Administrative Review
19-AR-0007
Sonoma County Sheriff's Office
Internal Investigation Summary

INCIDENT TYPE:	DATE OF INCIDENT:	DATE REPORTED:	FILE NUMBER:
Death of David Glen Ward	11-27-19	11-27-19	19-AR-0007

EMPLOYEE:	DIVISION OR ASSIGNMENT:	WORK LOCATION:
Patrol	Law Enforcement	West Beat

COMPLAINANT:	ADDRESS:	
Sonoma County Sheriff's Office	2796 Ventura Avenue	
CITY:	STATE:	ZIP CODE:
Santa Rosa	California	95403
HOME TELEPHONE:	WORK OR CONTACT TELEPHONE:	
D.N.A	D.N.A.	

SUMMARY OF INCIDENT:

On November 27, 2019, deputies from this Department were involved in a pursuit of a vehicle that was believed to have been 'carjacked.' A .38 caliber revolver was used in the carjacking. The suspect pulled his vehicle over twice before finally coming to a stop, due to the deputy using a modified PIT maneuver, at the intersection of Sutton and Hillview Roads. Present, along with the initial deputy, were two Sebastopol Police Officers. Due to the nature of the traffic stop, those present began to conduct a felony/high-risk traffic stop.

When another deputy arrived he walked past those present, and with gun drawn, walked directly up to the driver's window and started giving the suspect commands. The deputy who initially made the traffic stop felt obligated to follow in an attempt to provide cover.

Once the suspect rolled down his window, the deputies ended up using personal weapons (hand and elbow strikes), a Taser, and a carotid restraint in an attempt to remove the suspect from his vehicle. Eventually the suspect was removed after he became unconscious. Due to his unconscious state he was transported to a hospital where he was pronounced deceased.

It was later learned that the suspect was actually the victim of the carjacking. Based on his death, the Sonoma County Critical Incident protocol was enacted and the Santa Rosa Police Department and the District Attorney's Office conducted the criminal investigation.

The Marin County Sheriff's Office was asked to conduct the autopsy.

The Internal Affairs Unit was tasked with conducting an administrative investigation.

DIVISION ASSIGNED:	DATE ASSIGNED:	DATE COMPLETED:
Internal Affairs Unit	12-03-2019	09-02-2020
INVESTIGATOR:	SUPERVISOR'S REVIEW:	
Sergeant Larry Doherty	Lieutenant Brandon Cutting	

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VIOLATION (S):	REVIEWER'S FINDING:	REVIEWER'S FINDING:	REVIEWER'S FINDING:
Deputy Blount's actions/conduct were separated and completed in another internal investigation. In regards to Deputy Little, I believe his actions/conduct were 'Within Policy.'			
	SIGNED and DATED: Captain Darin Dougherty	SIGNED and DATED: Captain Shawn Murphy	SIGNED and DATED: ASH James Naugle

DISPOSITION:	
SIGNATURE: Sheriff Mark Essick	DATE:

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Background Summary

On November 27, 2019, Santa Rosa Police Department (SRPD) Detective Terry White called the Sheriff's Office Dispatch center and advised there was a GPS tracker on a stolen vehicle in the area of Frei and Guerneville Roads and it was moving. At 0541 hours, Deputy Jason Little (G48) was dispatched to the area to locate the stolen vehicle.

The vehicle, a green Honda Accord [redacted] was taken during a Carjacking (215 PC) where a .38 revolver was used against the vehicle's owner (David Ward). Ultimately, deputies would learn it was actually Ward who was driving the vehicle, as he had apparently recovered his vehicle and never advised law enforcement.

Deputy Little arrived in the area of Bodega Highway and Ragle Road and located the vehicle. Since Deputy Little was aware a revolver was used in the carjacking, he decided to follow the vehicle until back-up units could arrive. In the area of Bloomfield Road and Kennedy Road, Deputy Little observed (in his rear view mirror) Sebastopol police officers who had responded to assist. Based on their presence, Deputy Little decided to conduct a high risk stop on the stolen vehicle. The driver of the Honda (Ward) stopped momentarily but then fled with Deputy Little and Sebastopol Police in pursuit.

Sergeant Anthony Diehm authorized the use of a Pursuit Intervention Technique (PIT) if the conditions were appropriate.

In the area of Bloomfield Road and Mill Street, Deputy Little attempted a PIT maneuver, however it was ineffective and Ward continued to flee.

At the intersection of Sutton Street and Hillview Street, Deputy Little attempted to use a PIT maneuver to finally stop the fleeing vehicle. Due to the turn in the roadway, Deputy Little's PIT application caused both vehicles to stop however his vehicle was positioned such that his right front bumper was in contact with the Honda's left side rear quarter panel, so the vehicles were essentially perpendicular with each other.

From the opening of his driver's door, Deputy Little gave Ward commands to raise his hands. Realizing he was too close to Ward, Deputy Little moved to the rear of his patrol vehicle and took cover behind the left rear quarter panel. There he continued to give commands. Ward continually raised and lowered his hands to his lap area.

When Deputy Charles Blount arrived on scene, he asked Deputy Little a few questions and then decided on his own (without conferring with Deputy Little) to approach the stolen vehicle. Deputy Little tried to stop Deputy Blount but was unable to so he followed Deputy Blount to provide cover. Deputy Blount tried to open the vehicle's door but it was locked. Ward attempted a few times to unlock the door but was unable to so he rolled the driver's window down. Deputies Blount and Little attempted to extract Ward through the opened window by pulling on Ward's arms and body.

A struggle ensued and both deputies were bitten by Ward. Both deputies used personal body weapons to gain compliance. Deputy Little also deployed his Taser but it was ineffective. Deputy Blount attempted a Carotid Restraint hold but was unable to obtain a proper placement. Ward would eventually lose consciousness.

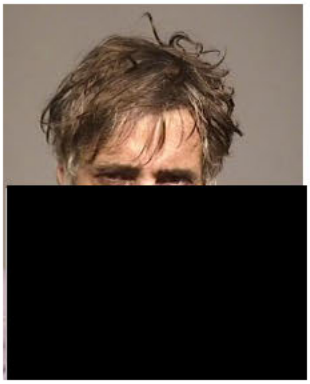
While unconscious, Ward was removed by the Sebastopol police officers from the passenger door. Once it was determined Ward was not breathing medical aid was rendered. Ward was later transported to the hospital by ambulance where he was pronounced deceased at 0717 hours.

The Sonoma County Critical Incident protocol was enacted and the Santa Rosa Police Department and the District Attorney's Office conducted the criminal investigation.

The Marin County Sheriff's Office was asked to conduct Ward's autopsy.

The Internal Affairs Unit was tasked with conducting an administrative investigation.

David Ward



Race: White
Sex: Male
DOB: [redacted]
LKA: [redacted]
SSN#: [redacted]
CDL#: [redacted]
CII# [redacted]
Occupation: Unemployed

Criminal History: [redacted]

Autopsy Findings[1]: [redacted].

Other Significant Conditions: [redacted]

[1] SRPD Incident Report 19-16259, as found under tab 54.

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Complaint/Authorities

The purpose of this Internal Affairs investigation is to review the circumstances surrounding the performance of the Sonoma County Sheriff's Office relating to David Ward's death during his arrest on November 27, 2019.

When this investigation began there were no specific allegations of policy violations or wrongdoing on the part of any Sheriff's Office personnel. Consequently, there were no obvious Department Regulations or Policies to address in this investigation. However, the overall performance of the Sonoma County Sheriff's Office was examined (and based on policies and procedures) to determine if there were any particular areas where the Department did or did not perform in a reasonable manner.

The following policy, procedures, or protocols will be reviewed:

Sonoma County Sheriff's Office 'Department-Wide Policy and Procedure':

300	Use of Force
304	Taser Use
306	Firearms
329	Major Incident Notifications
338	Critical Incident Debriefing/Defusing
400	Patrol Functions
407	Hostage and Barricaded Incidents

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Investigation

On December 3, 2019,[2] Lieutenant Shawn Murphy asked me to conduct this investigation, which involved an Administrative Review due to the death of a subject who was being arrested. Based on a review of some initial statements and deputies' body worn cameras, concerns were raised about the possibility that Deputy Charles Blount violated Department policies. Based on those concerns a separate Internal Investigation was completed.

This incident began on November 27, 2019, when patrol deputies were involved in a pursuit in the west beat area of the County (Sebastopol area). The pursuit involved a vehicle that was carjacked days before where the suspect used a revolver. Upon completing the felony car stop, deputies forcibly attempted to extract the suspect from his vehicle. Once outside of the vehicle, the driver, David Ward was placed on the ground, as he had lost consciousness. He was transported to a hospital where he later died. Based on those circumstance and the enactment of the protocol, the Santa Rosa Police Department (SRPD) was tasked with handling the criminal investigation. Those deputies and police officers involved with this "in-custody" death gave statements to the SRPD detectives who were tasked with that investigation.



On November 30, 2019, at Deputy Jason Little was interviewed by SRPD detectives due to the protocol having been invoked for the in-custody death. Deputy Little was interviewed along with his attorney, Nicole Pifari (Rains, Lucia, and Stern). Deputy Little basically stated the following:

Deputy Little has worked at the Sheriff's Office for 18 years. Prior to that he worked at the Union County Sheriff's Office (Oregon), for one year. In regards to any specialties, Deputy Little is a TACT team member, a use of force instructor, and a Taser instructor.

Deputy Little worked graveyards out of the Main Office when this incident occurred. He works Monday through Thursday so this incident took place on one of his normally scheduled shifts.

When Deputy Little was asked to give a narrative about what occurred, he stated:

> "Um, I think at approximately 5:30 in the morning, on Wednesday morning, I was dispatched to a suspect vehicle that was, uh, I believe it started on Frei Road, um, it was being tracked. I originally thought it was being tracked by an off-duty Santa Rosa officer but it turned out it was a GPS tracker. Uh, I was getting live updates to position of the vehicle so, um, I started at Graton Fire Department where I was eating my lunch and I went to the location that it was last positioned at and I caught up to that and that was at, uh, Ragle Ranch Road and Covert Lane I believe in Santa Ro, uh,

[2] Any date underlined indicates a part of my current investigation.

Sebastopol. Uh, I got behind the vehicle as it was starting to make a right-handed turn westbound onto Bodega Highway from Ragle Ranch Road. I was the only vehicle even close to patrol-wise so I didn't light the vehicle up. I followed it. I followed it approximately, hm, I wanna say about 1/2 mile where we turned southbound on Watertrough and I was still, hm, still following it, monitoring, uh, the direction it was going, advising dispatch, um, waiting for other units to arrive so we can make a stop on it. I knew that it was a, uh, a suspect vehicle that happened to be a carjacking where a weapon was used, a firearm I believe was a .38 caliber handgun, revolver. So I was pretty concerned that I shouldn't do this stop by myself, um, due to the fact that a handgun was used in the crime. So I continued following it, getting updates. I was told that I had units coming from different places and Sebastopol PD was probably my closest backup. So as we turned – we kept going eventually to where we turned westbound on Bloomfield from Watertrough and then I advised dispatch that I was gonna try and make a stop at Bloomfield Road and Kennedy Road, um, Sebastopol was r – I could see Sebastopol's lights comin' up behind me so I, uh, activated my overhead, lights and sirens and attempted the stop, um, the vehicle went – started swerving to the left and to the right, kind of – it slowed down but it kinda almost like a zigzag across both lanes of traffic and then started to yield so I put the vehicle in park, jumped out, unholstered my handgun and started a felony stop, um, as I brought my weapon out, he was, uh, moving his hands around a lot and I was concerned that he's comin' up with a gun, um, but by the time I was comin' up with my handgun and started to yell to him show me your hands, he took off again. So, I holstered my weapon and advised dispatch that I was in pursuit. Uh, the pursuit was pretty much all over, uh, uh, the roads are escaping me but, I mean, it started on Bloomfield, it went to Pleasant or we were on Pleasant to Bloomfield, um, Sebastopol was behind me and speeds were anywhere from, anywhere from 20 to 70 miles an hour at times. Um, I was given authorization to PIT, um, but by that time, the roads were pretty narrow so I didn't wanna PIT until I had a little bit more room. Um, so we came to an opening. I don't – can't remember the street but I was close to Mallory or m, uh, something of that nature and he slowed way down and so I thought this was my opportunity to PIT him. Um, he kinda – he slowed way down and then turned his vehicle, um, kinda broadside to me so as if I were going straight, his driver side was parallel or horizontal to me. Perpendicular. So, yeah, so he was turning this way and I was coming this way so my PIT turned into a ram, um, so I rammed the rear, uh, driver side quarter panel. I pushed him, jumped out with my fider, halfway out with my firearm, yelled at him to show me his hands, uh, he's not showing his, uh, showing me his hands, um, I'm still con, I, I was pretty concerned that he had a gun obviously, with all the information I had. Um, he's not listening to me. He's, uh, moving his hands up and down, uh, I had my gun on target and he goes to reach down again and he comes back up and at that point, I was about to use

