Incident/Investigation Report

Agency: **Sonoma County Sheriff's Office** Case #: **SD201031004**

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Incident Information

Date/Time Reported: **10/31/2020 0119**	Occurred: **10/31/2020 0119**
Location: **BOYES BL / RIVERSIDE DR, BOYES HOT SPRINGS CA**	
UCR Status: Cleared	Officer: **Vega, Jose 1102736**

Summary: Suspect and Victim got into a physical altercation resulting in suspect stabbing the victim multiple times. Suspect the resisted arrest when deputies arrived on scene. Suspect was transported to SRMH for a stab wound and was later issued a citation.

Charges

Statute: **245 (A)(1) PC - (FEL) ADW NOT FIREARM**	Attempted/Completed: **Completed**
Classification: Aggravated Assault: Knife/Cutting Equipment	Weapon: **Knife or other cutting or stabbing instrument**
Location:	

Statute: **148 (A)(1) PC - OBSTRUCT/RESIST/ETC PUBLIC/PEACE OFFICER/EMERGENCY MED TECH**	Attempted/Completed: **Completed**
Classification: All Other Offenses	Weapon:
Location:	

Offenders

Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
[redacted]	[redacted]	**17/Hispanic/Male**	**5'09"/250**
Address: [redacted] Boyes Hot Springs CA 95416			[redacted]
Employer/School: -			
Offender of: 245 (A)(1) PC			
Custody Status: **Cited**			

Victims

Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
[redacted]	[redacted]	**31/Hispanic/Male**	**5'05"/170**
Address: [redacted] Sonoma CA 95476			[redacted]
Employer/School: -			
Victim of: 245 (A)(1) PC			

Others Involved

Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	[redacted]	[redacted]	**17/Hispanic/Male**	**5'11"/150**
Address: ,				
Employer/School: -				

Others Involved

Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	[redacted]	[redacted]	**27/Hispanic/Male**	**5'08"/150**
Address: [redacted] Sonoma				
Employer/School: -				
Inv Type: **Other**	Name (Last, First Middle): ,	DOB:	Age/Race/Gender: **//**	Height/Weight: **/**
Address: ,				
Employer/School: -				
Inv Type: **Witness**	Name (Last, First Middle): [redacted]	DOB: [redacted]	Age/Race/Gender: **28/Hispanic/Female**	Height/Weight: **5'00"/150**
Address: [redacted] Boyes Hot Springs CA 95476				[redacted]
Employer/School: -				
Inv Type: **Other**	Name (Last, First Middle): [redacted]	DOB: [redacted]	Age/Race/Gender: **31/Hispanic/Male**	Height/Weight: **6'00"/200**
Address: [redacted] Boyes Hot Springs CA 95416				[redacted]
Employer/School: -				
Inv Type: **Other**	Name (Last, First Middle): [redacted]	DOB: [redacted]	Age/Race/Gender: **63/Hispanic/Male**	Height/Weight: **/**
Address: [redacted] Boyes Hot Springs CA 95476				[redacted]
Employer/School: -				
Inv Type: **Other**	Name (Last, First Middle): [redacted]	DOB: [redacted]	Age/Race/Gender: **/Hispanic/Male**	Height/Weight: **/**
Address: [redacted] Boyes Hot Springs CA 95476				[redacted]
Employer/School: -				

Narrative

INITIAL NARRATIVE
Written by: **Vega, Jose 1102736**
Date/Time: **10/31/2020 00:00:00**

On 10/31/20, at approximately 0119 hours, I was on duty wearing full SCSO uniform and driving a fully marked SCSO patrol vehicle. I was dispatched to the area of Boyes Blvd and Riverside Dr., Boyes Hot Springs for a report of a subject who was armed with a knife and trying to fight people. The subject was described a 17 or 18 year old Hispanic male wearing a red jacket and possibly under the influence. Another caller reported there were several subjects fighting with knives in the same area.

Deputy Camarena and I arrived to the area and observed a HMA wearing a red jacket walking eastbound on Boyes Blvd towards the Boyes Blvd Bridge.

Deputy Camarena and I had the subject lay prone on the ground at gun point as he matched the suspect description that was armed with a knife.

As we were giving the subject verbal commands, Deputy Camarena and I could hear what sounded like several subjects fighting

on the Boyes Blvd Bridge near Riverside Dr.

We detained the subject in handcuffs and checked him for weapons with negative results. As we were doing this, another subject walked up behind us and stated he was the subject's friend. Because we had several callers reporting the fight that had several people involved, we also detained that subject in handcuffs and searched him for weapons but did not locate any. The subject in the red jacket was identified as (IO) [redacted] and the second subject was identified as (IO) [redacted]

Deputy Camarena then drove to the bridge to contact the other subjects. While I was speaking to the subjects we had detained in handcuffs, I heard Deputy Camarena state over the radio he had several subjects at gun point.

Because Deputy Camarena was by himself, I put the subjects in the back of my patrol vehicle and drove to his location which was approximately a block down the road.

As I exited my patrol vehicle, I could see a Hispanic male wearing a red jacket walking away from Deputy Camarena despite giving him commands to stop. Deputy Esponda had also arrived on scene at the same time.

I was behind Deputy Camarena and Deputy Esponda who were now grabbing the subject in an attempt to detain him.

The subject was actively resisting and pulling away from both Deputies. Because this subject was actively resisting and was possibly armed with a knife, I punched him in the face approximately 1 time to get him to comply.

Deputy Esponda and Deputy Camarena were able to get him on the ground and detain him. He was later identified as (OF) [redacted]

I then noticed there were two more subjects on the bridge. I gave both subjects commands to get on the ground. One subject, identified as (IO) [redacted] got on the ground and I detained him in handcuffs.

The other subject, began to walk away from me after giving him verbal commands to stop. Once he reached the eastside of the Boyes Blvd Bridge, I gave the subject several commands to get on the ground but he did not comply. I then unholstered my department issued taser and activated the lights and lasers. The subject then got on the ground and I pat searched him for weapons with negative results.

Because I no longer had handcuffs, I escorted him back to the bridge where he was placed in handcuffs. Due to the amount of people involved and the lack of recourses, it was quickly determined the subject was not involved and was released from the scene without gathering his personal information.

While Deputy Esponda was talking to [redacted] he observed [redacted] was bleeding from his abdomen area. Deputy Esponda lifted up his shirt and could see a stab wound to his abdomen. I then requested Code 3 medical attention for him. He was then transported to SRMH where it was determined he had internal bleeding and would need to go to the OR. Deputy Esponda was also at SRMH with [redacted]

I then mirandized [redacted] and [redacted] who both stated they were not involved with the incident. Both stated they were just walking back to their residence from the 711 at the corner of Railroad Ave and Boyes Ave. Bothe subjects were then released from the scene.

I mirandized [redacted] who stated he understood his rights and told me the following in summary:

He and his friends had given [redacted] a ride home off of Boyes Blvd. [redacted] left the house and began walking east bound on Boyes Blvd along with [redacted] He stated [redacted] saw a car of "scrapas", which is a derogatory name for sureno gang members, and said he wanted to fight them. [redacted] said he did not want to die, so he continued walking east bound on Boyes Blvd while [redacted] was fighting unknown subjects. [redacted] stated he did not actually see the fight, only heard it. Shortly after was when Deputies arrived on scene.

I was then notified that there was another stabbing victim that had just arrived at the Sonoma Valley Hospital. Deputy Camarena told me a witness who wanted to remain anonymous saw [redacted] stab the subject who had been taken to SVH. The Victim was identified as (VI) [redacted]

Deputy Malatesta went to SVH to get a victim statement and collect evidence. He briefly told me [redacted] was not being

forthcoming about the incident and stated he would not be able to identify the suspect. Refer to Deputy Malatesta's supplement for the full statement.

Deputy Camarena also gathered witness statement. Refer to Deputy Camarena's supplement for more information regarding witness statements.

A trail of blood was located on the southeast corner of the intersection of Boyes Blvd and Riverside Dr. I also located a black puma hoodie in the middle of the roadway in front of [redacted] Boyes Blvd. The hoodie had several small holes in the abdomen area as well as a small amount of suspected blood.

I contacted Detective Berg who was the on call VCI detective and informed him on the situation. He requested I captured digital images of the scene and collect the hoodie for evidence.

I uploaded the digital images to Axon capture and booked the hoodie into evidence (JV1).

Deputy Esponda had informed me he had located a folding knife, with suspected blood on the blade, in the left pocket of [redacted] pants. He later booked the knife into evidence. Refer to Deputy Esponda's supplement for more information.

I notified Sgt. McKinnon of the use of force and he responded to the scene.

Based on all the statement and evidence located I had probable cause to arrest [redacted] for 245(a)(1) PC and 148(a) PC.

[redacted] was issued a citation at SRMH.

Forward to Juvenile Probation for prosecution.

SUPPLEMENT
Written by: **Arango-Nunez, Daniel 1102798**
Date/Time: **10/31/2020 02:00:00**

On 10/31/20 I was dispatched to Boyes Blvd and Riverside Dr. to assist Deputy Camarena with a report of a stabbing.

I arrived and spoke to the residents at [redacted] Boyes Blvd. The male who identified himself as [redacted] told me the follosing in summary:

He was awoken by the sound of two males yelling at each other, due to the distance between his residence and where the males were he was unable to determine exactly what was being said between the two. [redacted] told me he saw a Hispanic male in his early 20's standing in the middle of Boyes Blvd. The male was wearing a red/white shirt was approximately 5'10" and weighed approximately 185 lbs. the unidentified male was facing Riverside Dr. and continued to yell and challenge a second individual. [redacted] told me he called 911 and was in the process of giving information to Dispatch when Deputies arrived. [redacted] told me he hung up with Dispatch and went back to sleep. I concluded my conversation with [redacted].

I next spoke to [redacted] at [redacted] Boyes Blvd. he told me he was asleep and did not hear any of the commotion. I concluded my conversation with [redacted]

Nothing Further.

SUPPLEMENT
Written by: **Malatesta, Lucas 1102797**
Date/Time: **10/31/2020 05:44:00**

On October 31, 2020 at 0135 hours, I responded to Sonoma Valley Hospital to interview the victim of a stabbing. Upon my arrival, I observed VI in a hospital bed being treated for multiple stab wounds to his abdomen and his back. VI was alert and talking.

VI provided me the following statement in essence: VI stated that on today's date sometime after 0100 hours, he was driving his car to his friend [redacted] house, who lived in the area of Riverside and Boyes Blvd. VI stated he parked his car on Riverside, and exited his car where he was immediately assaulted and stabbed by an unknown assailant. VI stated a Good Samaritan stopped to help VI by driving him to SVH. When I asked if VI could elaborate on his statement, he stated that it happened too fast for him to get a look at the suspect. VI stated he did not know the person who drove him to the hospital, and did not have a vehicle description. I asked VI if anyone else was with him and he stated he was alone. VI could not provide me with the address or last name of [redacted]. VI was adamant that he could provide no further details regarding the incident.

I took photographs of VI wounds on his abdomen, however the nurses were unable to roll VI onto his side in order for me to photograph the stab wound on his back. I attached the photographs to this supplemental.

While at SVH, [redacted] called the hospital inquiring about the status of VI. [redacted] was extremely evasive and would not give an answer as to how he knew VI was at the hospital and had been stabbed. [redacted] initially claimed he was called by the person that dropped VI off at SVH, but stated he did not know the person. [redacted] later recanted his statement about being called by the person who drove VI to SVH.

I later followed VI to Marin General Hospital, where I attempted to obtain a more detailed statement from VI, however he stated he could contribute nothing further. I notified VI that I would need to seize his clothing, and he willingly turned them over to me and declined a receipt for the seized clothing.

I later booked the clothing into evidence labeled as LM1.

BWC activated.

SUPPLEMENT
Written by: **Camarena, Sam 1102617**
Date/Time: **10/31/2020 06:22:00**

On 10-31-20, at approximately 0119 hours, Deputy Vega and I were dispatched to the area of Boys Blvd and Riverside Dr. Sonoma, CA. SCSO dispatch advised there was a male on Riverside near the Boyes Blv intersection wearing a red jacket, who was currently trying to fight subjects and was wielding a knife.

On arrival, I observed a male matching the description, who I told to come to me and get on the ground numerous times. This subject was later identified as [redacted] the subject refused to follow my commands and ignored me. I told [redacted] no less than eight times to comply with simple commands to walk to me then get on the ground. I also told him to remove his hands from his pockets which he refused to do.

The subject kept his hands out of plain view and appeared to be placing an item into his pocket. The subject kept walking away from me with his hands still in his pocket and refusing to comply with my simple commands. It appeared that [redacted] was fidgeting with an item in his pockets. It should be noted at this point I did take out my firearm and aimed it at [redacted] due to his uncooperative level, the severity of the crime alleged. I could also not see his hands and fear, that he had a weapon on his person, which was later determined that he did have a knife.

While attempting to detain [redacted] and walking towards him, we could hear a voice saying something to the effect of "he stabbed somebody." I was unable to locate this subject once the scene was made safe.

Once we had additional units, we went hands-on with [redacted], who was still not complying with our simple commands, at which point I grabbed [redacted] and threw him on the ground. Deputy Esponda and Deputy Vega also assisted with taking [redacted] down, refer to their reports for further. I also observed blood all over my right-hand wrist area. It was unknown where the blood was coming from nor did I check due to the scene was not yet rendered safe.

Once we placed handcuffs on [redacted] and made the scene safe, I checked the area for any additional victims, suspects, or witnesses to this incident. While I did this, Deputy Esponda sat with [redacted] on a tractor near the bridge. It should be noted it was later determined that [redacted] was also stabbed in the stomach area, which would explain the blood on my hand when he had to use force to detain him. [redacted] was extremely

uncooperative during this whole contact, and was ultimately transported to Memorial Hospital via ambulance so he could receive treatment for his wounds.

I was flagged down by an area resident who I know from prior contacts. The resident, who wished to remain anonymous due to fear of retaliation, told me the following. He advised me the victim [redacted] who I also know from prior contacts, was currently at Sonoma Valley Hospital SVH being treated for stab wounds. The resident advised me the suspect who stabbed [redacted] was the male who was wearing a red sweater and black shirt, and that I had just tackled [redacted]. The anonymous resident refused to provide me with anything further related to this incident because of his fear of retaliation against him or his friends.

While standing in the area of Boyes Blvd and Riverside Dr, I located droplets of blood on the ground on the south east corner of the intersection. I also located more isolated droplets of blood on the ground which continued east bound towards the bridge on Boyes Blvd. I took pictures of the blood using my axon capture App, the pictures were later uploaded to SCSO evidence.

I was also able to contact [redacted] who told me the following summarized statement.

