or his arm, at all.

Officer Rhodes said he knows from his training and experience this is where people often carry weapons such as firearms, knifes, etc., and this concerned him. During this time, it appeared the suspect was trying to roll to his right side and buck Officer Swartz off of him. He said he grabbed a hold of the suspect and he used his right knee to deliver knee strikes to the suspect`s shoulder area. Officer Rhodes said he hit the suspect probably four to five times with his knee and they were able to roll the suspect back down to his stomach. At this time, Officer Swartz was still trying to control the suspect`s left arm. Officer Rhodes said he reached down and attempted to grab the suspect`s right bicep. He immediately felt the suspect tense up and push away from him. He said the suspect was actively fighting against him and Officer Swartz still had no control of the suspect`s left arm. Officer Rhodes said he pulled as hard as he could, but he could not pull the suspects right arm from beneath him. He said he no longer had the option to deploy knee strikes on the suspect`s back because he was lying flat. The suspects jacket was up and covering his face area. He said he knew about where his head was, but he couldn`t tell which way the suspect was looking, or which way his head was facing. He said the only target he had at this point was the suspects head. Officer Rhodes said at this point the suspect`s continuing to fight and he`s strong enough to where he can`t get his right arm out from beneath him. He said he was concerned the suspect might be high on some sort of drug, in addition to the fact he was fighting with them. Officer Rhodes said he used "bottom fist" strikes to strike the suspects head with the bottom of his fist, approximately five or six times, introducing pain compliance as well as a distraction technique to get the suspect to stop fighting and surrender his arm. Officer Rhodes demonstrated this by closing his hand, raising his arm and striking downward into his opposite palm so that the area of his pinky finger, side of palm and wrist are contacting the target area.

** As a Use of Force Instructor with the Sonoma County Sheriff`s Office, I know the Bottom Fist Strike is a common method of hand strikes taught to law enforcement personnel during training they receive in Weaponless Defensive Tactics. This method of striking is used to prevent the striker from causing injury to his/her hand when using this force option.

Immediately after delivering the bottom fist strikes, Officer Rhodes went back to the suspect`s right arm and tried to pull it out from underneath the suspect and the suspect continued to forcibly resist his efforts to retrieve his arm. He said the suspect again tried to roll over to his side, which officer Rhodes perceived he was trying to buck officer Swartz off of him to be able to escape, or retrieve a weapon that was concealed in front waistband area. Officer Rhodes said since the suspect was starting to roll upwards, he was able to again deploy knee strikes. He struck the suspect five or six times in his shoulder area with his knee.

At this point the suspect was fighting extremely hard to either get away, or attack them. He said he still couldn`t see where the suspect`s right hand was and he feared he might have a weapon. Officer Rhodes deployed a second volley of knee strikes, striking the suspect`s shoulder blade area approximately five or six times. The affect of the knee strikes allowed Officer Rhodes to push the suspect back down to his stomach and he again grabbed the suspect right arm to remove it from beneath his body, but the suspect still tensed his arm and pulled it in beneath his stomach. Officer Rhodes still could not retrieve the suspect`s right arm.

During this time, additional officer began arriving on scene. Officer Rhodes said he believes one of the officer`s was Santa Rosa Police Officer Doherty and another unknown officer came over to Officer Swartz`s side, away from officer Rhodes. Santa Rosa Junior College Police Officer Richards came to where Officer Rhodes was positioned. The suspect began yelling out that he couldn`t breathe. Officer Rhodes said the suspect was yelling, so he knew he was clearly getting oxygen. Officer Rhodes heard one of the officers`s say something about handcuffs. He said it was either Officer Swartz, or Doherty. Hearing this, he believed they had the suspect`s left arm out, or at least under control. Officer Rhodes asked Officer Richards to assist him with getting the suspect`s right arm from beneath him. He said both he and Officer Richards were able to pull the suspect`s right arm out from beneath him and they observed the suspect clutching a black object in his right hand. Officer Rhodes used his knee to pin the suspect`s right bicep/triceps area of his right arm down to the ground. He said Officer Richards immediately began telling the suspect to let go of the object in his hand.

Officer Rhodes stopped momentarily and said he forgot to mention something. He said when he ran up initially, he told the suspect to stop fighting with them. He said after he deployed the initial volley of knee strikes he told the suspect to surrender his right arm. He specifically told him, "The arm that`s underneath you, you need to put it out to me." He said when the suspect did not comply with his orders; he deployed the initial bottom fist strikes.

Going back now to his earlier statement. He said they retrieved the suspect`s right arm and Officer Richards said the suspect had something in his hand. Officer Rhodes said from his vantage point he couldn`t see what it was so he pinned the suspect`s arm down on the ground with his knee. Officer Richards began repeatedly yelling at the suspect to let go of what was in his hand, but he failed to do so. He said Officer Richards had to strike the subjects hand a few times to get him to release the object in his hand.

At this point, Officer Rhodes shifted his body and pinned the suspect on the ground by placing his right knee to the suspect`s right shoulder blade area. He described how his left knee was off of the suspect, on the ground at this time. Officer Rhodes said he and Officer Richards were able to bring the suspect`s hands up and handcuff them. Officer Rhodes said the officers began getting off the suspect at this time and Officer Doherty asked if anybody had pat searched the suspect. Officer Rhodes told him no. because they had just got him into custody. Officer Doherty advised he would take care of that, or something to that affect. Officer Rhodes said he realized at that point he had blood on his right hand from the suspect that was about the size of a quarter. He said he stood up and asked if anybody had something to clean his hand. Officer Richards handed him a VioNex antiseptic wipe and he cleaned his hand. He looked around to make sure everyone was okay and someone said that the suspect was unresponsive.

Officer Doherty rolled the suspect onto his left arm and looked over and didn`t see him breathing. Officer Doherty rubbed the suspect`s sternum for a reaction to see if he was faking it, or get him to come to. He said the sternum rub caused no reaction what so ever. Officer`s began calling for Code-3 medical response to their location and removed the handcuffs from the suspect. He said they then rolled the suspect onto his back and began administering CPR on him. Seeing there were enough officers providing emergency medical aid on the suspect, he began moving patrol vehicles out of the way, in order to make room for responding fire engine and ambulance vehicles.

After moving some of the patrol vehicles, Officer Rhodes walked back over to where the suspect was and saw Officers Doherty and Meloche administering CPR on him. He said he checked to see if the officers needed any assistance and heard one of them saying they were going to retrieve an Ambu Bag (hand-held device commonly used to provide positive pressure ventilation to persons who are not breathing). Seeing there were enough officers rendering medical aid on the suspect, Officer Rhodes walked to the end of Nordyke Avenue at Steele Lane to flag down incoming emergency medical personnel.

Officer Rhodes waited there until the fire engine came and he directed them down the roadway. He stood and waited for the ambulance, which he said seemed like it took a while to arrive. He said he told one of the newer officers`s to stand there and wait for the ambulance while he walked back to the suspect`s location. He said at that point there was nothing further for him to do.

Santa Rosa Police Officer Jeff Woods approached him and asked him if he had been involved in the incident to which he said yes. Officer Woods sequestered him away from the immediate area. Santa Rosa Police Sergeant Ludtke arrived on scene and Officer Rhodes provided him a brief synopsis about what happened so he understood what was going on. Ultimately, Officer Rhodes drove his patrol vehicle back to the Santa Rosa Police Station. Officer Rhodes said there`s no one else who can drive his vehicle with his canine partner, Blitz, inside because he goes nuts.

Officer Rhodes had nothing further to add at the moment. I explained that I had a few follow up questions for him. When questioned, Officer Rhodes confirmed that he was the first officer to arrive on scene to assist Officer Swartz. I mentioned he said he heard the subject screaming as he was approaching them and he said yes. I asked him to again describe the position he took in accordance to the suspect. Officer Rhodes said when he approached, the suspect was on his stomach and Officer Swartz was on the suspect`s back, trying to keep him on the ground. I asked Officer Rhodes if he could clarify his location when he engaged the suspect. He said Nordyke Avenue runs north and south. The suspect was lying on the west side of the roadway on the sidewalk with his head facing west on the ground and his legs facing east. Officer Swartz was on top of the suspect fighting to keep him on the ground. Officer Rhodes said he was coming from the north, running southbound and he approached the suspects right shoulder blade area.

I asked Officer Rhodes if at that point he saw Officer Swartz trying to get control of the suspects arm. He said he could tell Officer

Swartz was moving around. He said it appeared to him that the suspect was trying to get up and push Officer Swartz off of him. He said he doesn`t recall seeing strikes and he wasn`t sure what Officer Swartz was doing with his hands. At this point he saw that the suspect was not compliant and fighting with Officer Swartz, so he delivered knee strikes to the suspect.

I asked officer Rhodes to explain how he delivered the knee strikes to the suspect. He said the suspect was trying to roll up to his right side and he grabbed the subjects jacket in the area of his left arm and then struck him with his right knee five or six times while his left knee remained on the ground. Officer Rhodes demonstrated his actions using the small table in the interview room. I asked Officer Rhodes if he could describe the suspect`s jacket. He said he couldn`t remember what color it was, but he remembers it was puffy and it was up and over his head for the entire incident until they rolled him over to his side to check on him. He said he didn`t see the suspect`s face until afterwards. He said he knows that he had some of the suspect`s jacket material on his uniform when he was photographed after the incident. Officer Rhodes said he didn`t remember the specific style or color of the suspect`s jacket.

I asked Officer Rhodes if the knee strikes he deployed on the suspect had any affect. He said he believes the only affect these strikes had on the suspect was to cause him to lay back flat on his stomach so that he could get a grasp on the suspects arm. However, the strikes did not keep the suspect from fighting with them. I asked Officer Rhodes if he, or Officer Swartz had any verbal communication with the suspect prior to and or during the time he deployed the knee strikes. He said he wasn`t sure what Officer Swartz was yelling, but he was yelling at the suspect to stop fighting and stop resisting, while he deployed the knee strikes as well as trying to pull the suspects right arm from beneath his body. Officer Rhodes said after giving the suspect verbal commands and delivering the knee strikes to suspect, he continued to resisting and would not surrender his right arm.

I asked Officer Rhodes if he noticed if the suspect had any obvious injures when he initially approached him and Officer Swartz. He said he didn`t notice any when he first approached. I mentioned how Officer Rhodes stated that after using verbal commands and knee strikes to gain the suspects compliance, he continued resisting. As a result, Officer Rhodes delivered bottom fist strikes to gain the suspect`s compliance. I asked Officer Rhodes to describe where he hit the suspect. Officer Rhodes said the suspect`s jacket was covering his head, making it difficult to see exactly where he was striking. He said he was attempting to strike the suspect in the face or head, to achieve maximum distraction and pain compliance in order to get the suspect to surrender his arm.

Officer Rhodes said after delivering approximately five to six bottom fist strikes to the suspects head, he stopped to see if the suspect would surrender his right arm. The suspect still resisted by pulling his arm into his body, preventing Officer Rhodes to secure it for handcuffing purposes. He said ultimately it took him and Officer Richards together, to retrieve the suspect`s arm from beneath his body for handcuffing. He said with Officer Doherty`s assistance, Officer Swartz was able to secure the suspects left arm for handcuffing.

I mentioned how Officer Rhodes said he saw the suspect clutching something in his right hand while struggling with him. I asked him to explain what he was thinking. He said he believed the suspect was either holding a weapon to use against them, or he had contraband in his hand that he didn`t want them to see. If the object was a small gun, or knife he didn`t want the suspect to be able to hurt them with it. He said this was the reason he used his knee to pin the suspects arm to the ground. Officer Rhodes said Officer Richards yelled for the suspect to release the object he was holding but he refused. He said Officer Richards had to strike the suspect`s hand with his hand multiple times before he finally released the object. Officer Rhodes said he believes the object was a cellular telephone, but he wasn`t sure.

I mentioned how Officer Rhodes said that he had given the suspect numerous verbal commands throughout the contact with him. I asked Officer Rhodes if he remembered the suspect saying anything to them. He said the only thing he could remember the suspect specifically saying was towards of the contact when he said he couldn`t breathe. He said the suspect was yelling unintelligibly at times during the contact. Officer Rhodes said he believes he heard the suspect saying, "Okay, okay, okay", at some point after he delivered the bottom fist strikes, but when he went back to the suspect`s right arm, the suspect continued to actively pull away from him and refused to surrender his arm.

I asked Officer Rhodes if there were any officers on top of the suspect`s back during their contact with him. He said Officer Swartz was the only officer he saw who maintained a position on the suspect`s lower back throughout the contact until he was handcuffed. He said his right knee was on top of the suspect`s right shoulder when he was handcuffed. Once the suspect was handcuffed, they moved back to assess the suspect and ensure that no one was hurt. At this time, Officer Doherty was going to pat search the suspect for weapons and contraband. Officer`s pulled the jacket back from the suspects head and Officer Rhodes noticed there was a fair amount of blood coming from the suspect`s face and his head. He said at that point he thinks he remembered an officer asking if anyone had any blood on them. He said he looked down and saw he had a small about of blood

on the palm of his right hand. He said this is when he asked the officers if they had something to clean his hand.

I asked Officer Rhodes if he recalled specifically where on the suspects face the blood was coming from. Officers Rhodes said no. He said he didn`t look at the suspect`s face long enough to determine this. He said he didn`t realize there was a medical emergency with regard to the suspect. He said they had just finished overcoming the suspect`s resistance and got him handcuffed. He said because he knew there were now ample officers dealing with the suspect to pat search him, he began evaluating himself. Realizing that blood exposure is a big health safety risk, he wanted to make sure he cleaned the blood off of his hands. He didn`t specifically examine the suspects face for injuries.

I asked Officer Rhodes if he remembered the suspect saying anything while he was being handcuffed. He said he remembers the suspect saying he couldn`t breathe when the handcuffs were being applied and he was yelling, but he doesn`t remember him saying anything when the handcuffs were on him.

I asked Officer Rhodes to explain who it was that determined the suspect was unresponsive and how this was determined. He said Officer Doherty was the one who said the suspect was not responsive. He said he didn`t know how this was determined because he wasn`t paying attention to the suspect at that time, but when this was said, he looked down at the suspect and saw that his body was limp and he wasn`t moving. He said this is when he saw Officer Doherty pull the subject onto his left side and check to see if he could see or feel the suspect breathing and stimulated his sternum for a response. With no response from the sternum rub, Officer`s Doherty and Avina immediately positioned the suspect back onto his stomach and removed the handcuffs and began providing medical aid to the suspect. He remembers one of the officers asking for an Ambu Bag at that point and one of the Officers from the Junior College Police retrieved one.

When questioned, Officer Rhodes did not make any observations about the suspect`s eyes. I asked Officer Rhodes besides the bottom fist strikes and knee strikes, did he use any other use of force options, such as his taser, baton, or chemical agents. Officer Rhodes said the only force options he used on the suspect were his hand and knee. He said he wasn`t sure exactly how many times in all he struck the suspect, but he didn`t use any other force option when attempting to overcome the suspect`s resistance. He said he initially thought about deploying his canine when he arrived, but as soon as he saw Officer Swartz engaged with the suspect, he knew it was no longer a viable option. I asked Officer Rhodes if he ever saw any of the other officers on scene, hitting, punching, or kicking the suspect during the police contact. He said he remembers seeing Officer Richards hitting the suspects hand to get him to release the object he was holding. Officer Rhodes said he was concentrating on trying to retrieve and deal with the suspect`s right arm. He knew that Officer Swartz and Officer Doherty were dealing with controlling the suspect`s left arm and he didn`t know if they used their personal body weapons to hit the suspect.

I asked Officer Rhodes if he was ever assaulted by the suspect, or if he saw the suspect assault any of the other officers. He said he never saw the suspect strike anyone, however when he initially engaged the suspect, he saw the suspect actively pulling his arm away from him beneath his body. He said the suspect couldn`t have struck him because of his position in accordance to the suspect. He said Officer Swartz was at the suspect`s feet area and it was possibly that he was kicked during the struggle. He said he didn`t know if the suspect tried kicking somebody or not. When questioned, Officer Rhodes said the suspect made multiple attempts to get up from the ground, even after he and Officer Swartz gave him numerous verbal commands to stop resisting them and surrender his hands.

At approximately 0952 hours, I went off the record and took a break. I exited the room to check in with Deputy District Atttorney Scott Jamar to see if there were any questions.

I returned from the break and went back on record at approximately 0957 hours. I informed Officer Rhodes I had a few follow up questions for him.

I asked Officer Rhodes if there was anything that would assist him in believing the suspect was breathing after he was handcuffed, such as verbalization by the suspect, or physical movements. Officer Rhodes said the suspect said he couldn`t breathe around the same time he and Officer Richards were able to get his right arm from beneath him. He said he believes he remembers hearing the suspect yelling out things after that point. He couldn`t say whether it was after the suspect was handcuffed or not, but it had to have been within thirty seconds or a minute before he was handcuffed that he was yelling unknown words. Officer Rhodes said he didn`t remember any specific moment when the suspect`s body went limp while he was engaged with him. He said he knows that when Officer Richards made the observation that the suspect had something in his right hand and he pinned it with his knee, the suspect was actively resisting still at that point. Officer Richards had to strike the suspect`s hand repeatedly for him to let go of the object, so he was still in control enough to exert force to resist them at that

time.

With no further questions, I provided Ms. Burdick an opportunity to ask questions. Ms. Burdick asked Officer Rhodes at the point when the suspect was screaming he couldn`t breathe, was the suspect using his full breathe, or was he gurgling, or gasping for air, or was his voice clear sounding. Officer Rhodes said he never heard any gurgling, gasping, or verbal cues that the suspect was having difficulty breathing. He was saying he couldn`t breathe, but he was saying it very loudly, indicating he was clearly passing air. He said he didn`t remember specifically what the suspect said or how he said it, but there were no concerns he had which would have made him believe the suspect was having difficulty breathing, or had stopped breathing. He didn`t remember any sounds at all.

Ms. Burdick asked Officer Rhodes if was trained to back off of a suspect, if he were to observe someone in respiratory distress. Officer Rhodes said they still would have had to secure the suspect in handcuffs, but if he would have observed the suspect in distress he would have told his fellow officers that he didn`t think the suspect was breathing and he would have directed them to get the subject to a recovery position and render medical aid.

Ms. Burdick mentioned how Officer Rhodes described the point that he and Officer Richards had finally retrieved the suspects arm out from beneath his body and discovered the subject was holding an object in that hand. Ms. Burdick asked if the suspect was exerting great strength at this time. Officer Rhodes said the suspect did because it took both he and Officer Richards to retrieve the suspects hand out at that point, then Officer Rhodes had to use his full weight to pin the suspects arm to the ground. Officer Richards then had to strike the suspects hand several times to get the suspects fingers free and knock the object from his hand.

Ms. Burdick mentioned how Officer Rhodes described using a couple of bottom fist strikes to the suspects head and he couldn`t see where the strikes landed. She asked him if he could see the suspect`s head ever bounce off the pavement at any time he delivered those strikes. Officer Rhodes said he didn`t see this.

Ms. Burdick said at the point where officer Rhodes had his knee on the suspect`s bicep/triceps area of his right arm, she asked Officer Rhodes if he was in a position to cut off the suspects air flow, or prevent him from breathing. Officer Rhodes said no. He said all of his weight was on the suspects arm, pinning it to the ground.

Ms. Burdick concluded she had no further questions.

I asked Officer Rhodes if the suspect continued to resist them after he delivered the last series of bottom fist strikes. Officer Rhodes said yes. He said the suspect attempted to roll onto his side and buck Officer Swartz off of him. Because of this, he had to deliver another series of knee strikes and the suspect still resisted his efforts to retrieve his arm from beneath his body. Officer Rhodes said after all of his series of strikes to the suspect, he continued to forcibly resist by pulling his arm beneath his body to prevent Officer Rhodes from securing his hand for handcuffing. He said it wasn`t until Officer Richards arrived to assist him that they were able to retrieve the suspect`s right arm for handcuffing.

With no further questions, the interview was completed at 1003 hours and we went off the record.

INTERVIEW WITH SANTA ROSA POLICE OFFICER TIMOTHY DOHERTY # SR460 by: DETECTIVE JEFF TONEY

On 04-06-2014, at approximately 1013 hours, I conducted an audio recorded interview with Santa Rosa Police Officer Tim Doherty. Attorney, Terry Leoni, with the law firm of Rains Lucia Stern, PC was present during the interview, representing Officer Tim Doherty. At the completion of the interview the audio recording was transferred to a CD-R disc by Santa Rosa Police Violent Crimes Detective Hector De Leon. The disc was provided to me and I marked it as evidence item # JT-6 for future reference. I later booked the disc into evidence in the Sonoma County Sheriff`s Office Property/Evidence locker.

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."

I began the interview by going around the room and having everyone introduce themselves on the record. I advised Officer Doherty that we were present to discuss an incident that occurred earlier this morning on Nordyke Avenue in Santa Rosa, CA. I reminded Officer Doherty this was a criminal investigation that I was conducting and that he was being interviewed as witness in

this investigation.

I established with an affirmative response from Officer Doherty that the statements he was willing to provide were voluntary. I also reminded Officer Doherty that he was free to leave and or stop speaking to me at any point during the interview, if he chose. Officer Doherty answered in the affirmative, indicating he understood. When questioned, Officer Doherty stated he had ample time to consult with his attorney prior to this interview and there was nothing that would hinder him from providing a statement at this time.

Ms. Leoni interjected and stated that Officer Doherty was prepared to provide a voluntary statement however with regard to anything hindering his ability, Ms. Leoni indicated Officer Doherty`s current work schedule was from 1500 hours to 0330 hours, offering that Officer Doherty had now been awake for several hours, therefore his ability to clearly recall the events during this incident being investigated, could possibly be hindered because of his tiredness. I told Ms. Leoni I appreciated her bringing this to my attention and I said we would go over this as we proceeded. I then established there was no close relationship or friendship between Officer Doherty and me even though I know and have had the opportunity to work with some of his family members who are employed at the Sheriff`s Office, our relationship was strictly professional. Officer Doherty answered in the affirmative, acknowledging this was true.

When questioned, Officer Doherty provided the following statements in summary: Refer to the transcripts for exact statements.

Officer TIM DOHERTY is currently employed by the City of Santa Rosa as a Police Officer. Officer Doherty has been a Police Officer with the City of Santa Rosa for approximately four years and four months. During his tenure with the Santa Rosa Police Department, Officer Doherty has received specialized training in special weapons and tactics and firearms. He is currently a member of the Santa Rosa Police SWAT team and he is also a Firearms Instructor. Prior to becoming a Police Officer, he served in the military.