lethal force and then he – I hear the engine rev and he takes off. Um, at that point, I was pretty freakin' concerned because I thought he had a gun and he – just his movement down and then I never saw his hands but he, obviously, he took off. Sebastopol was behind me at that time. Uh, I holstered my gun, advised dispatch what I had seen, um, that he wasn't following commands. We're still in pursuit, uh, that he was reaching for something in his waistband in what it looked like to me. Uh, we continued the pursuit into the Town of Bloomfield where he took a right-hand turn, I don't know if, uh, west, uh, west or south or north onto Sutton. And it wasn't a, it wasn't a fast pursuit at that point. He was maybe 35, 45 miles an hour and as Sutton T's into, I don't recall the street, he slowed down so at that point, I was gonna PIT him again and so I went in for the PIT and he turns his vehicle perpendicular to me again and I rammed him again. Um, at that point, I put my vehicle in park, I draw my firearm and I'm in the, uh, corner of my door in the vehicle yelling commands to show me his hands. He's yellin' something, um, I did hear him say just shoot me, um, and then I didn't feel I was in a good position because I was still pretty, pretty afraid he had a gun and that this was gonna end up a shooting. So he kept movin' his hands and I'm yellin' at him show me your hands, show me your hands. I can hear Sebastopol yellin' the same thing. And at that point, I remember saying, I'm gonna move back to you, and I was talking to Sebastopol behind me. So I moved back to the rear, uh, driver side, uh, uh, c-pillar, whatever, to get some cover where I could still in, give commands and, but I was protected if he came out with a gun. Um, I sh – no, in the video I watched, I sa, I, uh, shut the door. I didn't remember shutting the door but, uh, I, obviously, I shut that door, my driver's door. Um, continued yelling commands, um, he didn't seem coherent. He wasn't following commands. He would do a command and then he would do the exact opposite. He would put his hands back down in his lap or reach around in the car and then he would throw his hands back up behind him. Um, a few minutes later, uh, Deputy Blount arrived on scene. He came up on my left side. He said hey, I'm gonna approach the car. I said wait. I believe I said wait, um, 'cause I was still concerned about the g, a gun. And I didn't wanna, hm, for one, I didn't wanna get shot and I didn't want my partner to get shot. So, he starts movin' up so I move up with him. I can see into the car and I see his hands but I don't see a h, I don't see a gun and I believe I said something to the effect that I don't see a weapon, um, we're telling him to put his hands up. He ki, he does it but then he puts his hands down and we're tellin' him hey, stop movin' around, stop movin' your hands, um, he's ordered to unlock the door but he's, he didn't seem like he was all there because he, he would try to do something but then he either couldn't do it or didn't know how to do it, um, eventually, his window, driver side window came down and that's where were hands on. I holstered my gun, uh, Deputy Blount grabbed him and he was, tried to pull him outta the car. Um, he didn't wanna come out. He braced himself like, um, with his right leg, it looked like he braced himself between

the steering wheel and the, uh, like on the, where the brake would be. So he stiffened his right leg out so we couldn't yank him out. Um, he's still tryin' to pull himself in the car. He really wanted to stay in that car. He, he kept like, pulling himself in, pulling his arm, trying to pulling his hands in, um, at one point I hear Deputy Blount say ow, he bit me and a, not simultaneously but about the same time, I'm reaching underneath to grab his jacket or a shirt or something so I can ju, wiggle him out and he chomps down on my index finger. I start to yank it out, he bites down again. Um, I deliver I believe three or four strikes with my elbow to the back of his head and shoulders, uh, it was the target that was presented to me and he wasn't coming willingly out of the vehicle so I felt that I needed to deliver some strikes to, uh, get him to loosen up his grip to get out. Uh, at that point, he's kinda sliding back into the car, um, and I, I was tryin' to make a choice whether to use my firearm or my Taser. I just felt Taser was probably the best opportunity at that point so I unholstered my Taser and, uh, I fired, uh, the Taser into his waist area. One probe looked like it hit him in the abdomen. I felt the other probe hit him in the leg but I was unsure because at first, it hadn't, it felt like it was a good connection but then he was still able to move around and whatnot. So I fired a second round, 5-second burst, um, with minimal – neither uh, Taser deployment was fully effected. I did not get the full neuromuscular, uh, incapacitation. And then at that point, mis, uh, I could see Deputy Blount, I thought he had him by the head and I felt he was tryin' to get him out of the vehicle by the head, um, but I was more concerned with him and his hands than tryin' to get him outta the vehicle. Um, at that point, I told Sebastopol, one of the Sebastopol cops to break the window 'cause they made it to the opposite side of the r, uh, vehicle, the suspect's vehicle, uh, break the window so he could try to pull him out the opposite side and we moved him out onto the ground, um, I, uh, released my Taser cartridge, went around the front of the vehicle, um, put suspect in a Figure 4, um, at that time he was still moaning, still breathing, um, I put him in a Figure 4, uh, there was slight resistance with the Figure 4. He wasn't like, tryin' ta severely kick me off but there was – he was pushing against me, um, we got his arms behind his back, uh, I handcuffed him, uh, we st, I started to search his person. We, uh, I don't know at what point, but at one, one point, somebody asked, is he breathing and I kinda, I gave him a little rub on the back to see and there wasn't a whole lotta movement so we put him on his left side in a recovery position to, um, and he seemed to get his breath back. So at that point, I disenga, I disengaged from the, uh, Figure 4. I'd straightened out his leg, um, his right leg was pretty rigid, um, but I disengaged from that scene, went in to check to see if I could find the firearm. Did a quick search; I didn't find anything and then went back around and it was determined that he wasn't, he, uh, was not conscious or, uh, was no longer, um, breathing so CPR was started and I stayed there for a mean, for a minute or 2 asking if Depu, Deputy Jax started

> CPR, um, he didn't want me to leave so I just kinda removed myself and backed away from the situation." [3]

Deputy Little explained his concerns when the driver was driving erratically, stating:

> "I believe that he was trying to figure out where I was behind him, exactly. Um, the second time he stopped, he put his vehicle in a position that would have given him a great opportunity to shoot me, so that caused me some serious, uh, concern. Um, and when he did that, I was afraid that I was going to be in a shooting at that point. I had literally taken the slack out of my trigger when he was, when he took off. So I had already, I had already made the decision to shoot. Um, just by his behavior and putting his vehicle; so it made me afraid enough to where I'm not gonna let this go any further and we took off again." [4]

During the second stop, one where Deputy Little rammed the suspect's vehicle, he stated:

> "So, when after I had rammed him, I had opened my door. I, uh, put my fire on 'em, fire, firearm pointed it at him. Um, as in the crux of the door behind the A pillar. Um, I felt I was too close, especially if he came out with a firearm, so I was afraid that I was gonna get shot, um. I didn't know how close Sebastopol; I knew they were there, but I didn't know where they were at. So, I, I was afraid that; I didn't wanna get shot by them just the positioning of us, so I felt that I needed to get back and take cover where I could see a bigger picture of him." [5]

Deputy Little then described how he believed he was going to resolve what he faced at this point based on his training and experience, stating:

> "Um, well, I wanted to resolve peacefully, um, and safely, but he's, he would start to follow directions, he wouldn't follow directions. He would start to follow directions, he wouldn't start; so, something obviously was wrong with him. Uh, I don't know if he was on, under the influence or what, but it didn't seem like he had that ability to fully understand what was, I was yelling at him, what the other officers were, and deputies were yellin' at him. Um, and once we made contact with him, it remained that way, and he, he did not wanna come outta the car. He, he continually tried to stay in the car and get back to where he was at in the vehicle, and I said that earlier. I mean that really concerned me because there was an outstanding weapon, an outstanding gun, and if we let him back in that car, um, there, I mean, obviously I don't know what would have happened, but my thought process was that we needed to end it. We needed to end

[3] Deputy Little's statement, pgs. 9-13 of 28.
[4] Ibid., pg. 15.
[5] Ibid., pg. 16.

> it safely, if we could. Um, but I was already, in my mind, I had already made up my mind that I was, if I had to use deadly force, I was gonna use deadly force just by his and, his, his behavior and the outstanding firearm."[6]

For further information refer to Deputy Little's transcribed statements.

At 1303 hours, Sebastopol Police Officer Ethan Stockton provided a statement to the SRPD detectives (based on the protocol) concerning his role in this incident. Officer Stockton had worked for the Sebastopol Police Department for two years, one as a reserve officer. He was represented by his attorney Andrew Ganz (Rains, Lucia, and Stern). Officer Bauer, when questioned about a high risk car stop stated the following:

> Santa Rosa Police Department Detective Vickers: Okay. So you hear the initial call and what are you thinking when you hear it?
>
> Officer Ethan Stockton: Um, based on the nature of the offense, it was going to be a high-risk stop, um, particularly since a firearm would be involved, um, and that was a big part of why we were probably going as they didn't have another deputy in the area. That would, was my guess at that time. Um, so it's – yeah. I was prepared for a high-risk stop, um.
>
> Detective Vickers: And why do you do a high-risk stop?
>
> Ethan Stockton: For officer-safety reasons. Um, we don't know if the suspect is actually armed or not. There was, again to the best of my recollection, a mention of a firearm so for, for our safety and for his safety, we wanted to make sure that we control the, the situation.[7]

Officer Stockton said once Deputy Blount arrived; "…he and Deputy Little moved to the driver's door." Neither deputy indicated verbally why they were moving to the suspect's vehicle driver's door. [8]

For further information refer to Officer Stockton's transcribed statements.

At 1422 hours, Sebastopol Police Officer Andy Bauer provided a statement to the SRPD detectives (based on the protocol) concerning his role in this incident. Officer Bauer had worked for the Sebastopol Police Department for six years. He was represented by his attorney Nicole Fifari (Rains, Lucia, and Stern). Officer Bauer, when questioned about a high risk car stop, stated the following:

> Santa Rosa Police Department Detective Ryan Cogbill: Uh, you said you were gonna do, set up to do a high risk stop. Explain to me a little bit

[6] Ibid., pgs. 16 and 17.
[7] Officer Stockton's statement, pg. 12 of 18.
[8] Ibid., pg. 14.

about what a high risk stop is and why, at that point, you thought you were gonna do that.

Officer Andy Bauer: Uh, well, a high risk stop is when you're stopping someone that may be armed or they have a, rec, recently committed a violent crime or they have a felony warrant or something like that. Um, you set up and attempt to call them out of the vehicle to you, rather than approach the vehicle and try to remove them. Um, that's the safest way to do it. Um, is to try to set up, you know, your vehicles and officers in a way to facilitate that. Um, so that was, I think we, I assumed we were going to try and do at that point, based on the, the crime involved with this, uh, person, was a carjacking that involved a firearm and we were, I had the impression that he had the firearm with him at the time.

Ryan Cogbill: Uh huh.

Andy Bauer: Um, so that was the reason for that, that was where my mind was going that way.

Ryan Cogbill: Okay. And then the second time, when it actually, the pursuit ended, uh, at Sutton and Hillview, um, was the same thing, um, going through your mind? Were you thinking it was, were you trying to set up a high risk stop? Or what was going through your mind there?

Andy Bauer: At that point, yeah. I, that's why I went to where, the back of Deputy Little, Little's car. Um, I couldn't, I didn't want to go any closer without having some cover. Uh, my car, uh, I think Officer Stockton's car was to the left of Deputy Little's, I believe. Um, so, you know, we were telling him to put his hands up and then, if there, had been complied, I would have given further commands. Said roll down your window. Come out. Walk back towards us. Uh, those kind of things but, um, he wasn't complying, so, um, it didn't really shake out that way.

Ryan Cogbill: Okay. Um, and you said you drew your, your duty firearm. At what point did you draw it, and what was your decision making of doing that?

Andy Bauer: Uh, I drew it the first time at that first PIT, um, as I was approaching the vehicle.

Ryan Cogbill: Uh huh.

Andy Bauer: And again, that's because we had, uh, information it was an armed suspect, um, so that was my frame of mind there.

Ryan Cogbill: Uh huh.

Andy Bauer: And then the second time, uh, basically the same thing. Um, I drew it once I exited my vehicle and then started to approach, uh, that's where I was set up behind, um, Deputy Little's, um, vehicle. And again, 'cause we were dealing with a, what we believed to be an armed suspect at that time.

Ryan Cogbill: Okay. Um, when, I believe you said it was, um, the second deputy showed up –

Andy Bauer: Uh huh.

Ryan Cogbill: – um, and you all started to approach the car. Is that accurate? Or –

Andy Bauer: I stayed in that position I was in the other, towards the rear of the car.

Ryan Cogbill: Uh huh.

