Sonoma County Sheriff's Office
Administrative Review
20-AR-0006

Internal Investigation Summary

INCIDENT TYPE:	DATE OF INCIDENT:	DATE REPORTED:	FILE NUMBER:
In-Custody Death of Donald Miller	08-15-2020	08-15-2020	20-AR-0006

EMPLOYEE:	DIVISION OR ASSIGNMENT:	WORK LOCATION:
Sheriff's Office	Law Enforcement - Patrol	River Substation

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

SUMMARY OF INCIDENT:

On 8/15/2020, Sonoma County Sheriff Deputies Bryan Jensen and Michael Matelli were dispatched to the area of River Road, just east of the Hacienda Bridge, to investigate a report of a possible domestic violence incident occurring inside a vehicle. The vehicle was described as a gray, Dodge 3500 pick-up truck, occupied by a male and a female. Another reporting party called 9-1-1 to report hearing a female screaming for help.

Deputy Jensen was the first patrol unit to arrive on scene and was flagged down by several citizens fronting the business at 15650 River Road.

Deputy Jensen made contact with the suspect, identified as Donald Miller, and his wife, identified as [redacted] as they exited the business/residence located at 15650 River Rd. As the couple emerged, Donald had [redacted] in a "bear hug" and [redacted] was yelling for help and requested to get "him" off of her.

Deputy Jensen attempted to separate Donald from his wife, by grabbing Donald's arms; however Donald resisted.

Deputy M. Matelli arrived as Deputy Jensen was trying to detain Donald. Donald continued to resist both deputies as they attempted to separate him from [redacted]. A "Code 20" for emergency police response was announced over the radio as they fought with Donald. During the altercation, Deputy Matelli deployed his electronic control device, commonly referred to as a Taser.

Moments after Donald was handcuffed, the deputies noticed Donald became unresponsive. The deputies requested emergency medical assistance via the radio and they performed CPR on

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Donald. The Deputies continued to perform CPR until medics arrived and took over life-saving measures.

Donald did not respond to life-saving measures and he was pronounced deceased at the scene.

Due to the in-custody death, the Critical Incident Protocol was invoked. Violent Crimes Detectives from the Santa Rosa Police Department assumed jurisdiction over the criminal investigation and the Marin County Sheriff-Coroner assumed jurisdiction over the death investigation.

The Sheriff's Office Internal Affairs Unit was tasked with conducting an Administrative Review due to the suspect being in-custody of the Sheriff's Office at the time of his death.

DIVISION ASSIGNED:	DATE ASSIGNED:	DATE COMPLETED:
Internal Affairs Unit	03-01-2021	1/27/2022
INVESTIGATOR:	SUPERVISOR (S) REVIEW:	
Sergeant Brent Kidder	Lieutenant Brandon Cutting	

VIOLATION (S):	REVIEWER'S FINDING:	REVIEWER'S FINDING:	REVIEWER'S FINDING:
None Determined			
	SIGNED and DATED: Captain Darin Dougherty	SIGNED and DATED: Captain Shawn Murphy	SIGNED and DATED: Assistant Sheriff James Naugle

DISPOSITION:	
SIGNATURE: SHERIFF MARK ESSICK	DATE:

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Background Summary

On 08/12/2020, Donald Miller, his wife [redacted] and [redacted] mother, identified as [redacted], arrived at the Duncan Mills Camping Club for a planned camping trip. Donald was reportedly excited about the trip, however his wife [redacted] noticed some abnormal behavior in Donald days leading up to and during their first couple of days at the campground.

[redacted] described Donald's behavior as absentminded. She provided the following example: In the days leading up to the camping trip, Donald asked [redacted] if she needed him to do anything for her. She asked him to complete a simple task, like grab her cup. Donald would walk off as if he were going to get her a cup. Moments later, he would return to [redacted], without a cup, and again ask her if she needed anything.

[redacted] attributed Donald's behavior to the fact he had recently had a change in his prescription medications, which were related to his mental health. [redacted] indicated Donald had his prescriptions changed multiple times prior. She described there was a process of weaning him off the old medications and weaning him onto the newly prescribed medications that accompanied these changes.

On 08/14/2020, Donald worked on their new trailer for the entire day. When it was time for bed, he was exhausted. When [redacted] walked into the bedroom, Donald seemed confused. She helped him put on his CPAP mask and they went to bed.

Multiple times throughout the night, Donald suddenly woke up, ripped his CPAP mask off of his face and rushed into the bathroom. After five minutes or so of being in the bathroom, [redacted] would check on Donald and find him standing there, in a "lost, dazed and confused" state of mind. She told him to go back to bed and she had to remind him each time to put his CPAP mask back on.

On 08/15/2020, when [redacted] woke up, she spoke with [redacted] and apologized for the rough night. [redacted] told [redacted] she believed something was wrong with Donald. [redacted] agreed and thought she should take Donald to the hospital. [redacted] and Donald agreed they would drive home to drop off their dogs, and then take Donald to the hospital. When the plan was determined, Donald went to get dressed; however [redacted] observed he was having difficulty with the simple task of figuring out his clothing.

Once Donald was finally dressed, they left the campground. [redacted] was driving and Donald was in the front passenger seat of their pickup truck. Between 0630 and 0700 hours, [redacted] pulled into the Safeway parking lot in Guerneville to send a text message to a friend, identified as [redacted], to tell him something was wrong with Donald and she was going to need help the following day. Once [redacted] sent the text message to [redacted], she continued driving.

As (b) (8) and Donald drove east on River Road, approximately ½ mile past Dada's Hardware store, Donald turned the radio volume up very loud. He then began talking about God and started putting hand sanitizer all over himself. This behavior continued until he began trying to apply hand sanitizer all over [redacted] as she was driving.

[redacted] pulled over on the side of the road. Once she stopped, Donald got out of the vehicle and indicated he was going to take the dogs out of the truck. While he was out of the truck, [redacted] tried to lock him out, however she was unsuccessful and Donald was able to re-enter the truck.

When Donald got back into the truck, he directed her to drive back to the Duncan's Mills campground. [redacted] made a U-turn on River Road and began driving west, back toward the campground. Donald still had the volume of the radio turned way up. The radio displayed the words "Crazy Talk", which was the title of the song playing. Donald started arguing with the radio, because he believed the radio was calling him crazy.

As [redacted] approached the hardware store, she decided to stop and try to get help. Donald immediately objected to stopping at the hardware store. He started saying something to the effect of "No, we are not parking here…this is not an alpha bravo." Donald's behavior was scaring [redacted].

[redacted] was unable to park in the hardware store's parking lot, so she pulled over on the side of the road. Once she was stopped, she got out of the vehicle and tried to run away from Donald. Donald caught up to her, grabbed her phone and pulled her into a closed, but unlocked business. [redacted] yelled for help as she was being pulled into the business.

Once inside, Donald and [redacted] were met by the resident who was staying in the back of the business. The resident told them to leave and called 9-1-1. Donald grabbed [redacted] and opened the door. They were met by Deputy Jensen, as Deputy M. Matelli arrived on scene.

When Deputy Jensen attempted to detain Donald, Donald did not comply with his verbal commands and began physically resisting. As a result of Donald's resistance, Deputy Jensen and Deputy Matelli attempted to physically restrain Donald by grabbing his arms, taking him to the ground and deploying Deputy Matelli's Taser. Moments after Donald was detained in handcuffs, Deputy Jensen observed Donald had become unconscious.

Deputy Jensen immediately confirmed emergency medical services had been dispatched and Deputy Matelli began chest compressions as soon as they determined Donald did not have a pulse. Deputy Matelli continued chest compressions until paramedics arrived on scene. Donald did not respond to life-saving measures and he was pronounced dead at the scene.

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Involved Parties - Subject

Donald Timothy Miller



DOB: [redacted]
Race: White
Sex: Male
Address: [redacted]
SSN#:
CDL#:

Medical History:

[redacted]

Prescribed Medications:

[redacted]

Autopsy Findings:

[redacted]

[redacted]

This death was mannered as a "Homicide" by the Marin County Sheriff-Coroner's Office.