Officer Doherty is currently assigned to work uniformed patrol where he responds to calls for service, conducts investigations, enforces traffic laws and authors crime reports. Officer Doherty is currently assigned to the William Team, working from 1500-0330 hours, Friday, Saturday, and Sunday. His call sign during the incident now being investigated was Six William Two (6W2). Prior to this incident, Officer Doherty received eight hours sleep and consumed a full meal before beginning his shift at 1500 hours. When questioned, Officer Doherty indicated that he was coming down with a cold. He did not sustain any injuries as a result of this incident being incident. Officer Doherty has no physical defects and he is not currently under the care of a doctor. He is not taking any medications or drugs that would hinder his ability to perform his duties as a police officer. He has not consumed any alcohol during the past twenty-four hours and he has not consumed any alcohol post incident.

Officer Doherty was dressed in civilian clothing and explained that he changed out of his patrol uniform since the incident. He described the uniform he wears during his patrol assignment as being a class C uniform which consists of a blue collared button up shirt having a Santa Rosa Police patch on the right and left shoulder, Santa Rosa Police badge on his left chest over his heart, his name on his right chest, blue pants and a Sam Brown duty belt. Officer Doherty described the tools on his duty belt from center to the right as follows: handcuff pouch, collapsible baton, duty firearm which is an H&K USP .40 caliber, portable police radio, Oleoresin Capsicum container, utility pouch for cell phone and spare magazine pouch. He carries a secondary duty firearm, which is a Smith &Wesson M&P Shield 9mm. He does not carry any knives on his person.

I explained how the nature of this investigation concerned a significant incident that he was involved in which occurred earlier this morning in the general area of Nordyke Avenue Santa Rosa, CA. I asked Officer Doherty to provide me a detailed account of his observations and actions during this event as they occurred.

When questioned, Officer Doherty provided the following statements in summary. Refer to the transcripts for exact statements.

Between 0050 and 0100 hours, Officer Doherty was driving his marked patrol vehicle in the area of Guerneville Road and Range Avenue when he heard Officer Swartz broadcast he was in pursuit of an individual. He said he wasn`t entirely sure, but he believes it was a bike pursuit and he was chasing on foot. Officer Doherty said he was dispatched to respond to the call on Nordyke Avenue because he was assigned to this geographical area known as beat-2. He responded, driving eastbound on Steele Lane, approaching US101 and he noticed his vehicle`s Mobile Data Computer`s (MDC) map function was slow to show the location of the call. He said he saw where Nordyke Avenue was on his MDC as he was starting to pass the street.

About this time, he said he heard Officer Swartz broadcast a Code-20, meaning he was requesting an officer respond to his

location with lights and sirens for emergency assistance. He said he knows officers do this when they`re in a direct conflict with an individual. At this point e passed Nordyke Avenue and he saw on his map that he passed the street by about a hundred and fifty feet. He said there was a law enforcement vehicle that had been following him and it pulled in behind him and made a U-turn. He said this officer was later found to be SRJC Police Officer Jeremy Jucutan.

Officer Doherty said he turned back around, westbound on Steele Lane. He said there had been a couple more radio a transmission from who he believed was Officer Swartz but he wasn`t positive. He said he heard yelling some commands, but he couldn`t remember what they were. It sounded like they were in a formal altercation. He arrived at Nordyke Avenue and Steele Lane and parked his vehicle. He noticed Officer Jucutan pulled in behind him. When he exited his vehicle, he observed two officers standing over a male subject. (Referred to as John Doe throughout this interview). They were located approximately fifty feet south of him, on the western curb of Nordyke Avenue. Officer Doherty said he recognized Officer Swartz, but it was dark in the area and most of the lighting was being provided by the police vehicles. He said he wasn`t able to make out who the other individual was.

John Doe was facing southbound on Nordyke Avenue. His head was facing west and his legs were facing east and he could see his face, or the front of his torso. He said it looked as though Officer Swartz was behind the John Doe`s lower back, partially bent over as if he was trying to get control of John Doe`s arms. Officer Doherty said he saw the other officer was positioned up near John Doe`s shoulder area, but he couldn`t be certain. As he was running up to them, he heard one of the officers saying the command, give me your hands, two or three times, so they could take control of him and detain him.

Officer Doherty said he approached and took a position at John Doe`s legs. He said during this time, he heard John Doe yelling, but he could discern anything that was said. Officer Doherty said he quickly became focused on assisting o help control John Doe. He said he noticed John Doe had his right left pushed against a street sign pole. He was using this pole as a fulcrum to keep his body as it was and not be rolled over. Officer Doherty said he grabbed John Doe`s left and right ankles with his hands and pulled them towards his body.

At this point, Officer Swartz was trying to roll John Doe onto his stomach. He said he believes Officer Jucutan took a position at John Doe`s torso area. At this time, Officer Doherty was able to get John Doe`s legs straightened, and Doe began to roll onto his side. Officer Doherty transitioned to Doe`s left side at this point. He said no one was on the Doe`s left side at that point and he didn`t want him to try and escape, or attack them. Officer Doherty said he placed his left knee on top of Doe`s left shoulder blade, pushing down using approximately one third of his body weight. Officer Doherty said Doe`s right hand was down beneath his stomach at this time, which he said based on his training and experience is a dangerous situation for them because Doe was not complying. Officer Doherty`s mindset was he was coming into a fight, not knowing if Doe had a weapon concealed beneath him that he was trying to access.

Officer Doherty said he remained focused on his area of Does body. He said they were giving Doe verbal commands, yelling for him to surrender his arms and relax. Officer Doherty said he spoke to Doe in a calm voice and tried explaining to him the faster he surrendered his hands the faster they could handcuff him and calm the situation down. Officer Doherty said John Doe screamed multiple times but he couldn`t recall anything specific that Doe said. He said Doe wasn`t yelling anything in particular, he was just yelling.

At this point, Officer Doherty said he had Does left wrist with both of his hands and he was trying to bend his arm back behind Doe`s lower back, as he was trained to keep a suspect at a disadvantage, to secure his wrist in handcuffs. Doe was resisting by tensing and straightening his arm. He said it took him approximately five seconds to ten seconds to get Doe`s arm back because he was straining to keep his arm straight, despite the fact they were continuing to give commands for him to place his arm behind his back. Officer Doherty said he doesn`t really remember where everyone was at this point. He remembers Officer Swartz was to his left, but he didn`t know if he was on Doe`s right shoulder blade, or just crouched just above. He didn`t know how much pressure Officer Swartz was applying to Doe, or where, or if he was at all.

Officer Doherty didn`t remember where the other two officers were because he was focused on his task. He said one of the officer`s was controlling Doe`s legs and another was to that officer`s right side (Right side of John Doe). There were two times that John Doe yelled out he couldn`t breathe. Officer Doherty said when Doe yelled this out, his voice wasn`t raspy, he didn`t have a low breathe, and he wasn`t using panicked shallow breaths. They were clear loud yells that he was saying, I can`t breathe. He was getting full breaths in order to say this. About five to ten seconds after this, they were able to secure Doe`s left wrist in a handcuff.

Officer Doherty said Doe was wearing a large black puffy jacket that was obstructing their ability to apply the handcuff and the jacket ripped. He couldn`t remember if the rip on the jacket was caused during the altercation, or during the handcuffing of Doe. He said he doesn`t remember who brought Doe`s right arm out, or if it was multiple officers`s because Doe was still straining and it took a lot of force for them to just be able to bend it. Doe continued to resist their efforts to retrieve his right arm. After about five to ten seconds they brought Doe`s right arm to the small of his back finally and Officer Swartz was able secure it in handcuffs. He said during this time, one of the officers was holding a flashlight for them to illuminate the area. He wasn`t sure if another officer arrived on scene with a light or what. He said when Officer Swartz applied the handcuff on Doe`s right wrist; it also became caught up on Doe`s puffy jacket so it took a few seconds to get the handcuff seated properly.

Officer Doherty said he maintained constant pressure on Doe`s shoulder, he hadn`t increased the pressure. At this point Officer Doherty noticed that Doe had stopped yelling. He said he wanted to check on Doe for several reasons, one of the reasons was because the way Doe was yelling, he thought Doe might be an "excited delirium" subject, or he could possibly be pretending to be hurt and not be. Officer Doherty said the hood on Doe`s jacket had been over his head the whole time. Officer Doherty said he was on the left side of Doe and his face was facing right. He pulled Doe`s hood back and he noticed on the cement below his face there was a four or five inch diameter puddle of blood. He said he couldn`t see to tell, but the blood may have been coming from the left side of Doe`s face, but he couldn`t see the wound at that time. He said it didn`t seem like Doe was making any movements at this time and his eyes were blank.

Officer Doherty said he tried checking Doe`s pulse for one to two seconds, but his adrenaline was pumping and he had gloves on so he wasn`t satisfied in his ability to check Doe`s pulse. He said he couldn`t put his hand in front of Doe`s mouth to check his breathing, so he rubbed the front of Doe`s sternum for one or two seconds to see if he`d get a quick response. Doe did not respond to the sternum rub and Officer Doherty was worried that it was a medical emergency and that he was unconscious and they needed to perform medical actions. At that point, Officer Doherty remembers Santa Rosa Police Officer Avina was there. Officer Doherty was going bring Doe up to see if they could get the handcuffs off of him. Officer Avina said to get the handcuffs off. Officer Swartz handed Officer Doherty his handcuff key and Officer Doherty immediately removed the handcuffs from Doe and ensured he was lying on his back and moved into position to perform CPR.

Officer Doherty said within ten seconds they had the handcuffs removed from Doe and had him on his back. Officer Doherty said he was performing CPR while Officer Jesus Avina took a position above Doe`s head. Officer Avina lifted his chin to open the airway to make sure there were no obstructions. Officer Doherty said his estimation regarding time lines may not be perfect, especially once it gets to this point. He doesn`t know if he performed CPR for a minute, or a minute and a half. While he was performing CPR on Doe, he remembers Officer Meloche, in the middle of his CPR, pulled out what they call a J-tube in the military, which is a piece of curved plastic that you place into a person`s mouth and it prevents the tongue from blocking the airway.

Officer Doherty said he knows from his training and experience that the tongue is usually the biggest obstruction during respiratory complications. Officer Avina placed the J tube into Doe`s mouth and Officer Doherty performed CPR for approximately one to one and half minutes and he tires. Officer Meloche took over CPR chest compressions for probably another forty-five seconds, give or take. Officer Doherty then relieved Officer Meloche and began CPR chest compressions for about another thirty or forty-five seconds and he believes Officer Meloche relieved him again until the Santa Rosa Fire Department arrived on scene and assumed emergency medical aid on Doe.

Officer Doherty said he suddenly remembered two things. He said when he rolled Doe over; he saw that his left eye was swollen. He said he didn`t appear to be anything extremely severe, it was more like what you would see as being a swollen eye from a punch. Like a black eye you would see from a bar fight. He said he didn`t get a very good look, but he didn`t think there were any cuts, or blood on his face because he was focused on performing CPR.

Officer Doherty asked if this was a good place in his statement to go back. I said sure. He said he remembered Officer Meloche, when he had rolled John Doe over to check his pulse, Officer Meloche radioed for a Code-3 medical response because it didn`t appear that John Doe was completely responding. Officer Doherty said he assumed that Officer Meloche saw a face wound and called for a Code-3 response to be safe. Officer Doherty said he couldn`t remember anything else and he asked if I had any follow up questions. I explained that I did.

I asked Officer Doherty if ultimately fire and paramedics arrived on scene and he said yes. He said if he remembers correctly, Fire was on scene first and they took over medical aid on John Doe, using a device that automatically delivers chest compressions. At that point Officer Doherty said he backed away and he knows either the individual has coded (passed) and they are going to evoke protocol, or he hasn`t and they`ll be able to resuscitate him. He said he believed the protocol would be invoked because it

was a serious incident. At that point he said he placed with Officer Avina, who was his sequestering Officer, and he was waiting for direction. He said he was transported to the Santa Rosa Police Department with Officer Avina to await an interview.

I mentioned how Officer Doherty had said earlier that he heard Officer Swartz`s radio transmission and he described hearing yelling in the background during the transmission. I asked Officer Doherty to explain his state of mind during that time as he was responding to assist. Officer Doherty said first off he wanted to explain he had a radio issue in that Santa Rosa Police Dispatch had placed a Code on the channel (Restricting radio traffic solely to the emergency incident at hand), requesting a clear channel because of the foot pursuit. He believed the call was in his Beat, but he wasn`t sure, he thought that he was close. He switched his vehicle radio to channel 2 and kept his portable radio on channel 1, to monitor the emergency incident. He wasn`t sure if he responded to the dispatch on channel 2, or channel 1. He said he got kind of confused there for a while, trying to respond with two different radio channels on.

Officer Doherty said as with any foot pursuit, or vehicle pursuit, you worry about the suspect because they`re obviously not complying and when you contact them to take them into custody, there are most likely not going to comply and possibly fight. Based off the sound of Officer Swartz`s voice, it sounded like he was in some sort of fight and he might be in dire need of assistance. At this point as he was responding, he didn`t know if Officer Swartz was being attacked or what was happening.

I told Officer Doherty he indicated he responded Code-3 and I asked him to explain this. Officer Doherty said he responded to the scene with his vehicle`s lights and siren activated.

I asked Officer Doherty if he was currently assigned a police vehicle and he said yes. I asked him if this vehicle is identified by a number. He told me he is assigned vehicle number SR36. I mentioned that when Officer Doherty initially arrived on scene, he described officers already being on scene. I mentioned that he identified Officer Swartz as being one of those officers. I also mentioned that he identified Santa Rosa Junior College Police Officer Jucutan being there as well. I mentioned how he identified Officer Swartz`s position over John Doe and how he took a position at John Doe`s feet. I asked Officer Doherty if he relieved anyone who had been at John Doe`s feet prior. Officer Doherty said no. I asked if it were correct that he eventually moved himself to the upper left side of John Doe where he took a position on his shoulder blade area. Officer Doherty said yes. He said once they had the opportunity to get control of Doe`s torso he transitioned from Doe`s feet to his left shoulder area. He said from his experience and training, it usually takes a minimum of three to four officers to fully control a resisting individual. He knew he had to take a position on the subject`s upper torso as soon as possible to get control of him for their safety and John Doe`s safety.

I asked Officer Doherty if he could physically describe John Doe to me. He said all he could tell is based on his dress and his yelling; he assumed he was a male. He said Doe was probably anywhere between 5`06" to 6`00" tall, medium build, weighing approximately 170 to 200 pounds. He said he wasn`t sure because he had on a puffy jacket and the jeans he had on were saggy down to his butt crack and he was wearing white shoes. I asked Officer Doherty if the puffy jacket that Doe was wearing concerned him at all. He said it did. He said puffy jackets easily conceal larger items such as weapons. He said when he first arrived, Doe had his right hand concealed beneath his stomach and waistline and he heard officers` giving him commands to surrender his right arm. I asked Officer Doherty when he transitioned from Doe`s feet to his head, did he remember who was next to him. Officer Doherty said he couldn`t remember. He said he remembers when he finally got control of doe`s left hand and placed it behind his back, Officer Swartz was the one who applied handcuffs. He didn`t know if he had changed places with anyone, or if he had been there the whole time. He said he couldn`t say for certain whom it was.

I asked Officer Doherty if at any time during his initial approach and contact throughout with John Doe, he ever saw him try and get up and attempt to flee. Officer Doherty said he didn`t recall Doe ever trying to flee, or stand during while he was engaged with him.

I mentioned to Officer Doherty he indicated he heard John Doe yelling multiple times. I asked him if the yelling appeared to be labored, or gargled. Officer Doherty said he would consider Doe`s yells to be fluid, unhindered or obstructed.

I asked Officer Doherty if at any point in time during his contact with John Doe, did he hit, kick strike, or punch John Doe. Officer Doherty said he did not. I asked him if he ever used his baton, taser, or any chemical agents on John Doe. Officer Doherty said he did not. I asked Officer Doherty if he ever witnessed any other officer`s hit, punch, kick, or strike John Doe. Officer Doherty said he did not. He said when they gave commands, he might assume they delivered distraction strikes, but he didn`t see them, so he`s not sure. I asked Officer Doherty if he saw any other officer`s use their taser, baton, or chemical agents on John Doe. Officer Doherty said, no sir.

I mentioned to Officer Doherty he said earlier that once John Doe was handcuffed, after several previous commands were given to him to surrender his hands, they were able to secure both of Doe`s right and left hands and he was handcuffed. Officer Doherty said that`s correct. I mentioned how Officer Doherty indicated John Doe appeared to be nonresponsive to him after he was handcuffed. Officer Doherty said correct. I mentioned he indicated he then checked for a pulse on John Doe. Officer Doherty said yes sir. I asked Officer Doherty if he checked Doe`s carotid artery, or his radial artery for a pulse. Officer Doherty said he used his index finger to check Doe`s right carotid artery, in an attempt to locate a pulse.

I asked Officer Doherty if he could recall the lapse of time in between the time John Doe was handcuffed and his first observation that John Doe was unresponsive. Officer Doherty asked if I was referring to when he was convinced there was a medical emergency. I said correct. Officer Doherty said he estimates three to five seconds max. He said it was immediately afterwards because he noticed John Doe wasn`t yelling anymore once the handcuffs were applied, so he was curious about that.

Officer Doherty said they receive a large amount of training during the POST (Peace Officer Standards and Training) Academy class, briefing trainings and advanced officer trainings, about Excited Delirium and Positional Asphyxiation, people not being able to breathe. He said this is always in the back of his mind when dealing with people during these types of police contacts. He said this is why he kept pressure on Doe`s shoulder blade and not his neck. He again said the time in between was maximum three seconds, or five seconds at the most before he began evaluating Doe.

I asked Officer Doherty for clarification. I asked if the time lapse he was defining was in regards to the time Doe stopped yelling and found unresponsive, or the time between when he was handcuffed, and then found unresponsive. Officer Doherty said he estimated the time lapse between when he last heard Doe yelling and the time he was observed to be unresponsive was approximately ten seconds. I asked Officer Doherty if he could describe what Doe was yelling prior to him being unresponsive. Officer Doherty said Doe yelled clearly, I can`t breathe. Officer Doherty said the three to five second time estimate he provided was in reference to the time after Doe was handcuffed and then found unresponsive.

I asked Officer Doherty to explain what he did after he made the observation that Doe was unresponsive. Officer Doherty asked if I was referring to after he checked for a pulse on Doe and rubbed his sternum. I answered correct. Officer Doherty said he received a handcuff key from Officer Swartz and removed the handcuffs from John Doe so they could lay him on his back. He then immediately began administering chest compressions on John Doe, while Officer Avina cleared Doe`s airway. I asked Officer Doherty if he received training on how to perform CPR/chest compressions. Officer Doherty said he received training in first aid and CPR during the POST Academy and he also receives annual training in first aid and CPR. He also received Combat Lifesaver Training in the United States Army. He said he`s very familiar with CPR. He said during a recent CPR training he learned that during respiratory emergencies, there is enough oxygen in the blood and it is no longer required to give mouth to mouth resuscitation.

I mentioned to Officer Doherty he said he removed John Doe`s jacket hood which had been fully covering his head during the contact. Officer Doherty said correct. I asked if it was then he made the observation that John Doe had a swollen left eye. Officer Doherty said he couldn`t see it at that point because he was on the left shoulder of Doe and his face was facing away from him to the right. Officer Doherty said all he could see was the little bit of blood. Officer Doherty questioned whether he said he saw Doe`s swollen eye after removing his hood. He said he made the observation of Doe`s swollen eye after he rolled him over, not when he removed his hood.

I asked Officer Doherty if the puddle of blood he saw on the concrete when Doe was rolled over was consistent to where Doe`s face had been laying. He said this was the position Doe had been put in, so he wasn`t sure if this was an injury he sustained while he was there, or if it was one he had before the incident. He said he knows the face bleeds twice as much. He said he wasn`t sure if it there or he received it before hand.

I asked Officer Doherty if he observed any obvious injuries on John Doe when he first engaged him. Officer Doherty said none that he could recall.

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With no further immediate questions, I took a break from the interview and went the record at approximately 1053 hours. I left the interview room and met with DDA Scott Jamar to see if there were any questions.

We reconvened and went back on the record at approximately 1056 hours. I informed Officer Doherty and Ms. Leoni I had no

further questions. I asked Ms. Leoni if she had any questions for her client, Officer Doherty.

Ms. Leoni mentioned to Officer Doherty he stated earlier John Doe clearly yelled he couldn`t breathe. Ms. Leoni asked Officer Doherty to explain why he used the word clearly. She asked if that was important. Officer Doherty said because when persons yell when officer`s have them on their chest and there attempting to gain control of them, it`s not necessarily what they`re saying, so much as how they say it. He said many times people yell that they can`t breathe, but they actually can, you can hear them take full breaths and they yell it clearly. He said he was just saying that taking into account with everything they had and where he was positioned is something they`re always cognizant of. He said he stressed the word "clearly" because he could hear Doe yelling and it didn`t sound like he was having trouble breathing.

Ms. Leoni mentioned how Officer Doherty said he received training in Positional Asphyxiation (PA). She asked him if the training was recent or through the course of his career. Officer Doherty said he couldn`t remember the last training he had. He said he knew he received PA training in the POST Law Enforcement Academy and there have been numerous discussions about it in patrol briefing trainings, advanced officer defensive tactics trainings. He said it`s something he`s always cognizant of. Officer Doherty mentioned how the Santa Rosa Police had a similar situation four or five months ago. He said whether or not that had been positional asphyxiation during that incident, the department talked about it.

Ms. Leoni asked in terms of the training in positional asphyxiation, they`ve talked about placement of knees, hands pressure points and those types of things. Officer Doherty said yes. Ms. Leoni asked if this included indications of whether someone couldn`t breathe, or exhibiting labored breathing, or if they`re able to speak clearly. Officer Doherty said yes. Ms. Leoni concluded saying, so signs on what to look for. Officer Doherty said yes. Ms. Leoni said you didn`t feel based on how John Doe was speaking, the breaths he was taking, or his movements, indicated he was experiencing any difficulties. Officer Doherty said no not at all. He said in their trainings, they talk about if someone`s in a spot where there experiencing extreme positional asphyxiation, they will do anything they can to buck you off to try and get you off of them. He said John Doe wasn`t doing anything like this. He said he just tensed up his body and wasn`t letting tem control his arms and that`s it.