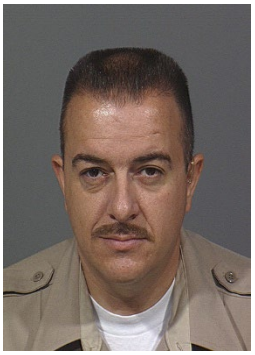
Andy Bauer: And then, um, initially, um, Deputy Blounts and, Deputy Blount and Little approached the driver's side door at that point. I stayed back there, um, at one point, um, Deputy Blount said he saw movement in the backseat so I was checking the backseat from the rear of the suspect vehicle. So I didn't approach the driver's side window until after the window was down and it seemed that they were having difficulty getting him out of the vehicle.

Ryan Cogbill: Okay. Did you hear, um, any communication between the deputies, or between the deputies and your partner, what, what was being, did you hear anything, do you remember hearing anything?

Andy Bauer: Uh, what I most remember is them giving commands to the driver, the open the door, initially. Unlock the door and then roll down the window and then get out of the car. So I don't remember hearing them talking to each other, necessarily, but giving the, the driver orders, commands.[9]

For further information refer to Officer Bauer's transcribed statements.

[9] Officer Bauer's statement, pg. 12 to 14 of 22.



On December 3, 2019, Deputy Charles Blount was interviewed by SRPD detectives due to the protocol having been invoked for the in-custody death. Deputy Blount was interviewed along with his attorney, Harry Stern (Rains, Lucia, and Stern). Deputy Blount basically stated the following:

Deputy Blount has worked at the Sheriff's Office for 18 years. Prior to that he worked at the Santa Rosa Police Department for 2 years. In regards to prior training, Deputy Blount said he attended the: "Police academy and then, uh, field training programs in both agencies, um, and then in-service training, quarterly training, um, the block training we do annually or it's once every 2 years now, that's all." As far as any specialties, Deputy Blount advised: "I was an FTO, um, on two different occasions, both for very short periods of time." [10]

Deputy Blount worked graveyards out of the Main Office when this incident occurred. He works Monday through Thursday so this incident took place on one of his normally scheduled shifts.

When Deputy Blount was asked to give a narrative about what occurred, he stated:

> "Um, at the DSA hall, I heard a dispatch, um, it's, it's more, more than a standard 10851. It's a, it's a crime of violence, you know, against a person, so, um, it, it requires a need to a higher level of response and more deputies, so I started going to my car. Um, but dispatch went ahead and dispatched me and two more deputies anyway. Some I get on the freeway, Southbound 101. Um, I'm driving Code 3, um, 'cause I know Deputy Little is out there, um, without a, anybody to back him up close. I'm listening to the roads that, um, is being put out, um, and Deputy Little, um, is, is trying to catch up to where, uh, the vehicle is, 'cause it's being, it's being tracked and their, uh, radio is giving updates as to location of the vehicle and Deputy Lit, Little is trying to catch up. Um, I don't know the roads out there really, really well. I don't work that beat too often, uh, but I know that it's, um, as I remember, it's kind of west of Sebastopol and, and headed south. Um, so, uh, I go down Southbound 101, uh, and then I take Highway 12 to the west towards Sebastopol. Um, it's continuing and it's kind of a southerly direction, uh, and I, uh, and it's on, on the west side of, um, the City of Sebastopol, generally, from my memory of the streets. Um, a, I think, uh, Deputy Little asked for Sebastopol and, uh, or dispatch just announces that Sebastopol was being dispatched to help. Um, and I don't remember where I was, exactly, um, position wise, um, but at some point in time, uh, Deputy Little announces that Sebastopol PD is caught up with him, um, and he's gonna go ahead and make the stop on the vehicle. Um, I remember him saying that, that he's activating his lights and attempting to stop, and then it goes into a pursuit. The vehicle doesn't,

[10] Deputy Blount's statement, pg. 5 of 47.

doesn't stop and, and in my mind, now, that's, um, adding more, more urgency to, to me getting there because, um, now, this, this person that's in a, you know, a, a vehicle that was carjacked, that's how it was stolen, is now, is now running from us so he's, obviously, um, not cooperating and he's not submitting to, to, uh, Deputy Little's authority, um, and it, uh, uh, I'm feeling a stronger sense that yeah, I really need to get out there. Um, and then, again, I don't remember where I, where my car was when I heard it on the radio, but and I think it's just 'cause of his voice, I think it was Deputy Jax, um, Deputy Jax came up on the radio and said that during the carjacking, a firearm was used. He, specifically, 'cause I remember it said a 38 revolver, um, and that just really adds a lot to, uh, to the sense of urgency and to the dangerousness of the call, and to the, uh, overall criminality of the, uh, of the, uh, the carjacker. Uh, I mean, there's, uh, just like we know in any crime, there is, there is, uh, you know, levels of force that criminals are willing to use and to use a gun in a carjacking is a, is a really, um, high-level crime and it's a crime of, of violence. Um, and he's, and he's running from Deputy Little now, um, and then as I'm going westbound on Sebast or on, uh, Highway 12, I'm coming into the city, um, listening to where they're at, I, I decide to go, uh, south on Highway 116. Um, so at some point in time, I hear Deputy Little say that, that he's, he's, pretty sure he says he's pitted the car. Um, and then the next thing that comes out is that, uh, the driver is not cooperative, so, so after a pit, typically, we would do some sort of, uh, felony car stop on a vehicle like that. Um, he's got the two Sebastopol cars with him, so it, in my mind, I'm, I'm picturing the, the end result of the pit and they're in the roadway and the car, you know, the cars are trying to set up and, uh, the patrol cars and they're, they're probably getting out of their cars and they probably have the suspect at gunpoint, and Deputy Little says that he's not cooperative, that he's not listening, uh, he, that they're gonna give commands to that driver, um, we have kind of a set way to, uh, very, I think, almost identical to what Santa Rosa does in a, um, felony stop. You know, we ask 'em to turn off the car, throw out the keys, keep their hands up, uh, and we go through the step-by-step procedure to safely get them out of the car. Deputy Little says he's not cooperating. Um, he says that, um, he's not getting out of the car. I'm pretty sure he says that, uh, I know for certain, he says that his hands keep reaching for his waist and, and to me, that, that was really alarming because that, that goes to reinforce that, um, he's not gonna cooperate. He's gonna do whatever it takes to, to, uh, avoid apprehension and that it's very likely that he's armed, 'cause that's why people reach for their waist, 'cause that's where people keep their weapons and, of course, when they're seated in a car, they keep weapons, firearms anywhere around them, between the seats, under the seats, in the door panel, um, so the fact that he's reaching down kind of tells me that he's delaying, he's, um, formulating a plan. He's trying to get some sort of plan in his mind, um, to do what he wants to do, which is, more than likely, um, escape and not be captured, not be taken. Um, and,

and, and again, that, that adds to my urgency to, to get out there and assist, um, and it, it's, uh, it's just more and more concerning as to how violent this guy is and what he's willing to do. Uh, the next thing I hear on the radio is that, uh, that the guy has drove, driven off again and they're back in pursuit. Um, I'm now southbound on 116 somewhere, um, and I hear, uh, a road that, that one of the few roads out there I do know is Bloomfield Road, one of the major roads out there in west beat. Um, it intersects with Highway 116 and, and I'm watching the cars on the map, although the map doesn't update, um, exactly in real time. It's, it's close when it's working well, and I'm trying to figure out a, an intersect route. Um, I decide to take, uh, Bloomfield and they're going, um, Bloomfield, initially, goes west and then it kind of turns south, but they're heading west and south on Bloomfield, so I turn west on Bloomfield off of 116. Um, I'm driving pretty hard but the roads are wet and Bloomfield Road gets narrow, um, there had been a, a, a bit of a rainstorm so it's got a lot of debris on the road, you know, leaves and needles, and I'm not real, don't have many miles on that Charger, not real familiar with it. Um, it definitely handles and drives different than the, than the, um, uh, what is it, the Explorer that I was driving. So, uh, I'm doing the best I can, driving hard. Um, they're getting down now towards the town of Bloomfield and I'm getting closer. I am gaining on 'em. Um, I can see that I'm still the closest one. There's no other, other deputies that are closer than me, um, and 'cause I can see them on the map too. Um, I hear them turn onto, I can't remember the name, Sutton or Station or some, it starts with an S, um, at that point, Bloomfield is, is pretty so, a southbound road and, uh, the road they turn on is, is one of the first roads that you come to as you enter Bloomfield and it goes off to the west, um, Sutton or Station or, yeah, whatever it was. Um, as I get to that road, I kind of overshoot it just a little bit. I back up and, uh, from where I'm sitting on Bloomfield, you can look down this road and it's straight and then at the end of the road, it goes up a hill. Uh, at the rise, at the top of this little hill, I can see all the, all the lights and, um, well, before I get there, Deputy Little had put out that he had pitted the car again and, I think, he might have said rammed the car. So, um, I'm feeling, you know, that I really need to get there, um, they're gonna be dealing with this guy who's very likely armed, um, has already established that he's not willing to stop, he's not willing to, um, submit to an arrest. Um, he's committed a, a crime of violence while armed, so I go, I back up and I shoot down the road. Um, as I get up to it, um, I see that the suspect vehicle is, um, turned sideways. It's at, like, a, it's, it looks like a dead end but it's actually a 90-degree turn, uh, to the left. Um, and there's another street there I don't know the name of. Um, but right at that 90-degree turn, kind of off the road into the dirt a little bit is the suspect car and as I'm driving towards it, it's facing me broadside, it's perpendicular to me. The driver's side if facing me and I could see that the, there's two Sebastopol patrol cars, um, kind of, kind of off the side to the left, uh, and Deputy Little's patrol car is right up against the suspect car. The front

bumper area, uh, on the driver's side, um, is up against the rear driver's quarter panel of the suspect car, so they're in contact with each other. Deputy Little is standing towards the back of his car. Um, the two Sebastopol guys, as I remember, are near their car somewhere like that. It's, I'm really concerned as I drive up for, at what I'm seeing because, um, I can see the suspect in the car, um, and it's not set up like a normal, um, uh, felony stop. Normally, you know, if there's room, you're gonna have two cars sitting beside each other. If there's room, you'll have three cars setting beside each other and, and the, and the people involved are behind their doors and it, it's not like that. Um, Deputy Little is really, really close to the suspect's car and the suspect, and it, as it looked to me, he wasn't really behind, behind cover. He's not, like, peeking around the back of his car. He's kind of standing at the very back of his car but exposed to, um, you know, direct line to the suspect and there's kind of like a big open space there where, where there would normally be patrol cars. The, um, those two Sebastopol cars are kind of off to the side, not in, in a normal, um, felony stop line up, if you will. So that concerns me because, um, this guy is, is very likely armed. Um, and I know from my, from my training and time at the range and how fast someone can draw a gun and bring it up and fire, and I feel like Deputy Little is exposed to that. Um, as I get out of the car, I, I, I draw my gun. Um, I parked a little further down the hill. Um, I have to run up the hill. Um, as I'm running, I turn on my camera but let me, in, in hindsight now, obviously, when I, when I went and, and hit it, um, gave it the little double press, somehow, that didn't take. I, I don't, I don't know why, I don't know how. Um, I religiously use my camera but probably 'cause I was running, um, I thought it was on. I didn't, I didn't look down to see the light, but I thought it was on. Uh, obviously, having seeing my footage today, it wasn't. Um, I get up by Deputy Little and once I get to Deputy Little, we're really close. We are the length of the Ford Explorer away from the suspect and he has got his arms kind of up but he's moving around a lot and he, he'll drop his arms a little bit here and there. Um, it, it concerns me and I don't feel safe. Um, you know, the, the vehicle, I'm looking at the vehicle and it looks fully operable to me. Um, the, the tires are on it. They look inflated. Um, I don't see any damage to the car. It doesn't look like it's been wrecked or crashed. It, it looks like it's fully operable. Um, so, uh, in my mind, this guy has, has the car as a weapon and he could throw that into drive any moment and we're on foot, so I, I don't like that and we're very close. Um, and then because the, the, when the car was carjacked, it involved a 38 revolver. We were really close. He could reach out and bring that up any second. So I feel like, um, some assertive and decisive action needs to be taken now, um, to make, make myself and, and the other people there safe, and I, I walk right up to the window of the car. I'm ordering him, he's being ordered to keep his hands up. Uh, he's moving around a lot, but he's, generally, keeping his hands up. He does drop 'em, um, but not for long. Um, I get right up to the window and I'm ordering him to unlock the