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Involved Parties – Witnesses

[redacted]
DOB:
Address:
Phone #:

[redacted]
DOB:
Address:
Phone #:

[redacted]
DOB:
Address:
Phone #:

[redacted]
DOB:
Address:
Phone #:

[redacted]
DOB:
Address:
Phone #:

[redacted]
DOB:
Address:
Phone #:

[redacted]
DOB:
Address:
Phone #:

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[redacted]
DOB:
Address:
Phone #:

[redacted]
DOB:
Address:
Phone #:

[redacted]
DOB:
Address:
Phone #:

[redacted]
DOB:
Address:
Phone #:

[redacted]
DOB:
Address:
Phone #:

[redacted]
DOB:
Address:
Phone #: Unknown (Called from MADF at time of interview)

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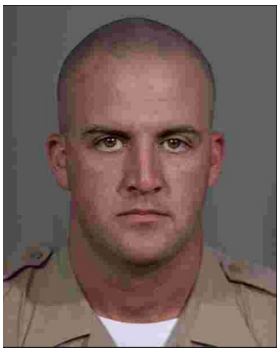
Involved Parties - Deputies

Deputy Bryan Jensen



Sonoma County Sheriff's Office – 17 years
River Substation – Dayshift
Field Training Officer (FTO)

Deputy Michael Matelli



Sonoma County Sheriff's Office – 6 years
River Substation – Dayshift
SWAT Team Member
Firearms Instructor
Less-Lethal Instructor
Off-road Motorcycle Team
Prior Rohnert Park Department of Public Safety – 2 years

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Complaint / Authorities

The purpose of this Administrative Review investigation is to review the circumstances surrounding the performance of the Sonoma County Sheriff's Office, during this incident occurring on August 15, 2020, which related to Donald Miller's death.

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 (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 Department policies were examined:

Sonoma County Sheriff's Office – Lexipol Policies:

300 Use of Force
302 Handcuffing and Restraints
304 Taser Use
305 Officer-Involved Shootings and Deaths
324 Media Relations
329 Major Incident Notifications
338 Critical Incident Debriefing/Defusing
400 Patrol Functions
403 Crime and Disaster Scene Integrity
425 Body Worn Cameras and Audio Recorders
435 Medical Aid and Response

Sonoma County Law Enforcement Chief's Association

93-1 Law Enforcement Employee-Involved Critical Incident Protocol

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Investigation

On March 3, 2021,[1] I was assigned this investigation by Lieutenant Brandon Cutting of the Professional Standards Bureau. He requested I conduct an Administrative Review of this incident, which resulted in the death of Donald Miller while he was being taken into custody on August 15, 2020. I obtained the Santa Rosa Police Department's In Custody Death report (Case #20-9334) and the Marin County Coroner's Report (Case #CR20-230). After reviewing these reports, the Event Chronology,[2] and the associated body worn camera footage,[3] I was able to determine the following:

On 8/15/2020, at approximately 0812 hours, Sonoma County Sheriff Deputy Bryan Jensen and Deputy Michael Matelli were dispatched to the area of River Road, east of the Hacienda Bridge, to investigate a report of a possible domestic violence incident occurring inside a vehicle. The vehicle was described as a gray, Dodge 3500 pick-up truck, occupied by a male and a female.

At approximately 0819 hours, Deputy Jensen advised he was being flagged down at 15650 River Road. Deputy Jensen was the first deputy on scene.

At approximately 0820 hours, Deputy Jensen advised over the radio he could hear a female screaming from the locked business at 15650 River Road.

Deputy Jensen made contact with the suspect, Donald Miller, and Donald's wife, [redacted] Miller, as they exited the business/residence located at 15650 River Rd. As the couple emerged, Donald had [redacted] in a "bear hug," [redacted] was yelling for help and requested to get "him" off of her. Deputy Jensen attempted to separate the two, but a Donald resisted.

Deputy Matelli arrived as Deputy Jensen attempted to physically restrain Donald by grabbing his arms. Deputy Matelli also attempted to control one of Donald's arms, however Donald continued to resist the deputies as they both attempted to secure him in handcuffs.

At approximately 0821 hours, Deputy Jensen took Donald to the ground. Deputy Matelli utilized his electronic control device (Taser) for the first time as Donald separated from Deputy Jensen and began to stand up. Deputy Matelli's use of the Taser caused Donald to go down to his hands and knees. Deputy Matelli stated he was going to apply a second Taser application to Donald. As Deputy Matelli applied the second cycle, Deputy Jensen requested a "Code 20" over the radio. While the second Taser deployment was cycling, Deputy Matelli notified Sheriff's Dispatch that his Taser had been deployed. Lieutenant Lucas advised he was aware of the call.

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[1] An underlined date indicated it is part of my investigation – Sergeant Brent Kidder, Internal Affairs

[2] A digital copy of the Event Chronology can be found in Exhibits.

[3] Links to Deputy Jensen and Deputy Matelli's BWC footage can be found in Exhibits.

Deputy Matelli's second application of the Taser brought Donald to his stomach. At the conclusion of the Taser cycle, Donald rolled lengthwise. This rolling movement allowed him to end up in a prone position with both of his arms tucked under his torso, making it so his hands were not visible to the deputies.

A third cycle of Deputy Matelli's Taser can be heard cycling, as Deputy Matelli and Deputy Jensen gave Donald commands to put his hands behind his back. When the third Taser cycle was completed, Donald still had both of his hands under his torso. While still giving Donald commands, Deputy Matelli grabbed Donald's right arm and attempted to pull it out from under him. Deputy Matelli told Donald twice that he [Donald] was going to get it [Taser] again. Donald did not comply and started to lift his body off the ground to get onto his hands and knees.

Deputy Matelli placed his Taser directly on Donald's lower back (a technique known as a drive-stun) and applied the fourth Taser application. This application caused Donald to return to a prone position, however his torso was propped up off the ground as he was resting on his forearms. Donald continued to resist when ordered to place his hands behind his back. Deputy Matelli told Deputy Jensen he was going to apply a fifth cycle from his Taser and he warned Donald that he was going to be Tased again. Donald replied "that's alright."

Deputy Matelli applied the fifth Taser cycle from a distance, meaning he did not utilize the drive-stun technique as he did during the fourth application. Deputy Matelli again gave commands during this fifth application of the Taser, however Donald did not comply and verbally responded by yelling "No." As a result of the fifth Taser application, Deputy Jensen was able to place a handcuff on Donald's left wrist. As Deputy Jensen was attempting to bring Donald's left arm behind his back, Deputy Matelli applied a sixth Taser cycle. During this application, Deputy Matelli incorporated the drive-stun technique into the five-second cycle.

At approximately 0822 hours, at the end of sixth Taser cycle, Donald was still in a prone position and his right hand was still under his torso. Deputy Jensen told Deputy Matelli "stop, no more deployments", to which Deputy Matelli responded, "I know, I know." Deputy Matelli grabbed onto Donald's right wrist and pulled Donald's right arm behind his back, in order to secure it in the handcuffs. Deputy Jensen was able to pull Donald's left wrist, still in a handcuff, to Donald's lower back; however he was not able to get the other handcuff to reach Donald's right wrist. Deputy Matelli used a second set of handcuffs to secure Donald. As the deputies were handcuffing Donald, a witness told Donald to relax and that Donald's fighting was just making it worse. Donald stated he did not care.

Once Donald was handcuffed, he remained in a prone position. Deputy Jensen maintained control of Donald by placing his right knee on Donald's left hamstring and his right knee across Donald's lower back. Donald continued to struggle and again told a bystander he did not care, when the bystander told him the more he fought, the worse it got. Due to Donald's continued resistance, Deputy Jensen told Deputy Matelli to "Figure Four" him, meaning place Donald's legs into a Figure Four control hold. Deputy Matelli attempted to cross Donald's legs, to start the Figure Four, however Donald kicked out of it. Deputy Matelli ultimately placed his knees on the back of Donald's calves, pinning them to the ground, in order to control him.

At approximately 0823 hours, Donald yelled "No". Approximately fifteen seconds after, Donald's fingers can be seen moving in Deputy Matelli's BWC footage (03:37). Approximately 28 seconds after Donald's fingers are seen moving, Deputy Jensen realized Donald was unresponsive.

At approximately 0824 hours, Deputy Jensen confirmed with Sheriff's Dispatch that EMS was responding to the scene "Code 3." Approximately 13 seconds later, Deputy Jensen advised they were starting CPR.

Deputy Matelli subsequently performed chest compressions on Donald for approximately three minutes and twenty one seconds, until emergency medical services arrived on scene.

At approximately 0827 hours, EMS personnel arrived on scene and took over life-saving measures.

At approximately 0832 hours, Deputy Jensen advised Sheriff's Dispatch CPR was still being performed.

At approximately 0833 hours, Deputy Jensen advised Sheriff's Dispatch the west bound lane of River Road was being closed for the crime scene.

At approximately 0835 hours, Deputy Geddes advised Sheriff's Dispatch a crime scene log was being started.

At approximately 0838 hours, Sergeant Burris advised Sheriff's Dispatch CPR was still being performed.

At approximately 0842 hours, Sergeant Burris advised Sheriff's Dispatch an ambulance had arrived on scene.

At approximately 0900 hours, Lieutenant Lucas advised the Critical Incident Protocol was being invoked and Captain Murphy was notified of the incident.

At approximately 0902 hours, Sergeant Burris advised Sheriff's Dispatch Donald had been pronounced deceased.

At approximately 1312 hours, the Marin County Coroner's Office was requested to the scene and ultimately assumed jurisdiction of the death investigation, pursuant to the Critical Incident Protocol.

On 08/19/2020, Forensic Pathologist Dr. Joseph Cohen performed a postmortem examination on Donald's body.