Ms. Leoni said in terms of the placement of his knee during the incident, she asked if he was using his entire body weight. Officer Doherty said no. he said he applied about a quarter to two fifth`s of his body weight. He said it was enough to keep John Doe pinned, but since he wasn`t trying to buck them off it allowed him the position to control Doe and ensure he wouldn`t try and get up and to give Officer Doherty a chance to react if he did. Ms. Leoni concluded then the position and pressure he used was for control only and not pain compliance. Officer Doherty said yes, control only and no pain compliance.

Ms. Leoni said she had no further questions. I mentioned I had one additional follow up question.

I asked Officer Doherty when he heard John Doe saying he couldn`t breathe, were there multiple officers on top of him, or anybody on top of him. I mentioned how I knew where he described his position. Officer Doherty said during that time he believed it was Officer Swartz that looked to be at Doe`s right shoulder blade, but he was paying more attention to trying to control doe`s hands so he couldn`t say exactly where he was. I asked Officer Doherty if Officer Swartz was the only person and he said he wasn`t sure.

With no further questions, we went off record and the interview was completed at 1100 hours.

INITIAL INVESTIGATION CONCLUSION

Having concluded the entire involved officer and witnessing officer interviews, I met with VCI Detective Cutting and we discussed our respective interviews. It was discussed that all accounts were appropriate for their knowledge of the events which occurred.

I telephoned Sonoma County Sheriff`s Domestic Violence/Sexual Assault Detective`s Lawson and Singleton. I received a briefing regarding the results of their respective interviews with emergency medical personnel and Santa Rosa Junior college Police Officer/Trainee, Vincent Neuman.

VCI Sergeant McAlvain, Detective Cutting and I responded to Sheriff`s Investigations where I was briefed by Sonoma County Sheriff`s Property Crimes Detective`s Russell and Percy regarding their interviews conducted during the neighborhood canvas of Nordyke Avenue.

DEATH NOTIFICATION AND INTERVIEW WITH [redacted], MOTHER OF DECEDENT by: DETECTIVE JEFF TONEY and SERGEANT SHANNON MCALVAIN

During a law enforcement computer records check, I learned that Wayne Hoffman listed his mother, [redacted], as an emergency contact when he was booked into custody at the Sonoma County Main Adult Detention Facility in August 2013. A computer records check revealed an address for [redacted] in Windsor, CA.

At approximately 1220 hours, Sergeant McAlvain and I responded to [redacted] Cayetano Drive, Windsor, CA to attempt to contact [redacted]. Upon arrival we contacted resident, [redacted]. When questioned, [redacted] acknowledged that [redacted] used to be a roommate of his, but she had moved out a few months prior. [redacted] indicated that [redacted] declining medical conditions required her to seek housing at an assisted living facility in Sacramento, CA.

At approximately 1536 hours, Sergeant McAlvain and I arrived at the Sky Park Gardens Assisted Living Home, located at [redacted] Sky Parkway, Sacramento, CA to contact and provide death notification to [redacted]. My contact with [redacted] was audio recorded. The recording was later transferred to a CD-R disc. The disc labeled item # JT-7 for future reference and it was later booked into evidence.

The following is a summary of the statements obtained from [redacted] during the death notification of her son, Wayne Hoffman. Refer to the transcripts for exact statements.

Sergeant McAlvain and I met with a facility representative who confirmed that [redacted] was a resident at the care home. I asked the representative if they had access to a Chaplain Service, or on site counselors and she said they did not. I asked if they had a private office where we could speak with [redacted] and the manager`s office was offered. This office was not a private area so we asked to see [redacted] in her room. The representative escorted us to [redacted] room.

I introduced ourselves and informed [redacted] that I was here to speak with her about her son Wayne Hoffman. When questioned, [redacted] acknowledged that Wayne was in fact her son and she asked why I wanted to talk with her. I told Ms. [redacted] that her son Wayne had passed away this morning. She immediately said, "No hon." [redacted] became quiet and withdrawn. I apologized to her for having to tell her this.

I asked [redacted] if she was close with her son and if she had seen him recently. She began crying and she asked if her son died this morning. I acknowledged, saying yes Maam. [redacted] was extremely emotional and she kept saying, no, no, in disbelief.

[redacted] said she`s been residing here at the assisted living facility for the past year. She said she hasn`t been to see her son since, and he hasn`t come to see her since she moved here. She said that this was a nightmare and she asked me if it was really real. She kept repeating, is this really real as she cried?

I tried calming [redacted] and explained to her that it was important for me to speak with her. I told her I was investigating her son`s death. I further explained her son was involved in an incident this morning where he suffered a medical emergency. I told [redacted] that it was important for me to get some background history about her son. [redacted] said, "A medical emergency, meaning another person wasn`t involved."

I explained to [redacted] that her son had been riding his bicycle and was contacted by the police department. I told her that her son fled from the officer and a short pursuit ensued. I explained there had been a struggle and confrontation between her son and the officers. I explained that there had been no use of force tools used against her son, such as a gun, taser, baton, or chemical agents. I explained that the information developed from the investigation thus far, indicated her son used methamphetamines. [redacted] acknowledged saying, "Yes, yes." I told her I was also aware of her son`s background in terms of his arrest/criminal record. I explained that this was all the information I had at this point with regard to specific details. I informed [redacted] that an autopsy was scheduled for tomorrow morning which would render more details. [redacted] continued crying and she repeatedly said I needed to take her there.

When questioned, [redacted] told me she last saw her son Wayne, a year ago. She mentioned how I spoke of his drug habit and she

asked if I was aware that Wayne was [redacted] I said no, and I explained this is why I wanted to speak with her, to learn more about Wayne`s lifestyle. She asked that I provide her more information about her son`s confrontation this morning and she would then provide me with the information I was asking of her.

She specifically asked what time the incident occurred. I told her the incident we were speaking about with her son occurred at around 0100 hours. I asked why she wanted to know the time and she said she knows what her son does and he keeps in touch with her on his phone. She said she last spoke with Wayne a few days ago on her birthday ([redacted]). I asked her to tell me about their conversation.

[redacted] said the conversation was short and that Wayne was very stressed. She said she knows when their conversations are short it`s not a good thing. She said when he talks like that with her it`s not a very good thing. I asked her to clarify what that meant. She said meaning its not good in his life. He kept telling her things were not good in his life and that his life wasn`t good. She said he kept telling her that nothing in his life was good anymore. [redacted] was having a hard time speaking because she was crying. I asked her to take a deep breath and she kept telling me, "There`s nothing there." I asked her if she would like a glass of water. She told me she preferred that I call her [redacted] and she pointed to a water bottle which I retrieved for her.

[redacted] repeated several times that Wayne had a girlfriend who wanted him dead. She kept repeating, "That`s wanting him dead." When questioned, [redacted] identified her son`s girlfriend by her name, [redacted]. She described [redacted] as being a transient on the streets. She said her son and [redacted] were living in a motel the last time she talked with him. By the way [redacted] described [redacted], it was apparent she didn`t like her. She said [redacted] would always come to her son for money. She said she wasn`t sure at what hotel her son was staying when he called her on her birthday, but she said he frequents the Motel 6 in Santa Rosa.

Sergeant McAlvain asked [redacted] if her son mentioned anything to her about his drug usage during their conversation and whether or not he was having a hard time. [redacted] said no. she said he`s having a hard time with her ([redacted]) and her wanting him dead. I asked [redacted] what her son`s drug of choice was and she said methamphetamine. I asked how her son uses the methamphetamine and she said he "fires it" intravenously. She said her son Wayne has been [redacted] for twenty-eight years. I asked [redacted] if there were any other family members around. She said her son was the only thing in life she had. I again apologized to her. She told me to stop apologizing to her because it was cheap.

I asked [redacted] if she could tell me how long her son and [redacted] had been in a relationship. [redacted] said two years. She said whenever [redacted] wants money or dope Wayne has connections. She said [redacted] has ripped him off of everything Wayne had. I asked [redacted] if Wayne was worked for a living and she said no. I asked her how he gets the money she mentioned. She said he gets money from selling drugs and working on cars. She said he also does little odd jobs.

Sergeant McAlvain informed [redacted] that [redacted] was not directly involved with Wayne death during the incident. She told him somehow she didn`t believe him. [redacted] said she heard [redacted] voice in the background when she spoke with her son on her birthday. She said she can always hear [redacted] in the background saying, tell her this, tell her that and don`t tell her this and don`t tell her that. Prior to speaking with Wayne on her birthday, she spoke with him on the phone a few days before that. She said whenever she hears his voice in that manner, he tells her, "I can`t talk, I can`t talk, I`m busy" and he hangs up.

[redacted] said [redacted] always beats on Wayne and then calls the police so he can get arrested and be put in jail. She yelled out, "What else do you want to know." She said she talks with Wayne regularly on his cell phone. She provided Wayne`s cell phone number as [redacted].

I asked [redacted] if her son used Heroin and she said no. I asked her if she would describe her son as being a heavy methamphetamine user and she said yes. When questioned, [redacted] told Sergeant McAlvain her son never mentioned anything about any pending court cases, or criminal allegations during their recent conversation. [redacted] pleaded that I tell her more about her son`s death. I told her I explained everything to her known to me thus far. She insisted I tell her more because she was his mother. I told her that I could not reveal anything further because I didn`t want to jeopardize the integrity of the investigation.

Sergeant McAlvain explained that tomorrow`s autopsy would reveal the cause of Wayne`s death. [redacted] said she wanted to know more about the confrontation with the police. I told her at this point I didn`t know why Wayne fled from the police. She said she believed that I did. I told her I didn`t come to lie to her. She said I know, but I believe you do. I told her I truly didn`t know why Wayne fled the police. She said, "I`m sure you have a good idea, you`re an officer of the law and I`m sure you do." She said,

"I`m sure you didn`t come here to lie to me, but you could make it crooked." Sergeant McAlvain ensured [redacted] we did not know why Wayne ran from the police this morning. He explained that this was part of the reason we were here speaking with her. [redacted] became angry and suggested all we were interested in was her son`s drug use and information about his girlfriend. Sergeant McAlvain explained that the questions we asked were important to help us understand why Wayne would run from the police.

[redacted] asked if I had spoken with [redacted] yet and I told her no. She asked if I was telling her the truth and I said yes. I told [redacted] that I didn`t even know [redacted] last name until speaking with her now. [redacted] told me she would tell me everything I needed to know about [redacted]. She said she`s a heavy drug user and she uses Heroin. [redacted] described [redacted] as being 26, or 27 years old. She said she`s a pretty girl whose birthday is in [redacted] because she`s also an [redacted]

I told [redacted] that I would be contacting her tomorrow. [redacted] was adamant that I keep the information about her son private and not share it with person(s) at the care home. I ensured her that I would not share any details about her son`s death to anyone here, but that I wanted to share the preliminary finding of the autopsy with her. [redacted] provided me the telephone number for the care home as [redacted]. I discussed the autopsy process with [redacted] with respect to the scheduled time and preliminary toxicology findings. I explained that the complete report from the pathologist would more than likely be completed in the next several weeks.

I asked [redacted] if there was anything else she could think of that was important for me to know. She said all she could say is that [redacted] wanted him dead. She said [redacted] a very wise girl and she could have set Wayne up for anything. I told [redacted] that [redacted] was not known at this point to be near or about the area when the incident with Wayne happened. [redacted] argued that [redacted] could have appeared at anytime to put someone up to setting Wayne up. I assured [redacted] I would be attempting to locate and contact [redacted].

I provided [redacted] my business card and I told her I would speak to her tomorrow after the autopsy. Sergeant McAlvain asked [redacted] if there was anyone that we could call for her so that she would have to be alone during her grieving process. I asked [redacted] if she wished to speak with a Chaplain and she said she would. I told her I would try and arrange this for her. While Sergeant McAlvain stepped out of the room to make arrangements to have a Chaplain respond, [redacted] became incessant about [redacted] wanting her son dead. She spoke about how [redacted] had beaten her son in the head with a pipe. I asked if Wayne had ever been arrested for domestic violence against [redacted]. [redacted] said yes and suggested this was a pre-planned setup by [redacted] after Wayne provided her with hotel rooms. I mentioned that ultimately it had been Wayne`s decision to see [redacted] and she agreed, but she said Wayne was afraid of her. She continued saying [redacted] set him up constantly so that he would be arrested. Sergeant McAlvain and I left [redacted] room at approximately 1629 hours.

The Sacramento County Sheriff`s Office assisted us by providing a Chaplain from their Chaplain Service, who responded to our location to be with [redacted]. At approximately 1715 hours, Chaplain [redacted], from the Sacramento County Sheriff`s Chaplin service arrived and Sergeant McAlvain and I left.

POSTMORTEM EXAMINATION by: FORENSIC PATHOLOGIST ARNOLD R. JOSSELSON, M.D.

On Monday 04-07-2014, at approximately 0830 hours, I attended the autopsy of Wayne Ceballos Hoffman. The postmortem examination was performed at the Sonoma County Morgue Facility by Forensic Pathologist, Doctor Arnold Josselson. Sonoma County Deputy District Attorney Scott Jamar, Sonoma County District Attorney Investigator Ed Hemphill and Santa Rosa Police Violent Crimes Detective Hector De Leon were present with me in the viewing room during the autopsy. Prior to the examination, Doctor Josselson met with me and I briefed him on the circumstances and details of the investigation known to me.

Upon completing the forensic examination, Doctor Josselson provided me with his PRELIMINARY REPORT. In part, I was advised there was Methamphetamine found in a urine sample test obtained from Wayne Ceballos Hoffman. Per Doctor Josselson, the cause of death had not been determined and he stated the case was "pending toxicology."

INTERVIEW WITH [redacted] by: DETECTIVE JEFF TONEY

On Tuesday 04-08-2014, I spoke with [redacted] on the telephone and arranged to meet with her to discuss her relationship with Wayne Hoffman. [redacted] was more than cooperative on the telephone and she mentioned she too had some questions about Hoffman`s death. [redacted] agreed to meet with me at Starbuck`s on Stony Point Road/Sebastopol Road Santa Rosa at 1115 hours. My subsequent conversation with [redacted] was audio recorded. The recording was later transferred to a CD-R disc and labeled as item # JT-8 for future reference. This item was later booked into evidence at the Sheriff`s main office.

When questioned, [redacted] provided the following statements in summary. Refer to the transcripts for exact statements.

At approximately 1111 hours, I arrived in the parking lot of Starbucks and noticed [redacted] standing outside of Starbucks. I waived [redacted] over to my vehicle and asked her if she was comfortable talking with me in my vehicle, to which she agreed. I parked my vehicle and [redacted] got into the front passenger seat.

I began by introducing myself to [redacted] and I again explained the purpose for me speaking with her was because of the obvious ties she had with Wayne Hoffman. I asked [redacted] to explain to me what she knew about Hoffman`s death. [redacted] said she knows there are some friends of her who saw the whole thing happen, but they didn`t know the person was Wayne. She said it made her friend hysterical seeing this person getting there as beat and crying for help. I told [redacted] this was important to me and this was why I was reaching out to people associated with Hoffman, to figure out what transpired that night.

I asked [redacted] if it was fair to say that she and Hoffman were current boyfriend and girlfriend. [redacted] said they were. She said they had not been together for awhile and that she currently has a new partner, a new dog and she was trying to get her shit together. I told [redacted] that I wanted her to be able to speak freely with me. I told her I was aware of her criminal record and her drug use. I explained that I didn`t care about any of that. [redacted] told me she understood and realized my role as detective was different.

[redacted] said she and Wayne had a falling out, but that she was the only person he had. She said she helped Hoffman out as much as she could and she got him hotel rooms to stay. She said she knows Wayne had just ridden his bicycle by [redacted] house before this happened to him. She said she knows this because Wayne liked to "dumpster dive". She said Wayne has a problem with dumpster diving and she can`t stand it. She said Wayne had been behind Big Lots and a friend of hers told her he bought something from Wayne and when they parted, Wayne rode his bicycle towards [redacted] house. [redacted] said she didn`t know the name of the street where [redacted] lived but it comes out on Nordyke.

[redacted] said her friend told her he parted with Wayne at Big Lots three minutes before one o`clock in the morning. She said another friend of her named [redacted] came to her house yesterday and told her he wanted to kick Wayne`s ass because he had taken off with his bike. [redacted] said she knows this was the bicycle that Wayne was on when the incident happened.

[redacted] said the traffic thing (referring to the newspaper article) she could see how it happened. She said she knows what happened. She said she knows Wayne had drugs on him, in his balls probably is where it was found, if there was an autopsy done. She said she knows Wayne had drugs on him because he always does. [redacted] said she`s since been out to the scene to see what happened. She said Wayne didn`t have this coming to him. [redacted] said he might be a scumbag amphetamine provider in this county, or whatever, but he did not have this coming to him.

Note
After speaking with [redacted] for only a brief period of time I formed the opinion, based on my training and experience that she was under the influence of a central nervous stimulant. [redacted] displayed obvious outward symptoms of impairment. Her speech was extremely rapid throughout the entire contact and she had difficulty sitting still in the passenger seat of my vehicle. Her pupils were dilated and non reactive in the natural sunlight, indicative with persons who are chronic users of methamphetamines.
**

[redacted] said she knows what happened, they (police) went to flip a bitch to stop him and he took off real fast because he had drugs on him. She said she knows this is what happened because this is what Wayne always does and she can`t stand him for it. [redacted] said however Wayne knows not to resist because he knows he won`t win.

[redacted] said her friend`s [redacted] were on their way to the Graton Casino and they saw the whole thing but they didn`t know it was Wayne. [redacted] said her friend told her whoever it was they were beating Wayne`s ass and he was screaming for help. [redacted] friend told her when the paramedics came; the cops were just waiving their hands at them. I asked [redacted]

to explain to me where [redacted] had been watching this from. She said her friends were driving towards the freeway. She said her friend [redacted] is nosy and probably pulled over to watch the whole thing because that`s what how she is. She said she was leaving the Gold Coin where she lives and on her way to the casino. [redacted] said when she heard this it made her go crazy. I asked [redacted] if this is how she learned about all of this. She said she read about a traffic stop and medical problems and said to herself, what the fuck, are you kidding me. She again said her friend [redacted] didn`t know it was Wayne. I asked then how it was that she found out. [redacted] said she called people that were close to her. She changed her story and said she found out from Wayne`s cousin, who she knows the cops really want. She said she knows Wayne`s loyalty to his cousin is everything and she hoped the cops were not beating up Wayne to get information about his cousin.

When questioned, [redacted] said she last saw Wayne the day before he died at the Country Inn Hotel room [redacted], on Santa Rosa Avenue. She said Wayne called her and asked if she would come and give him a shot (Intravenous injection of methamphetamine). She said she`s the only person who can "hit him" and he goes crazy trying to do it himself. She said she asked Wayne if it was a real emergency and he told her she needed to come now. [redacted] said she rushed over to the Country Inn from Hall Road. She said she pulled up to the KFC and she saw cops everywhere. She saw cops blocking the entrance to the Country Inn and cops at the KFC. She called Wayne and asked him what he did and he told her he thought he was in the police`s radar. Wayne told [redacted] the cops were banging on his hotel room door and he managed to crawl out the bathroom window. [redacted] said she was scared. She thought Wayne had done something bad and now she was in the crime scene and going to jail. I asked [redacted] if the police presence was related to Wayne. She said she didn`t know if it was or not. She said when she pulled in to the KFC parking lot; the cops began looking and staring at her. She said she became scared and she drove off. [redacted] indicated she would help Wayne out when he needed it. She said he didn`t have an ID card so she would help get him into hotel rooms and she provided him with money, food and rides when Wayne needed it. She described how she helps Wayne if he`s on a "mean one" for two days, she`ll help him out.

I asked [redacted] if the cops she was talking about were the Santa Rosa Police or the Sheriff`s Office. She said it was the police. [redacted] said if it would have been the Sheriff`s Office she would have pissed her pants. [redacted] said she thought the Sheriff`s would kill Wayne before the police. [redacted] said she wasn`t trying to be disrespectful but that this was real talk. She said she knows what Sheriff`s Deputies have said to her in the past when she`s been arrested and she`s seen how they were with Wayne. She said they don`t like us, were like parasites to them. She said she never thought the police department would be the ones. She said if Officer Gillette is involved with this in any way, she will scream her head off. She said she knows what been said between them and Wayne and this was the police person she could think of in her mind that would allow Wayne to die.

I asked [redacted] to explain further about the police presence at the Country Inn. She said she and her boyfriend pulled up and she got out and attempted to walk in to the Country Inn, but the police told her no one was allowed in. She said Wayne asked her for a ride, but her boyfriend told her no. [redacted] said her boyfriend was aware of her past problems with Wayne. [redacted] said Wayne was responsible for knocking her teeth out during a fight they had in the past. She said they`ve had constant problems amongst each other. She said she makes sure she always has someone with her when she goes to see Wayne because she doesn`t trust him. She said Wayne has a lot of anger because she deserted him.

I told [redacted] I wasn`t sure, but I would be checking to see why the police were at the Country Inn. I told her I had no knowledge that would suggest the police were purposely seeking Wayne. I told her I knew that Wayne had no warrants, but that he was on probation. [redacted] said that when she was with Hoffman, the police would be looking for him all the time. She said the police would be at spots they would go to. [redacted] said she knows this cop in Rohnert Park she went to high school with who arrested Wayne for domestic violence against her at the Rohnert Park Wal Mart. During Wayne`s arrest the cop showed [redacted] her arrest history on his computer screen in his car. She said the cop told her that whatever she was doing, she needed to stop. [redacted] said this is when she left Wayne. I later found this report chronicled in the Records Management System under Rohnert Park Police case # 13-0001408. [redacted] mentioned another incident when her house in Rio Nido was raided by the cop`s. [redacted] wondered why the cops would raid her house when it was under her friend`s name. [redacted] went on to rant about how the police have badgered her and Wayne in the past, almost intimating that she and Wayne were victim`s.

I asked [redacted] if Wayne was a "Mule" (seller of drugs) or more of a user. [redacted] said Wayne used to be a big dealer and the cops could never get him. She said this would piss off the cops. She said the cops got him one time in thirty years. I asked [redacted] to explain how she knew Wayne had been behind Big Lots prior to him fleeing from the Santa Rosa Police. She said she heard this from a guy she knows as [redacted] (Unknown last name) who lives at [redacted] house. She said she heard Wayne went to Big lots to "dumpster dive" (Rummage through business garbage containers) and he was called by someone who wanted to buy drugs from him. Apparently Wayne provided the caller his location behind Big Lots and they met for a sale.