door, and he's not doing it. He, he, he is not cooperating. He is not following that. Uh, the door handle was locked, um, so we can't open it. Um, he, at one point, he reaches for where the unlock buttons would be, but he's, he's playing games. He doesn't unlock it. And, and in my mind, that, you know, that, that shows, again, that he's just, just like when Little pitted him before, he's not following commands and he's, he's stalling and he's delaying, and the more that goes on, in my mind, the more danger it is, it is for us, because he's formulating a plan. He's thinking of what he can do or he's getting up the courage to do what he's already thought of. Maybe he's, you know, getting up the will to, to reach for that gun, um, and I don't want to give him time to, to formulate that plan, whatever plan he has and I don't want to give him time to enact it, um, 'cause we're in a, we're in a dangerous situation with a dangerous felon. Um, he reaches down, I think it might be the third time, like, he's gonna unlock it and he rolls down the window. And, uh, when he does that, uh, the door is still locked but I feel like, okay, well, I've got an opportunity now, um, a window of opportunity, if you will. Um, he sticks, you know, I stick my, I put my gun away because I'm gonna go hands on now. Uh, Deputy Little is beside me. His firearm is out. Um, so he's kind of got lethal coverage and at some point, the suspect's arm comes close to, uh, close enough to me where I grab it, um, and I, and I yank him towards the window. Um, during that process, I, I know I, I punched him in the face once, um, because I want him distracted. I don't want him to be able, most people are right handed and I've got his left hand. Um, I don't want him to be able to enact, you know, any act of violence that he's planning. I don't want him to be able to reach for that gun. I don't want him to be able to throw the car in drive. Um, so I, I punch him once and it has a pretty good effect. It kind of, um, I, I hear him say, make some noise or something over it and I'm, and then I'm, I'm, I'm pulling him more, um, as he's, he's really close to the window and starting to come out the window and I'm telling him to come out, um, at, at some point, uh, I don't know how long, uh, everything, uh, the time is a little off for me to, probably a second, you know, but Deputy Little holsters his gun and is now, also, going hands on, 'cause we've got, we've got his one arm all the way out, we've got his head out, his other arm comes out right away, um, and we are, the two of us are, um, just physically lifting and pulling him up out of that car through the window. Um, he says, okay, I'm coming out but he's not really doing anything, uh, that corresponds to what he's saying. Um, which is, again, another tactic that, that suspects use. You know, they, they say I'm cooperating or they say I'm doing it or they say I'm not resisting, when, in fact, they're, they're physically doing the opposite of what they say. It's just a common tactic with criminals to cause us to stop what we're doing or to ease up on what we're doing. It, it, it's, it's a tactic used for them to gain advantage and that's what he's doing. Um, he's not helping himself out of that car. He's not helping us get him out of that car. Um, so we're grabbing him, um, and yanking him, pulling him, assisting him out of the

car through the window. Um, and we get him out, probably to his waist, so but maybe even a little further, um, than his actual waist, maybe like, uh, on his hip. Um, and it, and progress of him exiting the car kind of stops. Um, and at that point, we're holding his weight up, 'cause he's, um, more than half out of the car. Um, and he's, he, it just kind of, I, I thought he was gonna slide all the way out, we'd have him on the ground, but it, progress stopped and it appeared to me that he was holding on with his feet or his legs, that he had wedged 'em to where they were keeping him inside. Um, one of the, as we were yanking on him and we're not getting anywhere, we're pulling on his, in his torso. I've got him, he's like sideways to me, so he's, as I remember, his back is, generally, towards my chest and I've got both hands around him 'cause I'm holding his weight up while I'm pulling a little bit, if that makes sense. Um, and I remember, I think it was one of the Sebastopol guys say; oh, his leg is under the steering wheel or his leg is caught, um, and then it, right about then, I feel this just intense blinding pain in my forearm and, and my very first thought was he stabbed me through the forearm, that I had been, it felt, not that I've ever felt it before but it felt like what a knife going through my forearm would feel like. It was, it was a really intense pain. Um, it, you know, probably a, in an instance later, I realized that he's biting me. Um, I, and I'm jerking my forearm away from his mouth. Um, he had bit me pretty hard and, uh, I, it, it really did cause me a lot of pain. Um, I, I cried out loud that; oh, he bit me, um, to let my partner know that, um, he was now attempting to injure us and, um, that he was actively fighting us, um, with, with attempts to and actually had injured me, um, and, you know, in, in my mind, um, just biting is, is not a normal human thing. You know, we have a, kind of a normal inhibition of, of biting another person, most normal people do. Um, it's an act of violence that's, um, as far as, uh, without weapons, it's a, it's a higher level act of violence against another person when you, when you bite them. Um, it's just not normal human behavior. It's extremely violent. It shows, uh, a, a real disregard, um, for other people, um, and, and it shows, uh, desperation, I think, on their part, um, and a willingness to, to do anything and everything to keep from being taken into custody. Um, and he's got a bit bulky jacket on. He hasn't been searched, obviously. Um, he could still have knives on him. He could still have the firearm on him. Um, and once he bites me, um, then I do deliver some blows. Um, I, I think, I came up with a knee once or twice but I realized that was just totally ineffective. Um, and I remember punching him in the torso once or twice and I can remember, um, using my elbow in an elbow strike, again, on his side on his torso a couple of times, several times, um, and while this was going on, um, and at this point, those blows are being used as, um, pain compliance and for distractions to keep him from biting. His arms are loose. He's not restrained to keep him from reaching for weapons, to keep him from punching, um, it's being used to, to keep me safe, uh, while this is going on and Deputy Little cries out that “he bit me.” Um, and it's, it's me and

Deputy Little and, I think, at one point in time, there was a Sebastopol officer next to me, at least, momentarily, um, but I just have a sense of that. I wasn't really focused on it. Uh, when Deputy Little cries out, “he bit me,” um, Jason steps back, so he lets go. Um, and now, I'm the only, as, as I remember it, I'm the only guy in physical contact with the suspect now. Um, and he's starting to go back in the car. Uh, he's, he's working hard. He's, he's squirming and twisting and trying to get back in the car and it's working. I'm losing my grip on him, 'cause he's got that, that great big jacket on. And at that point, I'm, I'm just feeling this, like, overwhelming sense of urgency and, and, um, real concern that, that he cannot be allowed to go back into that car, um, because that's where, um, he's gonna be able to really, um, be a great threat to us, because the vehicle is still in play. Uh, we're on foot. We're up on the vehicle. If he just drops it into drive, he's got a, you know, a huge weapon to use against us and because of the gun. Um, that, I, it's very likely that that 38 revolver that was used in the carjacking is, is in that car, um, and he's gonna be able to access it. And, and now, he's showing just how far he's willing to go to, to stay out of custody, to, to not cooperate. He, he's willing to injure us in a way that, that, you know, most, most people don't do. He's, he's willing to bite another person. Um, and he is just fighting hard. He's determined, very determined, um, and I can't let him back into the car for that reason, but I'm losing my grip on him. And I don't, the sequence next is, is a little, a little bit jumbled in my brain still to this day, um, but, um, as he's getting back, as he's, I'm losing my grip and he's sliding back through the window into the car, um, I hear the Taser go off. Um, and I know it's, I know it's Jason. Um, I don't know where the probes hit the suspect or even if they did. Um, I'm in physical contact with the suspect and he's, he's still slipping further into the car. He's getting in the car. Um, my next really clear memory, um, is he's almost in the car, I think, maybe one arm and his head are out of the car and I, I grab him by the hair and I remember his hair being pretty short and, and pretty hard to hold onto, but I grab him by the hair and I, I punch him a couple of times in his head, face area. Um, I'm trying to throw him off his plan. I'm trying to, you know, interrupt his, his thinking process to, to assault us. I'm trying to interrupt his, his, his plan to assault us and escape from us. Um, I hit him a couple of times. While I'm holding, as I remember, I'm kind of holding him with one hand and hitting with the other hand and then I see, um, that his, his head is very near the door, um, window jamb, I guess you call it. Not, it's not the doorjamb, it's like the window frame, window frame. Um, and you know, we teach environmental weapons. Um, I grab him by the hair and I, um, push his head and face into the doorframe probably twice. Um, and I still got him by the hair. I hear the Taser go off at some point in time, again, like a second cycle. Um, I don't hear the pop like I did the first time, like when the, when it, when you initially fire the darts, but what I hear is a second electrical cycle, the, the sound of that. But that doesn't have any effect, um, that I can see on the suspect, and I'm not, I'm not

feeling it so I don't know where the probes are. Um, it's not affecting me. It doesn't appear to be affecting him and I'm the only one, now, engaged with the suspect and he is all but a hundred percent in the car, and I've got just, just a moment in time to try and prevent him from getting in that car and, and getting the car as a weapon or reaching for the, for the gun, and in my mind, right then, it's like this is the last ditch effort if he, if I lose my grip in any way, he gets into that car, I'm gonna draw my gun and I'm gonna shoot him. Um, I'm at that point in my mind. I'm at the point of, of using lethal force if he, if he gets all the way in the car. Um, at that, at that time after that Taser cycle and after I had, I had used the, uh, doorframe as, uh, an environmental weapon, um, he slips pretty much the rest of the way in the car, except for me having him by the hair. Um, and now, he's, his body position is such that he's kind of got his back to me a little, if not totally, and I see an opportunity, um, to apply a carotid restraint or at least attempt it, at that point, if I can. And I, I pull him towards me by his hair, um, conscious that, you know, if I lose my grip here, he's gonna be in the car and I've got to draw my gun, and, and I'm, I'm going to shoot him but I, I hold onto him. I keep his head kind of right at the doorframe. Um, his head doesn't go all the way inside, so at least, I know that he can't see, he can't, he can't acquire, visually, uh, where it, where his hands need to go to get the firearm or to put the car in gear. Um, as I, as I pull him over with my left hand, um, I remember shooting my right arm in and trying to go as deep as I could around him. Um, I, once my right arm goes in, um, I come around his, his neck, um, with my right arm. I'm trying to get it in as deep as I can but it's, you know, it's, it's a very unorthodox position. Um, it, it's not at all like, like the mat room, um, where you have a cooperative deputy as your training partner. Um, it's, it's, it's unorthodox and, and they tell us in DT, you know, you can apply this in other positions and unorthodox positions, you know, uh, so I, I, I feel like I can and, and I did. Um, I, I get his head, um, in far enough to where I can bend my elbow around and it looks to me like he's in the right position. I can remember adjusting a little bit, um, to make sure he's in the right position, and then so I, I've got my arm around him and I'm adjusting a little bit. I haven't put on pressure yet. Um, when I think I've got the position good, I apply pressure. Um, um, he goes, uh, unconscious pretty quickly, I think. Um, not like instantly but, uh, uh, reasonably quick. Um, I would say, uh, I held pressure just a little bit longer, a couple seconds longer once I realize he's unconscious, um, to make sure, because in, in my training and my experience, um, if they're, uh, if the subject is under the influence of any type of, uh, stimulants, um, they will regain consciousness very, very quickly. Um, I've had times in the past where they regain conscious instantly. Um, so I held for a, just a couple extra seconds. I realize he's out. Um, it looks like he's staying out and I release pressure. Um, however, I do not move. My position stays exactly the same, because, um, in mat room training, once the guy, once our training partner is unconscious, we gently lower them face down to the mat and we sweep their arms behind their back and we cuff them, but

that, again, this position is so unorthodox that I can't do that, and because this is, this is absolutely the, the last ditch effort, um, if, if he wakes up suddenly and is in the car, um, again, I'm going to shoot him. I'm, I'm going to employ deadly force, so I don't want to let my position go, in case he wakes up quickly, um, and I have to reapply it. Because we still have to come to some sort of solution to get him in custody. He's, he's not in custody. He is not handcuffed. He is not restrained. Uh, the doors are still locked. Um, I'm not crawling in the window. Um, that's just, he's got to come out of that car and so I'm holding my position until the other people there can work something out, um, to get him in cuffs and out of that car. I'm not gonna, I'm not gonna release my position. I feel I got a good position. It's advantageous to us and it's the last thing keeping me from going to deadly force. Um, what happens next is the Sebastopol guys, um, one or both of 'em move around to the passenger side of the car. Um, I can, I have a sense of that somehow. I don't know if I see them or what. Um, I hear Deputy Little, at some point in time, yell break the window, um, and that window just explodes and sends glass all the way across towards me. I can remember pieces hitting me. Um, at that time, I had already since released pressure on, on him but I was still in that position where I could reapply. Uh, at that point in time, um, because the glass came flying at me, my reaction was to lift up and I kind of released my position. Uh, I kept one hand on him, um, just in case I needed to go back down into the carotid again, but I was more of a, a, I, I stood up a little bit more, um, just having glass flying in my face made me do that. Um, and then I can remember, uh, the Sebastopol guys working on, on getting the guy's feet and legs, uh, uh, freed up. Um, I don't know what they had to do exactly, but I just kind of know that's what they were doing. Um, they get his legs, I can remember seeing his legs nice and straight pointed towards the passenger side of the car. Um, and he was making noises. He was making the, when he first went out, I should add, um, he was making that, the snoring kind of sleepy noises that people do when they've been rendered safely unconscious with the carotid. Um, he was making the, the snoring sounds. Um, and he still was when, when his legs straightened out. He was still making the snoring sounds and I still had this arm somewhere across his chest, at least, um, but I'm a little more upright and one of the Sebastopol guys, um, basically, asked which way is he coming out. In other words, it, are we gonna pull him out the window or do they want, me to pull him out the door, the passenger door that they opened, and, uh, I said pull him out your side. And they didn't hesitate. I, they, they grabbed him by his legs and pulled him right out. Um, I, I walked around to where they were and when I get around – excuse me – when I get around to that side of the car, he, uh, the suspect is face down, um, parallel to the car. Um, he, he's got a Sebastopol guy on each side of him up by his head and they, my impression was they're each one working on an arm to try and get his arms behind his back. Um, it appears to me that there's some resistance there because they're not