The male wearing a red jacket [redacted] who she also observed and pointed out, walked up and down Riverside banging on cars and other items. [redacted] was challenging various area residents to fight as he was holding a knife. [redacted] then got into a physical altercation with another subject presumed to be the victim [redacted] and at one point, the victim was taken away from the scene. [redacted] told me these two subjects were the only subjects she saw fighting.

[redacted] told me she did not see anyone get stabbed but did state [redacted] was in possession a knife when she saw him and that he was in fact the subject who was fighting.

I contacted various residents in the area, who all advised they did not see anything physical occur but did hear yelling and screaming coming from the area of Boyes Blvd and Riverside Dr Near the bridge which is under construction. These residents did not want to provide me with further information regarding this incident.

During the investigation, I was wearing my body-worn camera (BWC), and it was activated. This report is merely a summary of the incident and is not intended to be an exact transcript of the entire investigation.

Nothing Further

SUPPLEMENT
Written by: **Esponda, Eduardo 1102770**
Date/Time: **11/01/2020 00:14:00**

On 10/31/20, I was assigned to the Sonoma Police Department, in full uniform, driving a marked police vehicle. At about 0119 hours, SCSO Deputies, Camarena and Vega were sent to a fight in progress involving a subject armed with a knife, occurring in the area of Riverside Drive at Boyes Blvd. I responded code 3 to assist.

While responding to this call, Deputy Camarena advised he had a subject at gun point. Shortly thereafter, Deputy Camarena advised the subject was walking away.

Upon my arrival, I parked my vehicle at the listed intersection. It should be noted the bridge crossing for Boyes Blvd over the creek is under construction, allowing only pedestrian traffic. I activated my BWC and began looking for Deputy Camarena.

I heard Deputy Camarena yelling east of my location towards the bridge. I saw a subject wearing a red jacket walking away from Deputy Camarena. I also saw a red dot on the subject and realized Deputy Camarena had removed his Taser. While running to assist Deputy Camarena, I heard an unknown person yell out "he stabbed somebody." At this time, the subject [redacted] began entering the pedestrian bridge which was well lit. [redacted] was wearing a red jacket/sweat shirt that was unzipped, a black Raiders #24 Jersey and blue jeans. I also saw another male dressed in purple shirt in close proximity and a third male dressed in a white T-shirt in the middle of the bridge.

I came up behind Deputy Camarena and [redacted] continued to refuse our orders to "get down on the ground" and continued walking. I closed the distance on [redacted] and grabbed hold of his left wrist and left triceps from in an attempt to place him in a

control hold. [redacted] responded by saying, "I'm walking home". I immediately felt [redacted] arm tense up. Deputy Camarena responded by forcefully take him to the ground (Refer to Deputy Camarena's supplemental report). Deputy Vega arrived on scene to assist (Refer to Deputy Vega's report).

It should be noted [redacted] was large in stature standing approximately 5'10" tall and weighing approximately 260 lbs. [redacted] continued to pull his arms away as we placed him in handcuffs while in the prone position. [redacted] was verbally uncooperative and had the heavy odor of an alcoholic beverage coming from his person. I saw a small amount of blood on [redacted] hand. While [redacted] was yelling at us, he was also communicating with his friend [redacted] who was complying with orders to lay down on the bridge.

Deputy Vega subsequently detained [redacted] in handcuffs without incident. I monitored both [redacted] and [redacted] while they remained in the prone position. Deputy Vega proceeded to look for the male dressed in purple attire as he had left the area.

In speaking with [redacted] and [redacted], I learned they were friends and 17 years old. Due to the lack of resources in securing the scene, I escorted [redacted] to [redacted] location. [redacted] remained in the prone position and [redacted] was allowed to sit. It should be noted [redacted] had been carrying a yellow jersey. While [redacted] was seated, he said "Forty did you get stabbed fool." [redacted] responded saying, "Nope." As I walked over to look at [redacted] hands he stated "I just fell." I asked [redacted] if that is why he had blood on his hand and he again stated he had fallen.

Upon Deputies Camarena and Vega returning to the area, I was able to escort both [redacted] and [redacted] to Boyes Blvd without incident. I had both sit on the wheels of a small tractor. I readjusted [redacted] handcuffs for proper fit before double locking them. As I was checking [redacted] handcuffs, I turned him around and saw what appeared to be wet blood on the front of his untucked jersey. I pulled up [redacted] jersey and immediately saw a puncture wound to his lower right abdomen area. [redacted] denied being injured and continued to be verbally uncooperative. I took a photo of [redacted] injury and medical was requested to respond.

I escorted [redacted] to the front of my vehicle. I attempted to gain [redacted] verbal cooperation. [redacted] cell phone began ringing. I removed a cell phone from his pants pocket and I stated it was Snap chat. [redacted] asked who it was and I stated something similar to [redacted] [redacted] responded by stating he did not know who that was. While removing [redacted] belt, he demanded I check his other pocket. [redacted] then stated "Might as well arrest me for something." I searched [redacted] and found a red metal folding knife in his left pants pocket. [redacted] was also in possession of an Apple cell phone that was ringing and his wallet. [redacted] demanded I look for his glasses he used for seeing.

Upon the arrival of the paramedics, I advised them of [redacted] injury. Due to [redacted] injury, I removed one side of the handcuffs and he was detained him to the gurney to allow for medical treatment. I subsequently followed the ambulance to Santa Rosa Memorial Hospital. I deactivated my BWC.

At Santa Rosa Memorial Hospital, I again activated my BWC. I removed the handcuff from [redacted] as he was in the care of medical staff. I deactivated my BWC as I monitored [redacted] from the hallway as he was receiving care by the trauma unit in the ER. At about 0225 hours, I learned [redacted] would require surgery as he was bleeding internally.

Medical staff removed [redacted] clothing and placed them in separate bags. I learned staff had cut off [redacted] jersey. I took photos of the separated bagged clothing. I took all the clothing as evidence.

I later spoke with Detective Berg by telephone and advised him of the incident. Detective Berg asked me to examine the folding knife found in [redacted] possession. The metal folding knife had a red handle and a black blade about 3.5" in length that locked into place. I saw what appeared to be blood on the black blade.

At about 0310 hours, Deputy Ricks arrived on scene to relieve me. I activated my BWC. I advised [redacted] of his Miranda rights and he stated he understood. Due to [redacted] level of intoxication, I did not question him regarding the incident. [redacted] wallet was given to Deputy Ricks. [redacted] cell phone was taken as evidence (Airplane mode).

At the Sonoma Valley Substation, I placed the following items into evidence:

#1-2770: Metal folding knife

#2-2770: Apple cell phone with black case.

#3-2770: Black belt

#4-2770: Black Raiders #24 Jersey "LYNCH"

#5-2770: Red Jacket/Sweat Shirt

#6-2770: Nike Air Jordan basketball shoes

#7-2770: Blue Jeans

I later uploaded my BWC and photos into evidence. The BWC recording can be reviewed for further details as this report is not intended to be a transcript.

Nothing further

SUPPLEMENT
Written by: **Berg, Nicholas 1102224**
Date/Time: **11/10/2020 00:00:00**

Supplemental Report

SCSO Case #: 201031-004

VCI Detective Nick Berg

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-Notification-

On 10/31/20 at approximately 0225 hours I was contacted by Deputy Vega regarding a stabbing he was investigating. Deputy Vega provided me with a synopsis of the incident, which is as follows;

Patrol was dispatched to the area of Boyes Blvd. and Riverside Dr. for a report of an intoxicated male subject armed with a knife and challenging people to fight. Patrol deputies arrived and contacted several people, one of whom matched the description of the subject armed with a knife. The subject, later identified as [redacted] was uncooperative and resisted arrest. During a search of his person it was learned that he had been stabbed in the abdomen, and was in possession of a knife.

A short time later a subject, identified as [redacted] showed up at the Sonoma Valley Hospital with several stab wounds. [redacted] provided a statement to Deputy Malatesta, who indicated that shortly after he parked his vehicle on Riverside Dr. he was attacked by an unknown suspect who stabbed him several times.

[redacted] was transported to Memorial Hospital and [redacted] was eventually transferred to Marin General hospital. Deputy Vega contacted a friend of [redacted] who said shortly after he dropped him off at his residence he began walking down the street and challenged a car full of people to fight, but did not see the actual fight. Deputy Camarena located and interviewed a witness, [redacted] who observed [redacted] in possession of a knife and engage in a physical altercation with another person.

Based on speaking with Deputy Vega and Deputy Malatesta, it did not appear the injuries were life threatening to either [redacted] or [redacted] Deputy Vega told me he had located where he believed the stabbing occurred, which consisted of some

suspected blood droplets and a sweatshirt that had some cuts in it. I requested he photograph the scene and collect any evidence he located.

In speaking with deputies who spoke with both [redacted] and [redacted] it seemed apparent they were not willing to provide detailed statements as to what happened.

Refer to related patrol deputy reports for further details.

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[redacted] interview-

10/31/20 0345 hours

I spoke with Deputy Esponda, who responded to Memorial hospital when [redacted] was transported there by ambulance. Deputy Esponda told me he would collect and book [redacted] clothes. Deputy Esponda said a knife had been located on [redacted] when he was arrested, which was a black folding knife and had suspected blood on the blade.

I responded to Memorial hospital and interviewed [redacted]. I advised [redacted] his Miranda Rights, which he stated he understood by saying "yes." [redacted] freely and voluntarily waived his rights by speaking with me and answering my questions. The following is a summary of my interview;

He initially told me he did not remember anything, but eventually said he recalled walking home from a friend's residence shortly after 2300 hours when he was stabbed by an unknown person. He said someone who he did not know randomly came up to him and stabbed him. He admitted to possessing a pocket knife and began to say he carried the knife for protection, but stopped himself mid-response before saying he had the knife "just because." He denied ever taking the knife out. I asked him why there was what appeared to be blood on the knife and he said he did not know, and that it was likely his own blood. I attempted to ascertain more details surrounding the incident, but it was clear he did not want to tell me. At one point he said he "wanted to remain silent."

Based on the investigation thus far, I believed [redacted] and [redacted] likely engaged in a verbal altercation before the two physically fought and stabbed each other. Based on the initial reports about [redacted] belligerently walking down the street with a knife and challenging people to a fight, I believe he was likely the instigator with the incident with [redacted] Based on [redacted] being in the hospital and needing further care, I issued him a citation for 245(a)(1) PC and 148(a)(1) PC. I ensured that Deputy Ricks arranged to have [redacted] parents notified.

I placed a copy of my audio recorded interview with [redacted] onto the evidence.com server.

****

End of supplemental report

Forward to SCDA-Juvenile




Main Office Property/Evidence Unit
Do Not Remove


Main Office Property Evidence Unit
Do Not Remove











131198

SONOMA COUNTY
JUVENILE REFERRAL

Case# 201031-004

[redacted]

Sonoma County Sheriff's Office

Investigation - Case Details

IA: 20-IA-0006

Case Type:	IA	**Incident Number:**	20-IA-0006	**Report #:**	201031-004
Call Type:		**Incident Date:**	10/31/2020	**Time:**	
Origin:		**Date Reported:**	11/12/2020	**Time:**	17:05
Location:	Boyes Boulevard and Riverside Drive				
Address:					
Status:	Closed-Sustained	**Date Closed:**	7/27/2021		

Details

Brief Summary: Deputy Vega used excessive force on a subject.

Was body camera used & reviewed?:

If so, was that video material to the outcome?:

Employee

Name: VEGA, JOSE **ID:** 1102736

Supervisor At Incident:

Rank: DEPUTY SHERIFF II **Position:**

County Emp. ID: 24350

Notes:

Persons Involved

Witness

Alias: **Date of Birth:** [redacted]

Address: **Age At Incident:** 31

Contact Type: **Contact Info:**

Race: Hispanic **Sex:** MALE

Build: **Weight:** **Height:**

Hair Color: **Eye Color:**

CAMARENA, SAMUEL

Notes: [redacted]

[redacted]

Witness

Alias:

Date of Birth: [redacted]

Address:

Age At Incident: 51

Contact Type:

Contact Info:

Race: Hispanic

Sex: MALE

Build:

Weight:

Height:

Hair Color:

Eye Color:

ESPONDA, EDUARDO

Notes: [redacted]

Subject

Alias:

Date of Birth: [redacted]

Address: [redacted]; Boyes Hot Springs, CA 95416

Age At Incident: 17

Contact Type: Home Address

Contact Info:

Race: Hispanic

Sex: MALE

Build: Heavy

Weight: 250

Height: 5'9"

Hair Color: Black

Eye Color: Brown

[redacted]

Notes: [redacted]

Complainant

Alias:

Date of Birth: [redacted]

Address:

Age At Incident: 47

Contact Type:

Contact Info:

Race: Hispanic

Sex: MALE

Build: Medium

Weight:

Height:

Hair Color: Black

Eye Color: Brown

[redacted]

Notes: [redacted]

Employee Person Link

Employee:

Tracking

Group Assigned To: Auditor
Role:
Date Assigned: 12/9/2021
Completion Date: 12/29/2021
Employee Assigned To: Berger, Jonathan
Employee Assigned By: CUTTING, BRANDON
Due Date:
Recommendation:
Outcome Notification Status

Notes:
Group Assigned To: Internal Affairs
Role:
Date Assigned: 11/12/2020
Completion Date: 2/9/2021
Employee Assigned To: CUTTING, BRANDON
Employee Assigned By: SAYKES, JANINE
Due Date:
Recommendation:
Outcome Notification Status
Outcome Notification Status
Outcome Notification Status

Notes:
Group Assigned To: Internal Affairs
Role:
Date Assigned: 11/12/2020
Completion Date: 6/20/2021
Employee Assigned To: DIEHM, ANTHONY
Employee Assigned By: SAYKES, JANINE
Due Date: 4/11/2021
Recommendation: Sustained
Outcome Notification Status
Outcome Notification Status

Notes:
Group Assigned To: Captains
Role:
Date Assigned: 2/23/2021
Completion Date: 7/27/2021
Employee Assigned To: DOUGHERTY, DARIN
Employee Assigned By: CUTTING, BRANDON
Due Date:
Recommendation: Sustained
Outcome Notification Status

Notes:
Group Assigned To: Executive Staff
Role:
Date Assigned: 8/31/2021
Employee Assigned To: ENGRAM, EDDIE
Employee Assigned By: DIEHM, ANTHONY
Due Date:

Notes:

Group Assigned To:	Executive Staff	Employee Assigned To:	ENGRAM, EDDIE
Role:		Employee Assigned By:	DIEHM, ANTHONY
Date Assigned:	8/31/2021	Due Date:	
Completion Date:	11/8/2021	Recommendation:	

Outcome Notification Status

Notes:

Group Assigned To:	Executive Staff	Employee Assigned To:	ESSICK, MARK
Role:		Employee Assigned By:	ESSICK, MARK
Date Assigned:	7/27/2021	Due Date:	
Completion Date:	7/27/2021	Recommendation:	Sustained

Outcome Notification Status

Notes: Sustained as to all allegations.
Please prepare a NOIDA for a 132 hour suspension, 80 hours to be served as a suspension at the direction of the Patrol Captain and a 52 hours to be served by wa of a 5% payroll deduction for 1,040 hours.
MRE

Group Assigned To:	Captains	Employee Assigned To:	MURPHY, SHAWN
Role:		Employee Assigned By:	SAYKES, JANINE
Date Assigned:	7/27/2021	Due Date:	
Completion Date:	7/28/2021	Recommendation:	Sustained

Outcome Notification Status

Notes:

Group Assigned To:	Executive Staff	Employee Assigned To:	NAUGLE, JAMES
Role:		Employee Assigned By:	SAYKES, JANINE
Date Assigned:	7/27/2021	Due Date:	
Completion Date:	7/27/2021	Recommendation:	Sustained

Outcome Notification Status

Notes:

Group Assigned To:	Administrators (Delete Only)	Employee Assigned To:	SAYKES, JANINE
Role:		Employee Assigned By:	ESSICK, MARK
Date Assigned:	7/27/2021	Due Date:	
Completion Date:	9/27/2021	Recommendation:	

Outcome Notification Status

Notes: Sustained as to all allegations.
Please prepare a NOIDA for a 132 hour suspension, 80 hours to be served as a suspension at the direction of the Patrol Captain and a 52 hours to be served by wa of a 5% payroll deduction for 1,040 hours.
MRE
8/10/21 Sent to attorneys for Skelly. js
12/28/21 Received Audit. js

Related Incident

Item Type:	Report	**Description:**	RMS
Date:	11/16/2020	**Number:**	201031-004
Location:			
Link:	Item stored in the Database.		
Notes:			

Item Type:	IA Notice	**Description:**	Vega Notice
Date:	2/9/2021	**Number:**	
Location:			
Link:	Item stored in the Database.		
Notes:			

Item Type:	Video	**Description:**	Vega BWC Video
Date:	2/9/2021	**Number:**	
Location:			
Link:	S:\IA\Diehm\20-IA-0006, Vega\Videos\Vega BWC.mp4		
Notes:			

Item Type:	Video	**Description:**	Camarena BWC Video
Date:	2/9/2021	**Number:**	
Location:			
Link:	S:\IA\Diehm\20-IA-0006, Vega\Videos\Camarena BWC.mp4		
Notes:			

Item Type:	Video	**Description:**	Esponda BWC Video
Date:	2/9/2021	**Number:**	
Location:			
Link:	S:\IA\Diehm\20-IA-0006, Vega\Videos\Esponda BWC 1.mp4		
Notes:			

Item Type:	Admin Admonishment	**Description:**	Vega Admin Admonishment
Date:	2/9/2021	**Number:**	
Location:			
Link:	Item stored in the Database.		
Notes:			

Item Type:	Audio	**Description:**	Vega Interview
Date:	2/9/2021	**Number:**	
Location:			
Link:	Item stored in the Database.		
Notes:			

Item Type:	Audio	**Description:**	Camarena Interview
Date:	6/20/2021	**Number:**	
Location:			
Link:	Item stored in the Database.		
Notes:			

Item Type:	Audio	**Description:**	Esponda Interview
Date:	6/20/2021	**Number:**	
Location:			
Link:	Item stored in the Database.		
Notes:			
Item Type:	Audio	**Description:**	Vega Follow-Up Interview
Date:	6/20/2021	**Number:**	
Location:			
Link:	Item stored in the Database.		
Notes:			
Item Type:	Admin Admonishment	**Description:**	Vega F/U Amin Admonishment
Date:	6/20/2021	**Number:**	
Location:			
Link:	Item stored in the Database.		
Notes:			
Item Type:	Audio	**Description:**	[redacted]
Date:	6/20/2021	**Number:**	
Location:			
Link:	Item stored in the Database.		
Notes:			
Item Type:	Policy	**Description:**	UOF Policy from Time of Incident
Date:	6/20/2021	**Number:**	
Location:			
Link:	Item stored in the Database.		
Notes:			
Item Type:	NOIDA	**Description:**	Vega NOIDA
Date:	8/9/2021	**Number:**	
Location:			
Link:	Item stored in the Database.		
Notes:			
Item Type:	IA Formal Narrative	**Description:**	Investigation Narrative
Date:	8/9/2021	**Number:**	
Location:			
Link:	Item stored in the Database.		
Notes:			
Item Type:	Skelly Findings	**Description:**	Vega Skelly Findings
Date:	11/4/2021	**Number:**	
Location:			
Link:	Item stored in the Database.		
Notes:			

Item Type: Order of Suspension **Description:** Vega Signed Order of Suspension

Date: 11/4/2021 **Number:**

Location:

Link: Item stored in the Database.

Notes:

Electronic Signature

DIEHM, ANTHONY	1102392	6/20/2021
Notes: Sustained		
ESSICK, MARK	110348	7/27/2021
Notes:		
NAUGLE, JAMES	1101351	7/27/2021
Notes:		
DOUGHERTY, DARIN	1101583	7/27/2021
Notes:		
MURPHY, SHAWN	1101408	7/28/2021
Notes:		
DIEHM, ANTHONY	1102392	11/4/2021
Notes:		

Narrative

See attached Investigation Narrative in Exhibits.

Allegation and Actions Taken

Name: VEGA, JOSE **ID:** 1102736

Policy Type: 300. Use of Force **Policy List:** Law Enforcement Division Policies

Violation: Use of force

Finding: Sustained **Finding Date:** 6/20/2021

Action:

Suspension Time: **Start Date:**

Due Date: **Action Date:**

Action Type: **Order Number:**

Hearing Date: **Time:**

Notes:

Action:

Suspension Time: **Start Date:**

Due Date: **Action Date:**

Action Type: **Order Number:**

Hearing Date: **Time:**

Notes:

Action:

Suspension Time: **Start Date:**

Due Date:	Action Date:
Action Type:	Order Number:
Hearing Date:	Time:
Notes:	
Action:	
Suspension Time:	Start Date:
Due Date:	Action Date:
Action Type:	Order Number:
Hearing Date:	Time:
Notes:	

Allegation Notes:

Sub: Report Signature

SONOMA COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS INVESTIGATION
20-IA-0006

Background Summary

On November 12, 2020,[1] I was assigned this investigation by Lieutenant Brandon Cutting. He requested I complete an Internal Affairs investigation regarding the conduct of Deputy Jose Vega during a patrol call for service, involving a stabbing, which occurred on October 31, 2020.

The conduct to be investigated had become known during the standard procedure of sergeants reviewing deputy Body Worn Camera footage and reports related to use of force incidents. During this initial review, Deputy Vega's conduct and tactics while making a detention were questioned, more specifically, as to whether the use of his firearm was within Sheriff's Office policy and training.

Incident Summary:
On October 31, 2020, at approximately 0119 hours, Deputies Vega, Samuel Camarena, and Eduardo Esponda responded to multiple reports of subjects physically fighting in the area of Boyes Boulevard and Riverside Drive in Boyes Hot Springs. It was reported one of the subjects was armed with a knife and appeared intoxicated. It was further stated the reporting parties believed the fight might be gang related. The reporting parties described the subject armed with a knife as being a Hispanic male, in his late teens, wearing a red jacket.

Deputies Camarena and Vega located a subject matching the description (HMA, late teens, Red Jacket) in the area, and detained him, as well as two other subjects. During this detention, Deputy Camarena left to detain another subject in the area who also matched the description (HMA, late teens, red jacket). Upon reaching this other subject, identified as [redacted] walked away from Deputy Camarena and failed to comply with Deputy Camarena's verbal commands to stop. Deputies Esponda and Vega arrived on scene and assisted Deputy Camarena in detaining [redacted] The detention of [redacted] involved a use of force which initiated the original use of force review.

Following the detention of [redacted] Deputy Vega identified two additional subjects who had been near [redacted] at the time of his contact and appeared to be associated with him. Deputy Vega attempted to detain these subjects, with one complying, and the second walking away against Deputy Vega's commands. Deputy Vega pursued this other subject and contacted him approximately one block away. Upon contacting this subject, Deputy Vega detained him at gunpoint. This subject was only identified as, "[redacted]

During the investigation, it would be determined [redacted] was the suspect who had been identified by the reporting parties. Deputies would learn [redacted] had stabbed another subject who had left the scene and was already at the hospital. Deputies would further learn [redacted] was also stabbed. The other four detained subjects were released at the scene, without "[redacted] being fully identified. [redacted] would later be issued a juvenile citation for the stabbing.

Several months after the incident, "[redacted] would be identified as, "[redacted]

[1] An underlined date indicates it is part of my investigation-Sergeant Anthony Diehm, Internal Affairs

Complaint / Authorities

The purpose of this investigation was to determine whether the detention of [redacted] by Deputy Vega, violated Sheriff's Office Rules and Regulations or Office-Wide Policy, more specifically:

RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

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

300 – Use of Force (Version of Policy in effect on 10/31/2020. Policy dated 6/8/2020)

300.3 – Use of Force (As to the Application of Force)

304.3 – Issuance and Carrying Taser Devices

D - Deputies should not hold both a firearm and the TASER device at the same time.

320.5.9 - Standards of Conduct – Conduct

F- Discourteous, disrespectful ~~or discriminatory~~ treatment of any member of the public or any member of this office or the County.

G-Use of obscene, indecent, profane or derogatory language while on duty or in uniform.

323.1.1 – Report Preparation

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken.

Investigation

On November 12, 2020, I was assigned this investigation by Lieutenant Brandon Cutting of the Professional Standards Bureau. Upon receiving this investigation, I reviewed Deputy Vega's Body Worn Camera footage from the incident.

On November 12, 2020, I notified Deputy Vega of this investigation in person and provided him with a written IA notice.[2]

I reviewed Deputy Vega's Sonoma County Sheriff's Office RMS report associated with this case (201031-004), as well as the other associated supplemental reports. Deputy Vega authored the main report in this case. He wrote the following:

> "On 10/31/20, at approximately 0119 hours, I was on duty wearing full SCSO uniform and driving a fully marked SCSO patrol vehicle. I was dispatched to the area of Boyes Blvd and Riverside Dr., Boyes Hot Springs for a report of a subject who was armed with a knife and trying to fight people. The subject was described a 17 or 18 year old Hispanic male wearing a red jacket and possibly under the influence. Another caller reported there were several subjects fighting with knives in the same area.
>
> "Deputy Camarena and I arrived to the area and observed a HMA wearing a red jacket walking eastbound on Boyes Blvd towards the Boyes Blvd Bridge.
>
> "Deputy Camarena and I had the subject lay prone on the ground at gun point as he matched the suspect description that was armed with a knife.
>
> "As we were giving the subject verbal commands, Deputy Camarena and I could hear what sounded like several subjects fighting on the Boyes Blvd Bridge near Riverside Dr.
>
> "We detained the subject in handcuffs and checked him for weapons with negative results. As we were doing this, another subject walked up behind us and stated he was the subject's friend. Because we had several callers reporting the fight that had several people involved, we also detained that subject in handcuffs and searched him for weapons but did not locate any. The subject in the red jacket was identified as (IO) [redacted] and the second subject was identified as (IO) [redacted]
>
> "Deputy Camarena then drove to the bridge to contact the other subjects. While I was speaking to the subjects we had detained in handcuffs, I heard Deputy Camarena state over the radio he had several subjects at gunpoint.
>
> "Because Deputy Camarena was by himself, I put the subjects in the back of my patrol vehicle and drove to his location which was approximately a block down the road.

[2] A digital copy of the IA notice can be found in Exhibits.

"As I exited my patrol vehicle, I could see a Hispanic male wearing a red jacket walking away from Deputy Camarena despite giving him commands to stop. Deputy Esponda had also arrived on scene at the same time.

"I was behind Deputy Camarena and Deputy Esponda who were now grabbing the subject in an attempt to detain him.

"The subject was actively resisting and pulling away from both Deputies. Because this subject was actively resisting and was possibly armed with a knife, I punched him in the face approximately 1 time to get him to comply.

"Deputy Esponda and Deputy Camarena were able to get him on the ground and detain him. He was later identified as (OF) [redacted]

"I then noticed there were two more subjects on the bridge. I gave both subjects commands to get on the ground. One subject, identified as (IO) [redacted] got on the ground and I detained him in handcuffs.

"The other subject, began to walk away from me after giving him verbal commands to stop. Once he reached the eastside of the Boyes Blvd Bridge, I gave the subject several commands to get on the ground but he did not comply. I then unholstered my department issued Taser and activated the lights and lasers. The subject then got on the ground and I pat searched him for weapons with negative results.

"Because I no longer had handcuffs, I escorted him back to the bridge where he was placed in handcuffs. Due to the amount of people involved and the lack of recourses, it was quickly determined the subject was not involved and was released from the scene without gathering his personal information.

"While Deputy Esponda was talking to [redacted] he observed [redacted] was bleeding from his abdomen area. Deputy Esponda lifted up his shirt and could see a stab wound to his abdomen. I then requested Code 3 medical attention for him. He was then transported to SRMH where it was determined he had internal bleeding and would need to go to the OR. Deputy Esponda was also at SRMH with [redacted]

"I then mirandized [redacted] and [redacted] who both stated they were not involved with the incident. Both stated they were just walking back to their residence from the 711 at the corner of Railroad Ave and Boyes Ave. Bothe subjects were then released from the scene.

"I mirandized [redacted] who stated he understood his rights and told me the following in summary:

"He and his friends had given [redacted] a ride home off of Boyes Blvd. [redacted] left the house and began walking east bound on Boyes Blvd along with

[redacted] He stated [redacted] saw a car of "scrapas", which is a derogatory name for sureno gang members, and said he wanted to fight them. [redacted] said he did not want to die, so he continued walking east bound on Boyes Blvd while [redacted] was fighting unknown subjects. [redacted] stated he did not actually see the fight, only heard it. Shortly after was when Deputies arrived on scene.

"I was then notified that there was another stabbing victim that had just arrived at the Sonoma Valley Hospital. Deputy Camarena told me a witness who wanted to remain anonymous saw [redacted] stab the subject who had been taken to SVH. The Victim was identified as (VI) [redacted]

"Deputy Malatesta went to SVH to get a victim statement and collect evidence. He briefly told me [redacted] was not being forthcoming about the incident and stated he would not be able to identify the suspect. Refer to Deputy Malatesta's supplement for the full statement.

"Deputy Camarena also gathered witness statement. Refer to Deputy Camarena's supplement for more information regarding witness statements.