[redacted] said she wanted to be completely honest with me. She said Wayne had a bad problem with dumpster diving. She said this is why Wayne doesn`t have any body left who buys from him. [redacted] said she used to be a big seller, but Wayne would always be dumpster diving and after making his sale he would ask the people who bought from him if he could load their cars with the garbage he had from the dumpster and drive him places. She said people hated him for this because it was an inconvenience to them and he lost customers.

[redacted] said back in the day Wayne had six regular customers and he would make thirty thousand dollars selling drugs. Ultimately [redacted] described the area behind Big Lots as a place where Wayne would frequently meet people to sell them dope. She told me she would try and reach out to [redacted] to try and figure out where Wayne had been before he was behind the Big Lots store. She said it was important to her because she wanted to know where Wayne was and how all of this happened to him. [redacted] said yeah Wayne was [redacted] and had [redacted] but he didn`t deserve this. She said Wayne has been whittling away from these medical issues and she thought he would die as a result of the [redacted], not like this. [redacted] said all the information she had about Wayne and his death was coming from people who know her and buy dope from Wayne. They told [redacted] they couldn`t believe this happened to Wayne because they had all just seen him before his death.

[redacted] changed her story and told me she had spoke with someone who had just purchased a bag of dope from Wayne behind Big Lots just before his death. I asked [redacted] if she knew if Wayne was holding drugs when the police tried to pull him over. [redacted] said Wayne threw it. She said if it wasn`t found on his person when he was contacted by the police, he must have thrown the drugs. [redacted] said Wayne always keeps his drugs in his underwear, beneath his genitals. She said she knows the cops must have seen him on his bike and flipped a U-turn to go after him. She said Wayne probably took off because he was getting his "shit" and throwing it.

I asked [redacted] to describe the amount of drugs Wayne would commonly carry on his person. She said when they were together he would carry between a quarter and a half a pound. She said after she left him he was hardly carrying anything. She said he would carry seven grams at the most, but this was rare. She said he would mostly have an "eight ball" on him (3.5 grams). She said he would get seven grams for someone and he would get half for getting it. [redacted] said Wayne would have this for himself and it would normally last him for two days. She said Wayne had a bad habit.

I asked [redacted] to describe where she used to "hit" (inject) Wayne and she said in his armpit. [redacted] said because of Wayne`s chronic intravenous drug use, he had no veins. His armpit was the only place he could inject. She said the last time she did this for Wayne was about two weeks ago. [redacted] said she quit using drugs and this is why she stopped seeing Wayne. She said Wayne would beg her to hit him, but she told him she could no longer do this for him because it would make her want to use. She said she saw Wayne about four days ago in the Food Maxx parking lot and she brought him a bag of clothes. She said he got mad at her because she gave his best customer to his cousin. She said she did this because Wayne kept flaking out when customers wanted to buy from him. [redacted] told Wayne he needed to be more convenient to his customers. She said this was her last encounter with Wayne before she went to give him the rest of his property at the Country Inn.

I asked [redacted] if she thought that Wayne still had property in a room at the Country Inn and she said she believed so. She said she was going to solicit assistance from her attorney, Andy Martinez, to help her check to see if Wayne had any of his personal belongings that may have been left in his room. I told [redacted] I planned on going to the Country Inn to check on this when we were through talking. I also told [redacted] that she should probably let Mr. Martinez know that she had been talking with me and if there were any questions about our conversation, he could call me with any concerns.

When questioned, [redacted] described for me where [redacted] resides. She ultimately divulged that it was [redacted] who met with Wayne to buy drugs from him behind Big Lots just before Wayne`s death. I asked [redacted] if there would be any reason for Wayne to be in the area of the Shell Gas station on Steele Lane and she said yes. [redacted] said Wayne had a daily dumpster route. She said Wayne goes dumpster diving at the TJ Maxx and Staples on Cleveland Avenue. He also goes across the street to Beverly Crafts and JC Penny. She said Wayne would stash his drugs and paraphernalia on the side of the dumpsters if the cops rolled up on him.

[redacted] spoke about the numerous incidents of domestic violence between her and Wayne. She said she thought when Wayne went; he would take her out with him. She said Wayne was extremely mad at her for leaving and betraying him, she thought he was going to take her out. [redacted] said she couldn`t handle the physical abuse from Wayne any longer.

I asked [redacted] about her relationship with Wayne`s mom. [redacted] said she tolerates Wayne`s mother and his mother

tolerates her. [redacted] asked and I told her Wayne`s mother was advised of his death. Hearing this, [redacted] said she probably not okay right now. I told [redacted] that Wayne`s mother took the news of her son`s death pretty hard. I explained how we had a Chaplain present for his mother to help her through her grieving process. [redacted] was thankful.

I recapped the statements provided to me by [redacted] and explained that it helped me understand why Wayne had been in the area he was first seen by the police. Based on our conversation about where Wayne was seen on his bicycle near the US 101on ramp, [redacted] believed he had been dumpster diving at Staples and was more than likely staying in a room at the Vagabond Inn on Cleveland Avenue [redacted] said this would make sense given the time of the month; Wayne would have money from receiving his social security check.

I asked [redacted] if she would assist me with arranging a meet with [redacted] so I could talk with him about his alleged contact with Wayne prior to him fleeing from the police. [redacted] described [redacted] as being "garbage". She told me [redacted] didn`t know Wayne and inferred that because of his drug lifestyle, he would more than likely not want to meet and talk with me because I am a cop.

[redacted] told me she would be reaching out to [redacted] (unknown last name) because [redacted] had also apparently purchased drugs from Wayne just before the incident. [redacted] told me she would see to it that [redacted] talked with me. She said it was important to her to learn more about what Wayne was doing before the incident so that she could have closure. I asked [redacted] for her friend [redacted] last name. I explained that I wanted to speak with her further about her observations of seeing the police fighting with a subject near Steele Lane when she was on her way to the casino, as she had told [redacted]. When questioned, [redacted] said her friends name was [redacted] She said her friend [redacted] was in the car with [redacted] but she didn`t know [redacted] last name. [redacted] said [redacted] currently resides at the Gold Coin Motel, room [redacted] [redacted] said she wasn`t in a right state of mind when she was talking to [redacted] about her report of hearing screams coming from the person the police were engaged with. [redacted] said she wanted to talk with [redacted] again because she couldn`t remember word for word what she said and she couldn`t understand it. Based on this statement, I questioned the validity of [redacted] story. [redacted] told me she would be contacting [redacted] immediately after our meeting. She said she would rather I talk with [redacted] about what they saw because [redacted] apparently has [redacted] problems. She described [redacted] as being slow and dense. I asked [redacted] to explain which one of her friends were driving and she said she didn`t know. I asked her if either of them owned a vehicle and she said no.

I provided [redacted] my business card and asked her to have [redacted] and [redacted] get in touch with me so I could speak with them about Wayne. I again asked [redacted] if she was sure that Wayne had been staying at the Country Inn on April 5, and she said yes. She couldn`t understand why Wayne would have rode his bicycle that far across town. [redacted] began talking about what she had read in the newspaper about Wayne`s death. She mentioned how she read the police attempted to do a traffic bike stop on Wayne. She said Wayne probably didn`t have a light on his bicycle because he didn`t want the cops to see him. She said she could see Wayne not having a light on his bike and this was probably the reason why the police tried stopping him, or she said he might have crossed the intersection, or do something he wasn`t supposed to do without having lights on his bike. She said she knows he never has lights on his bike.

I asked [redacted] f it was common for Wayne to ditch his drugs if he believed he would encounter the police. [redacted] said yes and he would lose the drugs as a result. [redacted] said this is why Wayne`s cousin has lost his patience with him. [redacted] said Wayne thought he was slick because he avoided being caught with drugs for so many years. She said with her out there doing what she`s doing, caused Wayne to be noticed again.

Ultimately, I asked [redacted] to stay in touch with me by telephone with any further information. With no further immediate questions, [redacted] exited my vehicle and the interview was completed at 1157 hours.

On Tuesday, April 8, 2014 at approximately 1211 hours, VCI Detective Cutting and I responded to the Country Inn, located at 2363 Santa Rosa Avenue to see whether or not Wayne Hoffman had been staying there as reported by [redacted]. Upon arrival, I spoke with the on duty clerk who provided me with the current and past tenant records. Upon reviewing the records, I learned that Wayne Hoffman was not listed as being a recent or past tenant. Furthermore, room [redacted] showed that it had not been occupied since the week prior.

On Tuesday, April 8, 2014 at approximately 1304 hours, VCI Detective Horsman and I responded to the Gold Coin Motel, located at 2400 Mendocino Avenue, Santa Rosa to attempt to contact [redacted]. Upon arrival, I contacted the on duty clerk and was

informed that [redacted] was no longer at resident at the motel.

On Tuesday, April 8, 2014 at approximately 1600 hours, I met with Sonoma County Sheriff`s Deputy Terrence White and his Canine partner Shadow. Sonoma County Sheriff`s Canine Shadow became certified in the detection of drugs and narcotics in December 2007.

At my request, Deputy White and Sheriff Canine Shadow initiated a search for narcotics beginning on Steele Lane at Illinois Avenue, south to Sucher Lane and northbound on Nordyke Avenue. This was the path taken by Wayne Hoffman as he fled from Santa Rosa Police Officer Garrison Swartz on his bicycle. After an extensive search which covered both sides of the roadway and fronting residential yards, there was no contraband located.

INTERVIEW WITH [redacted] by: DETECTIVE JEFF TONEY

On Thursday, April 10, 2014 at approximately 1545 hours, I received a telephone call at my desk from the Sheriff`s Office front lobby clerk informing me about a gentleman that wanted to retrieve his bicycle that was confiscated during the incident involving Wayne Hoffman. I activated my audio recorder and responded to the front lobby where I met [redacted]. I spoke with [redacted] in an interview room within the lobby.

I later transferred my recorded conversation with [redacted] to a CD-R disc and marked it as item # JT-9 for future reference. I later booked this item into evidence at the Sheriff`s main office. The following is a summary of the statements obtained from [redacted]. Refer to the transcripts for exact statements.

I began by introducing myself to [redacted]. When questioned, [redacted] told me he was here to pick up his bicycle tat Wayne Hoffman had been riding when he was arrested. I asked [redacted] to explain why Wayne had his bicycle. [redacted] told me he was with Wayne right before he left and he gave him his bike to ride because Wayne`s bike had a flat tire. [redacted] told me he actually had the original back tire from the bike we had. [redacted] said he switched tires just before Wayne left because Wayne didn`t want to ride his bike because he didn`t put it back together correctly. [redacted] said he found out in the newspaper the next day about Wayne and thought, "Damn, right after I left him too."

I asked [redacted] if wanted to speak with me further about this, to which he agreed. Prior to entering the interview room with [redacted] I asked him if he had any knives or guns on his person. [redacted] indicated he had a pocket knife on his person. I completed a cursory search of [redacted] person and we went into the interview room. I thanked [redacted] for taking the time to speak with me and I explained to him I had questions regarding Wayne Hoffman.

[redacted] said he originally met Hoffman on Airway Drive in Santa Rosa. He said Wayne had been staying with an old lady there. [redacted] said he knew about Wayne being [redacted] and he described how he would notice some days Wayne`s demeanor being up and some days being down and looking like he was going to die. [redacted] said the other night he looked perfectly fine.

[redacted] said during the night of the incident, Wayne was supposed to meet somebody at the Shell Gas Station on West Steele Lane. [redacted] said he just got through putting the Polaris bicycle together. He said Wayne had previously taken the bike apart and didn`t bother putting it back together. That night, [redacted] said he put it back together and he kind of joked with Wayne about how he was able to put the bike together. He said after he put the bike together he and Wayne went to the Chevron Gas Station on Hopper Avenue and filled the tire with air. He said Wayne used water to wash the bike up and they took off riding separate bike southbound on Cleveland Avenue. He said when they reached the KFC restaurant on Cleveland the front tire on the bike Wayne was riding went flat.

[redacted] said he took the front tire from the bike he was riding and gave it to Wayne to replace his flat tire. He said he also gave Wayne the front and rear lights from his bicycle so Wayne wouldn`t get pulled over. [redacted] said Wayne was as happy as can be and he went riding off. Wayne told [redacted] he was going to meet someone at the Shell Gas Station and that he would be back later on to hook up with him again. I asked [redacted] if he knew what time it was when he separated from Wayne. [redacted] said he believed it was early Sunday morning. He said it could have been anywhere between eleven and one in the morning. He said there weren`t a lot of people out.

When questioned, [redacted] told me they had been at [redacted] house on Airway before they took off for the Chevron Station. [redacted] didn`t know [redacted] last name. [redacted] said he stays at [redacted] Airway Drive. He said there`s a small court there and he knows [redacted] stays in one of the front houses on the court.

[redacted] said he learned from the newspaper that Wayne died in police custody. He thought this was weird because Wayne was perfectly fine when he left him. I asked [redacted] if he and Wayne used any drugs while they were at [redacted] house. I asked if he saw Wayne slamming (Injecting) any drugs. [redacted] said no, but admitted Wayne does do this. [redacted] said the guy that lives with [redacted] doesn`t get along with Wayne. That night before they went to the Chevron, the guy told Wayne he didn`t want him staying at the house any more. He said [redacted] told Wayne she respected that because he (Unknown guy) pays rent. [redacted] said he went out front and saw Wayne working on his bike and he began talking with him. [redacted] said he knew Wayne had drugs on him, but he didn`t see him doing any. He said they stayed out in front of the house for a good hour fixing the bike and he never saw Wayne doing any dope. [redacted] said he asked Wayne what his plans were for the night and Wayne told him he was going to go sell a "sack" at the Shell Station. [redacted] said this is why he gave him a front and rear light for his bike.

[redacted] described Wayne as being a good guy. He said Wayne`s helped him out of a lot of jams and said he`s an honest guy. [redacted] said a lot of people have told him Wayne always stops at Motel 6 and he told them that Wayne wasn`t going to Motel 6. [redacted] said Wayne told him he was going to the Shell Gas Station. [redacted] said Wayne`s the kind of guy who says all be there and never shows up. [redacted] told Wayne that he`d better return with the bike he put together, or he would come find him if it came up missing. He said Wayne told him he was going to the Shell and he would be right back. [redacted] said he made Wayne give him his word that he would be back with the bike and Wayne told him he gave him his word. [redacted] said, "What happened from there, I don`t know."

I asked [redacted] if he knew how much (Weight) drugs Wayne had on him when he left. [redacted] said he heard from someone today that Wayne kept dropping his sack. He said he asked, "What do you mean he kept dropping his sack, how much did he have?" He said someone told him they had been with Wayne earlier the day of the incident and when he got out of the car he dropped a bag of drugs. Apparently the person picked it up for Wayne and said it was a quarter ounce. [redacted] said Wayne sells a little here and there, just enough to make money for a hotel room. [redacted] talked about how Wayne is known for rummaging through dumpsters and he sometimes finds things he can sell.

I asked [redacted] if he knew when Wayne left him that he had drugs kept beneath his genitals. [redacted] said, "Yeah he always kept it in his locker." I asked [redacted] if he knew how many bags Wayne had on his person when they separated from each other. [redacted] described Wayne having one bag of dope. He said when they were working on the bike Wayne made mention that the bag was slipping out of his underwear and he adjusted himself to prevent the bag of drugs from falling out.

I asked [redacted] to explain about them being in a car as he mentioned earlier. Apparently Wayne, [redacted] and a guyed named [redacted] went to the grocery store together. When they returned to [redacted], she and Wayne were arguing and Wayne accused her of being a thief because he couldn`t find his cell phone. Wayne got out of the car and used a flashlight to look throughout [redacted] car for his phone. [redacted] came out and Wayne asked him to help him look for his phone. Wayne ultimately found his phone and this is when [redacted] learned that Wayne had dropped his bag of drugs when he initially got out of the car. [redacted] said all of Wayne`s property was in [redacted] car.

I asked [redacted] if he knew where Wayne was staying. He said the last he heard Wayne was staying at the Palms Inn. [redacted] asked if I knew why Wayne died. I told him it appeared to be a medical issue pending the autopsy results. He said he couldn`t understand it, Wayne was perfectly fine. He said he`s seen Wayne the opposite way too though. [redacted] said he`s had talks with Wayne and he was aware of his medical problems.

I asked [redacted] if he believed Wayne didn`t stop from the police because he was holding drugs. [redacted] said he knows for a fact Wayne would`ve stopped for the police because he would think they wouldn`t find his drugs. He said he could see Wayne acting like he didn`t see the police and kept riding and turned quickly down a street or something, making the cop think he was running from him. He said in his mind, Wayne was probably getting ready to cycle real quickly, but he`s not going to run. He said Wayne`s too old to run, he`s going to stop everything. [redacted] said he knows Wayne didn`t want to go back to prison. He says he knows for a fact Wayne would have thrown his drugs. He said Wayne`s smart like that.

[redacted] said the cops don`t look at the stuff at night when you throw it. He said you can throw anything and the cops won`t see

it. He said a lot of times they don`t know it happens. I asked [redacted] if he thought because Wayne was riding a bicycle he had a hard time retrieving the bag of drugs to toss it. [redacted] said he thinks he could have just let the bag slip down his leg and kept pedaling. He said the cop would have stopped him and not seen anything.

[redacted] mentioned again how Wayne kept saying the bag almost dropped when they were working on the bike. He said Wayne was wearing boxer briefs and they were tight. He said if it was a big bag of drugs it would stay in place. I again asked [redacted] if he knew how much drugs Wayne had on him. He said somewhere between an ounce and a quarter ounce.

Ultimately I told [redacted] I had no issues with releasing the bicycle to him once the investigation was completed and I provided him my business card. I gathered [redacted] personal information. He described himself as homeless saying he stays with various friends and relatives. He provided me with his cell phone number describing how it was an internet contact messaging app.

In closing, I again asked [redacted] if did drugs with Wayne that night, or if he saw Wayne doing drugs with anyone else and he said no, that`s the truth.

End of interview.

On Monday 04-14-2014, I received copies of CD-R disc`s evidence item`s 925-7A and 925-7B from CSI Detective Orlando Rodriguez. These discs`s contained the forensic download of Wayne Hoffman`s black Kyocera S2151 cellular telephone that was found in his possession when he was contacted by Santa Rosa Police Officer`s on Nordyke Avenue.

I reviewed the contents on the cell phone and found several text messages which indicated Wayne Hoffman was involved in drug sales. There was a text message on Hoffman`s cell phone from April 5, 2014 at 2343 hours from a person listed as being [redacted]. The message to Hoffman read, "What`s the word brother, so are you around?" A follow up message from [redacted] at 0013 hours reads, '[redacted] what the fuck, I have been at the Caf for an hour now. Please don`t make me have to hunt you down." There are several other text messages from various people which suggest that Hoffman is late for their meeting. This corroborated [redacted] statement about Hoffman being unreliable to his drug buyers.

While reviewing further text messages, I found a text message from a person listed as [redacted] The message was sent to Hoffman on April 3, 2014 at 2347 hours. The message read, "Call me as soon as you get shit, I got money for you I want you to see the Polares." I remembered [redacted] referring to [redacted] during our interview. [redacted] told me Hoffman had previously lived with [redacted] also talked about putting together a Polaris bicycle and this was the name brand of the bicycle Hoffman was riding when he fled from Santa Rosa Police Officers. It was apparent through the text message conversation that [redacted] was attempting to trade drugs for the bicycle.

During a Law Enforcement computer records check of [redacted] telephone number, [redacted] the number returned to [redacted] at [redacted] Airway Drive Santa Rosa, CA.

On 04-17-2014, I attempted to contact [redacted] at the above listed address. A male subject who introduced himself as [redacted], told me [redacted] was not home [redacted] ultimately explained he was [redacted] son. I went back to my vehicle and began to drive away when I saw [redacted] walking out of [redacted] Airway Drive. I quickly exited my vehicle to contact [redacted] and did not have time to activate my digital audio recorder.

When questioned, [redacted] provided the following statement in summary: I introduced myself and explained the purpose of the contact. [redacted] verbally identified herself as 58 year old [redacted]. [redacted] told me she currently resides at [redacted] Airway Drive and [redacted] Airway Drive. Her adult son [redacted] resides at [redacted]

[redacted] told me Wayne Hoffman lived with her at [redacted] Airway Drive from October 2013 through December 2013. [redacted] said she had to kick Wayne out because he was sneaking people into her house and selling methamphetamines out of the window.

[redacted] said she saw Wayne the evening he died. She said a friend of hers named [redacted] (Unknown last name) came to pick her up to take her to the grocery store. On the way to the grocery store, Wayne called [redacted] and asked for a ride. [redacted] said they picked Wayne up on Santa Rosa Avenue near the Country Inn and [redacted] drove her to the store. Wayne told [redacted] he wanted to pick up his bicycle that he left at her house. After she purchased her groceries they all went back to her house and Wayne began fixing his

bicycle which had a flat tire. [redacted] said Wayne was working on his bike with a guy who stayed with her named [redacted]. She said Wayne and [redacted] took off together and at some point to put air in Wayne`s tire.

[redacted] came back pushing Wayne`s bike. [redacted] said she asked [redacted] where her Polaris bicycle was and [redacted] said he let Wayne borrow the bike because his bike had a flat tire. [redacted] told her Wayne was going to meet up with someone and that he would be back with the bike. [redacted] said she was upset because [redacted] worked hard to put her bike back together for her so she could sell it. [redacted] said the only thing wrong with the bike was it didn`t have any brakes.

I questioned [redacted] about the text message I saw on Wayne`s phone which talked about him bringing the "shit" for her and how she text she had money for Wayne and wanted to show him the Polaris. [redacted] denied writing this text message, saying [redacted] must have used her phone to text Wayne. [redacted] told me Wayne wanted her bike and this was why she was angry with [redacted] for letting Wayne have it.

I asked [redacted] if she knew if Wayne had drugs on him. [redacted] said she never saw Wayne with any drugs that night, but he always had drugs on him. She said she saw Wayne drop a sack of drugs the day before when they were at the 7-11 on Hearn Avenue. She said Wayne had a reputation for losing drugs.

End of interview.