On 2/12/2021, Dr. Cohen determined the cause of death to be: "Cardiopulmonary Arrest, Noncompliance during physical confrontation with Police Officers and Schizoaffective Disorder with agitation and threatening behavior." Other significant conditions contributing to death were listed as: "obesity, marked cardiac dilation, severe obstructive sleep apnea, marked steatosis of liver and prerenal azotemia consistent with dehydration." The manner of death was listed as: "Homicide".[4]

On 10/19/2020, I reviewed a supplemental report[5] submitted by Santa Rosa Police Detective James Page. Detective Page downloaded the event logs for both Deputy Matelli's and Deputy Jensen's Tasers, which were booked into evidence as a part of the investigation. In his report, Detective Page outlined he was a certified Taser instructor and at the time of the incident was most recently recertified in August 2019. He confirmed Taser X2, bearing serial #: X30001A42, was functioning properly by conducting a "spark test." He then downloaded the Taser's event log for 8/15/2020 which determined the following:

Time	Action	Duration of Cycle
08:19:28	Deployed - Cartridge Bay #1	5 seconds
08:19:33	Deployed - Cartridge Bay #2	5 seconds
08:19:39	Deployed - Cartridge Bay #2	6 seconds
08:19:56	Deployed - Cartridge Bay #2	9 seconds
08:20:20	Deployed – Cartridge Bay #2	5 seconds
08:20:27	Rendered Safe	
08:20:28	Armed – Deployed Cartridge Bay #1	5 seconds

[4] A digital copy of the Marin Co. Coroner's Amended Death Certificate Form can be found in Exhibits.
[5] A digital copy of this supplemental report can be found in Exhibits.

Detective Page also confirmed Taser X2 bearing serial #: X30002036, was functioning properly by conducting a "spark test." When he downloaded this Taser's event log, he determined this Taser was never armed or discharged on 8/15/2020.

I later confirmed Deputy Matelli was carrying the Taser X2 with serial #: X30001A42 and Deputy Jensen was carrying the Taser X2 bearing serial #: X30002036 at the time of the incident.

On 10/20/2021, I reviewed audio tape for [redacted] interview.[6] The interview was conducted by Santa Rosa Police Detectives Andrews and Vickers and took place on August 15, 2020 at the Sheriff's Main Office. Below is a summary of that interview, which I have reorganized for clarity.

[redacted] had known Donald since the fifth grade, they had been a couple for the past eleven years and were married in 2017. She told the investigators that Donald was diagnosed with "Bipolar with Schizoaffective Disorder." She described this as, Donald would experience extreme highs and extreme lows, and the schizoaffective part of his disorder would lead to conspiracy theories. Donald had been using prescribed medications, including pain medications, antidepressants, mood stabilizers, antipsychotics and muscle relaxers for the entirety of his and [redacted] relationship.

For the three or four years prior to this incident, Donald's medications were changed periodically. The change in his medications usually stemmed from his doctor(s) attempting to properly diagnose the origin of his involuntary movements and other neurological issues he experienced. The most recent change in his medications occurred on 8/6/2020, when Dr. Tobon at the Mather VA Medical Center changed two of Donald's medications because Donald reported hearing "radio sounds" and "music" when none were present. Donald began weaning off his previously prescribed medications and onto his newly prescribed medications on that date. Donald had also been attending cognitive behavioral therapy for approximately four or five weeks prior to his death. This therapy was intended to help him cope with his different triggers and to help manage his "ticks" and other involuntary movements.

On 8/7/2020, Donald and [redacted] went to Vallejo to stay with her mother, [redacted], so they could unpack an old motorhome and repack their new trailer for a scheduled camping trip to the Duncan's Mills Camping Club. Donald and [redacted] stayed with [redacted] for a total of five days, until 8/11/2020. During their stay at [redacted] residence, [redacted] described Donald as being "a

[6] A link to [redacted] Interview can be found in Exhibits.

little off." When asked to elaborate, [redacted] described Donald as being more absentminded than normal and he was easily distracted.

On 8/12/2020, Donald, [redacted], and [redacted] arrived at Duncan's Mills Camping Club.

On 8/13/2020, while Donald was walking their dogs, Donald started talking about people placing "Geopods" some place. [redacted] told him he was talking crazy and she told him to stop talking like that.

On 8/14/2020, Donald and [redacted] spent all day fixing the trailer, in the heat, because they had found a couple of leaks. Donald also tried to stabilize the trailer better throughout the day. At the end of the day, [redacted] stated they were exhausted.

When Donald went to bed, he seemed confused. [redacted] had to tell him to put his CPAP mask on and helped him get into bed. Donald fell asleep, while [redacted] watched a movie. Suddenly, Donald jumped out of bed and told [redacted] he needed to go to the bathroom, but then just stood there. [redacted] had to tell him to go to the bathroom. After approximately five minutes, Donald wasn't out of the bathroom. [redacted] thought that was odd, so she checked on him. She opened the door and saw Donald seemed disoriented and was leaning against the bathroom wall. She asked him what he was doing and told him to go back to bed. She again had to tell Donald to put his CPAP mask back on and helped him get back to bed. This occurred multiple times throughout the night, which rendered [redacted] sleepless.

On 8/15/2020, at approximately 0630 hours, [redacted] spoke with [redacted] after helping Donald get out of the bathroom for the last time. [redacted] told [redacted] that Donald was not okay, to which [redacted] agreed. The two discussed Donald's behavior and decided on a course of action. [redacted] was going to take Donald and their dogs to their home in Sacramento. They would drop off the dogs with [redacted] niece, who lived with them, and then [redacted] would take Donald to the VA Hospital in Rancho Cordova to be admitted. Once he was admitted, [redacted] would return home, sleep and then return to the campground the following day in order to pack up the trailer and take it and [redacted] back to [redacted] house. When [redacted] presented their plan to Donald, he agreed. [redacted] stated she believed Donald knew something wasn't right.

When Donald went to get dressed to leave the campground, he was again disoriented. [redacted] stated he was unable to differentiate articles of clothing and she had to help him get dressed. Once dressed, Donald got into the passenger seat of their truck. Before leaving the campground, Donald drank a 5-Hour Energy drink and [redacted] sent a text message to a friend,

identified as Jeff, telling him something was wrong with Donald and asked if he would help her get the trailer the following day.

[redacted] drove out of the campground and started traveling east on River Road. She pulled over in the Safeway parking lot in Guerneville, in order to check her phone. After checking her phone, [redacted] resumed driving east on River Road.

As she was driving, Donald turned up the volume of the radio and he started talking about God. The volume of the radio was so loud, it was bothering [redacted] and their dogs. Donald told [redacted] to pull over and he began using an excessive amount of hand sanitizer on his hands and arms. He then started to douse [redacted] with hand sanitizer, as she was still driving.

This caused [redacted] to pull over on the side of the road. When she stopped, she was going to call 9-1-1 because Donald was coming "unglued" and "talking crazy." Donald grabbed [redacted] phone and the two began to struggle over it. During the struggle, [redacted] phone was momentarily lost somewhere inside the truck.

After struggling over the phone, Donald got out of their truck and said he was taking their dogs. [redacted] locked the doors to prevent him from taking their dogs out of the truck and she hoped Donald would ultimately lock himself out by closing the door. Donald did not close the door behind him and when he was not able to get the dogs out of the truck, he got back into the front passenger seat.

Once Donald was back inside the truck, he told [redacted] to turn around and to head back to the campground. [redacted] was upset and crying, but she did what he told her to do. She made a U-turn on River Road, and stopped in order to compose herself before driving. When she began driving again, Donald continued to blast the radio at a very loud volume. He continued to talk irrationally, he began yelling at the radio display when it displayed the name of the song playing and he continued to talk about God.

Because of Donald's behavior, [redacted] admitted she was scared. She planned to stop at the True Value hardware store on River Road in order to get someone to call 9-1-1. As she pulled into the parking lot, Donald told her not to park there, because it was an "alpha bravo", which [redacted] did not understand. He told her to drive around the corner, but due to their truck's dimensions, she was unable to maneuver the vehicle to where Donald was telling her to go.

[redacted] drove back onto River Road and continued to drive west on River Road toward the campground. Once she began driving, she became reluctant to take Donald back to the campground because she did not want to subject [redacted] to his behavior. [redacted] quickly pulled over, grabbed the keys and her phone, and she got out of the truck. She intended to run away from Donald, but he was able to catch up to her in the middle of River Road. He wrapped his arms around her, grabbed her phone and pushed her into an unlocked business. [redacted] yelled for help while this occurred.

When they got into the business, Donald let [redacted] sit down. Donald was talking about [redacted] phone needing to go to the light. Suddenly, a male emerged from the back of the business and told them to leave. [redacted] asked for help and told him to call 9-1-1. At the same time, Donald told him not to call 9-1-1. The male stated he was calling 9-1-1, which caused Donald to leave. Donald again wrapped his arms around [redacted] from behind and forced her out of the business. When they opened the door, they were met by two deputies. [redacted] admitted she was still in fear at that point and she recalled asking for help.