"A trail of blood was located on the southeast corner of the intersection of Boyes Blvd and Riverside Dr. I also located a black puma hoodie in the middle of the roadway in front of [redacted] Boyes Blvd. The hoodie had several small holes in the abdomen area as well as a small amount of suspected blood.

"I contacted Detective Berg who was the on call VCI detective and informed him on the situation. He requested I captured digital images of the scene and collect the hoodie for evidence.

"I uploaded the digital images to Axon capture and booked the hoodie into evidence (JV1).

"Deputy Esponda had informed me he had located a folding knife, with suspected blood on the blade, in the left pocket of [redacted] pants. He later booked the knife into evidence. Refer to Deputy Esponda's supplement for more information.

"I notified Sgt. McKinnon of the use of force and he responded to the scene.

"Based on all the statement and evidence located I had probable cause to arrest [redacted] for 245(a)(1) PC and 148(a) PC.

[redacted] was issued a citation at SRMH.

"Forward to Juvenile Probation for prosecution."

I reviewed Deputy Vega's Body Worn Camera footage related to this case.[3] Deputy Vega activated his Body Worn Camera at approximately 0121 hours. The video recorded continuously for 13:10 (mm:ss). The first 30 seconds of the video had no audio due to standard device settings. I have summarized significant points in the BWC video below:

Upon the BWC being activated, Deputy Vega was responding to the call for service. Deputy Vega arrived on scene to Deputy Camarena detaining a subject matching the description of the subject who was reported to be brandishing a knife (HMA, late teens, red jacket). This subject would be identified as, [redacted] was walking away from Deputy Camerana who was providing verbal commands. Deputy Vega and Deputy Camarena continued giving [redacted] verbal commands, with their guns drawn. [redacted] complied and laid in a prone position on the ground. Once in the prone position, Deputy Vega advised [redacted] not to reach for anything or Deputy Vega would shoot him. A second subject, standing near [redacted] was also ordered to the prone position. This subject would be identified as, [redacted]

After [redacted] and [redacted] were in the prone position, Deputy Vega and Deputy Camarena began discussing other subjects in the area, who they believed might be involved. Both deputies approached [redacted] with Deputy Vega yelling, "Do not fucking move, you hear me, don't move!" Upon reaching [redacted] Deputy Vega detained him in handcuffs.

Deputy Vega walked [redacted] to the patrol vehicles. During this time, a third subject approached (This subject would never be identified). The subject appeared in the video to be walking by. Deputy Vega observed this subject approaching, asked who he was, and told the subject to put his hands up and get back. The subject could be viewed in the video with his hands up complying. As Deputy Vega was walking toward this subject (on the way to his patrol vehicle), Deputy Vega told the subject, "Get back, keep your fucking hands up." The subject was walking backwards, with his hands up, passing [redacted] who was still on the ground in the prone position. Upon reaching the patrol vehicle, Deputy Vega told this third subject to sit on the ground.

At the patrol vehicle, Deputy Vega began searching [redacted] During this time, a siren could be heard in the distance. Deputy Camarena then left the scene at a high rate of speed. Upon this occurring, Deputy Vega advised [redacted] there was a report of people fighting and a subject being armed with a knife. Deputy Vega told [redacted] they were trying to figure out what was going on. Deputy Vega placed [redacted] in the back of his patrol vehicle. Deputy Vega then contacted [redacted] who was now in handcuffs, sitting against Deputy Vega's push bumper. Deputy Vega told [redacted] to also get in the vehicle and [redacted] complied. As Deputy Vega was placing [redacted] in the patrol vehicle, the third unidentified subject could be seen laying on his stomach on the side of the road. After [redacted] was in the vehicle, Deputy Vega got in the driver's seat and left the scene. As he was doing so, Deputy Camarena could be heard on the radio advising a subject was walking away from him. The unidentified subject who was laying on the side of the road was not addressed or given further direction by Deputy Vega before leaving the scene.

[3] Deputy Vega's BWC link is located in Exhibits.

Deputy Vega proceeded to Deputy Camarena's location. Upon arrival, Deputy Vega exited his patrol vehicle and began sprinting. During this time, Deputies Camarena and Esponda came into view and could be seen trying to take an uncooperative subject into custody. This subject would be identified as [redacted] was a Hispanic male, in his late teens, wearing a red jacket.

Upon reaching the deputies and [redacted] the video displayed they were at the entrance to a walking bridge. One subject can be seen on the bridge watching what's unfolding. Deputies Camarena, Esponda, and Vega took [redacted] to the ground. Upon this occurring, Deputy Vega began yelling at two subjects on the bridge who were watching. Deputy Vega yelled, "Hey you two, get on the fucking ground! Get on the fucking ground or I'm going to shoot you guys!" One subject, later identified as [redacted] immediately complied and got on the ground placing his hands behind his back. The second subject, later identified only as [redacted] did not comply, and walked away. Deputy Vega advised of this over the radio. [redacted] then stated to Deputy Vega, "I'm on the ground sir."

Deputy Vega began approaching [redacted] who was prone on the ground, and stated to [redacted] "Don't fucking move, I'll shoot you!" As Deputy Vega approached, [redacted] was apologetic stating he had not done anything, stating to handcuff him and take him if needed. Deputy Vega replied, "Shut up," and handcuffed [redacted]

After handcuffing [redacted] Deputy Vega drew his firearm and proceeded past [redacted] down the bridge, appearing to try to locate [redacted] (The subject who had fled and would later be contacted). Deputy Vega advised dispatch he had lost visual of [redacted] and broadcast where he believed [redacted] to be located.

After exiting the opposite side of the bridge, Deputy Vega reached a chain-linked fence. While approaching the fence, Deputy Vega began yelling, "get on the ground" to a subject beyond the fence line. A subject, believed to be [redacted] (but out of view), can be heard telling Deputy Vega that he is the one who called. The subject stated something to the effect of, "I work in the area, live in the area, and is the one who called." What the subject exactly says was difficult to understand, due to the subject having a heavy accent. A female can also be heard yelling. Deputy Vega ordered the subject to come to him but the subject did not comply. Deputy Vega advised over the radio that the subject had a female with him and they were both walking away.

Deputy Vega proceeded down the fence line until he reached an open area, which allowed him to proceed to the other side of the fence towards the subjects. Deputy Vega walked approximately one block, before reaching [redacted] Upon reaching [redacted] began telling Deputy Vega something indiscernible. Deputy Vega illuminated [redacted] with his flashlight, which was in his left hand. Deputy Vega immediately pointed his firearm, which was in his right hand, at [redacted] This occurred while [redacted] was on one side of the street, with Deputy Vega on the opposite side.

Upon illuminating [redacted] Deputy Vega yelled, "Hey you, get on the fucking ground, I'm going to shoot you!" [redacted] began trying to tell Deputy Vega something (Indiscernible) and Deputy Vega re-iterated, "Get on the ground or I'm going to fucking shoot you!" With [redacted] illuminated from

Deputy Vega's flashlight, [redacted] can be seen facing Deputy Vega, trying to explain something (Indiscernible), while holding an object in each hand. The objects appeared to be a flashlight in [redacted] right hand and a cell phone in his left hand. Deputy Vega began advancing towards [redacted] with [redacted] at gunpoint, while continuing to order [redacted] to the ground.



Upon Deputy Vega getting about half way across the street, [redacted] stated something to the effect of, "I live here (while pointing to a residence behind him), I called you guys about the trouble, somebody went down there (pointing down the street)." Deputy Vega again yelled, "Get on the fucking ground!" [redacted] stated, "Oh my god", while placing his hands out away from his body. [redacted] then took a few steps to his right and Deputy Vega advised on his radio he had one at gunpoint. Deputy Vega appeared to move his flashlight under his armpit, and then drew his Taser with his left hand. This action was followed up with the statement, "I'm going to fucking Tase you!"



While Vega's action of placing the flashlight under his armpit, and drawing his Taser were not visible on his BWC video; the light from his flashlight moved off from being fixed on [redacted] to pointing at the ground; then a red dot laser, which would be consistent with a laser from a Taser, was visible in the video. This followed up with the statement, "I'm going to fucking Tase you;" led me to believe Vega deployed his Taser while affixing the light in another manner to his body.

During these moments, Deputy Vega's firearm was not visible in the video due to poor lighting. However, based on Deputy Vegas movements, and the lack of the sound of the firearm going into his holster (metal against Kydex); it did not appear Deputy Vegas firearm had been holstered. An example of the sound made when holstering a firearm can be heard in the video at 03:05 and again at 11:20 (mm:ss).

After stating, "I'm going to fucking Tase you," [redacted] stated, "Ok, ok." Deputy Vega then re-iterated his command, stating, "Get on the fucking ground!" [redacted] then laid on his stomach, with Deputy Vega advancing towards him. During this time, the red dot from his Taser could be seen shining on [redacted] face and Deputy Vega stated, "I'm not fucking playing with you!"

Upon enhancing the video by adjusting the, "Brightness" function to its lightest setting; Deputy Vega's firearm was visible in the video, while the Taser red dot was visibly fixed on [redacted]





With [redacted] on the ground, [redacted] hands were clearly visible. He had a flashlight in his right hand and a cell phone in his left hand. [redacted] was on his stomach, looking up at Deputy Vega stating, "What is your problem? I work at the… (Indiscernible)." Deputy Vega stated, "Shut the fuck up", as he kicked [redacted] flashlight; [redacted] responded, "Oh my god."

After kicking the flashlight, Deputy Vega was standing directly above [redacted] near [redacted] head, with his gun pointed directly at [redacted] head. [redacted] stated, "I live in there man (while pointing to the same residence as previously)". Deputy Vega then stated, "I'm going to fucking shoot you." Deputy Vega then lowered his firearm towards [redacted] so the firearm appeared inches from [redacted] head. [redacted] looked down away from the firearm, and continued speaking trying to tell Deputy Vega something (Indiscernible).



Deputy Vega ordered [redacted] to put his arms out and [redacted] placed his left arm out, while his right arm was positioned under his head. At this point, [redacted] stated something to the effect of, "I live there (while pointing), you can ask my neighbors." Deputy Vega was now positioned to [redacted] right side. Deputy Vega lowered his body so his left knee pushed into [redacted] back. Simultaneously, Deputy Vega pushed the muzzle of his firearm into the back of [redacted] head. This act lowered [redacted] head to the ground. During this moment, the trigger well of the firearm was visible and Deputy Vega's finger was not on the trigger. While pressing the firearm to [redacted] head, Deputy Vega stated, "Do you under-fucking-stand me!" [redacted] responded, "Yes" while making a crying sound, and Deputy Vega yelled, "Do not fucking move!" [redacted] responded, "Ok."

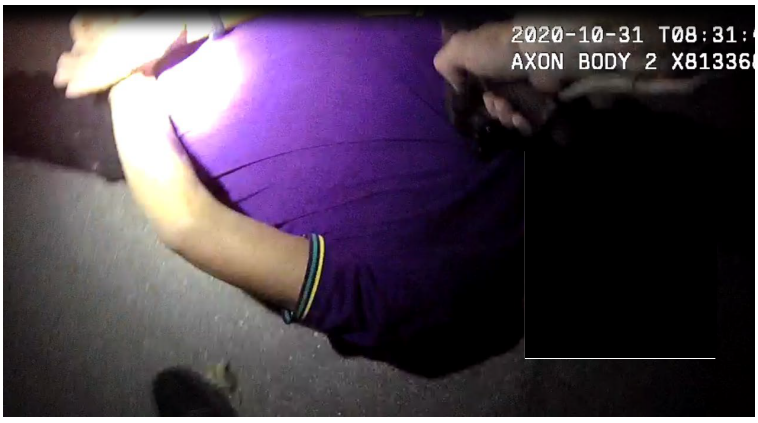


Deputy Vega then stood up and requested Deputy Camarena respond to his location with a set of handcuffs. A female voice could be heard in the distance and Deputy Vega's camera pointed down the street with Deputy Vega pointing his flashlight down the street, as if looking for another subject. It appeared during this time; Deputy Vega was not watching [redacted] and no longer was pointing his firearm at [redacted] Deputy Vega then turned his body facing away from [redacted] pointing back towards the location Deputy Vega had come from. It did not appear Deputy Vega

could have still been watching [redacted] during these moments. At this same time, Deputy Vega's firearm was out of camera view (but had not been holstered), appearing as though his firearm was down by his side (near the holster), with [redacted] directly behind him. Over the radio, Deputy Vega updated Deputy Camarena (who was on his way to Deputy Vega), that he had a female walking up behind him (Deputy Vega).

Deputy Vega then refocused his attention to [redacted] Deputy Vega turned around so he was facing [redacted] illuminated [redacted] with his flashlight, and pushed the muzzle of his firearm into [redacted] upper back. While doing so, Deputy Vega stated, "Put your arms behind your back, put them behind your back right now!" [redacted] responded, "Ok, ok" and complied with Deputy Vega's command.





During this time, the firearm's trigger well was not completely visible in the video. However, the left side of the firearm and trigger were visible; Deputy Vega's index finger tip was not visible. It appeared Deputy Vega's index finger was not on the trigger.

After [redacted] complied with placing his hands behind his back, a woman's voice could be heard in the distance. Deputy Vega focused his attention down the street, towards the woman's voice. Deputy Vegas' video displayed him stand upright, point his flashlight down the street, and point his firearm towards the area where the woman's voice was coming from. Deputy Vega then appeared to lower his firearm to his right side, while [redacted] lied right next to Deputy Vega's right side.

The woman could be heard yelling, multiple times, "He didn't do anything!" Deputy Vega responded, "Get over here." During this time, [redacted] was stating he called about a problem, but most of what [redacted] states is indiscernible due to his accent.

Deputy Vega then yelled out to Deputy Camarena who was out of view, asking if he had handcuffs. Deputy Camarena replied no and asked if the woman was involved. At this same time, a woman walked out from behind a vehicle which was parked down the street. Deputy Vega responded the woman was at the corner yelling and walking away. Deputy Camarena is then heard stating, "[redacted] sit down."

[redacted] still on the ground, began speaking to Deputy Vega in Spanish, and Deputy Vega responded, "Cállate." Deputy Camarena approached Deputy Vega and [redacted] and Deputy Vega holstered his firearm. Deputy Vega again asked Deputy Camarena for handcuffs and Deputy Camarena stated he did not have any.

Deputy Vega turned off his flashlight, but appeared to bend over, as if to stand [redacted] up. During this time, [redacted] was speaking in Spanish. Deputy Vega then stated to [redacted] "Shut the fuck up!" To which [redacted] responded, "Ok."