INTERVIEW WITH [redacted] by: DETECTIVE JEFF TONEY

On 01-04-2016, at approximately 0855 hours, I contacted [redacted] at the Gold Coin Motel room [redacted], located at 2400 Mendocino Avenue in Santa Rosa. My conversation with [redacted] was audio recorded. I later transferred the audio recording to a CD-R disc which I marked as evidence item # JT- 10 for future reference. The CD-R disc was later booked into evidence at the Sheriff`s main office. The purpose for me contacting [redacted] was to confirm or deny [redacted] statements indicating that [redacted] told her she witnessed the Santa Rosa Police beating a subject that was crying for help on Nordyke Avenue. [redacted] told me [redacted] saw this happening when they were on there was to the Graton Casino on 04-06-2014.

[redacted] provided the following statements in summary: I introduced myself and explained the purpose of my presence. I asked [redacted] if she was friends with [redacted] told me she and [redacted] were friends, but she hadn`t talked with her in about six months. [redacted] asked if [redacted] was in trouble. I told [redacted] that I wanted to speak with her about Wayne Hoffman and she said, "Oh Wayneo."

I told [redacted] that [redacted] mentioned how she [redacted] saw the incident involving Wayne and the police as she was going to the casino. [redacted] said she was coming back from the Internet Caf on West Steele with her friend [redacted]. When questioned, [redacted] said she and [redacted] were walking back from the Internet Caf between one and two in the morning. They were walking back to the Gold Coin Motel, headed eastbound on the north side of the street near the freeway overpass. She said while they were walking they were trying to figure out why there were so many police cars driving in the area.

[redacted] said they got to where the health clinic is located (later determined to be Sutter Health Clinic on the corner of Steele Lane and County Center Drive) and all the sudden the police cars stopped. [redacted] said she didn`t see any action, they just saw all the police cars driving by them, but they couldn`t figure out what was going on. [redacted] said, `That`s about it." She said they later found out it was Wayne. When questioned again, [redacted] said she didn`t actually see what was going on with regard to the police; she only saw all of the police cars.

I mentioned to [redacted] that [redacted] told me that she saw Wayne being beat up by the police and crying for help. [redacted] said, "I never saw" She said, "Well it`s hard to say, because I have one version and my heads telling me different so I don`t know." [redacted] said she remembered watching and seeing a sheet over Wayne. I asked [redacted] if she knew this was Wayne at the time and she said no. I asked [redacted] if she saw or heard any of the officers that were around the area she was talking about. [redacted] said what she saw was the cops going by and they couldn`t figure why there were so many. She said she saw the sheet and that was it. [redacted] said the next day she found out it was Wayne while they were at the casino. I told [redacted] I wondered what sheet she was referring to. She said she remembered seeing a sheet over a body. [redacted] said maybe it was a different situation. She said she knows she saw the cops when they were walking. I asked [redacted] if she ever stopped and watched anything. [redacted] said they stopped and watched the cops going by and then they continued walking back to the motel. I asked [redacted] if she

thought [redacted] account of what they saw would be different. [redacted] said she didn`t know. She said usually you tell a story and it gets bigger and bigger.

Based on my conversation with [redacted] it was very apparent to me that neither she nor her friend [redacted] saw any interactions between Hoffman and the Santa Rosa Police Officers.

With no further questions, [redacted] provided me her telephone number. I provided her my business card and asked her to contact me with any further information.

End of interview.

TOXICOLOGY REPORT by: NMS LABS

On Friday 04-18-2014, I received a copy of the Toxicology Report authored by Susan Crookham, a Certifying Scientist at NMS Labs, located at 3701 Welsh Road, Willow Grove, Pennsylvania. The report states analysis found from a femoral blood sample taken from Wayne Hoffman revealed positive findings of Amphetamine 80 ng/mL and Methamphetamine 1100 ng/ml. Refer to the Toxicology Report for reference comments, analysis summary and reporting limits.

On Wednesday May 28, 2014, I spoke with Sonoma County Coroner Detective Brent Kidder. Detective Kidder told me he received a request from Doctor Arnold Josselson asking to review the officer`s statements, who were involved in the pursuit and apprehension of Wayne Hoffman. I met with Doctor Josselson at the Coroner`s Office the following week. Doctor Josselson asked me to describe to him the involved officer`s body positions with regard to subject Hoffman`s body. I verbally provided Doctor Josselson with a summary of each of the Involved Officer interviews.

POSTMORTEM EXAMINATION REPORT by: FORENSIC PATHOLOGIST ARNOLD R. JOSSELSON, M.D.

On Wednesday 07-09-2014, I received a copy of the Postmortem Examination Report authored by Forensic Pathologist Arnold R. Josselson, M.D., of the Forensic Medical Group Inc. In the report, Doctor Josselson illustrates Wayne Ceballos Hoffman`s CAUSE OF DEATH: Cardiopulmonary arrest during struggle with police officers while under the influence of methamphetamine, (minutes).

Refer to the Postmortem Examination Report for detailed comments and findings.

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

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

FLUP - PERCY, J - 04/06/2014
Written by: **Percy, James 110968**
Date/Time: **04/06/2014 07:14:12**

SUPPLEMENTAL REPORT RE SCSO 140406-007 / SRP 14-0004581
Sonoma County Sheriff`s Office
Investigations
Detective J Percy

PURPOSE: Neighborhood Canvas

SUBJECTS CONTACTED:

[redacted]

NARRATIVE:

04-06-2014 at approximately 0230 hrs, I received a phone call from Detective Sergeant Raasch requesting me to respond to the Santa Rosa Police Department for a briefing regarding a Santa Rosa Police Officer related death. I responded to the Santa Rosa Police Department and attended the briefing. Sonoma County Sheriff`s Sergeant R. Martinez assigned Detective Russell and I the task of completing an area canvas in the area where the suspect in this case was arrested by Santa Rosa Police Department, which was identified as [redacted] Nordyke Ave, in the city of Santa Rosa.

At 0448 hrs, Detective Russell and I arrived on scene and met with VCI Detectives Toney and Cutting, and CSI Detectives Rodriguez, and Newton. Detective Russell contacted the residents in the area that reside on the west side of Nordyke Ave, and I

contacted the residents who reside on the east side of Nordyke Ave.

I CONTACTED THE ABOVE RESIDENTS AT THE BELOW LOCATIONS:

[redacted] Nordyke Ave:
-I contacted the resident who identified himself as [redacted], and he stated that he did not see or hear anything.

[redacted] Nordyke Ave:
-I contacted the resident who identified himself as [redacted], and he stated that he did not see or hear anything.

[redacted] Nordyke Ave:
-I contacted the resident who identified herself as [redacted], and she stated that she did not see or hear anything.

[redacted] Nordyke Ave:
-I contacted the resident who identified himself as [redacted], and he reported the following:

At approximately 0100 hrs, [redacted] was woken by the sound of yelling outside. [redacted] looked out his window and saw four (4) police cars, and he could hear a male`s voice, whom he believed to be a police officer, yelling, "Let me see your hands." [redacted] stated the guy the police were dealing with sounded "drunk" and was "moaning". Shortly after, [redacted] heard what he believed to be a fire engine pull up. [redacted] explained that he did not see anything except for the police cars.

[redacted] Nordyke Ave:
-I contacted the resident who identified himself as [redacted], and he stated that he did not see or hear anything.

When I was completed, I left the scene.

NOTHING FURTHER

EVID - SEDA, J - 04/06/2014
Written by: **Seda, Josh 1102232**
Date/Time: **04/06/2014 10:05:04**

On 04/06/2014 at approximately 0730 hours, I relieved Deputy Forghani as scene security, located at the corner of Nordyke Ave and Steele Ln Santa Rosa.

I documented every person who entered or exited the scene on a Santa Rosa Police Department Major Incident Log (MIL). I later booked the two MIL`s into the SCSO Main evidence as JS1. At approximately 0926 hours I completed my assignment, as the crime was released.

Nothing further.

EVID - STOLFI, H - 04/06/2014
Written by: **HANK STOLFI 1102222**
Date/Time: **04/06/2014 10:13:43**

On 04/06/2014 at approximately 0510 hours, I arrived on scene at the intersection of Nordyke Avenue and Oliver Lane in Santa Rosa. I had been tasked to relieve Officer Fajardin with Santa Rosa Police Department at his perimeter position.

I took over the SRPD major incident log at that point, and logged any law enforcement personnel that entered the crime scene from my position until the scene was cleared at 0923 hours. I later had SCSO Records scan the log into this report, and booked the log into SCSO evidence as HS1.

While I was maintaining security, I was approached by a neighborhood resident who told me his wife [redacted] had heard some

noise around the time of the original incident. I notified the Detectives on scene at the time, and requested that she come to my location and give me a statement.

At approximately 0645 hours, [redacted] provided the following statement, in summary:

At approximately 0100 hours on 04/06/2014 [redacted] was in the front room of her residence at [redacted] Oliver Ln. The residence is on the corner of Oliver Ln and Albany St (South-East of the incident location). [redacted] heard the sound of a single male subject yelling a phrase similar to "Woah!" or "Woohoo!". Simultaneous to the yelling, [redacted] heard the sound of a vehicle accelerating somewhere in the neighborhood. [redacted] could not pinpoint where the noise was coming from, but it sounded like the vehicle traveled south on Nordyke Ave from Steele Ln, and then East on Oliver Ln. [redacted] didn`t hear any further noise or see anything out of her window until the sound of sirens shortly thereafter.
(End of statement).

At approximately 0715 hours, a man who identified himself as [redacted] came out of the residence at [redacted] Oliver Ln. [redacted] resides at the corner of Nordyke Ave and Oliver Ln. [redacted] had also heard something and gave me the following statement in summary:

Between approximately 0045 hours to 0100 hours, [redacted] heard what he thought to be a single male subject screaming loudly somewhere in the street [redacted] had no idea where the sound came from, and couldn`t discern any words because he had bad hearing. [redacted] went to sleep shortly after the scream, and did not see anything out of the ordinary.
(End of statement).

As I was leaving my perimeter position at approximately 0926 hours, I was flagged down by Captain [redacted] from Santa Rosa Fire Department. Captain [redacted] told me that he had just located a small metal handcuff key on the ground in front of the incident location. The approximate location was directly below the "No Parking" sign in front of [redacted] Nordyke Ave. Captain [redacted] handed me the key, which he had placed in a medical glove because it had what appeared to be a small amount of blood on it.

I alerted Detective T. Newton to the evidence, and he told me to book it into SCSO evidence. The key was later booked as HS2.

End of supplement.

FLUP - RUSSELL, R - 04/07/2014
Written by: **Russell, Ryan 1101456**
Date/Time: **04/07/2014 09:48:55**

Detective Ryan Russell # 1456
Property Crimes Investigations
Sonoma County Sheriff`s Office

On 04/06/14, at approximately 0230 hrs., Sgt. Mike Raasch called me and informed me about an Officer related death involving Santa Rosa Police Department (SRPD Case # 14-0004581). He advised me that there was going to be a briefing at Santa Rosa Police Department regarding this incident at approximately 0300 hrs. Due to travel time I would not be able to make it to the briefing. I informed Sgt. Raasch that I would respond to our investigations office and meet Detective Percy, once he was done attending the briefing.

Upon meeting Detective Percy at our investigations office, he informed me that we would be conducting a neighborhood canvass for any witnesses to this incident. At approximately 0448 hrs., Detective Percy and I arrived on scene. I contacted the residents on the west side of Nordyke Ave. The following residents were contacted in the order they appear in this report.

[redacted]

[redacted] informed me that he didn`t see or hear anything.

[redacted]

[redacted] lives right next door to the address of this incident [redacted] told me that she didn`t see or hear anything.

[redacted]

[redacted] told me that she got up around 0300 hrs. and saw two patrols cars out on the street [redacted] advised me that she did not look down the street to see what was going on. She told me that the patrols cars that she saw on the street looked like they were unoccupied with their spotlights on. Other than this information, [redacted] did not see or hear anything else.

[redacted]

[redacted] told me that at around 0100 hrs., she thought she heard car doors slamming. [redacted] went on to say that she had fallen asleep on her couch and at some point during the night she looked out her window and saw a patrol car blocking off Nordyke Ave. [redacted] went back to sleep after seeing the patrol car outside.

[redacted]

[redacted] live at the address of where this incident occurred. Both advised me that they did not see or hear anything.

After contacting all of the above subjects I left the scene.

Nothing further.

EVID - NEWTON, T - 04/07/2014
Written by: **TROY NEWTON 110827**
Date/Time: **04/07/2014 15:05:36**

On 04-07-2014, at about 1110 hours, Detective O. Rodriguez and I atteneded an autopsy for the decedent Wayne Hoffman. The autopsy was performed at the Sonoma County Coroner`s Office by Dr. Josselson and his assistant Celia Garcia. I took overall photographs of the body bag and collected the Coroner lock as evidence (Coroner lock #21727). I took photographs of the decedent at Dr. Josselson`s direction. I downloaded the photographs onto a CD and booked them into Property/Evidence as item #TDN. I booked the coroner lock into Property/Evidence as item #TN1. Nothing further at this time.

FLUP - SINGLETON, S - 04/08/2014
Written by: **SCOTT SINGLETON 1101333**
Date/Time: **04/08/2014 13:21:07**

SUPPLEMENTAL REPORT
SCSO CR# 140406-007/SRPD 14-0004581
DETECTIVE SCOTT SINGLETON

On 4-6-14, at approximately 0230 hours, I received a telephone call from Sergeant Martinez requesting me to respond to Santa Rosa Police Department for an in custody death. Upon our arrival at the Santa Rosa Police Department we were briefed on the incident. An unknown male had died while being taken into custody by the Santa Rosa Police Department. The involved offices were being sequestered and the Sonoma County Sheriff`s Office was leading the investigation. Sergeant Martinez assigned Detective Lawson and me to interview two officers from the Santa Rosa Junior College Police Department, Santa Rosa Fire Department`s staff on Engine 11, and Sonoma Life Support`s staff on Medic 771.

We first went to the Santa Rosa Junior College Police Department and contacted Officer/FTO Joe Richards and his Trainee Vincent Neuman. I started to interview Officer Richards until he told me that he was involved in restraining the suspect. Due to the fact that Officer Richards was involved in the incident, we advised him that he would have to be interviewed at the Santa Rosa Police Department where he would have proper representation. Detective Lawson then interviewed Officer/Trainee Vincent Neuman. I was present for the interview. See Detective Lawson`s supplemental report for details of Neuman`s interview. Detective Lawson contacted Sonoma Life Support and learned that the staff on Medic 771 was already off duty and was not available, so he provided them with his number so they could contact him.

We then went to Santa Rosa Fire Department`s Station 11 and contacted the staff. I separately interviewed Captain [redacted], Engineer [redacted], and Paramedic [redacted] My interviews were recorded and later burned to a CD. I interviewed Captain [redacted] at 0533 hours. Captain [redacted] said they were at the station when they were dispatched to a "law related" event. There was an update in the event informing them that CPR was in progress. Upon their arrival, Captain [redacted] saw an officer performing CPR on the suspect and numerous other officers in the area. Captain [redacted] said she was not sure if the other officers were providing medical care. They parked the fire engine in the middle of the roadway not far from the victim. Engine 11`s staff took over medical care and one officer assisted in cutting off the suspect`s clothing. Captain [redacted] said the victim was lying next to a metal sign post, there was a bicycle not far away, and a cellphone lying next to the victim. Captain [redacted] said she did not know what how the suspect became injured, but there was some blood on his face. She was told that Santa Rosa Police Officers had been chasing the suspect and it was the second time they chased him that night. Engine 11 began treatment and then turned over care to Medic 771. Engine 11`s Paramedic, [redacted], went with the ambulance to Sutter Hospital.

After interviewing Captain [redacted] I interviewed Engineer [redacted] at 0549 hours. [redacted] told me that they were dispatched to a man down that was in full cardiac arrest. He said when they arrived on scene, two to four Santa Rosa Police Officer were around the suspect doing CPR. They took over medical care and one officer assisted them with removing the suspect`s clothing. [redacted] noticed that the suspect had a lot of blood on the side of his face and one of his eyes was swollen shut, but did not know the extend or cause of the suspect`s injuries. Other than police and fire personnel on scene, [redacted] saw a few people watching from their porches.

[redacted] was told that Santa Rosa Police had chased the suspect early in the night, but he got away. This was the second time they chased the suspect. [redacted] remembered someone talking about a vehicle pursuit and the suspect took off on foot or bailed. Police then chased the suspect down and got him into custody. The suspect was face down on the ground when they rolled him over and noticed he was going into full cardiac arrest. Officers immediately removed the handcuffs, opened his shirt, and started CPR. [redacted] told me there was a bicycle on the edge of the sidewalk, but he did not know if the bicycle was involved in the incident. Santa Rosa Fire provided medical treatment of the suspect and then turned treatment over to Sonoma Life Supports Paramedic. The suspect was transported to Sutter Hospital where he was pronounced dead.

After interviewing [redacted], I interviewed [redacted] the Paramedic on Engine 11. [redacted] said they responded to a "PD matter" off Steele Ln. They arrived on scene and saw 6 or 7 Santa Rosa Police cars in the area. There were 4 to 5 officers standing over, performing CPR, on a person. The person was lying next to the sidewalk and street in a dirt strip. [redacted] talked to an officer on scene to determine what occurred. He was told that they were in a foot pursuit. As [redacted] is getting a statement from an Officer, the crew of Engine 11 began treatment. [redacted] was not able to get the cause of the injury from the Officer he was talking too, but it sounded like when the suspect was detained, he was on the ground when the officer ran up to him. When [redacted] examined the

suspect, he observed and injury to the suspects` right eyebrow, there was approximately 20cc of blood on the ground, there was blood in the suspect`s mouth, and he was "flat lined" referring to no electrical activity in his heart. [redacted] did not know the extent of the suspects head injury, but was told by the Emergency Room that the suspect may have had a medical incident that led to his death.

[redacted] did not notice any citizens in the area. He did see a cellphone near the suspect and a pair of handcuffs in the gutter. The suspect was laying next to a steel pole for a sign. I asked [redacted] if he noticed a bicycle in the area and he said, "No," but he was later told the suspect was chased on a bicycle.

All three of my interviews were recorded on a digital recorder and the recordings were later copied to a CD and booked into evidence. After interviewing the staff of Engine 11, Detective Lawson and I met [redacted], the Sonoma Life Support Paramedic, at his home. Detective Lawson completed an interview with [redacted] see Detective Lawson`s supplemental report for further details.

Nothing further.

FLUP - RODRIGUEZ, O - 04/09/2014
Written by: **Rodriguez, Orlando 110925**
Date/Time: **04/09/2014 09:38:41**

On 04/06/2014, at approximately 0230 hours, I received a phone call from Sgt. 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 our assistance in this in-custody death investigation. He asked 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 and the SCSO Detectives, John Buergler, Troy Newton, John Molinari, James Percy, Ryan Russell, Ruben Martinez, Scott Singleton, Gary Lawson, Shannon McAlvain, Jeff Toney, Brandon Cutting, and Carlos Basurto.

In summary the following information was provided.

On 04/06/14, at approximately 0103 hours, SRPD Officer Swartz attempted a traffic stop on a subject riding a bicycle in the area of Sucher Lane & Nordyke Avenue. The bicyclist failed to yield and a pursuit ensued. The pursuit ended in the area of [redacted] Nordyke Avenue where a struggle between Officer Swartz and the suspect ensued. Other officers arrived on scene to assist and at approximately 0107 hours, officers requested a code 3 ambulance because the suspect was unresponsive. CPR measures were started by officers. At approximately 0113 hours, AMR arrived on scene and took over CPR procedures. The suspect was transported via ambulance to Sutter Hospital and was later pronounced dead.

The suspect`s bicycle, cellular phone, clothing and medical waste were in the west curb edge area of Nordyke Avenue between the addresses of [redacted] Nordyke Avenue and [redacted] Nordyke Avenue. Three patrol vehicles were left on scene. A fourth patrol vehicle, a K9 vehicle was moved to the SRPD because the K9 had to be secured.

After the briefing, Sgt. Molinari assigned Detective T. Newton and I to respond to the scene and process it.

At approximately 0510 hours, Detective Newton and I arrived on scene. I saw yellow police barrier tape across the intersection of Nordyke Avenue @ Steele Lane. I began processing the scene by taking photographs of the scene and surrounding area. The scene was located on the west curb of Nordyke Avenue between the addresses of [redacted] Nordyke Avenue. There was a street light near the area of the scene but the street light was not functioning. There were two SRPD patrol vehicles (#5975 & 5935) parked facing northbound near [redacted] Nordyke Avenue. SRPD vehicle #5975 had all its lights off. SRPD vehicle #5935 had its driver`s side spot light on and was pointing toward the scene. The passenger`s side spot light was also on and it was pointing forward. The vehicle`s head lights and its emergency lights were off. There was a third SRPD patrol vehicle (#5936) parked outside the scene on Steele Lane facing east bound just east of Nordyke Avenue. This vehicle had all its lights off.

I saw clothing, medical waste, a cellular phone, latex gloves, handcuffs, on the west curb edge and sidewalk of Nordyke Avenue.

There was a bicycle west of the sidewalk near a tree lying on the dirt ground. The ground was covered with leaves. I saw several skid marks on the ground next to the bicycle. There were bloodstains on the sidewalk next to the clothing and underneath the clothing. Some of the clothing also had bloodstains. I took a video of the scene to document its appearance at that time.

I assigned Detective Newton to document the SRPD vehicles and to take measurements of all evidence items and SRPD vehicles, refer to Detective Newton`s supplemental. I placed evidence placards to label and document evidence items. I took photographs and a second video to document the evidence items.

Most of the evidence items were located on the west curb edge and side walk of Nordyke Avenue:

Item #925-1 Latex gloves contaminated with a reddish fluid (blood), collected @ 0839 hours.

Item #925-2 Levi blue jeans, collected @ 0841 hours.

Item #925-2A Currency located inside right front pant pocket of Levi jeans, ($2.01).

Item #925-3 Peerless handcuffs, serial #1131035, collected @ 0843 hours.

Item #925-4 Medical waste consisting of gloves and medical plastic packaging material, collected at 0844 hours.

Item #925-4A Medical waste consisting of latex gloves collected at 0845 hours.

Item #925-5 White "Fila" shoes, size 10, collected at 0847 hours.

Item #925-5A Medical waste consisting of EKG pads and medical packaging collected at 0848 hours.

Item #925-6 "Polaris Rush Pro" bicycle, serial #6W12C11702, collected @ 0858 hours.

Item #925-7 Kyocera cellular phone, model #S2151, collected @ 0900 hours.