Before [redacted] explained anything to the Deputies, they tried to detain Donald, who began fighting with them. During the struggle, Donald and one of the deputies went to the ground. Donald kept resisting while the deputies were trying to place him in handcuffs. They [Deputy Matelli] pulled out their Taser and applied it to Donald. She did not know how many times they applied the Taser to Donald, but they "hit" him with it repeatedly until he was unconscious. While he was fighting with the deputies, Donald called out to [redacted] and told her to make them stop, as if the fight was her fault. Then, suddenly, Donald went quiet. She stated the deputies rolled Donald over, felt his neck and started doing CPR. [redacted] stated that when the deputies began doing CPR, she knew Donald was "gone", but no one would tell her anything.

[redacted] told the detectives she realized the deputies were doing what they were supposed to do by trying to separate Donald and [redacted]. She did not know how Donald was able to take on the deputies. She told them the look on Donald's face, the look in his eyes and the strength he was showing made her think of somebody who was "high out of their mind" on drugs, but she knew Donald was not under the influence. She stated she did not recognize the person Donald was during this incident.

On 10/25/2021, I reviewed audio from [redacted] interview.[7] The interview was conducted by Santa Rosa Police Detectives Cogbill and White and took place on August 15,

[7] A link to [redacted] interview can be found in Exhibits.

2020 at the Sheriff's Main Office. Below is a summary of that interview, which I have reorganized for clarity.

[redacted] was staying at Bonnie Sew Good upholstery shop, located at 15650 River Road. On the morning of August 15, 2020, he was woken up by a woman screaming and his dogs barking. When he got out of bed, he walked to the front of the shop and saw Donald, with his hands over [redacted] shoulders, holding on to her wrists. While they were standing there, Donald kept saying the phone needed to go into the light.

[redacted] described the way Donald was talking and acting was "pure evil". He told the detectives there was something wrong with Donald, because he had never seen anyone's pupils as big as Donald's were. He described he could only see the whites of Donald's eyes, and the darkness of his pupils; there was no color around Donald's pupils.

When [redacted] saw [redacted], she immediately asked for help and told him to call 9-1-1. At the same time, Donald told [redacted] not to call 9-1-1. [redacted] described [redacted] as appearing to be "scared to death" as she was being held by Donald. [redacted] told Donald he was going to grab the phone to call 9-1-1 and he told them they needed to get out of the business. [redacted] recalled escorting Donald and [redacted] to the front door of the business and opening the door. When he opened the door, he recalled seeing the deputies (Jensen and Matelli) outside the business. [redacted] retreated back into the business once he realized law enforcement was already on scene.

The first thing [redacted] recalled Deputy Jensen and Deputy Matelli doing was trying to separate Donald from [redacted]. When they grabbed onto Donald, Donald "flipped" and they began fighting. [redacted] repeatedly told the detectives that Donald fought the deputies pretty well and he compared Donald to "He-Man".

[redacted] recalled one of the deputies using his Taser on Donald. Moments later, after warning Donald that if he continued to resist he would be Tased again, the deputy used the Taser on Donald for the second time. When asked, [redacted] recalled the deputy only "shot" the Taser at Donald twice during the fight. He did not observe any other weapons being used on Donald. [redacted] stated the deputies were telling Donald to relax, but he did not listen.

After the second application of the Taser, [redacted] recalled Donald going limp. At first it seemed like Donald was finally complying; however it was soon determined he was unresponsive. Once the deputies realized Donald was unresponsive, they immediately started CPR.

[redacted] told the detectives that the deputies did everything they needed to do in order to protect themselves and to help Donald. He repeatedly stated all Donald needed to do was listen and comply with the deputies. Instead, [redacted] saw no compliance at all from Donald and it appeared Donald had no regard for law enforcement. [redacted] stated, "It's just that I seen two police officers really try to help somebody out that just were totally ignored. You know, totally ignored. And it's a, it's a shame. It's a, it's a damn shame." [redacted] suggested Donald may still be alive if he would have just complied with the deputies.

On 11/29/2021, I reviewed audio from [redacted]' interview.[8] The interview was conducted by Santa Rosa Police Detective M. White and took place on August 15, 2020 at [redacted] trailer, which was parked at the Duncan Mills Campground. Below is a summary of that interview, which I have reorganized for clarity.

[redacted] confirmed Donald and [redacted] arrived at her house in Vallejo on Friday, 8/7/2020. At that time, Donald told [redacted] that he was in the process of changing medications and he explained it was difficult for him to cut one of his medications in half. [redacted] did not know exactly which medications Donald was changing, but she believed they were for his mental health issues.

[redacted] stated Donald was a 100% disabled veteran of the Marines and knew some of his diagnoses included: Alopecia, mental health issues and back injuries.

[redacted] confirmed she, Donald and [redacted] arrived at the Duncan Mills campground on Wednesday, 8/12/2020.

On 8/14/2020, the night before the incident, [redacted] described Donald as "confused." She explained [redacted] told Donald to go start the grill in order to cook dinner. Donald went outside, as if to start the grill. When he returned, [redacted] asked him if he started the grill. Donald indicated he forgot and went back outside to start the grill. [redacted] stated at dinner, Donald was not able to focus. He kept staring at his food and he kept moving his water bottle. [redacted] had to tell Donald to start eating his dinner. When Donald and [redacted] went to bed, [redacted] heard Donald get up repeatedly through the night, causing her not to sleep.

In the morning, on 8/15/2020, [redacted] started talking to [redacted] about Donald's strange behavior, which neither of them had ever seen before. [redacted] thought Donald's medications were the cause of his confusion. She and [redacted] discussed what they thought would be the best thing to do for Donald. They decided the best thing to do, would be to leave [redacted] at the campground and bring Donald to the VA hospital in McClelland as soon as possible. [redacted] recalled Donald

[8] A link to [redacted] interview can be found in Exhibits.

and [redacted] left the campground on 8/15/2020, between 0740-0745 hours. She had not heard from [redacted] since she and Donald left the campground.

[redacted] repeatedly stated she never saw Donald act like the way he was and [redacted] kept telling she had never seen Donald act the way he was acting. [redacted] described Donald as kind, considerate, and was never violent.

Detective White asked [redacted] if Donald's medications were still in the trailer. [redacted] stated they were and Detective White asked if she would provide them to him, so he could give them to the Coroner. The interview ended after [redacted] provided the medications to Detective White and he was placing them in his vehicle.

On 11/29/2021, I reviewed audio from [redacted] phone interviews.[9] The interview was conducted by Santa Rosa Police Detective V. Andrews. Below is a summary of that interview, which I have reorganized for clarity.

On 8/15/2020, [redacted] was working on a property located at [redacted] in Guerneville. Between 0815-0900 hours [redacted] heard a loud noise he described as a scream. Initially, he was not able to tell if the scream was from a person or from an animal that had just been hit by a vehicle. After continuously hearing it, he could tell the scream was coming from a woman and it sounded like something was seriously wrong.

[redacted] ran to River Road and he saw Donald, with his arms around [redacted], as Donald shuffled [redacted] into the upholstery shop. [redacted] went to the upholstery shop and knocked on the door to see what was going on, but he did not get a response. While he was at the door, an employee from the hardware store flagged down Deputy Jensen. When Deputy Jensen approached, [redacted] told Deputy Jensen what he had seen. Deputy Jensen knocked on the door, but did not initially get a response. When Deputy Jensen announced "Sheriff's Department" the door opened and [redacted] could see Donald still had his arms around [redacted] He described [redacted] as hysterical and crying, and it appeared Donald was trying to get [redacted] cell phone out of her hand.

Deputy Jensen attempted to separate Donald from [redacted] as Deputy Matelli arrived on scene. Once Deputy Matelli arrived, he began to help try to separate [redacted] from Donald. Once the two were separated, both Deputy Jensen and Deputy Matelli tried to "subdue" Donald. Donald began resisting the deputies. [redacted] stated the deputies told Donald they were going to "Tase" him if he continued to resist, but that did not seem to stop Donald from resisting.

[9] A link to [redacted] interviews can be found in Exhibits.

Deputy Matelli drew his Taser and deployed it. According to [redacted], the first Taser deployment did not seem to have any effect on Donald, as he continued to resist the deputies. Deputy Matelli deployed his Taser a second time which, as [redacted] recalled, brought Donald to the ground. Once on the ground, while on his back, Donald continued to resist the deputies. In total, [redacted] believed Donald was Tased four times during the altercation.

After the Taser deployments, the Deputies were finally able to handcuff Donald, yet he continued to resist the deputies. According to [redacted], [redacted] approached the deputies and stated "he is bipolar and schizophrenic and he's been off his medication."