Deputy Vega told [redacted] to stand up and [redacted] did. Upon standing up, [redacted] began speaking again in Spanish. Deputy Vega asked [redacted] "Hey do you speak English?" To which [redacted] responded "no." Deputy Vega responded stating, "Ok, shut up, we're going over here." Deputy Vega began escorting [redacted] back towards the patrol vehicles. During this time, Deputy Vega had [redacted] hands behind his back, without handcuffs.

While walking, [redacted] asked something to the effect of, "Is that my phone right there?" To which Deputy Vega responded, "Shut up." While still walking, Deputy Vega stated to [redacted] "You try to run, I'm going to fucking punch you in the face so fucking hard, do you understand me." During this time, Deputy Camarena was visible walking ahead of both Deputy Vega and [redacted]

When crossing the bridge, where [redacted] and [redacted] had been detained, Deputy Vega's camera turned off. At this point in the video, Deputy Vega was still escorting [redacted] with [redacted] hands behind his back. Upon checking Deputy Vega's BWC audit, it showed Deputy Vega's BWC had stopped recording due to a low battery.

I reviewed Deputy Camarena's BWC footage.[4] Deputy Camarena activated his BWC at approximately 0122 hours. The video recorded continuously for 1:12:45 (h:mm:ss). The first 30 seconds of the video had no audio due to standard device settings. Deputy Camarena's BWC footage was consistent with Deputy Vega's BWC video. Deputy Camarena's BWC footage additionally captured a short interview with [redacted] conducted by Deputy Vega, as well as a more in depth interview conducted by Deputy Camarena.

The short interview conducted by Deputy Vega was in Spanish and occurred after escorting [redacted] to the patrol cars from where he was detained. Sergeant Juan Valencia translated the interview from Spanish to English for me. I have summarized this interview below.

Deputy Vega asked [redacted] if he was the one who had called and [redacted] stated he was. Deputy Vega advised [redacted] that when told by law enforcement to stay where he is, he has to comply and stay. Deputy Vega said now he ([redacted] had become part of the problem, because he had not followed the deputies' commands. [redacted] began responding; stating he had stayed and Deputy Vega told [redacted] to be quiet. Deputy Vega asked [redacted] what was in his pockets and for consent to search [redacted] [redacted] provided consent and stated he worked in the area at the [redacted]. [redacted] was then escorted to sit with the other detained subjects.

[4] Deputy Camarena's BWC link is located in Exhibits.

The second interview with Deputy Camarena occurred approximately 20 minutes after [redacted] had been detained. Deputy Camarena escorted [redacted] away from the other subjects and conducted the interview. Sergeant Juan Valencia also translated this interview from Spanish to English for me. I have summarized the interview below.

Deputy Camarena asked [redacted] what was going on and [redacted] advised Deputy Camarena he was the one who called regarding the problem. Deputy Camarena asked [redacted] what he had seen. [redacted] stated he was in the area feeding his dogs, when he observed several cars leaving and people running. [redacted] then heard a banging sound on car doors and called 911. [redacted] said he had observed this from across the bridge and did not see anything else. During this conversation, [redacted] identified himself as, "[redacted] and said he worked at [redacted].

Shortly after Deputy Camarena's interview, he released [redacted] from the scene. Nothing else of significance was observed on Deputy Camarena's BWC footage.

I reviewed Deputy Esponda's BWC footage.[5] Deputy Esponda activated his BWC at approximately 0127 hours. The video recorded continuously for 27:34 (mm:ss). The first 30 seconds of the video had no audio due to standard device settings. Deputy Esponda's BWC footage was consistent with Deputy Vega's BWC video. Deputy Esponda's BWC footage additionally captured interactions between Deputy Vega, [redacted] and [redacted] This footage was not on Deputy Vega's BWC video, as his camera had already deactivated. Below is a short summary of what I observed on Deputy Esponda's video when Deputy Vega interacted with [redacted] and [redacted]

Upon returning to the patrol vehicles after detaining [redacted] Deputy Vega approached Deputy Esponda who was with [redacted] and [redacted] (Both detained sitting on the ground in handcuffs). [redacted] appeared intoxicated and was verbally being difficult, cussing and making demands of Deputy Esponda. Deputy Vega approached, shined his flashlight at [redacted] and stated, "Yeah dude you're really fucking hard, you're so hard in handcuffs, you're a fucking bad ass, you're so cool." Deputy Vega then appeared to walk away.

Several minutes later, Deputy Esponda was still dealing with and trying to rationalize with [redacted] who appeared intoxicated and unreasonable (cussing and being disrespectful). Deputy Vega again approached and stated to [redacted] "You're not looking for shit, shut up." Deputy Vega then began speaking to [redacted] trying to gather his pertinent information. During this time, Deputy Esponda advised Deputy Vega that [redacted] was [redacted]

Deputy Vega asked [redacted] what his last name was. [redacted] stated he had just told him his last name. Deputy Vega responded stating, "You didn't fucking tell me anything, don't give me your fucking attitude!" [redacted] and [redacted] both began speaking at the same time, and Deputy Vega responded, "Shut the fuck up!" [redacted] continued talking, stating something to the effect of being on probation and Deputy Vega responded, "I don't give a fuck!"

[5] Deputy Esponda's BWC link is located in Exhibits.

During this investigation I also reviewed the BWC footage of Deputy Malatesta, Deputy Arango-Nunez, Deputy Hope, and Sergeant McKinnon; all of which were at the scene of this incident at various times. Nothing of relevance was located on any of those BWC videos.

On December 9, 2020, at approximately 0812 hours, Sergeant Sean Jones and I conducted an audio-recorded interview with Deputy Vega.[6] Attorney [redacted] who was present for the interview, represented Deputy Vega. This interview took place in the Sheriff's Main Office conference room 2G. Prior to the interview, Deputy Vega read and signed the Administrative Admonishment, which he stated he understood.[7] Below is a short summary of the interview with Deputy Vega. The summary has been reorganized for clarity. Refer to the recorded interview for full details.

Deputy Vega said he graduated the police academy in 2016 and began working for the Central Marin Police Authority that same year. Deputy Vega lateralled to the Sonoma County Sheriff's Office in 2019. While employed by CMPA, he held the collateral assignment of being a member on the Special Response Team (SWAT Team). While assigned to SRT, Deputy Vega attended monthly training but did not attend SWAT school. Additionally, Deputy Vega has attended quarterly block training but has received no other training since graduating the academy.

In regards to the incident being investigated, Deputy Vega said he was dispatched to a fight with one subject who was armed with a knife on Boyes Boulevard near the bridge. While responding, an additional caller stated there were two subjects armed with knives. Upon arriving in the area, Deputy Vega and Deputy Camarena saw two subjects walking, one of which matched the description of the subject who had been reported to be armed with a knife. Upon seeing these two subjects, Deputies Vega and Camarena detained both subjects, as well as a third subject who had approached during the detention. During this time, Deputy Vega could hear yelling coming from the area of the bridge. Deputy Camarena proceeded to the bridge, while Deputy Vega stayed with the detained subjects.

While pat searching the subjects, Deputy Vega heard Deputy Camarena state over the radio he had a subject at gunpoint who was walking away from him. At that time, Deputies Vega and Camarena were the only deputies working out of the Valley Substation, and Deputy Esponda was the only deputy working out of the Sonoma Police Department. Deputy Vega responded to assist Deputy Camarena. Deputy Vega arrived at this scene at almost the same time as Deputy Esponda. Upon arriving, Deputy Vega observed Deputy Camarena with his Taser drawn and pointing at a subject who matched the description of the subject who had been identified as brandishing a knife. This subject was walking away from Deputy Camarena and Deputy Esponda. Deputy Vega observed Deputies Camarena and Esponda grab the subject by the arms and the subject responded by attempting to spin out of their grasp. At this same time, Deputy Vega also observed two additional subjects who were on the bridge and walking away. Deputy Vega got to the subject who was still struggling with Deputies Camarena and Esponda. The

[6] The audio recording of this interview can be found in Exhibits.
[7] A copy of this signed Admonishment can be found in Exhibits

subject spun towards the deputies and Deputy Vega punched the subject who was then taken to the ground by Deputy Camarena.

Upon detaining this subject, Deputy Vega began giving verbal commands for the two subjects on the bridge to stop and get on the ground. One of the subjects ([redacted] complied and got into the prone position on the ground, while the second subject ([redacted] continued walking away. Deputy Vega approached [redacted] and handcuffed him.

After detaining [redacted] Deputy Vega pursued [redacted] who had crossed the bridge. While pursuing [redacted] Deputy Vega could hear a woman screaming and then heard another subject stating more people were down the street. Deputy Vega looked at this subject and realized it was [redacted] (The subject who had walked away from him on the bridge). Deputy Vega attempted to detain [redacted] at gunpoint. Deputy Vega explained [redacted] was walking away from the scene of a reported Assault with a Deadly Weapon and he was detaining [redacted] until they could identify if he was involved. During this time, [redacted] was not cooperating, repeatedly stating he was the Reporting Party. Due to [redacted] lack of cooperation, Deputy Vega drew his 'Taser' and [redacted] got onto the ground. At this time, [redacted] was not fully in the prone position, but positioned on his elbows in a fashion he could potentially get up quickly. As Deputy Vega approached, he observed a flashlight in [redacted] hand and he kicked the flashlight from [redacted] hand.

Deputy Vega then placed his firearm to the back of [redacted] head, explaining there were two people behind the bush in front of him and he was unaware if there were additional subjects in the area near him. He said this combined with him not being in possession of any handcuffs to safely secure [redacted] was all weighing on him in the moment.

Deputy Vega requested Deputy Camarena respond to his location so he could secure handcuffs from Deputy Camarena. After Deputy Camarena arrived, Deputy Vega learned he also did not have any handcuffs. Deputy Vega then picked [redacted] up by the hands and told him that he, "was going to punch him if he ran away." Deputy Vega explained he had stated this was his way of trying to keep compliance since [redacted] had already ignored him and not complied with his orders.

Deputy Vega said he then escorted [redacted] back to the bridge and secured him in handcuffs. The deputies then began conducting the investigation and figuring out who was involved.

I advised Deputy Vega that during the incident he had used curse words and strong language numerous times throughout the incident to various subjects. I asked Deputy Vega why he had used such strong language so freely during the incident. Deputy Vega explained that due to so many people being involved in the incident, and the lack of compliance from several people, he felt his language was a way to get compliance from the subjects and control the situation.

I advised Deputy Vega that during the incident he had told several subjects, on multiple occasions, he was going to shoot them if they did not comply. I asked Deputy Vega what his thought process was when providing these threats/orders. Deputy Vega explained there were multiple reports of people armed with weapons and he believed that if they were to reach for something during that time, they would likely be shot.

I asked Deputy Vega more specifically, if when ordering [redacted] and [redacted] to the ground, and threatening to shoot them if they did not comply, was it his actual intent to shoot them if they did not get on the ground. Deputy Vega responded his intent was not to shoot them for not complying with that order. He explained his thought was if one of them were to reach for something, it would likely be a knife based on what was reported, but said he would not shoot someone for simply not listening to him.

I asked Deputy Vega if he had received training on providing verbal warnings prior to using force and he said he had. I asked Deputy Vega to explain the training he has received. Deputy Vega said he has been trained to provide commands along with consequences if the commands were not followed. I asked Deputy Vega if his understanding of the training was after providing the warning, if the command was not followed to follow through with what he had warned he would do. Deputy Vega said yes, explaining that in this circumstance, his wording when providing the warning was not accurate. Deputy Vega said he would not shoot someone for not getting on the ground. He stated he would not shoot someone for not following a command unless it was a deadly force scenario.

I advised Deputy Vega that during the incident, he told multiple subjects to, "Shut up." I asked Deputy Vega his thought process when ordering people to, "Shut up." Deputy Vega said in these instances the subjects were not listening and he was trying to gain control so that the investigation could be completed and the deputies could figure out what was going on.

I asked Deputy Vega more specifically if he recalled once all the subjects were detained at the scene, re-contacting [redacted] who was sitting with [redacted] and asking [redacted] for his pertinent information, which Deputy Vega said he did. I asked if he recalled asking [redacted] for his last name and [redacted] responding that he had already provided it. Deputy Vega then responded, stating, something to the effect of, "You didn't fucking tell me anything, don't give me your fucking attitude." Deputy Vega said he did not recall that statement. I asked Deputy Vega if he had any inclination as to why he responded to [redacted] in that manner. Deputy Vega said [redacted] was intoxicated and being disruptive and he and [redacted] were feeding off each other. Deputy Vega said he was trying to get them both to be quiet.

I asked Deputy Vega what his thought process was when contacting [redacted] and what he felt needed to be done with [redacted] once contacting him. Deputy Vega said he felt he needed to detain [redacted] and did not believe [redacted] was the reporting party when he walked away from him and would not follow his commands. Deputy Vega said even upon contacting [redacted] he was not initially cooperative. [redacted] actions led Deputy Vega to assume [redacted] was more involved with the incident than just being a reporting party.

I asked Deputy Vega how he got [redacted] to become cooperative. Deputy Vega stated once he displayed his Taser, [redacted] got on the ground. When escorting [redacted] back to the scene, he held [redacted] hands behind his back and he was cooperative.

I asked Deputy Vega what tools he had deployed at the same time his Taser was deployed. Deputy Vega said he had his flashlight in his hand as well. I asked if he secured his flashlight

under his armpit and kept both his firearm and Taser un-holstered simultaneously. Deputy Vega said placing the flashlight under his armpit sounds like something he would do. I asked if he has received training on deploying his Taser and firearm together and he stated he had not. I asked Deputy Vega if he felt deploying three tools simultaneously could be overwhelming or cumbersome while dealing with a suspect who had fled from him. Deputy Vega stated yes. I asked if he believed having three tools deployed simultaneously could create issues if he had to make quick decisions and take quick action and he stated yes.

I asked Deputy Vega what his thought process was when closing the distance with [redacted] and approaching him after he had assumed the prone position on the ground. Deputy Vega explained he wanted to get [redacted] detained. He said the initial report was of a group of people and the street was dark and lined with vehicles, giving opportunity for others to hide. Deputy Vega said he did not realize he did not have handcuffs to effectively restrain [redacted] until after he had approached.

I asked Deputy Vega if he had considered holding his position of distance while keeping [redacted] at gunpoint until another unit arrived to assist in detaining him. Deputy Vega said he knew Deputies Camarena and Esponda were the only other deputies in the Valley area at that time and knew they were both dealing with other detained subjects. Deputy Vega felt waiting for additional resources could take an extended period of time as they were responding from the Main Office patrol area.