Item #925-8 Clothing consisting of green "Fruit of the Loom" underwear, black "Reebok" jacket, black "Old Navy" jacket, blue "Nike" jacket, and a white shirt. Some of the clothing had bloodstains. The Reebok jacket had "Phillips" screwdriver inside the right pocket. I
collected the items at 0901 hours.

Item #925-8A A yellow "charm" and U. S. currency in the amount of $0.87 cents. I collected the items at 0805 hours.

Item #925-8B A black handcuff key, collected at 0907 hours.

Item #925-8C Paper rhythm strips collected at 0908 hours.

Item #925-8D Medical waste consisting of plastic caps, papers, latex gloves and medical packaging collected at 0909 hours.

Item #925-9 Latex gloves contaminated with blood, collected at 0910 hours.

Item #925-10 "Sunbeam" AAA batteries collected at 0911 hours.

Item #925-11 Not collected documentation only. SRPD VEH#5975

Item #925-12 SRPD VEH #5935, not collected, documentation only. Collected a "SanDisk" 128 -megabytes memory card from a camera located in vehicle #5935 @ 0914 hours.

Item #925-13 Medical wasted consisting of a white cap, collected at 0914 hours.

Item #925-14 SRPD VEH#5936, not collected, documentation only.

I secured the evidence items in my assigned CSI vehicle. I transported the evidence items to the SCSO and secured them in the CSI laboratory. I downloaded the video I took of the scene onto a DVD-disc. I labeled the disc as evidence item #925-14. I also downloaded the photographs I took of the scene onto a DVD-disc. I labeled the disc as evidence item #925-15.

On 04/07/2014, Detective Troy Newton and I attended the autopsy of Wayne Hoffman. I assisted Detective Newton with the collection of evidence. Refer to his supplemental.

On 04/07/2014, at approximately 1514 hours, I re-photographed some of the evidence items to document them in greater detail. I later downloaded these photographs onto a DVD-disc and labeled the disc as evidence item #925-16. I also conducted a forensic download on evidence item #925-7, Kyocera cellular phone, model S5121. Our forensic equipment did not support this model, so I photographed the phones contents such as text messages, contacts and photographs. I downloaded the photographs onto two DVD-discs and labeled the disc as evidence item #925-7A and 925-7B. I also downloaded the photographs from item #925-12 (memory card) onto a CD-disc. I labeled the CD-disc as evidence item #925-12A.

Nothing further.

FLUP - LAWSON, G - 04/09/2014
Written by: **Lawson, Gary 1101940**
Date/Time: **04/09/2014 14:00:26**

Supplemental Report
SCSO Case 140406-007
Detective Lawson

On 04/06/14, I was contacted by Sergeant Martinez and briefed that Santa Rosa Police Department had an in custody death that would be investigated by the Sonoma County Sheriff Office. I responded to the Santa Rosa Police Department and was further briefed on the incident. Detective Singleton and I were assigned to obtain statements from personnel from responding Santa Rosa Fire Department Engine 11, personnel from transporting Sonoma Life Support ambulance Medic 771, and a responding Santa Rosa Junior College Police Department unit, Field Training Officer J. Richards and Trainee Officer Vincent Neuman.

Detective Singleton and I contacted Officer Richards and Officer Neuman at the Santa Rosa Junior College Police Department at approximately 0450 hours. I recorded Officer Neuman`s statement with a digital recorder and later transferred the recording to a compact disc. Officer Neuman`s recording is labeled item GL-1 and was booked into evidence with the Sonoma County Sheriff Office.

SRJC PD Officer Neuman:
Officer Neuman explained he is an Officer in training with the Santa Rosa Junior College Police Department and has worked there for three months. Officer Neuman explained he heard a radio call of a Santa Rosa Police Officer asking for assistance in a foot pursuit on Nordyke Avenue and Sucher Lane. Officer Neuman and Officer Richards were at the Police Department when he heard the call. They left the office and drove code 3 down Armory Drive to Illinois Avenue then to Sucher Lane to Nordyke Avenue, where he saw another patrol unit ahead of him with its emergency lights on. Officer Neuman estimated they were the fourth or fifth patrol unit on scene.

Officer Neuman said they, the other officers on scene, had the suspect on the ground face down. The subject had his right hand under him near his waistband and he was struggling. Officer Neuman heard the subject grunting while he refused to give the officers his other hand. The officers were saying, "quit resisting, relax, give us your hand." Officer Richards was able to get the subject`s hand out and then the subject was cuffed. Officer Neuman saw the subject had a cell phone in his right hand, which went flying, when his hand came out from under him. Officer Neuman saw Officer Jucatan holding onto the legs of the subject to make sure he couldn`t kick. Officer Neuman mostly stood back and used his flashlight to illuminate the subject for the other officers.

As soon as the cuffs went on and the scene was settling down, that`s when everyone noticed the subject`s hands go limp. The officers rolled the subject onto his side and Officer Neuman remembered Officer Richards state, "Put him in the recovery position." Officer Neuman noticed blood on the side of the subject`s head and blood on his nose. The officers immediately took the handcuffs off the subject. Officers began cutting off the subject`s clothing and other officers began chest compressions on the

subject. Officer Neuman estimated it took less than a minute after the officers noticed the subject`s hands went limp to start CPR. When the officers started chest compressions, Officer Neuman noted the subject already had glazed over eyes and looked like he was gone. Officers did chest compressions until the fire department came and took over the subject`s care.

Officer Neuman and Officer Richards were then tasked with scene security and cordoned off the south side of the scene at Oliver Lane and Nordyke Avenue and restricted access to the scene.

AMR Paramedic [redacted]:
On 04/06/14, at 0730 hours, I contacted [redacted] a paramedic with American Medical Response (AMR) Sonoma Life Support (SLS). [redacted] was working in SLS Medic 771. Sullivan has worked for AMR for four years. [redacted] explained he received a call for a code 3 response for a code blue per officers on scene. [redacted] ambulance was in Rohnert Park when they got the call and arrived after the Santa Rosa Fire Department engine. [redacted] also explained he has an intern right now who he is teaching how to be a paramedic.

[redacted] saw the patient on the ground lying in a supine position. The patient was on the west side of Nordyke Avenue next to a pole on the side of the roadway. Santa Rosa Fire was already there and had the Lucas Device doing compressions on his chest and a BBM to breath for him. They were briefed that the patient had been in a foot pursuit or bicycle pursuit, then he was detained, cuffed and then went unresponsive. [redacted] had his intern put an IO into the subject and they proceeded to conduct their normal ACL protocol for cardiac arrest. [redacted] noticed quite a bit of blood around the patients head and mouth. [redacted] noted there was some handcuffs lying by the patients legs.

The patient was transferred to a backboard, then the gurney and was loaded into the ambulance. [redacted] noticed abrasions to the right side of his forehead and cheek and his left eye was swollen shut with bruising. [redacted] noted large amounts of blood in the mouth but did not note any mouth trauma. They continued to suction out the blood and put in a King tube into the patient to allow air to enter his lungs.

The patient had no electrical activity in the heart or was flat lined the entire time they provided care for the patient. The ambulance transported the patient to Sutter Hospital where they did a transfer of care to the nurses and doctors. [redacted] stated the doctors ended up pronouncing him dead at 0140.

I recorded [redacted] interview with a digital recorded which I later transferred to a compact disc and booked into evidence, Item GL-2.

AMR Intern [redacted]
On 04/07/14 at 1300 hours, I met with [redacted] at the Sonoma County Sheriff Office. [redacted] was working with American Medical Response (AMR) Sonoma Life Support (SLS) as an intern on Medic 771. [redacted] stated his ambulance received a call for a code blue. They responded from Rohnert Park and responded to Nordyke Avenue in Santa Rosa. [redacted] thought it had taken them about eight minutes to drive to the scene.

Once on scene, [redacted] noted there were a lot of officers there as they backed into the scene. They unloaded their gurney and positioned it near the patient. The patient was partially on the sidewalk and partially in the street next to a pole. [redacted] was briefed by the Santa Rosa Fire Department, who was already on scene as to what procedures they had already done to the patient. [redacted] put an IO on the patient`s leg which is the same thing as an IV. The patient was transferred to a backboard and onto the gurney.

The patient was moved to the ambulance and [redacted] was positioned at his head. [redacted] saw a lot of blood coming from his mouth, which they continually suction out. [redacted] could not see where the blood was coming from in the patient`s mouth but noted some minor injuries to his face. [redacted] noted the patient had prior scars on his abdomen. The patient was transported code three to Sutter Hospital. [redacted] assisted with the transfer of care to the doctors and nurses at Sutter Hospital.
I recorded [redacted] interview with a digital recorded which I later transferred to a compact disc and booked into evidence, Item GL-3.

AMR EMT [redacted]:
On 04/08/14, at 0800 hours, I met with [redacted] at the Sonoma County Sheriff Office. [redacted] was working with American Medical Response (AMR) Sonoma Life Support (SLS) as an EMT/driver on Medic 771. [redacted] has worked for AMR for 23 years. [redacted] stated he remembered receiving a dispatch to a code blue when his ambulance was in Rohnert Park. It took him eight

minutes to drive to the call, which was at the intersection of Steele Lane and Nordyke Avenue.

[redacted] backed into the scene and noted approximately seven SRPD units on scene. The patient was on the west side of Nordyke Avenue perpendicular to the street kind of half in the street and half on the curb. The fire department personnel waved them into the scene and were also working on the patient. The patient was unclothed and there was quite a bit of blood around his head and mouth area.

The fire department had implemented their Lucas device, which is the automated CPR machine. The patient was given an IV and transferred to a backboard and the gurney. [redacted] saw a large amount of blood in the patient`s mouth that they continued to suction out. [redacted] assisted in cutting the rest of the patient`s cloths of, particularly a heavy coat that he still had on. [redacted] role was to drive the ambulance while his partners, [redacted], worked on the patient. [redacted] estimated they were on scene with the patient for about seven minutes before they transported him.

[redacted] drove to Sutter Hospital which didn`t take very long. At Sutter, [redacted] job is to clean and restock the ambulance and didn`t see what happened when the patient was moved inside.

I recorded [redacted] interview with a digital recorded which I later transferred to a compact disc and booked into evidence, Item GL-4.

EVID - KOEPPEL, T - 04/09/2014
Written by: **TRAVIS KOEPPEL 1101589**
Date/Time: **04/09/2014 14:23:04**

On 4-6-14, at approximately 0330 hours, I was notified by SCSO Crime Scene Investigations Detective Sergeant Molinari regarding an officer involved critical incident. He explained that Santa Rosa Police Department Officers had arrested an individual who died while in their custody. Sgt. Molinari requested that I respond to Sutter Hospital in Santa Rosa to photograph the deceased subject and attempt to positively identify him.

Upon arrival, I met with SCSO Violent Crimes Detective Toney. We then entered the area of the emergency room where the deceased was being guarded by SRPD Officer Meloche.

At approximately 0446 hours, I entered the area which was closed off by a privacy curtain. I observed the deceased WMA lying on his back covered with a white blanket. I pulled back the blanket and began to take photographs. The subject had dried blood upon his face and head. He also had a tube protruding from his mouth. I did not notice any obvious injuries to his hands.

I used an ink pad to obtain fingerprints from the deceased. I later booked the fingerprint card into evidence.

At approximately 0515 hours, Sergeant Molinari arrived with the Blue Check Mobile Identification Device where he obtained a tentative identification for the deceased as Wayne Hoffman. I later confirmed his identification through an automated archive copy of Hoffman`s fingerprints from a previous booking.

At approximately 0600 hours, SCSO Coroner Detective Kidder arrived at my location. He rolled Hoffman onto his left side so I could photograph his backside.

Hoffman`s body was transported to the Sonoma County Morgue Facility.

At approximately 0715 hours, I arrived at the SCSO Helicopter Hanger. I was taken over the scene onboard H1 and took overhead photos of the scene.

At approximately 0900 hours, I responded to the scene on Nordyke Avenue to assist SCSO Crime Scene Investigations Detectives Rodriguez and Newton.

I booked in a CD copy of photos along with the inked fingerprints I collected.

Nothing further at this time.

FLUP - BUERGLER, J - 04/09/2014
Written by: **Buergler, John 1101422**
Date/Time: **04/09/2014 16:17:40**

On 04/06/14 at approximately 0300 hrs, I received a telephone call from Detective Sergeant Molinari requesting that I respond to the Santa Rosa Police Department for an Officer Involved Critical Incident that had occurred with Santa Rosa Police Department.

I responded from my residence and arrived at the police department at approximately 0400 hrs. Upon arrival, I attended the briefing of the incident. After the briefing, Sergeant Molinari assigned me to photograph and process the involved officers and to process the involved K-9 vehicle, which was parked at the station.

At approximately 0500 hrs, I met with Officer Garrison Swartz in the Santa Rosa Police Department training room. I took overall digital photographs of Officer Swartz and close-up photographs of his hands. I inspected Officer Garrison`s uniform for any blood or fluid with negative results. On the right side of Garrison`s uniform, he had several partials of what appeared to be a synthetic stuffing material. Officer Garrison stated that the material had come from the decedent`s jacket when medical personnel cut it.

I photographed the material, which was throughout the right side of Officer Garrison`s body.

I inspected Officer Garrison`s sidearm and found that the gun was dirty, but the magazine was loaded full. Officer Garrison stated that he had shot his gun a few days prior and had not cleaned it yet. I photographed his pistol and it was returned to him.

At approximately 0525 hrs, I processed the K-9 vehicle (#05187) in the back parking lot of the police station. I took overall digital photographs of the exterior and interior of the patrol car. I examined the contents and did not see or collect any items of evidentiary value.

At approximately 0602 hrs, I met with Officer Doherty in the Santa Rosa Police Department training room. I took overall digital photographs of Officer Doherty and close-up photographs of his hands. Officer Doherty advised me that he had a small cut on the palm of his left hand, which I photographed. I inspected Officer Doherty`s uniform for any blood or fluid with negative results. I inspected Officer Doherty`s sidearm and the gun was clean and had not been recently fired.

At approximately 0615 hrs, I met with Officer Rhodes in the Santa Rosa Police Department training room. I took overall digital photographs of Officer Rhodes and close-up photographs of his hands. I inspected Officer Rhodes` uniform for any blood or fluid with negative results. On the right side of Officer Rhodes` body, he had the same synthetic type material on his uniform as Officer Swartz. I photographed the material on his uniform. I inspected Officer Rhodes` sidearm and the gun was clean and had not been recently fired.

At approximately 0630 hrs, I met with Santa Rosa Junior College Police Officer Jucatan in the Santa Rosa Police Department training room. I took overall digital photographs of Officer Jucatan and close-up photographs of his hands. I inspected Officer Jucatan`s uniform for any blood or fluid with negative results. I inspected Officer Jucatan`s sidearm and the gun was clean and had not been recently fired.

At approximately 0632 hrs, I met with Santa Rosa Junior College Police Officer Richards in the Santa Rosa Police Department training room. I took overall digital photographs of Officer Richards and close-up photographs of his hands. I inspected Officer Richards` uniform for any blood or fluid with negative results. I inspected Officer Richards` sidearm and the gun was clean and had not been recently fired.

At approximately 0635 hrs, I met with Santa Rosa Police Officer Meloche in the Santa Rosa Police Department training room. I took overall digital photographs of Officer Meloche and close-up photographs of his hands. I inspected Officer Meloche`s uniform for any blood or fluid with negative results. I inspected Officer Meloche`s sidearm and the gun was clean and had not been recently fired.

After I finished processing the officers, I contacted Detective Molinari and gave him an update. I cleared the police department at approximately 0700 hrs. I later downloaded the digital photographs onto a DVD and it was labeled as JB-A and booked into evidence.

No further information.

EVID - NEWTON, T - 04/14/2014
Written by: **TROY NEWTON 110827**
Date/Time: **04/14/2014 10:43:36**

On 04-06-2014, at about 0230 hours, I responded to Santa Rosa Police Department to be briefed on an in custody death investigation. I learned the decedent was at Sutter Hospital and the scene of occurrence was Nordyke Avenue at Steele Lane.

I responded to the scene with Detective Orlando Rodriguez. I assisted Detective Rodriguez with documenting the scene. I completed an evidence collection log. Items at the scene included a bicycle, handcuffs, cell phone, medical waste, and the decedent`s clothing (pants, jacket, shoes, etc.).

I observed SRPD vehicle #5975 was on Nordyke Avenue, approximately 85 feet south from Steele Lane. The patrol car had, what appeared to be, a fresh scratch along the rear driver`s side quarter panel. The scratch was approximately one foot long. I measured the height of the scratch, from the street, at about 41 inches. Based on my training/experience I know a bicycle`s handlebars would be the widest point of contact if a collision occurred. I measured from the bottom of the bicycle`s front tire to the handlebars. I noted the measurement was approximately 41-43 inches depending if one measured to the brake levers or handlebars.

I conducted a closer inspection of the bicycle. I saw what appeared to be fresh scratches on the non-drive side handlebar end. I saw the front wheel/hub had a disc (for a disc brake) affixed to the non-drive side, but no disc brakes. I saw the bicycle had no brake cables and no brake calipers affixed to the front or rear of the bicycle. I noted the bicycle had brake caliper braze-ons (mounts) both front and rear indicating the brake calipers had been removed.

I tested the bicycle for brakes. I concluded the bicycle had no brakes and zero stopping power. Based on my training/experience I believed the bicycle to be unsafe for riding.

I later searched the bicycle for weapons or contraband. Based on my training/experience a known hidden compartment for transporting narcotics, by bicycle, is within the frame or seat post. I used the quick release to remove the saddle from the seat tube. I found no weapons or contraband concealed inside the bicycle`s frame or seat post.

I conducted an inventory search of the three SRPD patrol vehicles at the scene. Vehicle #05975 had a shotgun, which was locked and secured in the shotgun rack. I saw used/discarded latex gloves and Vionex wipes on the passenger side floorboard.

Vehicle #0593 had a shotgun and a rifle, which were both locked and secured in racks. A camera was located on the front passenger seat along with a duty bag containing a cite book and posse box. Located between the driver`s seat and driver door was a black wood baton.
Vehicle #05936 had a shotgun and a rifle, which were both locked and secured in racks. The front passenger seat had a lunch box and duty jacket on it. 7 live rounds of shotgun ammo were located in the pocket of the driver`s door.

The trunk of all three vehicles had misc. duty gear including; spike strips, cones, flares, intoximeter, radar gun, latex gloves, crime scene tape, and a fire extinguisher.

Nothing further at this time.

FLUP - ENGRAM, E - 04/15/2014
Written by: **Engram, Eddie 1101484**
Date/Time: **04/15/2014 09:06:32**

Supplemental Report
Sonoma County Sheriff`s Office Case# 140406-007
Detective Eddie Engram #1484

On 04/06/14 at approximately 0500 hours, I was contacted by Sgt. Martinez and asked to assist in this investigation. This investigation involves the death of a subject during an incident with the Santa Rosa Police Department Officers. Sgt. Martinez directed me to respond to Sutter Hospital and interview the individuals who treated the subject.

When I arrived I relieved Santa Rosa Police Officer Matt Meloche and met with Sonoma County Sheriff`s Office C.S.I. Detective Travis Koeppel.

I interviewed Charge Nurse [redacted] and obtained the following information. [redacted] said the subject arrived in the Emergency Room at 0130 and was nonresponsive and had no pulse. [redacted] said the subject was treated by [redacted] said the subject was never revived and was pronounced dead at 0140 hours.

I then spoke with [redacted] said the subject came into the Emergency Room at approximately 0130 hours and was nonresponsive, intubated, on mechanical CPR and had a stem in his leg to assist in the administration of medicines. [redacted] said she administered two rounds of Epinephrine with no results. [redacted] pronounced the subject dead at 0140 hours.

I asked [redacted] about the subject`s physical condition on arrival. [redacted] said the subject had abrasions on his head and a large amount of fluid that came out of the intubation tube. [redacted] said she noticed a hard mass in the area of his liver and speculated that the subject may have had liver disease.

After speaking with [redacted], I stayed on scene until Coroner Detective Brent Kidder arrived and took custody of the subject`s body.

-Nothing Further-

FLUP - MOLINARI, J - 04/22/2014
Written by: **Molinari, John 110535**
Date/Time: **04/22/2014 10:25:50**

On 04/06/2014, at approximately 0230 hours, I received a phone call from VCI Sgt. Shannon McAlvain regarding a suspicious death investigation. Sgt. McAlvain advised me that the Santa Rosa Police Department had initiated the county wide protocol and was requesting our assistance in this in-custody death investigation. He asked me to respond to the Santa Rosa Police Department for a briefing.
After the briefing I assigned Detective Travis Koeppel to Sutter hospital to process the decedent. I assigned Detective John Buergler to process the involved officers. To process the scene I assigned Detectives Orlando Rodriguez and Detective Troy Newton. I stayed available to assist the detectives and to provide logistical support.

Nothing further.

FLUP - GOFORTH, K - 04/22/2014
Written by: **Hunter, Mark 1102117**
Date/Time: **04/22/2014 18:23:04**

On 4/22/2014 at approximately 1733 hours I was dispatched to [redacted] Nordyke Avenue in Santa Rosa for follow up. The reporting party stated he had located a memory stick where an incident involving the Santa Rosa Police Department had occurred (see Sheriff case number 140406-007.)

I responded and contacted the reporting party, identified as [redacted] is the resident at that address and while raking his front yard earlier that day, he located a USB thumb drive/memory stick. He located it adjacent to the street, by the `2 Hour Parking` sign in front of his house. He collected the memory stick and turned it over to me.

The item was a USB thumb drive with the number `474` on it. I later booked the item at the main office as evidence KG1 and notified the VCI detective who handled the case.

FLUP - CUTTING, B - 08/18/2014
Written by: **Cutting, Brandon 1101641**
Date/Time: **08/18/2014 15:02:57**

Sonoma County Sheriff`s Office (SCSO)
Case #140406-007
Detective Brandon Cutting
Violent Crimes Investigations Unit (VCI)

Fatal Incident Investigation
Santa Rosa Police Department Case #14-0004581.

Involved Officers:
SRPD G. Swartz 6W4
SRPD E. Rhodes 6K11
SRPD T. Doherty 6W2
SRJCPD Officer J. Jucutan

Witness/Assisting Officers:
SRPD M. Spediacci 6W6
SRPD M. Meloche 6W1 helped with CPR
SRPD J. Ludikhuize 6W9
SRPD J. Avina 6W4

SRJCPD FTO J. Richards & Trainee Vincent Neuman Responded and helped with scene. Likely at the SRJC PD now.