[redacted] stated he was within a few feet of Donald, so he tried to help the situation by telling Donald the deputies were there to help, to relax and to let them help. Donald repeatedly told [redacted] he did not care.

Approximately one minute after [redacted] tried to get Donald to calm down, he observed Donald stiffen up, convulse and then go "slack." [redacted] stated one of the deputies called for medics to respond, and then they rolled Donald over and checked for a pulse. After they checked for Donald's pulse, they immediately started CPR.

During the interview, [redacted] stated: "They did everything that they could to, to try to try to, subdue him and if anything, I thought they were a bit on the passive side."

[redacted] added the two deputies appeared to be "torn up" about the incident and that it was really draining on them. He could tell Deputy Matelli was upset because he observe Deputy Matelli punch a recycle can that was nearby. He said they were both just physically and emotionally drained.

On 11/29/2021, I reviewed BWC footage of [redacted] interview.[10] The interview was conducted by Santa Rosa Police Detective A. Turner. Below is a summary of that interview, which I have reorganized for clarity.

On 8/15/2020, [redacted] was an employee of Dada's True Value Hardware store at the time of this event. He was in the lumber yard of the store just after opening, when he heard a woman's voice yell "help, help, help, help." [redacted] responded to where he heard the calls for help. As he approached, he saw Donald pull [redacted] into the business. [redacted] stated it was obvious [redacted] was the person he heard yelling for help and he believed he had witnessed a kidnapping.

[10] A link to [redacted] interview can be found in Exhibits.

[redacted] flagged down Deputy Jensen, who was driving by on River Road. Deputy Jensen knocked on the building as Deputy Matelli arrived on scene. [redacted] recalled seeing the curtains inside the building part and then the door opened.

When the door opened, [redacted] saw Donald was holding onto [redacted] as he pushed her out of the building. [redacted] described Donald had [redacted] in a "bear hug from behind". [redacted] stated he believed [redacted] was trying to get away from Donald, but she was not able to do so.

Once they were out of the building, the deputies tried to separate Donald and [redacted]. Once the two were separated, and when one of the deputies grabbed onto Donald's wrist, according to [redacted], "all hell broke loose." Donald immediately began resisting. [redacted] stated Donald did not comply 1%, he was totally out of control, the deputies were overtaken by Donald because he was too big and he was in a "fit of rage." [redacted] described the altercation as a "very large struggle", where glasses and body cameras went flying from the deputies. He recalled Donald being Tased six or seven times, yet he still actively resisted the deputies. [redacted] recalled Donald kicking, which prompted the deputies to try and stop that behavior, and he described one of the deputies placing his knee on Donald's back in an attempt to try to control Donald. [redacted] stated Donald resisted to the end.

When Detective Turner asked [redacted] what he thought the deputies were trying do with Donald once he was separated from [redacted], he believed they were going to place him in handcuffs, set him down and investigate the dispute, which he stated seemed to him to be standard protocol.

The interview ended after [redacted] allowed Detective Turner to video record the cell phone video he took of the incident.

On 11/29/2021, I reviewed audio from [redacted] phone interview.[11] The interview was conducted by Santa Rosa Police Detective V. Andrews. Below is a summary of that interview, which I have reorganized for clarity.

On 8/15/2020, between 0815-0830 hours, [redacted] and his wife were sitting on the deck of their residence located at [redacted] in Guerneville. Suddenly, they heard a blood curdling scream and a woman's voice repeatedly yelling "help me." [redacted] described the scream sounded like a "coyote was eating a feral cat, alive."

[11] A link to [redacted] interview can be found in Exhibits.

[redacted] never saw what was going on, but started to go toward the screaming in an effort to help. When he got to the other side of his deck, he saw a Sheriff's Office vehicle and realized a deputy was better equipped to handle the situation. He and his wife returned to the deck to continue listening to the incident.

Soon after, [redacted] distinctly heard a male officer repeatedly yell: "Get on your belly and put your hands behind your back." They also heard someone say "let her go" multiple times and they heard multiple popping sounds. [redacted] was sure the popping noises were not gunfire.

[redacted] thought it was important to voluntarily pass on this information, even though he never saw anything.

On 11/29/2021, I reviewed audio from [redacted] phone interview.[12] The interview was conducted by Santa Rosa Police Detective V. Andrews. Below is a summary of that interview, which I have reorganized for clarity.

On 8/15/2020, [redacted] was in her garden, located at [redacted] in Guerneville. Suddenly, she heard a female scream approximately eight "bloody murder-like" screams, followed by four or five yells for help. The screams and cries for help were extremely alarming and sounded like the female was extremely distressed. [redacted] immediately went into her house and called 9-1-1. [redacted] did not visually witness the incident.

On 11/29/2021, I reviewed audio from [redacted] phone interview.[13] The interview was conducted by Santa Rosa Police Detective R. Cogbill. Below is a summary of that interview, which I have reorganized for clarity.

[redacted], who was an area resident, stated he was near the park and ride on River Road, picking berries, when his attention was drawn to a brownish colored pickup truck which was stopped at a stop sign nearby. He heard yelling and crying coming from inside the truck. He heard a male voice yelling bible verses and state they were going to get out of the vehicle and walk home. [redacted] saw the truck, which was being driven by the female occupant, speed away on River Road, traveling toward Guerneville. [redacted] described the truck as a two-toned, brown truck that looked like the same truck that was parked near the hardware store where the police activity was. He said the truck that was parked by the hardware store was the same truck he heard the male and female arguing in earlier in the morning. He confirmed he only witnessed yelling, and did not see anything physical occur between the male and female.

[12] A link to [redacted] interview can be found in Exhibits.
[13] A link to [redacted] interview can be found in Exhibits.

On 12/14/2021, I reviewed audio from [redacted] phone interview.[14] The interview was conducted by Santa Rosa Police Detective Vickers. Below is a summary of that interview, which I have reorganized for clarity.

[redacted] was renting a house on Riverside Drive at the time of this incident. On 8/15/2020, between approximately 0800 and 0900 hours, she heard yelling which sounded like a domestic disturbance was occurring. Initially she heard a female voice scream, which caught her attention, however she stated she heard the male voice more frequently. The sound of the female voice's scream led [redacted] to believe someone was in danger. [redacted] told Detective Vickers she could not remember what the male voice was saying, but she described the tone of his voice sounded aggressive and angry.

She went outside to see what was going on. Soon after going outside, she saw a police vehicle arrive in the area. This prompted her to return to the house. When she noticed a collection of police officers in the area, she went back outside.

[redacted] did not recall hearing the deputies give commands and she confirmed she did not actually see the incident.

On 12/14/2021, I reviewed audio from [redacted] phone interview.[15] The interview was conducted by Santa Rosa Police Detective J. Vickers. Below is a summary of that interview, which I have reorganized for clarity.

On 8/15/2020, at approximately 0700 hours, she was in the VRBO house she was renting, along with [redacted] and [redacted]. Banning stated the house she was renting was located at [redacted] Guerneville. At approximately 0700 hours, [redacted] heard a scream. Based on the tone of voice, she believed she was hearing a female screaming from the area of the hardware store on River Road. [redacted] described the scream as "fearful", so she went outside to see what was going on. When she got outside, she saw there was police activity, so she returned to the house. [redacted] confirmed she did not see any of the incident.

On 12/14/2021, I reviewed the transcript from [redacted] interview.[16] The interview was conducted by Santa Rosa Police Detective J. Vickers. Below is a summary of that interview, which I have reorganized for clarity.

[14] A link to [redacted] interview can be found in Exhibits.
[15] A link to [redacted] interview can be found in Exhibits.
[16] A digital copy of [redacted] transcribed interview can be found in Exhibits.

On 8/15/2020, between approximately 0730 and 0800 hours, [redacted] heard screaming outside the house they were renting. [redacted] stated she could not make out exactly what was being said, however she believed the incident sounded like it may have been physical.

[redacted] estimated the deputies arrived on scene within approximately five minutes and she estimated the fire truck arrived approximately ten minutes after she heard the screaming. She did go outside to see what was going on, but she confirmed she did not see the incident as it occurred; she only heard the screaming while she was inside the house.

On 12/14/2021, I reviewed audio from [redacted] phone interview.[17] The interview was conducted by Santa Rosa Police Detective R. Cogbill. Below is a summary of that interview, which I have reorganized for clarity.

[redacted] began the interview by telling Detective Cogbill she "heard more than I saw." She stated on 8/15/2020, she was woken up to a "blood curdling" scream, to which she believed someone's dog had just died or someone was struck by a car. She jumped out of bed to see what was going on, but realized she did not want to see a dead dog or a dead person, so she hesitated before looking outside. When she looked outside, she saw a Sheriff's vehicle arriving in the area.

From the porch, [redacted] stated she heard someone with an "authoritarian" voice give the commands "come out", "let go of her", "give her to us", "get on the ground" and "put your hands behind your back". Soon after, she heard a "pop, pop" sound, which she attributed to a Taser being deployed. Once she heard the popping sounds, she again heard the commands "Get on the ground" and "Stop resisting" being given.