I asked Deputy Vega if as he approached [redacted] he could see [redacted] had a flashlight in one hand and a cell phone in the other and he said yes. I asked if he had received training to take headshots and he said he had during, 'Failure Drills'. I asked why when first approaching [redacted] with [redacted] on the ground, he had aimed his firearm at [redacted] head while giving [redacted] commands to put his hands out. Deputy Vega said he was by himself, there were other subjects still in the area and he did not want [redacted] to try to wrestle him to the ground, roll over, or pull out a weapon. He therefore thought it was the best thing to do at that time. I asked Deputy Vega if [redacted] had made a quick movement, did he think a headshot would have been appropriate. Deputy Vega said not unless he had pulled a weapon out.

I asked Deputy Vega if at this point in the contact, he felt [redacted] was being cooperative. Deputy Vega said he felt [redacted] was not being cooperative, as [redacted] had not put his arms out as ordered. [redacted] had kept his arms in a position so that he could get up quickly if he wanted. Deputy Vega said he did not feel [redacted] was cooperative until Deputy Vega grabbed his hands to stand him up.

I told Deputy Vega that the video displayed him state, "I'm going to fucking shoot you." Then displayed him reposition himself so that he placed his knee into [redacted] back, while pushing the muzzle of his gun into the back of [redacted] head, while stating something to the effect of, "Do you fucking understand me." I asked Deputy Vega what he was trying to accomplish with those tactics. Deputy Vega said he was just trying to get [redacted] to comply. He said [redacted] had been uncooperative from his initial contact until that moment.

I asked Deputy Vega why after this, he stood up from [redacted] and began looking around. Deputy Vega explained he was scanning for other threats in the area. I asked Deputy Vega why he then

turned back to [redacted] and pressed the muzzle of his gun into [redacted] upper back. Deputy Vega explained he was by himself and he had no way to properly restrain [redacted] I asked Deputy Vega if he knew what could happen if he discharged his firearm while it was pressed into clothing and he stated he did, stating it could go 'out of battery.' I asked Deputy Vega if at this time he felt there was a lethal threat, which necessitated him keeping his firearm fixated on [redacted] Deputy Vega said he was not sure. I asked if he had any concerns about his firearm malfunctioning, if he did in fact need to use it, due to it being pressed into clothing. Deputy Vega stated this concern was why he removed the firearm from [redacted] back.

I told Deputy Vega that after placing his gun into [redacted] back, it appeared he stood up and turned around, putting his back to [redacted] I asked why he had done this. Deputy Vega stated he was again scanning for threats in the area. I asked Deputy Vega if he had considered just standing on the other side of [redacted] so his back was to the fence, so he would have [redacted] in front of him and if there were any threats he would see them without turning his back to [redacted] He stated he had not considered that.

I asked Deputy Vega if he had a subject who he believed was a threat to the degree he had to push the muzzle of his gun into them, did he believe it was good tactics to then remove his firearm from being fixated on the subject and turning his back to the subject. Deputy Vega stated it would not be good tactics.

I asked Deputy Vega, while escorting [redacted] why he had stated to [redacted] "If you try to run I'm going to punch you in the face so fucking hard." Deputy Vega stated [redacted] had been uncooperative and he was not in a restrained detention and it was his way of trying to gain and maintain compliance while escorting [redacted]

I asked Deputy Vega if after [redacted] was in the prone position on the ground, with his hands behind his back, did he then consider [redacted] as being compliant. Deputy Vega said he was somewhat compliant. I asked if while escorting [redacted] he was concerned [redacted] could become uncompliant, specifically because he was not restrained in handcuffs; Deputy Vega said yes. I asked during this time, while escorting [redacted] where was Deputy Camarena. Deputy Vega told me he was not sure exactly where Deputy Camarena was. I advised Deputy Vega that his BWC video depicted Deputy Camarena walking ahead of him and [redacted] I asked if due to his concerns, he had considered asking Deputy Camarena to walk with him and [redacted] so they could control [redacted] and deter any non-compliance. Deputy Vega said he did not realize Deputy Camarena was not walking with them while escorting [redacted]

Regarding [redacted] not being fully identified, Deputy Vega said he had intended to identify him but upon determining [redacted] was not involved with the incident, [redacted] was released from the scene without being identified. Deputy Vega said it was an oversight. Deputy Vega asked other deputies later if they had gathered [redacted] personal information and they had not. He said he documented this in his report. Deputy Vega did not attempt to locate or identify [redacted] at a later time. Deputy Vega felt [redacted] should have been identified as a witness and possibly as the Reporting Party. Deputy Vega never verified if [redacted] was in fact the Reporting Party.

Deputy Vega stated in retrospect he should have done a better job of documenting the detention of [redacted] and he should have identified him for proper documentation.

On March 11, 2021, at approximately 0803 hours, Sergeant Brent Kidder and I conducted an audio-recorded interview with Deputy Camarena.[8] This interview took place in the Sheriff's Main Office conference room 2G. Below is a short summary of the interview with Deputy Camarena. The summary has been reorganized for clarity. Refer to the recorded interview for full details.

Deputy Camarena has been in law enforcement for about 7 years. He worked as a Deputy Sheriff for the Mendocino County Sheriff's Office for approximately three years, where he was assigned to the SWAT team as a collateral assignment. Deputy Camarena has been employed as a Deputy Sheriff by the Sonoma County Sheriff's Office for about four years and has been assigned to the patrol division. At the time of the incident in question, Deputy Camarena was assigned to work night-shift patrol out of the Valley Substation. Deputy Vega was his assigned partner.

Deputy Camarena provided a narrative of the overall incident, describing what had occurred during the call for service and the investigation. Deputy Camarena's overall recollection of the incident was consistent with Deputy Vega's previously provided statement, as well as the BWC footage reviewed during this investigation.

Deputy Camarena expanded on his perspective of the call for service, describing the scene as chaotic. He explained this was due to the fact it was reported there were multiple people fighting with knives involved. On scene the deputies had two people detained, there were multiple people who were uncooperative, Deputy Camarena knew somebody was hurt as he noticed blood on his hands, and there was a running car on scene with the door open and nobody in it (leading him to believe there were more unidentified people on scene). Deputy Camarena stated he didn't know where all the involved people were and the scene didn't feel safe.

During the time [redacted] was being detained, with [redacted] and [redacted] on the bridge, Deputy Camarena believed they were involved and potentially armed. Deputy Camarena believed it was appropriate to detain all three subjects and chase them if they fled. This was due to the nature of the call for service, their proximity to the call for service, their lack of cooperation, and their intent of walking away from the deputies therefore removing themselves from the scene once law enforcement arrived.

After Deputy Vega pursued [redacted] Deputy Camarena responded to Deputy Vega's location. Just before arriving at Deputy Vega's location, Deputy Camarena observed a female approximately two car lengths from Deputy Vega. The female was uncooperative and encouraging non-cooperation. During this time, Deputy Camarena believed Deputy Vega was in a fight and believed the female was a threat to Deputy Vega.

[8] The audio recording of this interview can be found in Exhibits.

Upon rounding the corner and seeing Deputy Vega, he felt Deputy Vega was vulnerable. Deputy Camarena explained he and Deputy Vega had been on numerous calls together and it was not common for Deputy Vega to call Deputy Camarena to come to his location. In this instance, Deputy Vega did request Deputy Camarena to come to his location; additionally, they were investigating a violent crime involving a weapon. Furthermore, Deputy Vega was alone with a subject who had fled, it was unknown how many other potential suspects were in the immediate vicinity and they had a lack of resources in the area.

Deputy Camarena stated while responding to Deputy Vega's location, he did not realize Deputy Vega did not have handcuffs, but said in hindsight, this fact did add to Deputy Vega's state of vulnerability. Deputy Camarena felt without handcuffs Deputy Vega was left with few options for properly detaining a subject. Deputy Camarena felt the only safe alternative given the circumstances was to hold the subject at gunpoint or Taser point.

Towards the end of the interview, Deputy Camarena expanded on another potential threat related to the overall call for service. Deputy Camarena said based on the call description, the area of the call, and the subjects on scene, he believed, while on scene, that the call was gang related. Deputy Camarena said he recognized two of the subjects on scene to be gang affiliates. This factor added to the overall level of danger of the call and was a factor on his mind while investigating the incident. Deputy Camarena said his fears related to the call for service were compounded by the fact that he knew additional resources would be twenty to thirty minutes away.

On March 11, 2021, at approximately 1240 hours, Sergeant Brent Kidder and I conducted an audio-recorded interview with Deputy Esponda.[9] This interview took place in the Sheriff's Main Office conference room 2G. Below is a short summary of the interview with Deputy Esponda. The summary has been reorganized for clarity. Refer to the recorded interview for full details.

Deputy Esponda was employed as a Petaluma Police Officer for 24 years and has worked for the Sheriff's Office for about a year and a half. During Deputy Esponda's career in law enforcement, he has worked patrol, SWAT, Gangs and several other collateral assignments. At the time of the incident being investigated, Deputy Esponda was assigned to patrol, working night shift at the Sonoma Police Department.

Deputy Esponda started the interview by providing a narrative overview of the call for service being investigated. Deputy Esponda's narrative was consistent with Deputy Vega's statement, Deputy Camarena's statement, and the BWC's reviewed during the course of this investigation.

Deputy Esponda further expanded on the context of the call. Deputy Esponda stated when the call for service was initially dispatched, he considered the call a 'High-Risk' call for service. Deputy Esponda explained any time a call is dispatched involving weapons, there is a potential for things to escalate quickly, and the outstanding weapon already on scene added to the danger of this call. Deputy Esponda said this increased danger was exacerbated by a lack of staffing,

[9] The audio recording of this interview can be found in Exhibits.

with only two other deputies working in the Sonoma Valley patrol area. Based on the time of night, a minimum amount of law enforcement resources were working in the county and Deputy Esponda knew that additional resources would have a delayed response.

In regards to [redacted] and [redacted] being near [redacted] at the time of his arrest, Deputy Esponda assumed both [redacted] and [redacted] were associated with [redacted] and involved in the call for service. Deputy Esponda explained that this assumption was based on the time of night and their close proximity to [redacted] at the time he was contacted.

I asked Deputy Esponda if he felt both [redacted] and [redacted] might have been armed and whether he believed there was reasonable suspicion to detain them. He stated he did feel they were possibly armed and it was appropriate to detain both of them. Deputy Esponda further explained that due to the nature of the call and their close proximity to the call and [redacted] (an uncooperative suspect who matched the description), he assumed they were involved. Deputy Esponda further stated [redacted] had actually been closer to [redacted] than [redacted] had and [redacted] had not followed Deputy Vega's orders, when [redacted] had. The fact that [redacted] had been closer to [redacted] and decided to flee, further raised Deputy Esponda's suspicions regarding [redacted]

I asked Deputy Esponda if he was concerned for Deputy Vega after Deputy Vega pursued [redacted] by himself. Deputy Esponda said he was concerned due to the nature of the call and due to the fact Deputy Vega was alone.

During the interview, I asked Deputy Esponda if he had viewed Deputy Vega's BWC video related to the apprehension of [redacted] Deputy Esponda stated a day or two following the incident, Deputy Vega showed Deputy Esponda a portion of the video. Deputy Esponda said the portion he viewed showed Deputy Vega with his firearm drawn and in close proximity to [redacted] head or upper body. Deputy Vega asked Deputy Esponda what he would have done. Deputy Esponda told Deputy Vega he would not have done that. Deputy Esponda explained that this type of tactic could create a weapon retention issue. He further said too many things could happen, inferring an accident could happen if Deputy Vega suddenly flinched due to other factors. Deputy Vega responded asking what is the difference if the weapon was up close or far away, inferring firing the weapon will have the same result. Deputy Esponda said while this was true, it just wasn't a tactic he would use. Deputy Esponda said he felt Deputy Vega was accepting of the constructive criticism he provided. Deputy Esponda further stated that weapon retention was a primary concern for him at all times. He believed while this is training all law enforcement received, it was probably ingrained deeper in him due to Deputy Esponda's SWAT experience.

On May 17, 2021, at approximately 1528 hours, Sergeant Brent Kidder and I conducted an audio-recorded follow-up interview with Deputy Vega.[10] Attorney [redacted] who was present for the interview, represented Deputy Vega. This interview took place in the Sheriff's Main Office conference room 2G. Prior to the interview, Deputy Vega read and signed an Administrative Admonishment which he stated he understood.[11] Below is a short summary of

[10] The audio recording of this interview can be found in Exhibits.
[11] A copy of this signed Admonishment can be found in Exhibits

the follow-up interview with Deputy Vega. The summary has been reorganized for clarity. Refer to the recorded interview for full details.

Deputy Vega said while responding to the call for service, he felt it was a dangerous call. Deputy Vega attributed this to the fact it was reported to be multiple subjects engaged in a fight with a knife involved. Deputy Vega believed the responding deputies would likely be outnumbered due to the staffing levels at the time. Furthermore, Deputy Vega knew this area to be an area which has had Norteno gang activity. Deputy Vega recognized when the call was dispatched that the subject with the knife was described as wearing a red jacket. Deputy Vega knew the color red to be associated with Norteno street gangs. Therefore, the totality of a violent crime involving a weapon, allegedly being committed by a subject in red, in a known Norteno area, with multiple subjects, and limited staffing, raised Deputy Vega's concern that this could be a dangerous call. Later in the interview Deputy Vega elaborated stating when contacting subjects on a suspected gang related call, he assumes all involved parties are armed in some fashion.

Once on scene, Deputy Vega felt the scene was chaotic. Deputy Vega described making the initial detention with Deputy Camarena, while also hearing screaming coming from the area of the bridge (where [redacted] would eventually be detained). Between the two scenes, Deputy Vega said there were multiple uncooperative people, and limited staffing to deal with numerous subjects. These facts contributed to the chaotic situation. Deputy Vega felt this was one of the more chaotic scenes he had been to.

After pursuing [redacted] and locating him, Deputy Vega said he un-holstered and activated his Taser light and laser. During this time, he believed his firearm was still un-holstered in his other hand. I asked Deputy Vega if he knew the risks in utilizing this tactic. Deputy Vega said he was aware that a deputy deploying both weapons could fire the wrong weapon if needed, or have a sympathetic fire situation occur in which the deputy fires both weapons rather than one. Deputy Vega said he does not recall any training not to utilize this tactic but said he was aware this was a bad practice.

I asked Deputy Vega why he chose to utilize the tactic of deploying both his Taser and firearm simultaneously. Deputy Vega said [redacted] was still not listening to him, he was by himself, it was dark (due to poor lighting in the area), and there were still other people (potentially suspects) in the immediate area. Deputy Vega was trying to focus on [redacted] who was in front of him, as well as trying to focus on subjects yelling in the area. This led to him keeping both weapons un-holstered. Deputy Vega described feeling anxious, nervous, and scared during these moments; stating the suspect in the case was armed with a knife and he did not know, at that moment, if the other subjects still in the area were the armed suspect. I asked Deputy Vega what he felt was the biggest threat during these moments. Deputy Vega said he felt [redacted] was, as he was right in front of him and had already been non-compliant; but further stated he was also concerned that the other subjects in the area were associated with [redacted] who he was trying to detain.