just moving the arms of a totally unconscious person. They're, there is some sort of, a little bit of, uh, I don't know if you want to call it a struggle, but there's some sort of effort that they have to put in to, to get his arms behind his back. Um, I can remember thinking that his, that there's movement there with his legs. I see Jason coming up. I know Jason is gonna go to the Figure 4 to, uh, get his legs under control. I can remember kicking him once in like the upper thigh, um, as a distraction so that Jason can safely get down on his legs and not get kicked in the face or something. Um, Jason gets down on his, on his knees and goes into the Figure 4, um, and it, it appears to be that, that the guy is offering, at least, a little bit of resistance to that but Jason, um, gets the Figure 4 on and has his legs secured, and by that time, the Sebastopol fellows have his hands behind his back and I asked Jason, um, I'm kind of leaning over and those three guys are kind of all kneeling, um, I kind of ask, uh, I ask Jason can you cuff him and Jason says yes. Uh, so Jason proceeds to handcuff him. Um, as soon as he's handcuffed, um, he gets put up on his, on his side in kind of a recovery position. Um, I don't know if somebody else asked also, if Jason asked but I asked, is, uh, 'cause Sebastopol, Sebastopol guys were still towards his head, is he conscious? I remember being told no and I can remember asking is he breathing. Um, I remember being told yes, he's breathing. Um, and then more people start arriving. Um, I know Deputy Jax arrives. Um, he's the one I remember the most. Um, and then some little amount of time passes by, not very long, another minute maybe, and either somebody says it or I asked 'em check him again or somebody just says he's, he's not conscious or, but then somebody says he's not breathing, um, and I can remember saying start CPR. Um, and, um, they rolled him onto his back and it was Deputy Jax, as far as I can remember, who started CPR first. Um, and he, uh, continued CPR, uh, for a pretty long time. Um, he would, um, appeared to be doing it correctly to me. Um, he would, he would, uh, assess, um, check for a pulse, um, and then continue CPR. And then, um, I guess, he's a fireman, um, or an EMT, an ambulance guy, I don't know, um, never seen him before, uh, a fellow arrives. Um, I didn't see a vehicle drive up, so I think he arrived on foot. He just kind of appeared. There he was. Um, he's carrying medical-looking stuff. I know one of the things he's carrying is a AED. Yeah. Um, and he starts, uh, he, he, he's down there by the, by the suspect and by Deputy Jax and he, he kind of starts doing the EMT thing, um, like, it looks like he knows what he's doing, it looks like that's his job, um, and, uh, he's telling Jax to continue CPR. He puts in one, I don't know the name of it, um, one of those plastic airways that goes down the throat. Uh, he inserts one of those. Um, uh, I'm not a medical guy but he sure looks like he knows what he's doing. Um, he then cuts the guy's shirt and puts the, um, the two big pads, uh, from the AED on him. Um, then he, uh, he, he uses the AED. It analyzes and, um, it says out loud, um, shock not recommended, start CPR, um, so CPR was continued and that went like that for a while. Um, I don't know

how many times they stopped CPR to let the AED analyze, but at least one more time, and it said the same thing, um, shock not recommended, continue CPR, and Jax, um continued. I remember asking him once if he was tired, if he needed a relief, and he said no. Um, he continued, um, doing the CPR. Um, at one point in time, somebody arrived. It, it might have been the sergeant and said oh, un-cuff him, un-cuff him and, um, Deputy Little un-cuffed him. Um, and then, uh, a fire truck arrived, uh, it's, not a fire truck, actual, uh, like a pickup truck, utility looking but it's painted red and I actually thought it was the ambulance. Uh, two fire guys jump out but they don't have any gear, so it's not the ambulance. Uh, they look like just regular firefighter guys. Um, they come over, um, and then pretty quickly after they are over, they, they take over CPR, so now you've got the, the firefighters handling all of the, the medical efforts at that point and, uh, they don't have anything else other than what they already had there, and we're still just kind of been a holding waiting pattern for the ambulance. Um, it seemed to take a long time for the ambulance to get there. Um, ambulance arrives. Um, the, uh, ambulance folks come over and they got a lot more gear, um, and they start with their analyzer and whatever they're doing. I, I, um, about that time, I walked away, pretty, pretty quickly after they arrived and, um, medical efforts seemed to be well in hand. Um, and what was curious was when Jax up off of CPR, when he was relieved by the firemen, Jax came over, um, and said out loud, said that's the owner of the car. And I was just, I was just dumbfounded by that. How could that be? Um, he, Jax said hey, I, I went a couple of hours ago to do a check the welfare on that guy. He's the owner of the car. Um, his physical injury to his face, he had a big black eye. Um, it was, um, from being pistol whipped during the carjacking. Um so, uh, we were all kind of, yeah, dumbfounded, I guess, as, as to, as to that being the case. Um, Jax, I remember asking Jax if, if the guy had had the car back when, when Jax went to his house to check on him and he said not as far as he knew. Um, so it was just really, really, um, kind of a bizarre turn of events there. Um, and, uh, Jax also said that, um, since he had gone to check the welfare on the guy, I guess, they had talked a little bit and Jax was aware that the guy had a heart problem, that one side of his heart was enlarged and he, he wasn't a healthy man. Um, so that was, that was kind of an item of discussion for a, a minute and, and then, uh, that's pretty much the end. Um, the sarge arrived, um, assigned me a, uh, sequestering deputy." [11]

When Deputy Blount was asked to describe a "carjacking," he stated:

"Well to me it, it's a, it's a robbery of a person. I mean, um, it's essentially, um, a robbery like you'd take somebody's wallet on the street at gunpoint, or at knifepoint, or just by physical threat or fear. But it's instead they're takin' a car. Um, person doesn't have to be in the car. He just has to be

[11] Ibid., pgs. 15-25.

> in possession and control of the car. Um, but, um, it's, it's a crime of violence. It's not like somebody walkin' down the street and tryin' door handles and finding a car with the keys in it in the middle of the night and quietly drivin' away. This is, uh, a violent crime. Um, where people may get hurt or at least they're intimidated and fearful so that they give up their property, which is the car. It's a higher-level crime than a standard 10851." [12]

Deputy Blount's reason for trying to catch up to the pursuit as soon as possible and help Deputy Little was:

> "To help him. To help get a peaceful resolution. Um, and to protect him and the other deputies, um, I, I think that, um, rationale people, um, if he's faced, the suspect has a gun, and he's faced with one deputy, he might decide, uh, I'll give this a try. I'll see if I can win this gunfight. But if he's faced with three, or four, or five deputies then he, then he might, hopefully, peacefully surrender and submit to arrest. Um, I think more people, um, makes it safer. Makes it safer for us and, and I hope ultimately safer for them. I hope they can reach the right decision, the suspects that is." [13]

Deputy Blount described a "felony car stop" as:

> "Right. We use, uh, it's called a felony stop but it doesn't always mean a felony. It means someone that's dangerous. Someone that might be armed. Someone that might have a propensity for violence or, um, it's just a higher level of risk for officers. Um, so what we do is typically, um, when you're behind the car like that, if you can you wait 'til you get another couple of cars behind you and then you turn on your lights and—I mean if everything goes well, they pull over to the side and then, uh, two or three cars, hopefully three, um, get, um, parallel to each other, um, with some spacing so that the doors can open on the cars, and deputies, um, draw their weapons, typically, point them at the vehicle, um, or shining a lot of light at the vehicle working at night. Um, and then when we're, when we're set, um, we start givin' the driver commands. And, and the whole point of it is to, to get them outta the car, um, and, and back to us in, in a safe manner so that they can be, you know, safely taken into custody without any, any issues. Um, and the reason we want 'em outta the car is because, uh, just like in this case the, the car itself is, is a very very lethal weapon and also that's where people secrete high guns and other weapons. So we want them to get out of the car, um, and walk back towards us, and they don't always go, um, as the textbook. Sometimes you do it with two cars. Sometimes in the county, you know, the roads are narrow, and you can't predict where it's gonna stop and sometimes you can only get one car up there. But we still, kinda, we still, kinda, do the

[12] Ibid., pg. 28.
[13] Ibid., pg. 29.

> same procedure, um, and the whole point is just safety of everybody, um."[14]

Deputy Blount then went into detail about what occurred when he first arrived at Deputy Little's position. Deputy Blount said he "…stood by him for a really little, short amount of time." Deputy Blount could not recall if he said anything to Deputy Little but knew he did not speak to either Sebastopol police officer. Deputy Blount then expressed his concerns about what was unfolding before him:

> "We're too close. Deputy Little was too close. Um, within, within normal, a normal, you know, textbook felony stop you, you stop your patrol cars at a distance behind the suspect vehicle. Um, it gives you, it give you space to react and it gives you a little bit of cover and concealment, 'cause you're standing behind, uh, the opened doors of your car or sometimes you sit in your car and, um, kinda, point your weapon out the, the space between the door jam and the, and the car, kinda, keepin' yourself behind the pillar, the A Pillar. But, um, in this case, um, Deputy Little was just—I don't remember. I think his driver's door was closed, as far as I remember. I think. And I think he was just and as I remember it he was just standing not even completely behind the patrol car. He was, kinda, standing, um, right at, at the edge of the patrol car but not really concealing himself behind it." [15]

Deputy Blount was unaware if the suspect's vehicle was "running," however he "assumed it was, but [he didn't] know." [16]

Deputy Blount then explained what he was thinking about when he walked up on Deputy Little and the suspect was moving his hands about:

> "Well I'm thinkin' that whole action versus reaction thing. Um, we train that and, um, it's pretty well established that, that that a fellow can reach down, grab a gun, and get off a shot before an officer that's pointin' a gun at him can get off a shot or at least right about the same time. So, um, I know that even though his hands are up somewhat that he, he's still dangerous. He's still extremely dangerous. He, he's an armed carjacker. Um, he was armed when he took the vehicle. Um, I believe that there is a very very good possibility that he's got that gun on him right now. Um, and it would—by the time he reached down, grabbed it, and snapped off a shot, um, we would be a little bit behind the reactionary curve on that. Um, and it could easily kill one of us." [17]

[14] Ibid., pg. 30.
[15] Ibid., pg. 35.
[16] Ibid., pg. 36.
[17] Ibid., pg. 37.

And as to why Deputy Blount felt he needed to be assertive and advance on the suspect, he stated:

> "I guess it's, um, I guess it's my philosophy on how I stay safe. I find that swift decisive action, um, throws them off of their game plan and, um, gives me an advantage. Um, the longer you let 'em, a suspect sit and work out what he's gonna do, the longer you let him get up his courage to do it, the more dangerous it is for ya. Um, if you've got, if you've got a plan of action and act it quickly, um, put it into the situation and make yourself safe. Um, and you, and you don't wanna be, I don't wanna be in that middle ground. I don't wanna be, um, so close without good cover that the guy can shoot me at any moment. Um, if I'm that close, I'll go ahead and close the distance and be much closer. Um, 'cause I feel that makes me safe. Um, you know, the only other way to be safe to be much further away and behind cover. Like you would on a normal felony stop. But that's not the way this one ended up. So I felt a strong urgency to act quickly and decisively to keep him from acting first." [18]

When Deputy Blount moved past Deputy Little, Deputy Blount was unsure if Deputy Little was aware he was going to move forward towards the suspect. Deputy Blount just relied on the fact that they both have worked together for some time and he hoped Deputy Little would know how Deputy Blount would respond.

Once they both moved to the driver's window, Deputy Blount did not have a conversation with Deputy Little and admitted there was no "plan in place" between the two of them.

When Deputy Blount was questioned about the possibility of someone else in the back of the suspect's vehicle, he stated:

> "I, kinda, remember that the back of the car I couldn't see in clearly. Yeah other than that, um, I think maybe when we, we were, when me and Little were at the car door I might have asked, do you see movement in the back or somethin' to the effect. 'Cause I, I know the driver's door was not tinted. It was just—I don't believe it was tinted. It was just pure dirty. I know when it rolled down I could see more clearly. Um, and I could remember tryin' to look in the back a little bit, 'cause I wasn't a 100% sure somebody wasn't there. Um, it was, kinda, 'cause I remember darkly tinted, dark enough I couldn't get a clear view." [19]

For further information refer to Deputy Blount's transcribed statement.

On December 10, 2019, Sergeant Gary Lawson provided me with Deputy Blount's recent Use of Force training records. I reviewed those files as well as Deputy Blount's

[18] Ibid., pg. 37.
[19] Ibid., pg. 43.

overall training file. I've listed some pertinent training below and snippets from the lesson plans:

March, 2009 – 32 hours of Crisis Intervention training (de-escalation).
March, 2019 – 8 hours of Crisis Intervention update.