On 4/6/14 at approximately 0245 hours, I was contacted and advised that Santa Rosa had a critical incident and that they had invoked the Sonoma County Chief`s Protocol for a fatal incident. I was asked to respond to Santa Rosa Police Department for the briefing.

I attended the briefing at Santa Rosa Police Department which was provided by SRPD VCI Detective Andrew Riley. He provided the following timeline of events:
**0103 hours, Officer G. Swartz advised that he was at W. Steele and 101. He had attempted to stop a person on a bike. This led to a foot pursuit. Officer Swartz chased the bike in his vehicle and advised this over the radio.
**0104 hours, Officer Rhodes puts out that they are on the ground on Nordyke.
**0107 hours, a radio broadcast to request Fire and Medical.
**0108 hours, Officer J. Avina broadcasts code blue.
**0110 hours, Officer Rhodes broadcast that they are doing CPR.
**0113 hours, the ambulance arrived on-scene.
The suspect was then transported by ambulance to Sutter Hospital ER, where he was pronounced dead.

All of the involved Officers had been sequestered and were at the Police Department awaiting the arrival of their attorneys.

There were four primary Officers involved in the incident and there were four witness Officers that assisted with CPR or medical response after the arrest portion of the contact.

Sgt McAlvain identified that Detective Toney was going to be the lead SCSO VCI Detective for this case. He assigned me to conduct the interviews with the four Officers that were involved with the medical portion of the call.

Following the briefing, I went to the scene at Nordyke and Steele Ln. I arrived at the scene at approximately 0445 hours. After signing into the crime scene log, I conducted a walk-through of the crime scene with Detective Toney.

At the conclusion of the walk-through, I returned to Santa Rosa Police Department to begin conducting interviews with the assisting Officers.

****Interview with SRPD Officer Michael Spediacci:
On 4/6/14 at 0623 hours I began a recorded interview with Officer Spediacci. The following is a summary of my interview with Officer Spediacci, for exact statements, refer to the digital recording for exact statements.

Officer Spediacci understood that the statement he was making was voluntary. He also stated that he had already spoken with his LDF attorney and that they agreed that Officer Spediacci could provide a statement without the representation of an LDF Attorney.

Officer Spediacci also understood that he could stop speaking with me at any time and to either meet with legal counsel or to take a break.

Officer Spediacci has been employed as a Police Officer for the City of Santa Rosa for approximately two years. Prior to his employment by SRPD, he was a Police Officer for the City of Oakland for approximately six years.

He was working his regularly scheduled shift on 4/5/14 starting his shift at 1500 and was scheduled to be off duty at 0330 hours. His call sign for this assigned shift was "6W6". Officer Spediacci was at SRPD`s main office on Sonoma Ave when he heard Officer Swartz announce over his portable radio that he was in pursuit on Nordyk Av, Santa Rosa. When he heard the radio call, Officer Spediacci left the station and drove directly to the location where the incident was taking place. He initially began responding code 3 (lights and siren), however, while he was traveling there, he heard an update that the suspect was detained. He continued heading towards the call, however, not code 3 at that point.

Just prior to his arrival he heard that Officers on-scene had asked for code three medical. As Officer Spediacci arrived at the scene, he heard as the Officers on-scene advised that the situation was code blue. He parked at the intersection of Steele Ln and Nordyk ln where there were other patrol cars. He then jogged approximately fifty feet to the south on Nordyk to the location of the other Officers. He estimated that it took approximately three to four minutes to arrive at the scene.

When Spediacci approached the subjects, he saw that the suspect was lying supine and did not appear to be in handcuffs. The suspect had blood near his left eye, nose and mouth. The suspect`s right eye was open. Officer Swartz was on the suspect`s left hand side. Officer Dougherty was on the suspect`s right hand side and he was administering chest compressions (CPR). Officer Meloche was at the suspect`s head and appeared to be clearing the suspect`s airway. Officer Avina was on-scene and was checking for the suspect`s pulse.

Within approximately one to two minutes, the fire department began arriving on-scene and taking over the CPR of the suspect.

Once Officer Swartz had been relieved of providing chest compressions, Officer Spediacci advised Sgt Ludtke that he was going to sequester Officer Dougherty.

Officer Spediacci made it clear that he never had any physical contact with the suspect from the CPR to the incident itself and that he was not aware of who the suspect was.

With nothing further to add, I ended the interview with Officer Spediacci.

****Interview with SRPD Officer J. Ludikhuize

On 4/6/14 at approximately 0731 hours, I conducted a recorded interview with SRPD Officer Jessie Ludikhuize. The interview was conducted at SRPD in their VCI interview room. Prior to conducting the interview with Officer Ludikhuize, I was told that he had already met with his attorney and that the attorney would not be present during his voluntary statement.

He following is a summary of my interview with Officer Ludikhuize, for exact statements, refer to the digital recording that was booked into evidence.

Present during the interview was Officer Ludikhuize, Sgt McAlvain (SCSO VCI) and me. I began the interview by confirming that he had met with his attorney and that he was willing to provide me with a voluntary statement. He also told me that there was nothing that would hinder his ability to give me a statement.

Officer Ludikhuize stated that he has been employed as a Police Officer for SRPD for approximately two years. Prior to that, he was a Police Officer with the City of San Bernadino for approximately five years.

On 4/5/14, he began his regular scheduled shift at 1500 hours and was due to get off duty at 0330 hours on 4/6/14. He was assigned to be "6W9", which identified that he was working in beat 9, the downtown area. He was wearing a standard SPRD Patrol uniform, adorned with a metal badge and SRPD patches on both arms. He was also wearing his patrol duty belt which contains his issued Sig Sauer .40 caliber pistol. None of the items from his duty belt were used in this incident.

Officer Ludikhuize`s patrol car was parked near the location where the suspect was located and that the patrol car had both the driver and passenger side spotlights illuminated. He could not recall what patrol car number it was since he was assigned to a different car normally.

The following is a summary of what Officer Ludikhuize recalled of the event:
Officer Ludikhuize heard "6W4" advised over the patrol car radio that he was in pursuit of a subject on a bicycle. Officer Ludikhuize responded to the scene.

Just prior to his arrival, he heard Officer Rhoades advise over the radio that they were taking the suspect into custody. When Officer Ludikhuize arrived, he exited his patrol car and saw the suspect lying face down on the sidewalk. The suspect was in handcuffs at that time. He asked what he could do to help.

Present when Officer Ludikhuize arrived was Officer Avina, Officer Swartz, Officer Dougherty and Officer Rhoades. Officer Avina was not visible to him at first, however, he saw him shortly after arriving. There was an unknown Officer from the Santa Rosa Junior College at the scene.

Officer Avina said out loud that he did not see that the suspect was moving; Officer Ludikhuize moved to assist by grabbing by the suspect by his jacket and shook him. The suspect was not responsive. Someone said that they needed to get the handcuffs off of the suspect. Officer Ludikhuize assisted by holding the suspects wrists while someone else took the cuffs off. They rolled the suspect to his side and that was when someone noted that the suspect was not breathing.

Officer Ludikhuize noted that there was blood on the ground. This was when someone said that they needed to move the suspect to his back so they could begin CPR. Officer Ludikhuize said that he grabbed the suspect by his legs and twisted him to his back. He noticed that there was blood around his mouth and nose. They tried to wipe the blood away from the suspect`s nose so he could breath. Officer Dougherty began CPR. Officer Ludikhuize thought that the suspect may have inhaled or exhaled a "last breath". He has seen people die in front of him before and he stated that this was like the last breath that you see people take.

Officer Ludikhuize monitored for a pulse on the suspect while Officer Dougherty conducted CPR. He thought that Officer Dougherty may have switched out with someone else to have them conduct CPR; however, he was not sure. Officer Ludikhuize did not feel a pulse at any time during the incident. He stated that the suspect had a large amount of clothing on, which they cut free. Officer Ludikhuize assisted with the removal of the suspects clothing. The clothing was only cut free from the upper body/chest area. No visible issues with the suspect`s upper body.

Supervisors arrived to the scene and one of the Sergeants told Officer Ludikhuize to begin taking pictures of the scene. EMS

arrived in what seemed like 4-5 minutes and then began assessing and setting up their equipment. MS was still working on the suspect. Sgt Ludtke told Officer Ludikhuize to remain at the scene and secure the location. He remained at the scene until the SCSO patrol Deputies took over for him.

When Officer Ludikhuize arrived, the suspect was lying with his head on the sidewalk and the rest of his body was in the dirt between the sidewalk and the roadway.

Officer Ludikhuize stated that he took pictures with his department issued digital camera which was located in the front seat of his patrol car. There are other photographs on the camera from other unrelated cases.

He stated that at no point during the incident, Officer Ludikhuize did not use any physical force against the suspect. He then assumed the scene security for the south side. While he was at that location, nobody came into the scene.

A person living nearby entered the perimeter. This subject was not present during the incident and was not involved in anything. He said that he parked in the road and then walked into the scene after seeing the fire trucks on the street.

Officer Ludikhuize agreed to call if he thought of anything else. We discussed that we would get the camera back to him as soon as possible.

Officer Ludikhuize stated that his patrol vehicle was not involved in the pursuit and that he stopped to assist and that once he exited his patrol car, he never moved the vehicle again.

End of interview.

****Interview with Officer J. Avina
4/6/14 at approximately 0804 hours, I conducted a recorded interview with Santa Rosa Police Department Officer Avina. Present during the interview was Mrs. Terry Leoni, from the Law Offices of Rains Lucia & Stern, PC.

Officer Avina understood that the interview was voluntary and that he had ample time to talk to his attorney prior to my conducting the interview. He understood that if at any time during the interview he needed a break or to speak with his attorney, to let me know and we will take a break.

Officer Avina told me that he has been a Police Officer for the City of Santa Rosa for approximately five and a half years. Prior to this, he was not in law enforcement.

He is currently assigned to the "William" team on patrol. He works from 1500 hours to 0330 hours. The shift of this incident was his regular assigned shift. He was wearing a standard patrol uniform with and embroidered badge and patches for SRPD on both of his arms. He was identified as "6W8" during this incident.

He was wearing his duty belt with an H&K USP .40 caliber pistol. He did not use his firearm, nor did he use any other items from his duty belt for this incident.

He provided the following summary to the incident as he recalled it:
At approximately 0100 hours, he was in the report writing room when he heard Officer Swartz notify dispatch that he was in a foot pursuit. Officer Avina heard Officer Swartz ask for a "Code 20", meaning that he needed emergency assistance from other Officers. Officer Avina got up and responded to the scene code 3.

Officer Avina stated that he was on Hwy 101 approximately a mile from Steele Ln, when he heard that they had taken the suspect into custody and that they no longer needed a code 3 response. Since he was already near the scene, he continued driving to the location. When he arrived at the scene, he saw that the suspect was detained in handcuffs. The suspect was on his left side and facing Officer Avina. He immediately noted that the suspect appeared to be unconscious. Officer Meloche was near the suspects head. Officer Dougherty was behind him with the suspect propped up on his knee. SRJC Officer Jucutan was on-scene. Officer Rhoades was just arriving as well.

Officer Avina made it clear that the suspect appeared unconscious and they began moving the suspect to his side to remove the handcuffs, then rolled him to his back. Officer Avina checked for a pulse from the suspect from his neck and announced that he

did not find one. He noted that the suspect`s right eye was open and his left eye was closed. Officer Avina applied a head tilt chin lift to open his airway. Officer Meloche applied an air tube ("J" tube). Officer Avina announced over the radio that the suspect was "Code blue", meaning that he was not breathing and did not have a pulse. Officer Avina did not provide any breaths, but maintained an airway through the process. Based on his observations, he noted that Officer Dougherty was providing adequate chest compressions as he was observing the compressions. Officer Avina estimated that it was likely one minute from the time that he saw that the suspect was unconscious before CPR was initiated.

Officer Avina recalled that someone had cut away the upper body clothing from the suspect. The suspect had an injury to his left eye, with the eye being swollen shut and a visible purple "contusion"/discoloration.

Paramedics arrived in approximately four to five minutes and took over life saving methods approximately thirty seconds later.

Officer Avina was ordered to sequester Officer Dougherty and bring him back to the Police Department. Officer Avina never drove into the scene on Nordyke so he drove Officer Dougherty back in his patrol car. Officer Avina was not involved in the pursuit in any way. He learned of the partial path which the pursuit went, but was not sure of it.

Based on Officer Avina`s training and experience, he stated that CPR was begun and administered very quickly. He also stated that as he was walking up to the scene, Officer Meloche had already asked for code three medical.

Officer Avina added that he did not actually go on-scene over his patrol car computer, but rather advised over his radio when he was able to broadcast it.

Officer Avina also added that he did not see any obstructions in the airway when they were applying the "J" tube.

With nothing further at that point, I ended the recording and the interview at approximately 0820 hours.

****Interview with SRPD Officer Meloche:
On 4/6/14 at approximately 0829 hours, I conducted a recorded interview with Officer Meloche. Also present during the interview was Officer Meloche`s attorney, Mrs. Terry Leoni, Law Offices of Rains Lucia & Stern, PC.

I began the interview by explaining that this interview was voluntary and that he had ample time prior to meeting with me to discuss the case with his attorney, which he stated that he understood. He stated that nothing would hinder him from providing a statement. He also understood that he could take a break to speak to his attorney at any time.

Officer Meloche has been a Police Officer for the City of Santa Rosa for approximately six years. This was his first law enforcement occupation. He currently works 1500-0330 hours, Friday through Sunday. His shift last night during this incident was his regular scheduled shift and he was assigned the call sign of "6W1".

During the shift which began on 4/5/14, he was wearing a standard patrol uniform with an embroidered badge and patches on both shoulders. He was wearing his duty firearm which is a Sig Sauer .40 caliber pistol which he did not utilize during this incident. The only item on his duty belt which he used was a flashlight, which he used to illuminate the scene only.

Officer Meloche put himself through the EMT Basic academy course at the SRJC. He is currently a Nationally Registered EMT.

He provided me with the following summary of the incident:
Officer Meloche stated that he was on the west side of Santa Rosa near Safeway at approximately 0100 hours, he heard Officer Swartz, 6W4, put out that he was attempting to make a bike stop. Officer Meloche said that he heard a tone in his voice. He put out a short time later and said that the person on the bike was running from him.

Officer Meloche began responding from the Safeway on Marlow Rd code three. He described that the pursuit was very quiet. When he got to Armory Dr in less than two minutes code three, he heard that they said that they were taking one person into custody and that everyone could slow down. He continued to the scene and observed that they were taking the suspect into custody after parking on Steele Ln at Nordyke.

There did not appear to be any issues with taking the suspect into custody. Officer Meloche heard someone challenging the suspect for responsiveness and the suspect was not responsive. Officer Meloche saw what appeared to be blood from below his

head. He observed as someone had tried to use a sternum rub with no response. Someone yelled to un-handcuff the suspect. Officer Meloche told dispatch to start medical. He walked back to his car to get an airway from his patrol car. When he returned he saw that officer Avina was holding the suspects head trying to get an airway.

Officer Meloche inserted the airway and heard air escaping, indicating that he had at least a partial airway. Officer Meloche then cut the clothing away from the suspect`s chest to prepare the suspect for the incoming EMS. Officer Dougherty began with chest compressions. He estimated that it took less than two minutes to start CPR. Officer Meloche assessed that the chest compressions were adequate and correct being done by Officer Dougherty.

Officer Meloche said that he took over chest compressions for Officer Dougherty after Officer Dougherty stated that he was exhausted until EMS arrived at the scene (conservatively 4-5 minutes). Officer Meloche thought that the compressions he was providing were effective and good depth. The EMS team was connecting their equipment while Officer Meloche continued compressions. EMS ultimately loaded the suspect and transported him to Sutter Hospital.

While Officer Meloche was observing the EMS workers deal with the suspect, he observed that the suspect had no injuries to his chest or lower body. He noticed that one eye was open and the other was swollen and appeared cut. He could not recall exactly which eye was open.

Officer Meloche was sent to the ER to obtain information from the EMS workers as well as to stand by with the suspect. Officer Meloche followed the ambulance in his vehicle; he did not ride in the back of the ambulance.

Approximately 7-8 minutes after they arrived at Sutter ER, they determined that the suspect was deceased. Officer Meloche remained with the suspect until the Sheriff`s Office arrived.

Officer Meloche did not make any audio recordings or take any photographs. He did document who the medic company was and the personnel that were on the scene. He also documented that he called for medical at 0107 hours. He documented that he arrived at Sutter Hospital at 0132 hours. He documented that Dr. Shepphard identified the time of death at 0140 hours.

As the most trained medical person on the scene when he first arrived at the scene, he believed that everyone responded quickly and professionally and that there was nothing else that could be done for the suspect at that time.

I ended the interview at 0853 hours.

****Following my last interview, I met with Detective Toney and provided him with a summary of what I had learned through my interviews at the Police Department. Detective Toney was going to complete the interviews he had remaining and would contact me for additional help as needed.

End of Supplemental Report.

ATT - CUTTING, B - 08/25/2014
Written by: **Cutting, Brandon 1101641**
Date/Time: **08/25/2014 15:05:51**

Attachment added with the transcript from the interview with SRPD Officer Spediacci.

ATT - TONEY, J - 01/11/2016
Written by: **Toney, Jeffery 1101041**
Date/Time: **01/11/2016 12:48:52**

Transcripts of audio recorded interview with SRPD Officer Garrison Swartz

ATT - TONEY, J - 01/11/2016
Written by: **Toney, Jeffery 1101041**
Date/Time: **01/11/2016 15:57:10**

Transcripts from audio recorded interview with (Then) Santa Rosa Junior College Police Officer Jeremy Jucutan.

ATT - TONEY, J - 01/11/2016
Written by: **Toney, Jeffery 1101041**
Date/Time: **01/11/2016 16:40:01**

Transcripts from audio recorded interview with Santa Rosa Junior College Police Officer Joe Richards.

ATT - TONEY, J - 01/12/2016
Written by: **Toney, Jeffery 1101041**
Date/Time: **01/12/2016 08:37:17**

Transcripts of audio recorded interview with Santa Rosa Police Officer Eric Rhodes.

ATT - TONEY, J - 01/12/2016
Written by: **Toney, Jeffery 1101041**
Date/Time: **01/12/2016 09:24:44**

Transcripts from audio recorded interview with [redacted].

ATT - TONEY, J - 01/12/2016
Written by: **Toney, Jeffery 1101041**
Date/Time: **01/12/2016 10:25:47**

Transcripts from the audio recorded interview with Santa Rosa Police Officer Jesus Avina by Sonoma County Sheriff VCI Detective Brandon Cutting.

ATT - TONEY, J - 01/12/2016
Written by: **Toney, Jeffery 1101041**
Date/Time: **01/12/2016 11:08:14**

Transcripts from audio recorded interview with Santa Rosa Policer Officer Jesse Ludikhuize by Sonoma County Sheriff VCI Detective Brandon Cutting.

ATT - TONEY, J - 01/12/2016
Written by: **Toney, Jeffery 1101041**
Date/Time: **01/12/2016 11:55:43**

Transcripta from audio recorded interview with Santa Rosa Police Officer Matt Meloche by Sonoma County Sheriff VCI Detective brandon Cutting.

ATT - TONEY, J - 01/13/2016
Written by: **Toney, Jeffery 1101041**
Date/Time: **01/13/2016 15:24:19**

Transcripts of audio recorded interview with [redacted].

ATT - TONEY, J - 01/14/2016
Written by: **Toney, Jeffery 1101041**
Date/Time: **01/14/2016 13:55:26**

Transcripts from audio recorded interview with [redacted].

ATT - TONEY, J - 01/19/2016
Written by: **Toney, Jeffery 1101041**
Date/Time: **01/19/2016 10:11:34**

Transcripts from audio recorded interview with Santa Rosa Police Officer Tim Doherty.

ATT - TONEY, J - 01/19/2016
Written by: **Toney, Jeffery 1101041**
Date/Time: **01/19/2016 10:52:20**

Transcripts from audio recorded interview with Santa Rosa Junior College Police Officer Trainee, Vincent Neuman, by Sonoma County Sheriffs Detectives Gary Lawson and Scott Singleton.

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

Randall Walker
Assistant Sheriff
Detention Division

DEATH INVESTIGATION REPORT

☐ DEPUTY INVESTIGATION WORKSHEET
☒ CORONER DETECTIVE INVESTIGATION

SCSO CR#	CORONER CASE #:
140406-007	14-0000402

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:
			No	N/A	J. Morris

DATE/TIME RECEIVED:	NAME AND AGENCY OF PERSON REQUESTING DEPUTY CORONER: (Officer, Nurse, EMS, etc.)	PHONE #:
4/6/2014 - 0500	SCSO VCI Detective J. Toney	(707) 565-2650

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

DECEDENT'S NAME (FIRST, MIDDLE, LAST):	DOB:	AGE:	ETHNICITY:	GENDER:
Wayne Alan Ceballos Hoffman	[redacted]	47	W	M

DECEDENT'S RESIDENCE ADDRESS: (Street, City, State, Zip)	HOME PHONE:
Transient, Santa Rosa, CA 95401	-

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:
Never Married	☒ 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]	

NEXT OF KIN NOTIFIED?	IF NOTIFIED, BY WHOM: ☐ INVESTIGATING DEPUTY ☐ RP	DATE/TIME NOTIFIED:	AGENCY: ☒ SCSO ☐ AT SCENE
☒ Yes ☐ No	Detective J. Toney	4/6/14 -	

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
3325 Chanate Road @ Sutter Hospital, Santa Rosa, CA 95404	

DATE/TIME OF DEATH:	PRONOUNCED BY: (Title, Name, ID#, and Agency)	LOCATION OF DECEDENT (MORTUARY NAME) : ☒ CMF
4/6/2014 - 0140	Emergency Dept. Dr. M. Shepphard	

HOW WAS DECEDENT IDENTIFIED:	WHO MADE IDENTIFICATION (NAME/RELATIONSHIP):
☐ DL PHOTO ☐ FAMILY MEMBERS ☒ OTHER: Fingerprints	Detective T. Koeppel

DATE/TIME LAST KNOWN ALIVE:	BY WHOM (NAME):	ADDRESS:	PHONE #:
4/6/2014 - 0107	SRPD Officer T. Doherty	Fronting [redacted] Nordyke Ave., Santa Rosa, CA	[redacted]

CLOTHING DESCRIPTION:
Nude

LAW ENFORCEMENT AGENCY WITH JURISDICTION: ☒ SCSO	REPRESENTATIVE TITLE AND NAME:	OTHER AGENCY CR#: ☒ N/A
	Detective J. Toney	

MEDICAL INFORMATION

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

MEDICAL / SOCIAL HISTORY: ☐ UNKNOWN
The decedent lived as a transient, [redacted] and had numerous arrests for being under the influence of a controlled substance as he had a major methamphetamine addiction. He had also been arrested for possession of dangerous/deadly weapons, driving on a suspended driver's license, driving under the influence of drugs/alcohol, domestic violence and felony assault. He was on probation, which was summarily revoked on 7/30/2013.