[redacted] stated she was staying in a friend's house across River Road, next to where the "guys were building the deck" (presumably next door to [redacted], where [redacted] was working). She confirmed she did not actually see the incident take place.

On 12/14/2021, I reviewed audio from [redacted] phone interview.[18] The interview was conducted by Santa Rosa Police Detective R. Cogbill. Below is a summary of that interview, which I have reorganized for clarity.

On the morning on 8/15/2020, he heard a female yelling. He described the yell as very horrifying and it sounded like the female was in trouble. He stated he was staying

[17] A link to [redacted] interview can be found in Exhibits.
[18] A link to [redacted] interview can be found in Exhibits.

approximately one block away from where the incident occurred, and he was still able to hear the yelling. He confirmed he did not actually see anything occur.

On 12/14/2021, I reviewed Deputy Matelli's audio recorded interview.[19] The interview took place on 8/17/2020, it began at approximately 1437 hours and occurred at the Sonoma County Deputy Sheriff's Association Hall, located at 3345 Industrial Drive – Suite 12 in Santa Rosa, CA. Santa Rosa Police Detectives V. Andrews and J. Vickers conducted the interview and Deputy Matelli was accompanied by his attorney J. Murphy from Rains, Lucia and Stern (RLS). Below is a summary of that interview, which I have reorganized for clarity.

Deputy Matelli recalled being dispatched to the Hacienda area for a report of a domestic disturbance, between a male and a female, occurring inside of a pick-up truck. Deputy Matelli responded from the River Substation and left approximately ten to twenty seconds after Deputy Jensen.

Deputy Matelli heard Deputy Jensen broadcast he was being flagged down in the area of 15600 River Road. When Deputy Matelli arrived, he parked his patrol vehicle and began walking up to Deputy Jensen.

As he approached, Deputy Matelli activated his body worn camera. He recalled seeing Donald holding [redacted] from behind. [redacted] was crying and talking, but Deputy Matelli could not recall what she was saying. When Deputy Jensen placed his hands on Donald, Deputy Matelli attempted to grab Donald's right arm. He could immediately feel the tension in Donald's arm as Donald pulled away from him. At that point he knew there was going to be a "struggle."

Both Deputy Jensen and Deputy Matelli attempted to detain Donald by placing his hands behind his back. Deputy Matelli described Donald held his arms close to his body, which prevented him from being placed in handcuffs. Deputy Matelli disengaged from Donald, and provided a warning to Donald he was going to use his Taser on him.

Donald continued resisting, which resulted in Deputy Matelli deploying his Taser. Initially Deputy Matelli believed the Taser probes made good contact into Donald's back, however, the device did not have the desired "neuromuscular incapacitation" effect on Donald.

Deputy Matelli recalled Donald having a crazy look in his eye, which caused Deputy Matelli to anticipate the struggle with Donald was going to be long. Later in the interview, Deputy Matelli described the "crazy look" Donald gave him made him believe Donald wanted to hurt him. Because of the location where the fight occurred, Deputy Matelli was concerned the fight with Donald would end up on River Road. He deployed the second cartridge of his Taser into

[19] A link to Deputy Matelli's interviews can be found in Exhibits.

Donald's back. He again believed the Taser probes from the second cartridge made good contact with Donald and he recalled the effect of the second deployment was good.

Deputy Matelli remembered Deputy Jensen requesting a "Code 20", which he believed occurred after the second deployment of the Taser. Deputy Matelli described the strength Donald exhibited while the deputies were attempting to control his arms, again led him to think the fight was going to be long and drawn out. Deputy Matelli deployed his Taser a third time.

The fight with Donald continued and ended up next to a parked vehicle. Deputy Matelli observed Donald begin to "posture up", as if he was going to stand up. Deputy Matelli responded by delivering one or two knee strikes to the right side of Donald's rib cage.

Deputy Matelli told the investigators it appeared as though Donald was not feeling any pain during the struggle. Deputy Matelli again told Donald he was going to use the Taser on him. Donald responded by telling Deputy Matelli to do it. Deputy Matelli deployed his Taser a fourth time. During this deployment, Deputy Matelli inadvertently shocked himself, because during the struggle, the Taser wires became wrapped around his feet. Deputy Jensen also became entangled in Deputy Matelli's Taser wires.

After four deployments, the Taser did not seem to be working on Donald. Deputy Matelli recalled Deputy Jensen telling him to get rid of the Taser. After the last Taser deployment, Deputy Matelli stated Donald was still actively resisting.

The deputies were finally able to get Donald's hands behind his back and they ultimately used two sets of handcuffs to restrain Donald's hands and arms. After being restrained and on the ground, Donald was still yelling and resisting. Deputy Jensen told Deputy Matelli to put Donald in a Figure Four leg control hold. Deputy Matelli attempted to do so, but Donald kicked out of the hold. Deputy Matelli realized he was not going to be able to place Donald in the Figure Four, so he placed his body weight on Donald's legs in order to prevent him from kicking. Once Deputy Matelli had Donald's legs under control, he knew back-up deputies were likely extended, so he attempted to catch his breath.

Deputy Matelli recalled Deputy Jensen suddenly indicated Donald wasn't breathing. They rolled Donald into the recovery position, and Deputy Matelli checked for a carotid pulse. He was unable to find Donald's pulse, so they rolled him onto his back. Deputy Matelli began administering chest compressions on Donald. The only time Deputy Matelli would stop chest compressions, was when Deputy Jensen would check for a pulse. After checking for a pulse and finding none, he would continue chest compressions. Deputy Matelli continued chest compressions until EMS personnel arrived on scene and took over life-saving measures.

Deputy Matelli recalled establishing a crime scene with evidence tape and then waiting for other deputies to arrive.

Upon further questioning from the Detectives, Deputy Matelli could not recall the exact number of Taser deployments he instilled on Donald. He stated the Taser seemed to be the only thing that would "control" Donald during the incident. Besides the Taser deployments and the one or two knee strikes, no other force was used on Donald during the struggle.

On 12/14/2021, I reviewed Deputy Jensen's audio recorded interview.[20] The interview took place on 8/17/2020, it began at approximately 1519 hours and occurred at the Sonoma County Deputy Sheriff's Association Hall, located at 3345 Industrial Drive – Suite 12 in Santa Rosa, CA. Santa Rosa Police Detectives V. Andrews and J. Vickers conducted the interview and Deputy Jensen was accompanied by his attorney J. Murphy from Rains, Lucia and Stern (RLS). Below is a summary of that interview, which I have reorganized for clarity.

Deputy Jensen remembered the call for service was called in by Russian River Fire Department personnel, who reported seeing a male and female fighting inside of a vehicle. He responded from the River Substation and traveled east on River Road.

He was flagged down by multiple subjects, who directed him to the purple colored residence. They told him there was a lady inside who was yelling for help. Deputy Jensen updated Sheriff's Dispatch and then knocked on the door.

A male, identified as [redacted], came out of the residence first. Donald and [redacted], emerged from the building after [redacted]. At first, it appeared to Deputy Jensen that Donald was trying to help [redacted] out of the building. Deputy Jensen then observed Donald grab [redacted] tighter as they emerged from the building, he saw Donald was looking "through" him with "over-dramatic, wide eyes", [redacted] was crying and she was saying 'he is having a psychotic break'. These observations caused Deputy Jensen to believe Donald was assaulting [redacted] and he needed to intervene to protect her from Donald.

Deputy Jensen told Donald to put his hands behind his back and was met with immediate resistance. Donald pulled away from Deputy Jensen, which allowed [redacted] to escape from Donald's hold. Donald began speaking unintelligibly. Deputy Jensen attempted to get Donald's hands behind his back so he could be handcuffed, but Deputy Jensen was unable to match Donald's strength. At one point, Deputy Jensen lost his grip on Donald's wrist. He was concerned if Donald got away from him, he would hurt [redacted] or he would hurt himself by running into traffic on River Road. He believed the best way to handle Donald's resistance was

[20] A link to Deputy Jensen's interviews can be found in Exhibits.

to get Donald on the ground and get him handcuffed. Deputy Jensen was able to get Donald in a bear hug and wrestle him to the ground.

While on the ground, Donald continued to resist. Deputy Jensen stated he was not able to overcome Donald's resistance and he was concerned someone was going to get hurt. He called for a "Code 20" because he believed he needed more deputies to help get Donald into custody. Deputy Jensen told the investigators he felt like he was running out of options when it came to controlling Donald.

Deputy Jensen recalled giving Donald orders to comply, but there was no compliance. During the struggle, he recalled hearing Deputy Matelli's Taser go off, but he could not recall the exact moment when it was deployed. When describing the effect the Taser had on Donald, Deputy Jensen stated the application would "stiffen" Donald up, however once the Taser was off, Donald would continue fighting as if nothing ever happened. Deputy Jensen stated "the strength never stopped…there was no give" and "he never stopped, it's like he never stopped." Deputy Jensen described the strength Donald exhibited was "scary."