I asked Deputy Vega about his flashlight during the moment he had both his firearm and Taser un-holstered. Deputy Vega could not remember what he did with his flashlight during these

moments. I asked if, based on the BWC video, it was fair to say his flashlight was still deployed in some fashion while both his firearm and Taser were un-holstered. Deputy Vega confirmed this was a fair observation on my part.

I asked Deputy Vega about the moments when he placed his firearm to [redacted] head. I asked why in that moment he decided to use this tactic. Deputy Vega stated this decision was based on [redacted] lack of cooperation throughout the incident. He stated even after getting on the ground, [redacted] kept his arms in a position so that he could get back up, rather than put his arms out. Deputy Vega feared [redacted] was going to become more uncooperative and try to get back up. Deputy Vega said verbal commands had not worked in gaining compliance from [redacted] and he felt this tactic was working in gaining compliance. Additionally, Deputy Vega stated he had no handcuffs at the time to properly restrain [redacted]

I asked Deputy Vega if at the time he placed his gun to [redacted] head, he felt [redacted] was a threat to him. Deputy Vega said he did. Deputy Vega said based on the fact [redacted] was still not listening to him, he felt [redacted] was a threat. Deputy Vega elaborated stating [redacted] would not get on the ground until he activated his Taser light and laser. Once on the ground, [redacted] did not go fully into the prone position, instead keeping himself propped up on his elbows while still holding objects in his hands. Furthermore, [redacted] had been uncooperative from the start of their contact. I asked specifically what [redacted] did, at the time he placed his gun to [redacted] head, which was non-compliant. Deputy Vega stated [redacted] didn't do anything physically, but this action was taken immediately following [redacted] getting on the ground.

I asked Deputy Vega why later in the incident he had placed his gun into [redacted] back, specifically why he decided to use this tactic. Deputy Vega said for all the same reasons he had placed the gun to [redacted] head. I asked what [redacted] had done to be non-compliant when Deputy Vega pushed his gun into [redacted] back. Deputy Vega said [redacted] had not done anything at that moment to physically resist. I asked if he perceived a threat at that moment and Deputy Vega said he did due to [redacted] being unrestrained and the possibility [redacted] would try to fight Deputy Vega while Deputy Vega was alone.

I asked Deputy Vega if he's ever received training on pressing the muzzle of his firearm into a subjects head or back. Deputy Vega said he has not received training specifically to press his gun into someone, but said he has received training on close proximity firing. Deputy Vega explained he has received weapon retention training where if a suspect is trying to take his gun, this is a lethal force situation and shots fired would be in very close proximity to the suspect.

I asked Deputy Vega if he had any concerns, regarding an accidental discharge of his firearm, when pressing the muzzle of his firearm into [redacted] head and back. Specifically, if [redacted] were to suddenly move, was Deputy Vega concerned it could cause him to accidentally discharge his weapon. Deputy Vega stated while this is possible, he was not concerned about accidentally discharging his firearm. He explained he has been handling firearms for ten years and firearm safety is his top priority. Deputy Vega stated he did not have his finger on the trigger during these moments.

I asked Deputy Vega if he felt his report from this incident was written clearly and accurately, especially as it pertained to his contact with [redacted] Deputy Vega said he was unsure as he hadn't read his report prior to this interview. Deputy Vega said it was his practice to author reports which accurately portrayed what transpired during a given incident. I asked if Deputy Vega believed it would have been important to document pressing his firearm to [redacted] head and back. Deputy Vega, in hindsight, believed these were important facts which should have been documented, but said in the moment in which he documented the incident he did not recognize the importance.

Deputy Vega admitted he has never detained a suspect in this manner and has never observed anyone else detain a suspect in this manner; but said the tactics he chose did not stand out in his mind at the time. Deputy Vega attributed this to the unique set of circumstances he was in at that moment (dealing with an uncooperative stabbing suspect, alone and without handcuffs). Deputy Vega now recognized this was an extraordinary set of circumstances; and now after being a subject of this investigation, he recognized these facts should have been included in his report as the tactics he utilized were outside standard procedure.

During questioning of Deputy Vega by [redacted] Deputy Vega stated he did not leave details out of his authored report in an effort to conceal anything which had transpired during the detention of [redacted] Deputy Vega said he was aware his BWC had captured the detention of [redacted] in its entirety, as he was the one who had activated his camera. Furthermore Deputy Vega described putting out over the radio that he was detaining [redacted] at gunpoint. Deputy Vega stated his lack of documentation was merely an oversight.

Over the course of this investigation, the Sheriff's Office had made numerous attempts to locate and contact [redacted] At the onset, and for almost the entirety of the investigation, [redacted] identity was unknown, aside from his first name being [redacted] Valley patrol deputies had been assigned to locate and identify [redacted] for the Violent Crime Investigations Unit, so he could be interviewed as a witness in their criminal case. These efforts were not successful. Eventually, searching local databases, [redacted] identity was believed to have been discovered; however, the phone numbers and addresses listed for [redacted] were outdated. In February of 2021, Valley Patrol Deputy Hector Rodriguez contacted VCI Detective Nick Berg and advised him he had located [redacted] He provided Detective Berg with a phone number for [redacted] Detective Berg made numerous unsuccessful attempts to contact [redacted] and his whereabouts were again unknown.

On June 14, 2021, I contacted Deputy Rodriguez and requested he make another effort to locate [redacted] Deputy Rodriguez notified me he had recently begun seeing [redacted] almost daily in the area of the [redacted]. Later that same day (June 14, 2021), Deputy Rodriguez contacted me stating he had located [redacted] He told me [redacted] would meet with detectives the following day (June 15, 2021) at 1300 hours, at [redacted], Boyes Hot Springs. Deputy Rodriguez also provided me with a new phone number for [redacted]

On June 15, 2021, at 1300 hours, Sergeant Kidder and I were present at [redacted] to meet with [redacted] [redacted] did not show up. I called [redacted] who answered and stated he wished to speak

with Deputy Rodriguez. I contacted Deputy Rodriguez on a three-way call and the three of us spoke on the phone regarding [redacted] possibly meeting me the following day to which [redacted] agreed.

On June 16, 2021, at approximately 1247 hours, Sergeant Kidder and I conducted an audio-recorded interview with [redacted].[12] Present for the interview was Sonoma Police Chief Orlando Rodriguez. Chief Rodriguez interpreted the interview between [redacted] and I, as [redacted] primarily spoke Spanish. This interview took place at [redacted] in Boyes Hot Springs. Below is a short summary of the interview with [redacted] The summary has been reorganized for clarity. [redacted] interview was not entirely consistent, possibly due to the language barrier between us and the need for a translator. Refer to the recorded interview for full details.

I advised [redacted] I wished to interview him regarding the incident which had occurred at the Riverside Drive and Boyes Boulevard Bridge in October or November of 2020. I asked [redacted] if he remembered the incident I was speaking of and he stated he remembered everything. [redacted] told me the following: [redacted] described on the night being investigated, he had been in the area of Boyes Boulevard and Riverside drive, on the east side of the bridge, which passes over Sonoma Creek. [redacted] said he was visiting a residence in the area to feed his dog and estimated the time to be approximately 0200 hours.

While at this location, [redacted] heard a commotion on the west side of the bridge. [redacted] said he heard yelling, banging, screaming, and believed somebody was being killed. [redacted] described the commotion was intense and loud. Around this same time, a car pulled up on the east side of the bridge (near where [redacted] was located), and several subjects exited the vehicle, to include one female. [redacted] observed the male subjects cross the bridge towards the commotion and the female stayed on the east side of the bridge.

[redacted] walked toward the bridge to see what was happening; during this time he also called 911 to alert law enforcement. Upon calling 911, he was advised they already had first responders on their way to the scene. [redacted] proceeded onto the bridge and saw Sheriff's deputies had already arrived and were handcuffing subjects on the west side of the bridge.

While on the bridge, [redacted] heard a deputy ordering him to get on the ground and not to walk away but said he did not want to comply because he had nothing to do with what was happening. [redacted] proceeded to walk back toward the residence where he had originally been to feed his dog.

While walking back, [redacted] was followed by a deputy. [redacted] said he was eventually confronted by the deputy who ordered him to the ground. [redacted] did not immediately comply, as he had nothing to do with the call being investigated. [redacted] stated the deputy then grabbed him, threw him to the ground, kicked his cell phone breaking it, and then handcuffed him.

After being handcuffed, [redacted] was escorted back to the original scene where patrol cars were located as well as other detained subjects. At this location, [redacted] was briefly questioned then released from the scene.

[12] The audio recording of this interview can be found in Exhibits.

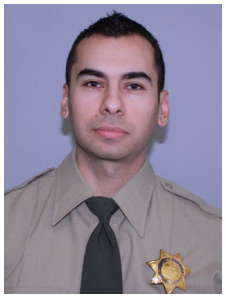
During this interview, [redacted] further stated he was not associated with any of the other subjects who were detained. [redacted] recognized one of the other detained subjects as a customer from his work but did not know him personally. [redacted] further stated he believed the involved subjects were likely gang members.

I asked [redacted] if during his detention, was any further force used against him aside from him being taken to the ground and he said there was not. I asked if the deputy used any of the tools from his belt on him and he said the deputy had not. I asked if the deputy had pointed his firearm or Taser at him and he said the deputy did not point any weapons at him. I asked if when being taken to the ground he had sustained any injuries and he said he had not.

Based on [redacted] overall statement and answers to my questions, combined with Deputy Vega's BWC footage; [redacted] appeared to have no recollection of holding a flashlight or the flashlight being kicked rather than his phone. [redacted] misremembered how he ended up on the ground, as well as when and where he was handcuffed. [redacted] had no recollection of Deputy Vega pointing his firearm at him, his Taser at him, or having Deputy Vega's firearm being placed against his head and back.

During [redacted] interview, it was explained to him that he was not in trouble, and he was not being criminally investigated in any way. It was explained to him I was not conducting the criminal investigation related to the original call for service; and that I was an Internal Affairs Investigator looking into the conduct of the deputy who detained him.

Conclusions and Findings



DEPUTY JOSE VEGA

Date of Hire: 05/28/2019
[redacted]

This investigation began following a use of force review involving several deputies to include Deputy Vega. The force being reviewed involved the taking of [redacted] into custody. While the force utilized to take [redacted] into custody was found to be in policy, the tactics employed by Deputy Vega, specifically related to his handling of his firearm while contacting [redacted] as well as his overall conduct towards the public were called into question. Additionally, as the investigation progressed, Deputy Vega's use of his Taser, as well as his overall documentation of the incident, became matters of concern which I investigated.

During the course of this investigation, I determined the following regarding Deputy Vega's use of his Taser.

Deputy Vega arrived at the scene of an assault with a deadly weapon call for service. Two subjects were detained at the scene, with a third subject, later identified as [redacted] walking away after being ordered to the ground. It was unknown if [redacted] was involved in the crime being investigated, so Deputy Vega pursued [redacted] Based on the interviews conducted, I determined all three of the deputies on scene at the time believed [redacted] was likely involved and that reasonable suspicion existed to detain [redacted]

Upon contacting [redacted] Deputy Vega attempted to detain him, from a distance, at gunpoint; with Deputy Vega's firearm in his right hand and his flashlight in his left hand. [redacted] was non-compliant, by having failed to stop when ordered as well as failing to lie on the ground when ordered. Deputy Vega decided to un-holster his Taser; with a warning he would discharge it if [redacted] did not get on the ground. While deploying his Taser from its holster, the evidence showed Deputy Vega did not holster his firearm, nor his flashlight. Rather, Deputy Vega placed his flashlight under his armpit, while keeping his firearm deployed in his right hand, and his Taser in his left hand.

Deputy Vega's decision to deploy three tools simultaneously, while attempting to detain a subject who Deputy Vega believed was non-compliant and potentially related to a violent felony, were improper tactics. The Sheriff's Office Taser Use policy (#304) specifically states, "*Deputies should not hold both a firearm and the Taser Device at the same time.*"

Due to Policy 304 stating, "*Should*", rather than "*Shall*", it does not strictly prohibit a Deputy from holding both their firearm and Taser at the same time. However, it clearly indicates deputies are expected not to handle both weapons simultaneously in most circumstances. In

reviewing this case, I found no reason Deputy Vega needed to divert from policy and hold both weapons. [redacted] had stopped, was facing Deputy Vega with both hands visible, and upon presentation of the Taser, [redacted] got on the ground as instructed. No threats were visible in the video which would have necessitated both weapons to be deployed simultaneously. Deputy Vega stated other subjects were in the area at this time who he considered threats. However, the BWC video does not show an active threat. The mere presence of other persons in the area did not constitute grounds to divert from policy and create the safety risks which arise from deploying both weapons simultaneously. Furthermore, the additional action of holding the flashlight at the same time as the firearm and Taser could have only compounded the difficulty and safety risks related to deploying both weapons concurrently.

For the reasons outlined above, it is my opinion Deputy Vega handled his Taser in a manner which violated Sheriff's Office policy, and the finding should be **Sustained**.

RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

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

304.3 – Issuance and Carrying Taser Devices

D - Deputies should not hold both a firearm and the TASER device at the same time.

Finding: Sustained

Regarding Deputy Vega's use of his firearm while detaining [redacted] specifically when pressing the muzzle of his firearm against [redacted] I determined the following.

Once [redacted] was on the ground, Deputy Vega advanced on [redacted] with his firearm drawn. [redacted] possessed a flashlight which potentially could be used as an impact weapon. Upon reaching [redacted] Deputy Vega kicked the flashlight from [redacted] grasp, disarming him. During the moments following, [redacted] had not yet been searched, and Deputy Vega believed [redacted] could still be armed, as the knife which had been reported was still outstanding.

Deputy Vega placed his firearm what appeared to be inches from [redacted] head while providing him verbal commands. Deputy Vega positioned himself so he was to [redacted] right side, and then pressed his knee into [redacted] back, while pushing the muzzle of his firearm into the back of [redacted] head. Deputy Vega pressed the firearm with enough force to lower [redacted] head to the ground.

After pressing his firearm to [redacted] head, Deputy Vega stood up and turned his back to [redacted] who was still unrestrained. Deputy Vega readdressed [redacted] placing the muzzle of his firearm into [redacted] back. Deputy Vega then again shifted his attention off of [redacted] and again turned away from him.

Based on Deputy Vega's use of his firearm (pressing it against the physical body of another), I determined his actions did constitute a use of force.