FOUND MEDICATIONS: ☒ NONE LOCATED

DRUG/ALCOHOL HISTORY: ☐ UNKNOWN
Numerous arrests for under the influence of a controlled substance.

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:
4/6/2014 - 0120	In front of [redacted] Nordyke Street	Santa Rosa	Sonoma

DESCRIBE HOW INITIAL INJURY OCCURRED: ☐ Motor Vehicle Accident - DECEDENT WAS: ☐ Driver ☐ Passenger ☐ Pedestrian - DECEDENT WAS WEARING: ☐ Seatbelt ☐ Helmet
The decedent was under the influence of Methamphetamine, led police on a pursuit while riding a bicycle which resulted in a physical altercation with police.

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

NARRATIVE

SCENE DESCRIPTION:

This death occurred in the Emergency Department at Sutter Hospital, located at 3325 Chanate Road, in Santa Rosa, California. The room in which the decedent was located was unremarkable and there were no suspicious circumstances found inside the hospital room.

BODY CONDITION AND POSITIONING:

The decedent was lying supine on a hospital bed, with a white sheet covering the lower half of his body upon my arrival. The decedent had "road-rash" type wounds on the right side of his face, a black and blue left eye and his hair was wet with blood. There was a tube coming from his mouth and there was an IO line placed in his right shin. He also had a large surgical scar on his abdomen. The decedent was warm to the touch, however rigor mortis was beginning to set in.

INVESTIGATION:

On 4/6/2014, at approximately 0500 hours, I received a phone call from Sheriff's Dispatch, asking me to call Sonoma County Violent Crimes Detective J. Toney, who was the lead investigator in an in-custody death. I called Detective Toney who requested I respond to Sutter Hospital for an in-custody death where the "Critical Incident Protocol" had been invoked. I responded to the hospital and through my investigation, I learned the following information.

On 4/6/2014, at approximately 0103 hours, a Santa Rosa Police Officer attempted to contact the decedent as a suspicious person on a bicycle. For an unknown reason, the decedent fled from the officer on his bicycle. The officer chased the decedent in his patrol car. As the officer gave chase, there was contact made between the decedent who was on his bicycle and the driver's side rear quarter panel of the officer's patrol car. The contact was slight and according to the officer who was involved, the decedent did not fall as a result of that contact and he continued riding his bicycle. The pursuit traveled a couple city blocks.

Fronting [redacted] Nordyke Avenue, at the south property line, the decedent attempted to jump the curb while still riding his bicycle, however, he ended up crashing when the front wheel was stopped by the curb. The decedent attempted to get up to continue fleeing, however, the Santa Rosa Officer was able to catch the decedent and stopped him from running any further.

As the officer contacted the decedent, the decedent was on his stomach with his hands under his body. The officer called for emergency backup to respond and he attempted to handcuff the decedent. In the course of attempting to get the decedent to comply, approximately six closed bottom fist strikes were administered to the decedent's head and approximately 12-15 knee strikes were administered to the decedent's upper torso, specifically his shoulder area, by the Santa Rosa Police Officer(s).

The decedent was eventually handcuffed once backup officers arrived on scene. At approximately 0107 hours, approximately two or three seconds after the decedent was placed in handcuffs, he became unresponsive. A Santa Rosa Police Officer used his radio to request paramedics respond to the scene, the handcuffs were removed and CPR was initiated.

Upon paramedic's arrival, CPR was continued via a bag-valve mask and a "Thumper" compression apparatus. The decedent was intubated and an IO line was placed in the decedent's right shin. The decedent was then transported to Sutter Hospital via ambulance.

The decedent arrived at the hospital at approximately 0130 hours. Dr. Shepphard was the admitting doctor in the emergency department and tended to the decedent. Upon his arrival to the hospital, the decedent's pupils were fixed and dilated and he was pulseless and not breathing. Dr. Shepphard administered the common life-saving drugs epinephrine and sodium bicarbonate, however, the decedent did not respond. After approximately ten minutes, Dr. Shepphard pronounced death at 0140 hours.

Dr. Shepphard stated that she believed the decedent likely had [redacted] as she could feel the edge of his liver

during her initial examination. She also noted the decedent had [redacted] in his legs.

Sonoma County Crime Scene Investigations Detective T. Koeppel had arrived at the hospital prior to me. He had taken the decedent's fingerprints and he had tentatively identified the decedent as Wayne Hoffman, using a Cogent Mobile Fingerprinting Scanner. Sgt. J. Molinari arrived at the hospital with a printout of Hoffman's fingerprints from a recent booking at the Sonoma County Jail. Detective Koeppel compared the fingerprints he lifted from the decedent with the printout and he confirmed the decedent's identity as Wayne Ceballos Hoffman.

I took digital photographs of the decedent, as he was presented upon my arrival. I later downloaded those photographs onto a CD and I printed out two copies of the photographs. I provided one copy of the photographs to the Forensic Pathologist prior to the postmortem examination and I included the other copy in the case file. I subsequently booked the CD into the evidence locker at the County Morgue Facility.

Attendant Richard Payne from J. Morris Removal Company arrived at the hospital at my prior request. I assisted Payne in placing the decedent in a black zippered body bag and on to a gurney. I then observed Payne secure the body bag using a blue plastic body bag lock (Serial #: 21727). I walked with Payne and he transported the decedent from the hospital to his removal van and I observed as he placed the decedent inside the back of his removal van. I then followed Payne from the Hospital to the County Morgue Facility, where the decedent registered and scheduled for a postmortem examination by a Forensic Pathologist.

While at the County Morgue Facility, I took full body x-rays of the decedent. I downloaded the x-ray images onto two different CD's and I printed out two copies of the images. I provided one copy of the images and one of the CD's to the Forensic Pathologist prior to the postmortem examination. I included the other copy of the images in the case file and I subsequently booked the other CD into the evidence locker at the County Morgue Facility.

I was able to identify the decedent's next of kin as his mother, [redacted] based on a review of the decedent's recent booking form. I provided VCI Detective Sergeant McAlvain with [redacted]name and a possible address. He told me to standby in regards to contacting [redacted] for a death notification, stating Detective Toney may want to contact her personally. Detective Toney called me a short time later and told me that he learned [redacted] was actually in a convalescent home in Sacramento, California and he told me that he and Sgt. McAlvain would be responding to Sacramento to contact [redacted] and he would notify her of the decedent's death at that time.

On 4/7/2014, Forensic Pathologist Dr. Arnold Josselson conducted the decedent's postmortem examination. At the conclusion of the examination, Dr. Josselson had not determined the cause of death and stated the case was "pending toxicology."

On 4/16/2014, at approximately 1400 hours, Forensic Assistant C. Garcia released the decedent's body to [redacted] from Adobe Creek Funeral Home. [redacted] took possession of the decedent's body and subsequently removed him from the Sonoma County Morgue Facility.

On 4/18/2014, I received the final toxicology report submitted by NMS Labs, which resulted in the following:

Compound	Result	Units	Matrix Source
Amphetamine	80	ng/mL	Femoral Blood
Methamphetamine	1100	ng/mL	Femoral Blood

Please refer to the final toxicology report for the complete findings.

On 7/3/2014, I received the final postmortem examination report submitted by Dr. Josselson. In his report, Dr. Josselson determined the cause of death to be: "Cardiopulmonary arrest during struggle with police officers while under the influence of methamphetamine, (minutes)." Dr. Josselson did not note any other significant conditions contributing to death; however, he did comment:

"After a police pursuit while riding a bicycle the decedent engaged in a violent struggle with police attempting to handcuff him. During the struggle he received several blunt force head injuries from fists and pressure was applied to his shoulders. He was placed in handcuffs and within 2-3 seconds became unresponsive. He had multiple cutaneous abrasions, scalp contusions, and temporal muscle hemorrhage, blunt force injuries as a result of the struggle. His blood has a high level of methamphetamine (1100 ng/ml). His natural diseases are an enlarged heart, cirrhosis and enlarged lymph nodes, probably due to HIV positive. This death probably is due the excited delirium syndrome due to methamphetamine intoxication."

On 7/9/2014, at approximately 1400 hours, I spoke with Sonoma County Violent Crimes Detective J. Toney regarding this case. I confirmed the information I had gathered at the time of this incident had not changed. I read the comment written by Dr. Josselson to Detective Toney. Detective Toney stated that comment was an accurate statement based on his investigation, which included interviews with the officers involved and other witnesses.

Based on my investigation, I amended the decedent's Death Certificate to reflect the cause of death indicated by Dr. Josselson and I mannered this death as an **"Accident,"** which was consistent with the circumstances and cause.

CONCLUSION:

Cause of Death: Cardiopulmonary arrest during struggle with police officers while under the influence of methamphetamine, (minutes).

Manner of Death: Accident

Summary of Death: The decedent was under the influence of methamphetamine, led police on a pursuit while riding a bicycle which resulted in a physical altercation with police. This death was probably due to the excited delirium syndrome due to methamphetamine intoxication.

INVESTIGATING DETECTIVE / DEPUTY:	ID #:	APPROVED BY:	DATE:
Coroner Detective Brent Kidder	**1740**		7/10/14

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: HOFFMAN, WAYNE CEBALLOS

CASE NO. 14-0402
(SON14-096)

POSTMORTEM DATE: 04-07-2014

TIME: 1110 Hours

PLACE OF DEATH: Sutter Hospital
3325 Chanate Road
Santa Rosa, CA 95404

DATE: 04-06-2014
TIME: 0140 Hours

RECEIVED
JUL 03 2014
Sonoma County Coroner

AGE: 47 **SEX: Male** **RACE: White**

AUTOPSY FINDINGS:

1. Multiple cutaneous abrasions.
2. Multiple scalp contusions.
3. Marked hemorrhage of each temporal muscle.
4. Left ventricular cardiac hypertrophy.
5. Cirrhosis of liver.
6. Generalized lymphadenopathy.
7. Pleural adhesions.
8. Abdominal adhesions.
9. Pulmonary congestion.

CAUSE OF DEATH: Cardiopulmonary arrest during struggle with police officers while under the influence of methamphetamine, (minutes).

COMMENT: After a police pursuit while riding a bicycle the decedent engaged in a violent struggle with police attempting to handcuff him. During the struggle he received several blunt force head injuries from fists and pressure was applied to his shoulders. He was placed in handcuffs and within 2-3 seconds became unresponsive. He has multiple cutaneous abrasions, scalp contusions, and temporal muscle hemorrhage, blunt force injuries as a result of the struggle. His blood has a high level of methamphetamine (1100 ng/ml). His natural diseases found are an enlarged heart, cirrhosis, and enlarged lymph nodes, probably due to HIV positive. This death probably is due to the excited delirium syndrome due to methamphetamine intoxication.

7-1 a. Josselson

ARNOLD R. JOSSELSON, M.D.
Forensic Pathologist

ARJ/wcp
D: 04-07-14; T: 05-06-14; F: 07-01-14

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 21727. The body is that of a normally developed, normally nourished man appearing the reported age of 47 years. The clothing on the body consists of a white sock on the left foot. The body measures 70 inches and weighs 204 pounds. There is a silver-colored bracelet around the left wrist and a silver-colored ring on the left 4th finger. The head is symmetrical. The scalp is covered with medium length brown hair of normal male distribution. There is beard stubble, a very small goatee and moustache stubble. The face is symmetrical. The irides are brown, and there are a few tiny petechial hemorrhages in the lower sclera of the right eye and a single larger petechial hemorrhage in the upper sclera of the left eye. There are two small hemorrhages in the lower conjunctiva of the left eye. 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 except for multiple lower right teeth which are missing and the remaining teeth are in moderate repair. 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 moderately protuberant, and there is a midline vertical abdominal scar from the upper abdomen to just below the umbilicus and there are two very small scars on the right lower quadrant of the abdomen and there is a large linear scar on the right lower quadrant of the abdomen and a large linear scar on the left lower quadrant of the abdomen. 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. There is a large scar on the lower left leg just below the knee, a small scar on the anterior right knee. There are several linear scars on the posterior left hand. The back and posterior body surfaces reveal no abnormalities.

EXTERNAL EVIDENCE OF MEDICAL THERAPY

There is an esophageal airway, a 4 cm abrasion on the lower anterior chest and an intraosseous needle in the lower right leg.

EXTERNAL EVIDENCE OF INJURY

There is a 2 cm scabbing abrasion on the anterior lower left leg. There is a 3 mm abrasion on the anterior left knee. On the posterior left hand is a 6 mm abrasion. At the base of the

posterior left thumb is a 1 cm abrasion. On the left wrist is a 1 mm abrasion. The left upper eyelid is filled with a purple contusion. There are multiple abrasions on the right cheek and forehead ranging in size from 1 cm up to 10 cm. On the right side of the lower chin there is a 0.5 x 3 cm abrasion. On the left cheek is a 2 cm abrasion and on the left forehead is a 1.5 cm abrasion, a 5 mm abrasion and a 6 mm abrasion.

INTERNAL EXAMINATION

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

HEAD:

The reflected scalp shows a 2, a 3 and a 6 cm contusion in the right superior parietal area. Two 2 cm contusions and two 3 cm contusions are in the left superior parietal area. Each temporal muscle shows marked 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 1350 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 right pleural cavity contains 25 ml of blood due to CPR. The left pleural and peritoneal cavities are free of fluid. There are moderate left pleural adhesions and there are dense abdominal 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 1 ½ inches.

CARDIOVASCULAR SYSTEM:

The 540 gram heart has a normal configuration but is enlarged. The coronary arteries arise normally, and follow a normal distribution. The coronary arteries show no arteriosclerosis. The

endocardium, pericardium, epicardium and cardiac valves are normal throughout. The myocardium shows concentric left ventricular hypertrophy. 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 1350 grams and the left lung weighs 1000 grams. The tracheo-bronchial tree follows its normal anatomic pathway and contains a moderate amount of sputum. The intrinsic pulmonary vessels are patent and reveal no thrombo-emboli. There is congestion 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 approximately 25 ml of partially digested food without identifiable pills.

HEPATOBILIARY SYSTEM:

The 2680 gram liver has a normal shape but is enlarged. The capsule is intact. It has a firm consistency and a gray-brown color throughout. The cut surface of the liver shows it to be made up of multiple small nodules consistent with cirrhosis. The gallbladder contains 3 cc of yellow 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 spleen is absent. Cervical and abdominal lymph nodes are markedly enlarged.

URINARY SYSTEM:

The right kidney weighs 250 grams and the left kidney weighs 210 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 100 ml of urine. The bladder mucosa is normal.

REPRODUCTIVE SYSTEM:

The prostate gland is normal to palpation.

MUSCULOSKELETAL SYSTEM:

Right 4th through 6th lateral ribs are fractured due to CPR. No other 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. Urine and vitreous are saved.

Urine drug screen is positive for methamphetamine and amphetamine.

AUTOPSY WITNESS:

C. Garcia, Forensic Assistant. E. Hemphill, Sonoma County District Attorney's Office; H. DeLeon, Santa Rosa Police Department; O. Rodriguez, T. Newton and J. Toney, Sonoma County Sheriff's Department.

ARJ/wcp
D: 04-07-14
T: 05-06-14

NMS LABS

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 04/18/2014 09:01

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

Patient Name	HOFFMAN, WAYNE
Patient ID	14-0000402
Chain	11720259
Age 47 Y	**DOB** Not Given
Gender	Male
Workorder	14087024

RECEIVED
APR 1 0 201
Sonoma County Coroner

Positive Findings:

Compound	Result	Units	Matrix Source
Amphetamine	**80**	**ng/mL**	**001 - Femoral Blood**
Methamphetamine	**1100**	**ng/mL**	**001 - Femoral Blood**

See Detailed Findings section for additional information

Testing Requested:

Analysis Code	Description
8051B	Postmortem Toxicology - Basic, Blood (Forensic)

Specimens Received:

ID	Tube/Container	Volume/ Mass	Collection Date/Time	Matrix Source	Miscellaneous Information
001	Gray Top Tube	10 mL	04/07/2014 11:30	Femoral Blood	
002	Gray Top Tube	8 mL	04/07/2014 11:30	Femoral Blood	

All sample volumes/weights are approximations.

Specimens received on 04/10/2014.

Detailed Findings:

Analysis and Comments	Result	Units	Rpt. Limit	Specimen Source	Analysis By
Amphetamine	80	ng/mL	5.0	001 - Femoral Blood	LC-MS/MS
Methamphetamine	1100	ng/mL	50	001 - Femoral Blood	LC-MS/MS

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 - 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. Methamphetamine - 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.

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 14087024 was electronically signed on 04/18/2014 08:37 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 50010B - 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	Norpseudoephedrine	5.0 ng/mL
Ephedrine	5.0 ng/mL	Phendimetrazine	10 ng/mL
MDA	5.0 ng/mL	Phenmetrazine	5.0 ng/mL
MDEA	10 ng/mL	Phentermine	10 ng/mL
MDMA	5.0 ng/mL	Phenylpropanolamine	5.0 ng/mL
Methamphetamine	50 ng/mL	Pseudoephedrine	5.0 ng/mL
Methylephedrine	5.0 ng/mL	Selegiline	5.0 ng/mL

Acode 8051B - Postmortem Toxicology - Basic, Blood (Forensic) - Femoral Blood

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Amphetamines	20 ng/mL	Methamphetamine	20 ng/mL
Barbiturates	0.040 mcg/mL	Opiates	20 ng/mL
Benzodiazepines	100 ng/mL	Oxycodone	10 ng/mL
Cannabinoids	10 ng/mL	Phencyclidine	10 ng/mL
Cocaine / Metabolites	20 ng/mL	Propoxyphene	50 ng/mL
Methadone	25 ng/mL		

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Buprenorphine / Metabolite	0.50 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

State of California — Department of Justice

DEATH IN CUSTODY REPORTING FORM

BCIA 713 (rev. 11/05)

DOJ USE ONLY

RECORD KEY

AGENCY TYPE
- ☐ Police
- ☐ Sheriff
- ☐ Probation
- ☐ State
- ☐ Other Local

AGENCY NCIC NUMBER

COUNTY

☑ **ORIGINAL** ☐ **AMENDMENT**

DATE OF DEATH
4 / 6 / 2014
MM DD YYYY

SUBJECT NAME
Hoffman, Wayne Alan
Last First Middle

CII NUMBER [redacted]

DATE OF BIRTH [redacted]
MM DD YYYY

GENDER
- ☑ Male
- ☐ Female

RACE/ETHNICITY *(Check One)*
- ☐ Other Asian
- ☐ Black
- ☐ Chinese
- ☐ Cambodian
- ☐ Filipino
- ☐ Guamanian
- ☐ Hispanic
- ☐ American Indian
- ☐ Japanese
- ☐ Korean
- ☐ Laotian
- ☐ Other
- ☐ Pacific Islander
- ☐ Samoan
- ☐ Hawaiian
- ☐ Vietnamese
- ☑ White
- ☐ Asian Indian

DOJ USE ONLY

CUSTODY OFFENSE
PC 148 (a)(1)

CUSTODY STATUS *(Check One)*
- ☑ Process of Arrest
- ☐ In Transit
- ☐ Awaiting Booking
- ☐ Booked - No Charges Filed
- ☐ Booked - Awaiting Trial
- ☐ Sentenced
- ☐ Out to Court
- ☐ Other

CUSTODIAL RESPONSIBILITY AT TIME OF DEATH *(Check One)*
- ☑ Process of Arrest
- ☐ City Jail
- ☐ County Jail
- ☐ Adult Camp or Ranch
- ☐ Local Juvenile Facility/Camp
- ☐ Adult Operations and Adult Programs (formerly CDC)
- ☐ Division of Juvenile Justice (formerly CYA)
- ☐ State Hospital
- ☐ Other

LOCATION WHERE CAUSE OF DEATH OCCURRED *(Check One)*
- ☐ Not Applicable (Natural)
- ☑ Crime/Arrest Scene
- ☐ Facility -- Administrative
- ☐ Facility -- Booking
- ☐ Facility -- Living
- ☐ Facility -- Common
- ☐ Facility -- Holding
- ☐ Facility -- Medical Treatment
- ☐ Other

FACILITY OF DEATH *(Check One)*
- ☐ Crime/Arrest Scene
- ☑ Local Hospital
- ☐ City Jail
- ☐ County Jail
- ☐ Adult Camp or Ranch
- ☐ Local Juvenile Facility/Camp
- ☐ Adult Operations and Adult Programs (formerly CDC)
- ☐ Division of Juvenile Justice (formerly CYA)
- ☐ State Hospital
- ☐ Other

MANNER OF DEATH *(Check One)*
- ☐ Pending Investigation
- ☐ Natural
- ☑ Accidental -- Injury to Self
- ☐ Accidental -- Injury by Other
- ☐ Suicide
- ☐ Homicide Willful (Law Enforcement Staff)
- ☐ Homicide Willful (Other Inmate)
- ☐ Homicide Justified (Law Enforcement Staff)
- ☐ Homicide Justified (Other Inmate)
- ☐ Execution
- ☐ Cannot Be Determined
- ☐ Other

MEANS OF DEATH *(Check One)*
- ☐ Pending Investigation
- ☐ Not Applicable (Natural)
- ☐ Handgun
- ☐ Rifle/Shotgun
- ☐ Club, Blunt Instrument
- ☐ Hands, Feet, Fists
- ☐ Knife, Cutting Instrument
- ☐ Hanging, Strangulation
- ☑ Alcohol/Drug Overdose
- ☐ Execution: Lethal Gas/Injection
- ☐ Cannot Be Determined
- ☐ Other

DATA SUPPLIED BY *(Please print the following information):*

Name: Greg Stashyn **Title:** Sergeant

Agency: Sonoma County Sheriff-Coroner's Office **Telephone:** (707) 565-5070

Address: 3336 Chanate Road Santa Rosa CA 95404

Send completed form to: Department of Justice
Criminal Justice Statistics Center
P.O. Box 903427
Sacramento, CA 94203-4270
Facsimile: (916) 227-0427 or 227-3561
Telephone: (916) 227-3545

FAXED 7/10/14