Deputy Jensen recalled there were multiple applications of the Taser, however he was not able to recall the exact number of applications. During the struggle, he realized the Taser was not effective and he told Deputy Matelli "enough" because it wasn't working as intended.

Deputy Jensen recalled he and Deputy Matelli continued to engage Donald physically. During the struggle, they got into a bad position under a parked vehicle. Deputy Jensen was able to get Donald's left wrist into a handcuff and he pulled Donald's arm behind his back. Deputy Matelli was able to get Donald's right wrist into a handcuff. They ultimately "double-cuffed" Donald's hands behind his back.

Once Donald was handcuffed, Deputy Jensen recalled Donald was talking and he was still resisting. Deputy Jensen placed his right hand and right knee on Donald's upper back. He explained he was not exerting any downward force to Donald, rather he maintained that position to keep Donald on the ground. While doing so, he told Deputy Matelli to put Donald in a "Figure Four" because Donald was still resisting.

Deputy Jensen began talking with [redacted], to tell her they were there to help. As he was talking with [redacted], Deputy Jensen felt the fight in Donald stop. He placed his hand on Donald's back and did not feel any muscle tension. He estimated approximately 30 seconds had passed between the time Donald was handcuffed and the time he realized Donald went "limp".

Deputy Matelli suggested they roll him to the recovery position. From the recovery position, when Donald remained unresponsive, they rolled Donald onto his back. Deputy Jensen recalled at approximately 0824 hours, Deputy Matelli began administering chest compressions. Deputy

Jensen recalled requesting EMS respond "Code 3" to the scene via Sheriff's Dispatch, and he remembered asking for updated estimated time of arrival for EMS, while Deputy Matelli was giving chest compressions. Deputy Matelli administered chest compressions for approximately four minutes, until EMS personnel arrived on scene.

Other than taking Donald to the ground and forcibly placing Donald's arm behind his back, Deputy Jensen did not use any other means of force on Donald. He stated he never intended to hurt Donald, rather he was afraid Donald was going to hurt himself or someone else if he wasn't controlled.

On 1/4/2022, I reviewed the Officer-Involved Fatal Incident Report[21] regarding this incident, submitted by the Sonoma County District Attorney's Office. The purpose of the District Attorney's investigation and review of this critical incident was to determine criminal liability, if any, on the part of any involved party, including law enforcement employee(s).

The conclusion of the report, which Sonoma County District Attorney Jill Ravitch signed, read:

> *"Although the deputies were attempting to detain Donald Miller at the time of his death, neither lethal force, nor unreasonable force was used to effectuate his detention and arrest. At no time did either deputy draw his firearm. Lethal force is that which creates a substantial risk of death or great bodily injury. In this case, the force used by the deputies was reasonable, lawful and necessary in order to effectuate a lawful arrest. Mr. Miller's non-compliance furthered the need for the deputies to engage physically in order to gain his compliance. The lawful force used by the deputies in their attempts to gain control of Mr. Miler along with Mr. Miller's non compliances and overall physical condition contributed to the death of Mr. Miller.*
>
> *Based on the law and circumstances discussed above, Deputies Bryan Jensen and Mike Matelli were legally justified in detaining and arresting Donald Miller. The force used to detain and arrest Mr. Miller was necessary, as he was extremely uncooperative and difficult to control."*

On 1/5/2022, I requested the Sonoma County Sheriff's Office Public Information Officer Sergeant J. Valencia provide a copy of the press release related to this incident. He provided me with the hyperlink to the press release, which was disseminated via Nixle.[22]

[21] A digital copy of this report can be found in Exhibits.
[22] A digital copy of the Nixle press release can be found in Exhibits.

I opened the hyperlink and read the press release. I observed the press release was drafted on August 15, 2020, at approximately 1341 hours, by Sgt. Valencia. The title of the press release read: "Man dies in custody after a physical altercation with deputies." The body of the press release included a synopsis of the circumstances of the incident, including the time and location where the incident took place. It also outlined the Sonoma County Sheriff's Office invoked the "County's critical incident protocol" and it notified readers the Santa Rosa Police Department was investigating the incident and the Marin County Coroner's Office was conducting the death investigation. The press release provided contact information for the Santa Rosa Police Department, it referenced the Sheriff's Office case number and it advised the reader the Sheriff's Office would be conducting an administrative review of the incident, to determine if the deputies followed policies.

On 1/11/2022, I asked Lt. Cash, who was in charge of the department's Peer Support Team, if a Critical Incident Debriefing for this incident was offered to the involved personnel. He told me a debriefing was offered, however the service was declined by the involved personnel and no debriefing was ever held.

I later sent an email to Deputy Jensen and Deputy Matelli, asking them the following questions:

1) After the incident, do you recall being notified you could speak to someone from the peer support program or a chaplain prior to your interview?
2) Do you recall being offered the option of attending a Critical Incident Debriefing regarding this incident?
3) If so, did you attend?

On 1/14/2022, I received an email response from Deputy Matelli.[23] In his email, Deputy Matelli told me he could not recall if he was offered peer support prior to his interview and he could not recall if he was offered a chance to attend a debrief. He told me the fires in Guerneville started the day after the incident, which may have been the reason why a debriefing did not occur.

On 1/20/2022, I received an email response from Deputy Jensen.[24] In his email, Deputy Jensen told me he believed Deputy Jaap, a member of the Peer Support Team who worked at the River Substation at the time of this incident, reached out to both Deputy Jensen and Deputy Matelli, but he did not recall the specifics. Deputy Jensen was not able to recall anything about a

[23] A digital copy of Deputy Matelli's email response can be found in Exhibits.
[24] A digital copy of Deputy Jensen's email response can be found in Exhibits.

debriefing. He remembered the West County Fires started within the next couple of days after the incident, and he did not recall any debriefing being organized.

End of investigation narrative.

Sonoma County Sheriff's Office
Administrative Review
20-AR-0006

Conclusion and Findings

The purpose of this Administrative Review was to review the circumstances and performance of the Sonoma County Sheriff's Office personnel involved in the incident with Donald Miller on August 15, 2020.

While there were no specific violations or allegations of any policy violations on the part of any Sheriff's Office personnel, 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.

It is apparent, after reviewing this case, that Donald Miller's death was not due to any fault of the personnel at the Sheriff's Office; nevertheless, the following policies/procedures were examined:

The following policy, procedures, or protocols were reviewed:

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

300	Use of Force
302	Handcuffing and Restraints
304	Taser Use
305	Officer-Involved Shootings and Deaths
324	Media Relations
329	Major Incident Notifications
338	Critical Incident Debriefing/Defusing
400	Patrol Functions
403	Crime and Disaster Scene Integrity
425	Body Worn Cameras and Audio Recorders
435	Medical Aid and Response

Sonoma County Law Enforcement Chief's Association

93-1	Law Enforcement Employee- Involved Critical Incident Protocol

Based on my review of the information available, I believe all of the Sonoma County Sheriff's Office employees performed their responsibilities within policy. Below are listed the policies reviewed and the findings.

Sonoma County Sheriff's Office
Administrative Review
20-AR-0006

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

300 – Use of Force

The purpose of this policy is to provide guidelines on the reasonable use of force during law enforcement contacts. The policy stated: "While there is no way to specify the exact amount of type of reasonable force to be applied in any situation, every deputy of the Sonoma County Sheriff's Office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner." (Policy Section 300.1)

The Policy also reads, in part: "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 (Penal Code § 835a)." (Policy Section 300.3)

My investigation and review of this policy determined Deputies Jensen and Matelli used reasonable and necessary force while attempting to place Donald in handcuffs. The Sonoma County District Attorney's Officer-Involved Fatal Incident Report corroborated my determination.

FINDINGS: No Violation found.

302—Handcuffing and Restraints

The purpose of this policy is to provide guidelines for the use of handcuffs and other restraints during detentions and arrests. The policy stated; "In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists. In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs." (Policy Section 302.4)

My investigation and review of this policy determined Deputies Jensen and Matelli were eventually able to place Donald in two sets of handcuffs, with his hands behind his back. It does not appear either deputy double locked the handcuffs; however, the scene was still dynamic, Donald was in a prone position where the likelihood of the handcuffs inadvertently tightening was low and approximately only one and a half minutes had elapsed from the time Donald was secured in handcuffs to the time it was determined Donald was experiencing a medical emergency and rolled over. After analyzing the totality of circumstances and the

involved timeframe, it was not unreasonable for the deputies to have not yet double-locked the handcuffs.

FINDINGS: No violation found.