II. Introduction to CIT ..... Sgt. Buchignani, Sonoma County Sheriff
Melissa Ladrech, Behavioral Health

A. Objectives
B. Increase ability of officer to recognize an individual with mental illness
C. Increase empathy of officer for the individual with mental illness
D. Provide additional techniques for de-escalating a tense situation (e.g., non-physical interventions) and increase proficiency in non-violent crisis intervention techniques.
E. Decrease officer anxiety in dealing with the individual with mental illness
F. Increase basic knowledge and understanding of various presentation of mental illness (as well as with the Developmentally Disabled, persons with Traumatic Brain Injury, and Alzheimer's Disease or Dementia)
G. Increase understanding of how a person with mental illness will respond to different approaches
H. Increase ability to recognize "dual diagnosis" situations
I. Increase knowledge of available community resources regarding dealing with a person with mental illness
J. Class introductions

May, 2019 – 10 hours of Emergency Vehicle Operations Course (EVOC) training.[20]
May, 2019 – 4 hours of Defensive Tactics training, including the Carotid Restraint hold.[21]

II. Physical application *(In sterile seated position for instruction purposes)*

a. Pull head back
   i. Explain and show where the carotid arteries run along the neck.
   ii. Explain that the carotid works by restricting blood flow to the brain.
b. Shoot the arm through
   i. Keep the arm tight to the throat so the suspect cannot grab it.
c. Make sure the front of the suspects throat is in the crook of your elbow.
d. Use proper palm to palm grip to secure carotid.
e. Transition to locked carotid
f. Apply pressure using a "down, in, and up" method.
   i. This is more effective than just squeezing the neck, and requires less strength.
   ii. Have students try both methods and see which one they feel is better.

August, 2019 – 1 ½ hours of traffic based scenarios, including High Risk Stop training.[22]

[20] A copy of the lesson plan can be found in Exhibits.
[21] A copy of the lesson plan can be found in Exhibits.
[22] A copy of the lesson plan can be found in Exhibits.

Traffic Stop Scenario #2:

For this scenario, Deputy's will be doubled up in a patrol car and two role players will be in the suspect vehicle. While on patrol, deputies conduct a records check on a vehicle driving in front of them. The vehicle returns stolen. Prior to initiating a traffic stop, the suspect vehicle will pull over and stop prompting the two deputies to conduct a high risk stop. As the first occupant is ordered out, the role player will initially comply but will eventually flee away on foot leaving the other role player in the vehicle. If the Deputies choose to wait for additional units, one of the occupants will exit the vehicle on their own and flee prior to the units arriving on scene. After the second occupant is taken into custody, the scenario will end. **If a deputy decides to chase the first suspect on foot, the scenario will immediately end**

Teaching Points:

1. Requesting additional resources
2. Vehicle positioning
3. Suspect description / direction of travel

October, 2019 – 10 hours of Defensive Tactics training, including the Vehicle Extraction procedure.[23]

d. Two Deputy Taser Deployment Technique
    i. If door is locked and window is up, one Deputy provides lethal coverage while other breaks window. Once window is broken, a Taser deployment through the open window may be necessary to control suspect's movements. During the activation, assisting Deputy should unlock and open door.
        1. With the vehicle door open, both Deputies should be inside the opening
        2. If Suspect still refuses to exit the vehicle, a contact Tase may be necessary.
        3. While the Taser is activated, the second Deputy should attempt to control and remove Suspects hands from the steering wheel.
        4. If successful, remove Suspect from vehicle, handcuff and search.
        5. Request medical and advise supervisor of incident.

On December 12, 2019, EVOC Sergeant Piccinini provided me with the refresher training outline which was taught to deputies. Deputy Blount attended this training in 2019. That outline included a section on the Pursuit Intervention Technique and secondary unit responsibilities (the highlighted portion is original, not of my doing):

[23] A copy of the lesson plan can be found in Exhibits.

X. Pursuit/PIT Evaluation/Test (a,b,c,d,f,g)

A. Student will engage suspect vehicle in a pursuit and broadcast information.

B. Student will determine appropriate location for and effectively perform PIT

C. Secondary Units

1. Position their vehicles to prevent escape of suspect
2. Prepare to perform a high-risk stop

D. Primary Unit positions vehicle to block traffic while mindful of crossfire.



On December 11, 2019, at 0838 hours, Sergeant Sean Jones and I interviewed Deputy Dan Negri. Prior to asking Deputy Negri any questions he was ordered to answer all questions honestly. Deputy Negri has worked for the Sheriff's Office for 7 years and is currently assigned to Patrol as a K-9 handler. He has been a Use of Force and Defensive Tactics instructor for 3 years. During his interview, he responded to the following questions:

Sgt. Sean Jones: Okay. And could you go into, um, as far as the vehicle extraction technique is concerned, could you talk about what that means and when it would be appropriate to use that?

Deputy Dan Negri: Uh, yes. The vehicle extraction technique is used under a very confined set of circumstances. Uh, one thing that we don't wanna do is put officers at risk thinking that they can go hands on in a vehicle, uh, with somebody they know nothing about. So we caution them whenever they're using this technique, uh, to make sure that, kinda, all the stars align so that it's the safest approach for both them and the suspect. So there are very limited times where people would actually use that. Um, the whole idea is essentially to gain control of a driver inside of a vehicle with the assistance of another partner or two, if possible, depending on where they are and to control them to remove them from the vehicle, to cause the least amount of, um, injury to the suspect and deputies.

Sgt. Sean Jones: And this is, obviously, it's a suspect in a vehicle who's resisting to come out?

Deputy Dan Negri: Yeah. So one of the issues with vehicle extraction, uh, is the easiest method would obviously be to utilize, uh, our Taser device. However, based on the Taser policy and rules with a Taser, we're not supposed to use those or we shouldn't use those on people who are passively resistant. So a lot of times with vehicle barricades or somebody refusing to come out of a vehicle, they're passively resistant so we can't

utilize that option, so we have to go to something else which would be the vehicle extraction technique.

Sgt. Sean Jones: Okay. And, and what exactly is the vehicle extraction technique?

Deputy Dan Negri: Uh, in explanation form, essentially, you know, one deputy, uh, who pushes past the V pillar of the vehicle, uh, and turns their back to the open door and ultimately, they're in charge of watching the driver or suspect's hands, uh, and controlling their legs. At the same time, another deputy is located at the V pillar of the driver's side of the vehicle, and their main goal is to control the suspect or driver's head by, um, essentially striking or controlling the left side of their face and pushing their head away from them. The whole point of this is simple body mechanics. A lot of the times when you're trying to extract somebody from a vehicle, there's a lot of pushing and pulling, and they're able to control themselves by grabbing onto the steering wheel, bracing out their feet so the whole plan is to use both deputies to eliminate the legs so they have no way to brace themselves, control their hands so it's safer for us and then ultimately force their face away from us so we have the strongest control over them when removing them from the vehicle.

Sgt. Sean Jones: And, and that, 'cause that's taught with an open door, is it ever taught with a closed door?

Deputy Dan Negri: It is not taught with a closed door. Uh, some of the issues that come up with the vehicle extraction technique is, number one, uh, how many occupants are in the vehicle. Uh, if there's anyone other than the driver in the vehicle, we caution against it because it creates too many officer safety concerns. The other issue is is the vehicle in drive. Are the keys in the ignition? Is, uh, the driver's or suspect's seatbelt on and is, uh, the driver's door open or accessible. Um, if any of those, you know, um, are there, we, kind of, caution people against it because there's other techniques that we want them to go to before trying that.

Sgt. Sean Jones: Do you, uh, is there any circumstances where, in your training, in this vehicle extraction training, are there circumstances where you advise the deputies that it's not appropriate to attempt a vehicle extraction?

Deputy Dan Negri: Yes.

Sgt. Sean Jones: And what, and what is that?

Deputy Dan Negri: Uh, well it's for the general ones. Um, you know, any person who's believed to be armed or dangerous, um, any situation where

> we know who the suspect is and they have violent tendencies or, um, you know, essentially anything that creates that overwhelming officer safety risk, we advise against that. We much rather them go into our high-risk stop protocol, um, because that creates some time and distance for us and try to do verbal commands from a distance. Um, the other thing that we talked about too is if you do attempt a vehicle extraction depending on what the, the crime or the situation is, uh, an example would be, you know, somebody's who's 5150. Um, maybe they took some pills and now they don't wanna go with the flow but they're in a vehicle, obviously, there's certain things we wanna do to, uh, mitigate the injury to whoever that victim may be. Um, so the one thing we talk about is if you do try to do a vehicle extraction technique and they start resisting and it's not working, we want them to release that and go to different measures from safety just cause it's not working.[24]

On October 5, 2019, Deputy Negri was an instructor for that quarter's defensive tactics instruction. Deputy Negri's responsibility was to teach the deputies present baton, gun retention, and vehicle extractions. Deputy Blount was one of those deputies present.

Deputy Negri explained why vehicle extractions came about as:

> "I think the whole idea was deputies were getting involved in these situations, especially around, uh, sovereign citizens where they're refusing to come out of the car. Um, you're, kind of, waving that fine line of, you know, how far you go and what's the easiest way to take someone into custody. Uh, generally what happens and what we found is use of force instructors is in the threshold of the doorway. When this altercation happens, that's where we've been seeing a lot of videos where officers are getting injured or killed, uh, same with suspects. So what we're trying to do is control the suspect or driver, um, or even victim if it's a 5150 situation to remove them from a vehicle. Um, our main goal, what we wanna see is people using high-risk stops, utilizing K9s, utilizing the 40 millimeter less lethal options prior to doing this if they can. But on certain circumstances, our hands are tied and we have to go hands on at the, the, the front door of a vehicle." [25]

For further information refer to Deputy Negri's transcribed statement.

On December 12, 2019, Sergeant Jones reviewed Deputy Little's body worn camera (BWC) video, which was downloaded into Evidence.com. Deputy Little acitvated his BWC at approximately 0550 hours. The video ran continuously for 46:15 (mm:ss). The first 30 seconds of the video had no audio due to standard device settings. The beginning of the video showed Deputy Little driving his patrol car presumably behind Ward's vehicle, but he had not yet initiated a pursuit. Below, Sergeant Jones detailed

[24] Deputy Negri's statement, pgs. 2 and 3 of 11.
[25] Ibid., pg. 5.

significant points in the video that pertain to Deputy Blount's actions. The time format is listed as (mm:ss:ms).

12:01:10- Deputy Blount arrived on scene, approached Deputy Little, and asked "How many in the car?" Deputy Little replies "One."



12:07:04- Deputy Blount says "Let me get up there to him" and Deputy Little replies "Wait, wait, wait" while attempting to grab Deputy Blount with his left hand.



12:07:25- Deputy Blount disregards Deputy Little's requests to wait and reiterates "Let me get up there to him" while approaching the vehicle.



12:21:06- Deputy Blount attempts to open car door while giving commands not to move.



12:27:01- Deputy Blount taps on the window with the barrel of his duty pistol and orders Ward to "Unlock it." Ward lowers his left arm to the driver's side controls, then places his hands back up at Deputy Blount's request.



12:32:18- Deputy Blount again tries to open the door.



12:36:19- After realizing the door was still locked, Deputy Blount orders Ward to unlock the door again. Again, Ward lowers his hand to the controls and is apparently attempting to unlock the door. Ward then places his hand back on his head at Deputy Blount's request.



12:43:20- Deputy Blount attempts to open the door for the third time and discovers it is still locked.



12:53:26- Ward rolls the window down and states “I can’t believe this. I’m the injured party in this.”



12:56:23- Deputy Little states “Don’t move your fucking hand.” Ward responds “Why are you fucking harassing me all the time. What is it?”



13:03:04- After re-holstering his pistol and securing his flashlight, Deputy Blount pulls Ward's left arm out of the window and states "Give me your fucking hands."



13:15:13- Deputy Blount states "Come the fuck out of the car!"

13:07:00- Deputy Little states "Give me your hand" while both he and Deputy Blount attempt to pull Ward out of the window.

13:10:00- Ward says "Hey, hey, hey, hey, hey…" Deputy Blount responds "Get out of the car!"

13:11:28- Ward says "Alright, I'm getting out, I'm getting out" while being pulled further out of the window.



13:17:16- Ward is screaming painfully and says “My leg…!”



13:20:03- Deputy Blount says “His leg is under the wheel.”

13:22:15- Deputy Little says “Let go of my leg.”

13:23:11- (Unknown) yells “Let go of the wheel!”

13:26:00- Ward yells “My leg is…” while still yelling in pain.

13:30:06- Deputy Little says “He’s stuck Charlie.”

13:31:21- Deputy Blount says “He bit me!”

13:35:19- Deputy Little says “Ah motherfucker, he just bit me!”

13:38:00-13:41:19- At least five personal body strikes (knees) can be heard being delivered by Deputy Little.

13:45:23- Deputy Blount delivers a punch to the back of Ward's head while Ward says "Hey….help me."



13:49:21- Deputy Blount shoves Ward's head against the window frame.