304 – Taser Use

The purpose of this policy is to provide guidelines for the issuance and use of TASER devices. The policy stated: "The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury." (Police Section 304.2)

After my review of this incident and the application of the Taser, I determined Deputy Matelli was in fact attempting to control a potentially violent individual who was physically resisting the deputies. Deputy Matelli provided verbal warnings before deploying his Taser, which according to the policy, "should" precede the application. Deputy Matelli deployed the Taser, targeting Donald's back. In doing so, he avoided Donald's head, neck, chest and groin, all of which are areas which "should" not be targeted, according to the policy.

During this incident Deputy Matelli deployed his Taser six times. The Taser Use policy stated: "Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the deputy reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications." (Policy Section 304.5).

From the very beginning of this incident, when Deputy Jensen first made contact with Donald, both Deputy Jensen and Deputy Matelli provided Donald with ample verbal commands to stop resisting, and gave him reasonable opportunity to comply with their commands.

After the first deployment of his Taser, Deputy Matelli stated in his interview he did not initially observe the desired "neuromuscular incapacitation" effect of his first deployment of the Taser on Donald.

After the second deployment with the Taser, Donald rolled and immediately began to try to get up.

After the third deployment, there was approximately 11 seconds where Deputy Matelli told Donald to put his hands behind his back and warned Donald he was going to be Tased again.

Between the fourth and fifth deployments, the deputies gave three more commands to Donald, to place his hands behind his back and Deputy Matelli provided another warning to Donald that he would be Tased.

During the fifth deployment, while Donald was momentarily incapacitated, Deputy Jensen was able to secure Donald's left wrist in a handcuff.

After the fifth deployment, Deputy Matelli gave Donald yet another command to put his hands behind his back. Donald responded by telling him "no." Deputy Matelli waited approximately 4 seconds before deploying the Taser a sixth time.

Donald was still actively resisting after the sixth deployment, to the extent it took the deputies approximately 60 seconds after that last Taser deployment to completely secure Donald in handcuffs. During that 60 seconds, Donald told deputies "No" and "It's not okay" and he told on-lookers he would not let go, he would not relax and he did not care.

Both Deputy Jensen and Deputy Matelli stated in their respective interviews that Donald exhibited overwhelming strength, to the point they were not able to control him. They both also indicated that controlling Donald was important because they were concerned if he got away, he could hurt other people, or he could possibly hurt himself by running into the roadway of River Road.

After reviewing the associated BWC footage, I observed the multiple Taser applications, which only appeared to have minimal effect on Donald, were the only reason Deputy Jensen and Deputy Matelli were able to control Donald and eventually place him in handcuffs. The multiple applications of the Taser, during this particular incident, were reasonable and necessary in order to control Donald and the need to control Donald outweighed the potential risk of multiple deployments.

FINDINGS: No violation found.

305 – Officer-Involved Shootings and Deaths

The purpose of this policy is to ensure that the Sheriff's Office follows the procedures and guidelines set forth in the *Sonoma County Chief's Association Policy 93-1: Employee Involved Critical Incident Protocol*, which was last updated October 3, 2019.

On 8/15/2020, at approximately 0900 hours, Lt. Lucas advised, via Sheriff's Dispatch, that the Critical Incident Protocol was being invoked. Captain Murphy was advised.

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

FINDINGS: No violation noted.

324 – Media Relations

The purpose of this policy is to provide guidelines for media releases and media access to the scenes of disasters, criminal investigations, emergencies and other law enforcement activities; and to ensure the Sheriff's Office provides the fair and consistent release of information regarding the Department's activity to the community.

A press release was completed and released via Nixle on August 15, 2020. The press release, which was authored by PIO Sgt. Valencia, provided a summary of the incident, including the date, time and location. The press release notified the reader that: Two Sheriff's Deputies were involved, the Sonoma County critical incident protocol was invoked, it identified the Santa Rosa Police Department was the investigating agency and the Marin County Coroner's Office was conducting the death investigation and it advised the Sheriff's Office would be conducting this administrative review. It also provided the Sheriff's Office case number and contact information for the Sheriff's Office and the Santa Rosa Police Department. All the information released in the aforementioned press release was within policy.

FINDINGS: No violation noted.

329—Major Incident Notifications

The purpose of this policy is to provide guidance to members of the Sheriff's Office in determining when, how and to whom notification of major incidents should be made.

After my review of this case the appropriate Sheriff's Office personnel was notified, as required by this policy.

FINDINGS: No violation noted.

338—Critical Incident Debriefing/Defusing

This policy provides guidance to office members that affirms the Sonoma County Sheriff's Office is committed to providing information and support for members after any critical incident that could involve traumatic injury or death.

The policy defines a critical incident as "*any significant event that may result in strong emotional reactions, which have the potential to impact a member's ability to cope. These include but are not limited to: line-of-duty death or serious injury, other death or serious injury of a co-worker, disasters/multi-casualty incidents, officer-involved shootings, significant incidents involving injury to children, events with excessive negative media coverage, deaths that occur during police operations, cumulative significant events that occur within a short time period, any circumstance that overwhelms a Sheriff's Office member, and deaths in the Detention facilities*."

After my review of this policy, this incident clearly falls under the definition of a critical incident, in that Donald died after a physical altercation, while being taken into custody by Deputy Jensen and Deputy Matelli. Therefore, at minimum, the Sheriff's Office should have offered a critical incident debriefing to the involved personnel of this incident. As long as the Sheriff's Office offered a Critical Incident Debriefing, there is no violation of this policy, even if both deputies declined the services, since attendance is voluntary. With that said, when asked, both Deputy Jensen and Deputy Matelli were unable to recall whether or not the service was in fact offered.

It would be prudent of the Sheriff's Office to ensure a critical incident debriefing was offered for all of the involved personnel in the aftermath of a critical incident. Documenting when the services were offered, whom they were offered to and who offered them could potentially mitigate a "he said-she said" situation.

FINDINGS: No violation noted.

400—Patrol Function

The purpose of this policy is to define the patrol function and address intra-organizational cooperation and information sharing. According to policy section 400.5, "Patrol will generally be conducted by uniformed deputies in clearly marked law enforcement vehicles in assigned jurisdictional areas of Sonoma. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies."

My review of this policy revealed both Deputy Jensen and Deputy Matelli were donned in full uniforms, which consisted of cloth badges and Sheriff's Office patches on both shirt sleeves. They both drove their respective marked patrol vehicles. Deputy Jensen was driving a white Ford Police Interceptor SUV, which had green markings that read "Sonoma County Sheriff", a push bumper and overhead emergency lights. Deputy Matelli was driving a white Dodge

Charger, which had green markings that read "Sonoma County Sheriff", a push bumper and overhead emergency lights. They both responded to this call for service and during their investigation, they were forced to react to Donald's behavior and conduct.

FINDINGS: No violation noted.

435 – Medical Aid and Response

The purpose of this policy is to recognize that members often encounter persons in need of medical aid and it establishes guidelines for a law enforcement response to such situations. The policy specifically stated "that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response" (Policy section 435.2).

As a result of my review of this case, I learned after Donald was secured in handcuffs, both Deputy Jensen and Deputy Matelli donned gloves. While speaking with [redacted], Deputy Jensen became aware Donald was experiencing a medical emergency, approximately 35 seconds after Donald yelled "no" for the last time.

Once he identified Donald was in distress, he and Deputy Matelli immediately rolled Donald into the "recovery position." At that time, Deputy Jensen confirmed with Sheriff's Dispatch that "code 3 medical" had been dispatched to the scene. From the recovery position, they rolled Donald onto his back and checked for Donald's pulse. When no pulse was found, Deputy Matelli immediately began chest compressions. Once EMS arrived, Deputy Jensen provided a brief summary to EMS as to what had transpired and life-saving measures were passed on to EMS personnel.

FINDINGS: No violation noted.

Sonoma County Law Enforcement Chief's Association

93-1 Law Enforcement Employee- Involved Critical Incident Protocol

The purpose of this protocol set forth procedures and guidelines used by Sonoma County law enforcement agencies in the criminal investigation of specifically defined incidents involving law enforcement employees. While this Protocol represents the understanding and agreement among Member Agencies about how Law Enforcement Employee-Involved Critical Incidents are to be investigated, this Protocol is neither a statute, an ordinance nor a regulation. Members expect that its provisions will be followed when Protocol incidents occur but it is anticipated

that agencies may make minor modifications, which will not affect the Protocol's basic principles, to meet agency requirements.

This protocol may be invoked at the discretion of the Chief of Police, the Sheriff, or Chief Probation Officer of the member agency for other employee involved incidents, which result in a significant use of force or a significant injury.

In this matter, the Critical Incident Protocol was invoked. The Santa Rosa Police Department agreed and completed the criminal investigation. The Marin County Coroner's Office agreed and completed the death investigation. The Sonoma County District Attorney's Office agreed and completed the Officer-Involved Fatal Incident Report. This in-custody death was reported to the Attorney General[25] pursuant to this protocol and Government Code Section 12525.

FINDINGS: No violation noted.

[25] A digital copy of this document can be found in Exhibits.