13:52:11- Deputy Little deploys his Taser at Ward's chest while Deputy Blount shoves Ward's head against the window frame a second time. After his head hit the window frame, Ward falls back inside the vehicle. Deputy Little's Taser cycles for five seconds.



13:58:08- Deputy Blount reaches in with his right arm and wraps it around Ward's neck.



13:59:19- Deputy Little cycles his Taser one more time for five seconds while Deputy Blount attempts to pull Ward out by his head.



14:01:23- Deputy Blount appears to be transitioning to a Carotid Restraint hold however his arm placement is incorrect. Deputy Blount's forearm is across Ward's throat rather than Ward's throat appropriately being placed in the crook of Deputy Blount's elbow. Ward's breathing is labored.



14:03:25- Deputy Little yells “Stop moving your hands!” while Deputy Blount continues with the Carotid hold. Ward’s left hand can been seen grabbing the window frame and his right hand moves around.



14:13:12- Ward’s right hand is seen moving for the last time and he can be heard breathing heavily.

14:17:00- Deputy Little advises dispatch he has deployed his Taser twice.

14:27:29- Deputy Little tells the Sebastopol Police Officer’s to “Break that window.”

14:33:26- Deputy Blount releases his hold on Ward. Ward is still breathing heavily.



14:41:04- Deputy Little tells Ward to “Stop moving.”

14:49:18- Deputy Blount broadcasts via radio “We’re fighting him, trying to get him out of the car.” Ward appears to be unconscious and is still breathing.

15:04:24- Deputy Little radios dispatch and requests a medical response. Ward is heard moaning in the background.

15:21:00- Sebastopol Police Officers pull Ward out of the passenger side of the vehicle by his legs.

15:28:23- Sebastopol Police Officers begin placing Ward into a handcuffing position while Deputy Blount provides light and Deputy Little grabs Ward’s legs.



15:34:08- Deputy Little places Ward in a “figure four” leg restraint and Ward is handcuffed.



16:00:15- Deputy Blount says “He bit me.”

16:02:20- Deputy Little says “He fuckin’ bit me too.”

16:27:01- Deputy Blount asks “Is he conscious?”

16:29:02- Deputy Little rubs Ward’s back in an apparent attempt to evaluate his level of consciousness.

16:32:20- Deputy Little states “Nah, we need medical, man” while Deputy Blount broadcasts it on the radio.

16:41:26- Deputy Little and Deputy Falberg roll Ward onto his side in a recovery position.

16:45:18- Deputy Falberg administers a sternum rub on Ward with no response.

16:48:16- Deputy Blount is heard in the background saying “He’s not conscious, if there’s no pulse go to CPR.”

16:51:09- Deputy Falberg says “He’s coming around, he’s coming around.”

16:53:20- Deputy Little says “There you go, he’s breathing.”

16:54:28- Deputy Blount asks “He is? Ok good.”

17:12:01- Ward takes a deep breath in and moves his head slightly.



17:43:18- Deputy Blount tells Deputy Jax to “Keep monitoring his, his breathing and shit.”

18:10:21- Deputy Blount asks Deputy Little “Why was this stuck?” referring to the driver’s door.

18:13:09- Deputy Little responds “Cuz’ it’s unlocked, locked.”

18:14:25- Deputy Blount reaches in, unlocks the door, and opens it.

18:59:29- Deputy Jax approaches Deputies Blount and Little and advises them Ward was in fact the owner of the vehicle and was the victim of the 215 (PC).”

Deputy Little asks “Then why did he run?”

Deputy Jax responds “I don’t know why he ran….” and goes on to explain how he knows Ward is in fact the victim.

Deputy Blount responds “Oh well.”



19:29:00- (Unknown) states “He’s not breathing anymore.”

19:31:12- Deputy Blount states “Start CPR on him” and advises dispatch via radio.

19:50:12- Deputy Jax begins chest compressions.



20:04:10- Deputy Little states “There you go” referring to Ward now breathing.

20:05:14- (Unknown) says “He’s breathing.”

20:07:08- Deputy Jax says “No, that’s agonal” and continues chest compressions.

20:15:00- Deputy Little tells Deputy Blount “We should uncuff him.”
Deputy Blount asks “Huh, what?”
Deputy Little responds “Uncuff him.”
Deputy Blount responds “It doesn’t matter. You can do CPR with cuffs on.”
CPR continues and handcuffs are not removed.

20:47:01- Deputy Blount requests patrol cars be moved so the ambulance can get close to the scene.

21:00:24- Deputy Little hears that Ward is breathing and tells Deputy Jax to roll Ward onto his side.

21:12:04- Deputy Blount instructs deputies to resume CPR until the ambulance arrives.

22:23:20- A Sebastopol Police Officer is seen using a bag valve mask on Ward.



22:10:00- (Unknown) says “I don’t know if it’s going in or not” referring to air into Ward’s lungs. (Unknown) responds “I’m feeling a rise.”

23:23:06- An unknown citizen arrives on scene and begins medical aid assistance.



23:46:00 Deputy Little removes the handcuffs.

25:05:26- The unknown citizen asks "Did he go into cardiac arrest after he was tased?" Deputy Little responds "Yeah."

24:27:17- Deputy Blount asks Deputy Jax "How old is he?"
Deputy Jax says "He's in his mid 50's, 54 I think."
Deputy Blount responds "Whoa, thought he was a lot older than that."

46:11:00- Medical aid continues on Ward. Sergeant Diehm tells Deputy Little to leave the scene and turn off his BWC.

On July 29, 2020, I received SRPD Critical Incident Report 19-16259, regarding their investigation of Ward's in-custody death. In reviewing the case, I noted that the Marin County coroner had listed the cause of death as:

Cause of Death: Cardiorespiratory collapse due to blunt impact injuries, neck restraint and application of conducted energy device due to physical confrontation with law enforcement. [26]

Due to that cause being listed, I reviewed the initial carjacking case, SCSO 191124-021, to determine what type of injuries Ward received during that crime. The initial report was taken by Deputy Cayla Miale, who upon arriving to take a report from Ward noted the following injuries:

> "Upon arrival I made contact with Ward in the front of his residence. There was blood on the top of Wards head coming from what appeared to be a laceration approx. 2 inches in length located approx. 2 inches back from Wards hairline on the left side. He also had swelling from underneath his left eye, down approx. 2 inches and approx. 3 inches in width. The swelling was dark blue in color. Ward provided the following statement in essence." [27]

Deputy Miale then wrote about how Ward claimed he was injured by the suspect, who is referred to as "D;"

> "'D approached Ward and struck him on the left side of the face with a closed fist. Ward fell to the floor and 'D' struck Ward approx. 5 additional times in the face and left rib area with a closed fist and by kicking." [28]

The deputies offered to obtain medical personnel but Ward refused. Deputy Miale completed a CSI follow-up request for pictures to be taken of Ward's injuries but it appears that did not happen due to his death on the 27th.

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[26] SRPD Incident Report 19-16259, as found under tab 54.
[27] SCSO Incident Report 191124-021, as found under Attachment 1 tab, pg. 4 of 26.
[28] Ibid.

VCI Detective Nick Berg was assigned this carjacking investigation. For the reader's information, Detective Berg mistakenly referred to Ward as "Wade" throughout his report. When Detective Berg interviewed Ward on November 25, 2019, Detective Berg wrote the following about Ward's account of the assault:

> "Wade stated during the commotion, the suspect had gone outside and possibly retrieved a handgun and struck him in the face with the butt of the gun. Wade denied ever seeing a gun, but "knew" it was not just a fist that struck his face. Wade stated he then fell to the ground where both the suspect and his girlfriend repeatedly punched and kicked him while he was down. Wade complained of sore ribs on his left side and I observed swelling/purple discoloration below his left eye. I also observed what appeared to be dried blood on the left side of his face. Wade told me the suspect and his girlfriend left in his vehicle and believed the suspect had taken the keys to his vehicle that had been on a counter." [29]

(Later, Detective Berg completed a supplemental report indicating his error in the spelling of Ward's name.)

On December 7, 2019, the suspect in the carjacking was arrested and booked at the county jail.

The suspect denied assaulting Ward to the extent Ward claimed. The detectives learned from the suspect that he had contacted one of Ward's friends and it was that friend who took Ward to Santa Rosa to pick up his vehicle from where the suspect had left it. The suspect initially took Ward's vehicle as he was trying to remove his girlfriend from Ward's residence as Ward had verbally and physically assaulted her, hence why the suspect struck Ward with his fist (never with his feet or with a handgun as Ward alleged).

In reviewing SRPD Detective Anthony Turner's supplemental report to SRPD Critical Incident Report 19-16259, he noted he met with the Marin County coroner on December 3, 2019. In his report he wrote:

> "Prior to the autopsy, we discussed the circumstances of the death including officer observations, statements made by Ward's mother to the Marin County Coroner's Office and background information relating to Ward. I provided Marin County Chief Deputy Coroner Roger Fielding with a thumb drive containing all Body Worn Camera (BWC) footage related to this incident, and all SCSO and Sebastopol Dispatch radio traffic and telephone calls. I also provided him with a file containing maps of the scene, the route of the pursuit prior to Ward's death and paper copies of the SCSO CAD chronology. SRPD FET Brady provided me with a separate thumb drive containing all photographs taken by the SRPD FET's on 11/27/19 (there included scene photos and photos of Ward at the Petaluma Valley Hospital). I also provided this thumb drive to Roger Fielding.

[29] Ibid., pgs. 6 and 7.

> "I set up a laptop in the autopsy room. We watched several BWC videos related to this incident before starting the physical examination of Ward.
>
> "At the conclusion of the autopsy, Dr., Cohen stated that [redacted]
>
> "Two presumptive tests for illegal narcotics were completed [which] both indicated the presence of methamphetamine in Ward's blood.
>
> "Dr. Cohen described Ward as appearing to have been suffering from several serious medical conditions prior to his death; however, he was unable to provide me with a preliminary cause of death pending additional laboratory testing of body samples." [30]

I was a part of the internal investigation that was conducted separately from this investigation. When Deputy Little was interviewed by Internal Affairs, he believed only one of the two Taser probes connected with Ward so he never felt Ward was affected by the Taser's effect. Deputy Little is a Defensive Tactics and Taser instructor (certified).

On August 3, 2020, I sent an email to SRPD Detective Turner asking:

> When Dr. Cohen was advised about the circumstances surrounding Ward's injuries; are you aware if Dr. Cohen was told about the injuries Ward sustained from the carjacking that occurred three days prior to our contact with him on November 27, 2019?
>
> Was Dr. Cohen aware that Deputy Little (a Taser instructor), who used his Taser, believed he never established a good connection with Ward during his two applications as it was ineffective? (The bad Taser connection can be heard on Deputy Little's BWC video.)

I also left a message for Marin County Sheriff's Office (MCSO) Deputy Coroner Roger Fielding, as I intended to ask him the same questions.

Recall that Deputy Miale wrote in her report (the Carjacking) that "[The suspect] approached Ward and struck him on the left side of the face with a closed fist. Ward fell

[30] SRPD Detective Anthony Turner's supplement report to SRPD Incident Report 19-16259, as found under tab 49, pgs. 49 and 50 of 86.

to the floor and [the suspect] struck Ward approx. 5 additional times in the face and left rib area with a closed fist and by kicking."

At 1455 hours, I spoke to MCSO Deputy Coroner Fielding. He was aware of my request, as he had received the email I sent to SRPD Detective Turner. MCSO Deputy Coroner Fielding sent my concerns to Doctor Cohen. Once he receives a response, MCSO Deputy Coroner Fielding will send it to me.

On August 10, 2020, at 0530 I received a response from SRPD Detective Turner, who wrote:

> "Dr. Cohen was informed about Ward's injuries from the carjacking. He was provided with the written SCSO report regarding the carjacking, and also viewed Deputy Jax's BWC footage from his earlier contact with Ward (the injuries were visible in this footage). Details of the carjacking were discussed throughout the autopsy and I gave the MCSO Coroner's Office a full overview of that incident as they were completing their investigation.
>
> "I am still waiting to hear back from him regarding his knowledge of Deputy Little's belief that the Taser was ineffective. Below is the response I received from MCSO Chief Deputy Coroner Roger Fielding – I will update you as soon as I receive more information from their office." [31]

On August 24, 2020, I wrote MCSO Deputy Coroner Fielding asking if he had heard from Doctor Cohen.

As of September 2, 2020, I have not heard from MCSO Deputy Coroner Fielding or SRPRD Detective Turner.

Nothing further at this time.

[31] SRPD Detective Tuner's email to me dated August 5, 2020.

Administrative Review
19-AR-0007
Conclusions and Findings

The purpose of this Internal Affairs investigation was to review the circumstances and performance of the Sonoma County Sheriff's Office personnel relating to David Ward's death on November 27, 2019.

While there were no specific violations or allegations of any policy violations on the part of any Sheriff's Office personnel initially, I considered the overall performance of the Sonoma County Sheriff's Office to determine if there were any particular areas where staff did or did not perform in a reasonable manner based on the Sheriff Office policies and procedures.

The following policy, procedures, or protocols will be reviewed:

Sonoma County Sheriff's Office 'Department-Wide Policy and Procedure':

300	Use of Force
304	Taser Use
306	Firearms
329	Major Incident Notifications
338	Critical Incident Debriefing/Defusing
400	Patrol Functions
407	Hostage and Barricaded Incidents

Administrative Review
19-AR-0007

Incident

On November 27, 2019, Santa Rosa Police Department (SRPD) Detective Terry White called the Sheriff's Office Dispatch center to advise there was a GPS tracker on a stolen vehicle in the area of Frei and Guerneville Roads and it was moving. At 0541 hours, Deputy Jason Little (G48) was dispatched to the area to locate the stolen vehicle.

The vehicle, a green Honda Accord (7BDR362) was taken three days earlier during a Carjacking (215 PC) where a .38 revolver was used to assault the vehicle's owner (David Ward). Ultimately, deputies would learn it was actually Ward who was driving the vehicle, as he had apparently recovered his vehicle and never advised law enforcement.

Deputy Little arrived in the area of Bodega Highway and Ragle Road and located the moving stolen vehicle. Since Deputy Little was aware a revolver was used in the carjacking, he decided to follow the vehicle until back-up units arrived.

In the area of Bloomfield Road and Kennedy Road, Deputy Little observed (in his rear view mirror) Sebastopol police officers who had responded to assist. Based on their presence, Deputy Little decided to conduct a high risk felony stop on the stolen vehicle. The driver of the Honda (Ward) stopped momentarily but then fled with Deputy Little and the Sebastopol police officers in pursuit.

Sergeant Anthony Diehm authorized the use of a Pursuit Intervention Technique (PIT) if the conditions were appropriate.

In the area of Bloomfield Road and Mill Street, Deputy Little attempted a PIT maneuver, however it was ineffective and Ward continued to flee.

At the intersection of Sutton Street and Hillview Street, Deputy Little attempted to use a PIT maneuver to finally stop the fleeing vehicle. Due to the turn in the roadway, Deputy Little's PIT application caused both vehicles to stop however his vehicle was positioned such that his right front bumper was in contact with the Honda's left side rear quarter panel—so the vehicles were essentially perpendicular with each other.

From the opening of his driver's door, Deputy Little gave Ward commands to raise his hands. Realizing he was too close to Ward, Deputy Little moved to the rear of his patrol vehicle and took cover behind the left rear quarter panel. There he continued to give commands. Ward continually raised and lowered his hands to his lap area.

When Deputy Charles Blount arrived on scene, he asked Deputy Little a question before deciding on his own (without conferring with Deputy Little) to approach the stolen vehicle. Deputy Little tried to stop Deputy Blount but was unable to so Deputy Little followed Deputy Blount to provide cover. Deputy Blount tried to open the vehicle's door but it was locked. Ward attempted a few times to unlock the door but was unable to so

he rolled the driver's window down. Deputies Blount and Little attempted to extract Ward through the opened window by pulling on Ward's arms and body.

A struggle ensued and both deputies were bitten by Ward. The deputies used personal body weapons to gain compliance. Deputy Little also deployed his Taser but it was ineffective. Deputy Blount attempted a Carotid Restraint hold but was unable to obtain a proper placement. Ward would eventually lose consciousness during the struggle.

While unconscious, Ward was removed by the Sebastopol police officers from the passenger door. Once it was determined Ward was not breathing medical aid was rendered. Ward was later transported by ambulance to the hospital where he was pronounced deceased at 0717 hours.

In regards to the following policies, I have listed some recommended findings:

Sonoma County Sheriff's Office 'Department-Wide Policy and Procedure':

300—Use of Force

The purpose of this policy is to set up guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation; every deputy is expected to use the guidelines of this policy to make such decisions in a professional, impartial, and reasonable manner.

Penal Code 835(a) states that any peace officer that has reasonable cause to believe the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his or her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his or her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

The policy (300.3) states that:

> "Deputies shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose. The 'Reasonableness' of the force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of 'reasonableness' must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonable appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving."

Section 300.3.2 of this policy lists several factors that are used to determine the reasonableness of force that a deputy applies, of which the following are applicable:

a. The apparent immediacy and severity of the threat to deputies or others (Penal Code § 835a).

b. The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.

c. Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, and the number of deputies available vs. subjects).

d. The conduct of the involved deputy leading up to the use of deadly force (Penal Code § 835a).

e. The effects of drugs or alcohol.

f. The individual's apparent mental state or capacity (Penal Code § 835a).

g. The individual’s apparent ability to understand and comply with deputy commands (Penal Code § 835a).

h. Proximity of weapons or dangerous improvised devices.

i. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

j. The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).

k. Seriousness of the suspected offense or reason for contact with the individual.

l. Training and experience of the deputy.

m. Potential for injury to deputies, suspects, and others.

n. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.

o. The risk and reasonably foreseeable consequences of escape.

p. The apparent need for immediate control of the subject or a prompt resolution of the situation.

q. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.

r. Prior contacts with the subject or awareness of any propensity for violence.

s. Any other exigent circumstances.

It is recognized that deputies are expected to make split-second decisions and the amount of time a deputy has available to evaluate and respond to changing circumstances may impact his or her decision.

While various degrees of force exist, each deputy is expected to use only that degree of reasonable force under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy. It goes on to state that a deputy may use deadly force to protect themselves or others from what they reasonably believe would be an imminent threat of death or serious bodily injury.

Based on his actions, Deputy Blount voluntarily placed himself, Deputy Little, and others in a position of danger. Deputy Blount acted on a self-perceived level of exigency that did not appear to exist. He approached Ward despite believing he was an armed violent offender who was non-compliant.

In Deputy Little's Internal Affairs interview, he described Ward's level of compliance when asked to unlock the door:

> "I think he moved to try and do it, but he didn't do it. Um, it was like he was attempted to do things, but then he would stop. Um, it was like the vehicle was almost foreign to him. Like, he couldn't figure out how to open the door. He couldn't figure out how to unlock the door. Um, he barely figured out how to roll down the window, it looked like."

When determining whether to apply force, a deputy should take the above listed factors into consideration, as time and circumstances permit.

Instead of arriving on scene and observing, asking questions, and perhaps correcting Deputy Little's dangerous position (Deputy Blount's stated concern) with minimal cover, Deputy Blount decided to move forward which caused himself and Deputy Little to be without any cover or concealment, as Deputy Little followed Deputy Blount to provide cover.

Not only did Deputy Blount's decision to attempt a vehicle extraction on an armed suspect violate Sheriff's Office policy, Deputy Blount's decision to approach the vehicle put himself in a position where he was left with but one option which was to physically remove Ward.

Instead of utilizing his training in the Vehicle Extraction procedure, Deputy Blount resorted to personal body weapons, tugging and pulling, and ultimately an improperly applied Carotid Restraint. Procedurally, the suspect's throat should be in the crook of the deputy's elbow to prevent damage to the airway and ensure pressure on the carotid artery. Deputy Blount placed his lower forearm (as captured on Deputy Little's BWC) on Ward's throat while applying pressure. The video showed Deputy Blount, from outside of the vehicle, applying pressure not to the sides of Ward's neck, but to his throat area.

Deputy Blount stated in his Internal Affairs interview, he did not remember ever receiving training in the vehicle extraction procedure. Deputy Blount's training records indicate he was trained in this procedure on October 5, 2019 and Use of Force instructor Deputy Negri confirmed this.

Deputy Blount stated in his Internal Affairs interview, he was trained in Crisis Intervention and De-escalation techniques however he did not feel his training pertained to this incident because he had no reason to believe Ward was suffering from a mental health crisis. Deputy Little's statement to the Santa Rosa Police detectives described his opinion of Ward's behavior:

> "He just, we would give him an order. We'd yell out an order. It, it seemed like it took him a lot of time to process that. Um, I know he stated some things. I don't know exactly what he was saying, but it just seemed that it took him an overly long time to process our instructions and our orders that needed to be done now, like somebody who was either of right mind or not under the influence of something. I've been in situations where that somebody's not under the influence, you tell 'em to put their hands up and you're pointing your fire, your firearm at them, they do it immediately."

Recall, Deputy Little spent more time dealing with Ward than Deputy Blount did. It may have been unclear whether Ward was suffering from some mental health crisis, but Deputy Blount's hasty approach, without inquiring into Deputy Little's observations, did not afford him with the opportunity to properly evaluate the situation or effectively communicate with Ward.

A review of this policy did not reveal any policy violations by Deputy Little or any other Sheriff's Department personnel that went to the scene. However, based on information initially gathered during this investigation and the potential of a policy violation, a separate investigation was conducted regarding Deputy Blount's actions.

Findings: No violation noted by Deputy Little. This policy violation was addressed in another internal investigation regarding Deputy Blount's actions.

304—Taser Use

The purpose for this policy is to set up guidelines for the issuance and use of a Taser. The Taser's intended usage is to control violent or potentially violent individual while minimizing the risk of serious injury to deputies and/or suspects.

Deputy Little deployed his Taser after Deputies Blount and Little were bit by Ward. Deputy Blount was still trying to remove Ward, who was resisting, when Deputy Little immediately transitioned from using his hands to unholstering his Taser. His Taser deployment had no effect on Ward as one can hear on the BWC both 5 second cycles that are indicative of a failed contact (no circuit).

There wasn't any time for Deputy Little to provide a warning before deploying his Taser as both deputies had been bitten and Deputy Blount was still struggling with Ward. A warning also was not practical as Ward had already demonstrated his refusal to comply with lawful orders and had become physically assaultive by biting the deputies.

Based on my review of the information gathered; Deputy Little acted within policy when he deployed his Taser.

Findings: No violation noted.

306—Firearms

The purpose of this policy is to provide guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training. This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force policy. More specifically in light of this case was the subsection {306.5(a) Safe Handling, Inspection and Storage} where states: "Members shall not unreasonably display or handle any firearm."

During Deputy Blount's approach and final arrival at Ward's vehicle, Deputy Blount had his handgun pointed at Ward, which is reasonable as he believed Ward was armed. Deputy Blount's use of the handgun to knock on the window, while his finger was on the trigger, as he was attempting to gain Ward's attention was careless, and a clear violation of safety rules which jeopardized the safety of others and could have resulted in great bodily injury to them. Deputy Blount was unaware he had his finger on the trigger when doing this (his IA statement). He admitted no one has ever instructed Deputy Blount to use a firearm in this manner.

Deputy Little used his firearm in an appropriate manner to cover the suspect, whom Deputy Little believed to be the armed suspect of the carjacking.

Due to the information initially gathered during this investigation and the potential of a policy violation, a separate investigation was conducted concerning Deputy Blount's actions.

Findings: No violation noted by Deputy Little. This policy violation was addressed in another internal investigation regarding Deputy Blount's actions.

329—Major Incident Notifications

The purpose of this policy is to ensure that everyone who is required to be notified within the Department about a major incident be advised of such. In this case everyone was notified as required by this policy.

A review of this policy did not reveal any policy violations.

Findings: No violation noted.

338—Critical Incident Defusing/Debriefing

The purpose of this policy is to help members, who have been exposed to incidents that involve traumatic injury or death, a means to minimize potential health problems by discussing and receiving support due to their involvement in a critical incident—in this case an officer involved shooting.

Deputy Little did not recall being advised he could speak to a chaplain or a peer support member prior to his protocol interview. He was aware there was a debriefing and attended it.

Deputy Blount did not recall being advised he could speak to a chaplain or a peer support member prior to his protocol interview. He was aware there was a debriefing and attended it.

A review of this policy did not reveal any policy violations since Deputy Little was unsure if he was notified about the options prior to his protocol interview however, after the review, I will remind supervisors of this policy requirement.

Findings: No violation noted.

400—Patrol Function

The purpose of this policy is to define the functions of the Patrol Bureau. In regards to this matter Deputy Little responded to the report of a stolen vehicle in the Sebastopol area. Based on the information gathered, Deputy Little realized he was dealing with a subject who had no regard for the public's safety and was failing to pull his vehicle over. The deputies fulfilled the requirement to respond "…to emergency calls for assistance" and to apprehend "criminal offenders." (400.05)

A review of this policy did not reveal any policy violations.

Findings: No violation noted.

407—Hostage and Barricade Incidents

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or attest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

A barricaded situation is defined as an incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

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In regards to this case, Deputy Little was in a vehicle pursuit with Ward, whom he suspected of being wanted for an armed carjacking, a felony. Prior to arriving at the termination of the pursuit, Deputy Blount said he heard Ward was uncooperative and was reaching for his waist area. Deputy Blount stated he believed Ward was armed with a .38 caliber revolver.

Deputy Little's handling of the felony traffic stop was appropriate and only changed due to Deputy Blount's actions. Due to the information gathered during this investigation and the potential of a policy violation, a separate investigation was conducted regarding Deputy Blount.

Findings: No violation noted by Deputy Little. This policy violation was addressed in another internal investigation regarding Deputy Blount's actions.