The Sheriff's Office Use of Force Policy (#300) which was in place at the time of this incident stated in part the following:[13]

> **FORCE**: The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.
>
> **NO FORCE**: The professional command presence or de-escalation skills used by deputies to control an incident and gain the voluntary compliance of a subject in any given situation.
>
> **REASONABLENESS**: The Fourth Amendment "reasonableness" inquiry is whether the peace officers' actions were "objectively reasonable" in light of the facts and circumstances confronting them, at that moment, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that peace officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.
>
> **300.3 USE OF FORCE**
> 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).
>
> The reasonableness of 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 reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

[13] The policy in its entirety can be found in Exhibits.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(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, 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.

There were two moments during this incident where I determined Deputy Vega used force on [redacted] First was the pressing of Deputy Vega's firearm to [redacted] head. The second was the pressing of Deputy Vega's firearm to [redacted] back.

In regards to the pressing of Deputy Vega's firearm to [redacted] head: Deputy Vega believed [redacted] was possibly connected to, or the suspect, in an Assault with a Deadly Weapon (a knife) investigation which was rapidly unfolding. Deputy Vega had provided [redacted] lawful orders, which [redacted] had disregarded by walking away. Deputy Vega pursued [redacted] alone, without handcuffs, and eventually confronted him. Upon confronting [redacted] Deputy Vega again provided [redacted] orders,

which [redacted] did not comply with. During these moments, [redacted] hands were visible and he was holding a cell phone in one hand and a flashlight in the other. Upon presenting a Taser, [redacted] complied with Deputy Vega's orders. Deputy Vega advanced on [redacted] with his firearm drawn. Upon reaching [redacted] Deputy Vega kicked his flashlight from him and stood above [redacted] with his firearm drawn and pointed at [redacted]

While this situation was not ideal (as Deputy Vega had no handcuffs and was now standing directly next to [redacted] at this point in the contact Deputy Vega was in a position of advantage, with [redacted] lying on his stomach with his hands visible. From this positioning, Deputy Vega leaned down pointing his firearm muzzle inches from [redacted] head. This investigation did not reveal any active threats which would have necessitated Deputy Vega to consider a close contact head shot on [redacted] at this point in the contact.

Deputy Vega made the decision to reposition himself so his knee was in [redacted] back. This action appeared reasonable, as it gave Deputy Vega an opportunity to place [redacted] in a control hold, if he chose, while waiting for back up with proper restraints. Additionally, this repositioning could have allowed Deputy Vega to conduct a pat search of [redacted] to confirm whether he was armed and remove a weapon from [redacted] if located; thereby determining if [redacted] was in fact a lethal threat, and if so, possibly minimizing the threat by fully disarming [redacted] as is the goal and is accomplished in most pat searches.

After repositioning himself, Deputy Vega did not place [redacted] in a control hold nor did he pat search him. Deputy Vega decided to press his firearm into [redacted] head pushing it to the ground. At this point in the contact, Deputy Vega was clearly in a position of advantage and this investigation did not reveal any immediate active threats posed by [redacted] While deputies at times do present firearms even when a threat is not immediately visible (such as high-risk stops), I know of no training which instills the pressing of a firearm into the head of another as a form of an unrestrained detention. Deputy Vega confirmed in his interview he has never been trained in this tactic nor has he ever seen any other deputy use this tactic.

Deputy Vega's actions contributed to the circumstances which precipitated the pressing of his firearm to [redacted] head. Deputy Vega advanced on [redacted] alone, closing the distance between the two while knowing [redacted] could be armed with a close contact weapon (a knife). The danger, which came from this action, was compounded when Deputy Vega realized he did not have handcuffs to properly restrain [redacted]

Deputy Vega stated [redacted] had previously been uncooperative by failing to stop as well as failing to get on the ground when ordered; but at this point in the contact [redacted] had become cooperative and was submitting to the detention. With [redacted] submission, Deputy Vega appeared to raise his level of force by pressing his gun to [redacted] head, rather than hold at the level of force which was effective (presentation of the Taser or firearm), or lower his level of force due to [redacted] new level of cooperation.

At the conclusion of Deputy Vega pressing his firearm to [redacted] head, Deputy Vega stood up and diverted his attention from [redacted] turning away from him. This action was not consistent with the

level of force used in this instance and was not consistent with the perceived threat posed by [redacted] as described by Deputy Vega.

Regarding Deputy Vega's pressing of his firearm into [redacted] back, I determined the following: Deputy Vega had diverted his attention off of [redacted] after having pressed his gun into [redacted] head. Deputy Vega reengaged [redacted] by pressing his firearm into [redacted] back while again giving [redacted] verbal commands. [redacted] cooperative conduct had not changed since Deputy Vega had turned away from him. [redacted] had produced no new threats, and no justification of force was visible or articulated which would have risen above placing [redacted] in a control hold while waiting for proper restraints. Deputy Vega articulated [redacted] had previously been uncooperative, was still unrestrained and he feared [redacted] might try to fight him while he was alone. These facts did not justify the pressing of a loaded firearm's muzzle into the body of another.

Furthermore, after pressing his firearm's muzzle into [redacted] back, Deputy Vega again stood up and diverted his attention away from [redacted] This action was not consistent with the perceived threat posed by [redacted] as described by Vega.

For the reasons outlined above, it is my opinion Deputy Vega's use of force was unreasonable, and in violation of Sheriff's Office policy, and the finding should be **Sustained**.

RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

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

300 – Use of Force (Version of Policy in effect on 10/31/2020. Policy dated 6/8/2020)

300.3 – Use of Force (As to the Application of Force)

Finding: Sustained

During the course of this investigation, I determined the following regarding Deputy Vega's conduct towards the public.

Deputy Vega contacted eight subjects during the investigation. Deputy Vega repeatedly cursed at numerous subjects and told subjects he would shoot them for not following his commands. During Deputy Vega's IA interview, he acknowledged deadly force would not have been justified for failing to follow his orders.

On numerous occasions, subjects attempted to explain themselves to Deputy Vega, who spoke over them, or told them to shut up, rather than allow them to provide him with information. Several of these instances occurred after the subjects had become compliant or were detained in handcuffs.

Regarding Deputy Vega's conduct towards [redacted] during his detention, it appeared the placement of his firearm to [redacted] head and back was done in a fashion to intimidate [redacted] rather than gain a tactical advantage.

Deputy Vega's statements, such as, "I'm going to fucking shoot you" while placing the muzzle of his firearm inches from [redacted] head, followed by the statement, "Do you under-fucking-stand me" while pushing the muzzle into [redacted] head, all while [redacted] was on his stomach on the ground; appeared to be intended to instill fear rather than protect Deputy Vega from an immediate threat. This was supported by Deputy Vega's follow-up actions of standing up and turning his back to [redacted]

In my opinion, moments in law enforcement do exist where cursing at subjects and/or threatening subjects with force, to include deadly force, are reasonable and justified. However, in this overall instance, Deputy Vega's conduct was out of line and unnecessary in assisting him in completing his duties.

For the reasons outlined above, it is my opinion Deputy Vega's conduct was discourteous, disrespectful, and full of obscene and inappropriate profane language. Furthermore, Deputy Vega's conduct was outside the values and principles of the Sheriff's Office. Therefore, I believe Deputy Vega's conduct was in violation of Sheriff's Office policy, and the finding should be **Sustained**.

RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

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

320.5.9 - Standards of Conduct – Conduct

F- Discourteous, disrespectful ~~or discriminatory~~ treatment of any member of the public or any member of this office or the County.

G-Use of obscene, indecent, profane or derogatory language while on duty or in uniform.

Finding: Sustained

During the course of this investigation, I determined the following in regards to Deputy Vega's documentation concerning this incident.

Deputy Vega authored three paragraphs as it related to his observations, pursuit, detention, and release of [redacted]. This documentation was brief and failed to articulate why reasonable suspicion existed to detain [redacted] justifying Deputy Vega's pursuit of him. Deputy Vega's documentation failed to describe any threats posed by [redacted] which reasonably would have justified force. Deputy Vega failed to document any of the force used on [redacted] in any way. Lastly, Deputy Vega failed to identify [redacted] and properly document his involvement in the overall incident, even if it only were as a witness.

In reviewing this incident, all of the information which was lacking was relevant and should have been documented. These failures led to missing pertinent information in the criminal investigation of [redacted] [redacted] (with an unidentified eyewitness, [redacted] as well as led to complications in this Internal Affairs Investigation (due to an unidentified person, [redacted] who had been subjected to Force).

For the reasons outlined above, it is my opinion Deputy Vega's documentation of the incident did not accurately reflect his actions, nor contain all relevant information and was in violation of Sheriff's Office policy, and the finding should be **Sustained**.

RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

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

323.1.1 – Report Preparation

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken.

Finding: Sustained

Administrative Admonishment

Today's date is: DECEMBER 9, 2020

Present in the room are: SGT SEAN JONES, SGT ANTHONY DEEHM

Before we begin the interview, I want to advise you of two General Orders which apply to this interview. They are:

Rules and Regulations Regarding Conduct

5.0 PROCEDURE

B. DUTIES, CONDUCT AND RESPONSIBILITY

(13) **Insubordination:** Failure or deliberate refusal of any member to obey a lawful order given by a supervisor is insubordination. Giving false or misleading statements, misrepresenting or omitting material information to a supervisor or other person in a position of authority in connection with any investigation or in the reporting of Sheriff's Office related business. Ridiculing a supervisor or his order is also insubordination.

(39) **Truthfulness:** Members shall truthfully answer all questions that are specifically directed to them by other members and that are narrowly related to the scope of employment and operations of the Office.

Do you understand these General Orders? Do you understand that I am considered a designee of the Sheriff?

I am now giving you a direct order to answer all questions and to answer them truthfully and that failure to do so could lead to disciplinary action up to and including termination with this Office. Do you understand?

Additionally, do not discuss the interview or this investigation, or the contents thereof with anyone except your legal representative unless directed to do so by myself or a superior officer. Do you understand?

Please sign and date below that I have advised you of the General Orders regarding Truthfulness, and Insubordination, as well as having given you a direct order to answer all of my questions.

J. VEGA
Name

12/9/20
Date

Witness

Administrative Admonishment

Today's date is: 5/17/21

Present in the room are: SGT. A. DIEHM, SGT. B. KIDDER JOSE VEGA

Before we begin the interview, I want to advise you of two General Orders which apply to this interview. They are:

Rules and Regulations Regarding Conduct

5.0 PROCEDURE

B. DUTIES, CONDUCT AND RESPONSIBILITY

(13) **Insubordination:** Failure or deliberate refusal of any member to obey a lawful order given by a supervisor is insubordination. Giving false or misleading statements, misrepresenting or omitting material information to a supervisor or other person in a position of authority in connection with any investigation or in the reporting of Sheriff's Office related business. Ridiculing a supervisor or his order is also insubordination.

(39) **Truthfulness:** Members shall truthfully answer all questions that are specifically directed to them by other members and that are narrowly related to the scope of employment and operations of the Office.

Do you understand these General Orders? Do you understand that I am considered a designee of the Sheriff?

I am now giving you a direct order to answer all questions and to answer them truthfully and that failure to do so could lead to disciplinary action up to and including termination with this Office. Do you understand?

Additionally, do not discuss the interview or this investigation, or the contents thereof with anyone except your legal representative unless directed to do so by myself or a superior officer. Do you understand?

Please sign and date below that I have advised you of the General Orders regarding Truthfulness, and Insubordination, as well as having given you a direct order to answer all of my questions.

Name

5/17/21
Date

Witness

SONOMA COUNTY SHERIFF'S OFFICE

MARK ESSICK
Sheriff-Coroner

JAMES NAUGLE
Assistant Sheriff
Law Enforcement Division

EDDIE ENGRAM
Assistant Sheriff
Detention Division

HEIDI KEITH
Chief of Financial and Administrative Services

November 11, 2020

TO: Deputy Sheriff Jose Vega

FROM: Sergeant Anthony Diehm

SUBJECT: Internal Affairs Investigation **20-IA-0006**

This memorandum will formally notify you that this office has been directed to conduct the above investigation and further you are the subject of that investigation. The focus of this investigation will be surrounding your conduct on October 31, 2020; specifically your handling of Sheriff's Office case # 201031-004.

As a result of your conduct, you could be in violation of Office Rules and Regulations and Department Policies, and therefore could be subject to disciplinary action, up to and including termination of your employment status with the Sheriff's Office.

You are not to discuss this investigation, or the allegations, with anyone other than your representative, Lieutenant Brandon Cutting, Sergeant Sean Jones, or myself. This is a potentially serious matter and you would be wise to carefully follow these directives. Any violation of these directives will be considered an act of insubordination, and will certainly lead to disciplinary action against you, up to and including termination of your employment with the Sheriff's Office.

In order to complete the investigation it will be necessary to formally interview you. Please have your representative call me so that we can arrange for an interview date.

Anthony Diehm
Sergeant
Internal Affairs Unit
[redacted]

NOTICE OF INTENDED DISCIPLINARY ACTION

August 03, 2021

Jose Vega
Deputy Sheriff

This Notice will inform you that your appointing authority, Sheriff Mark Essick, proposes a 132-hour suspension. The suspension proposed is intended to be served as an 80-hour suspension, with an additional 52 hours to be served in the form of a 5% pay reduction in your hourly rate as a Deputy for 1,040 hours per the Civil Service rules 10.4.

The proposed disciplinary action is based on your conduct as described below. This conduct, in the opinion of your appointing authority, constitutes grounds for disciplinary action discussed below.

RULES OF THE CIVIL SERVICE COMMISSION

Rule 10.3: DISMISSALS

A. Dismissal of Permanent Employee
Any employee who has attained permanent status may be dismissed for reasonable cause including, but not limited to:

(14) Failure to meet reasonable work performance standards and requirements.

Rule 10.4: Suspensions, Demotions, Reductions in Pay

Any employee may be suspended without pay, reduced in pay and/or demoted for any of the reasons provided by these rules for dismissal. No suspension shall exceed two hundred and forty consecutive working hours. A reduction in pay is defined as a reduction in the hourly pay rate for hours worked which is no more than five (5) percent of the employee's salary step prior to the reduction and shall not exceed 1040 hours in duration.

and

RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

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

300 – Use of Force (Version of Policy in effect on 10/31/2020. Policy dated 6/8/2020)

300.3 – Use of Force (As to the Application of Force)

304.3 – Issuance and Carrying Taser Devices

D - Deputies should not hold both a firearm and the TASER device at the same time.

320.5.9 - Standards of Conduct – Conduct

F- Discourteous, disrespectful ~~or discriminatory~~ treatment of any member of the public or any member of this office or the County.

G-Use of obscene, indecent, profane or derogatory language while on duty or in uniform.

323.1.1 – Report Preparation

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken.

STATEMENT OF FACTS:

Displaying of Taser

You arrived at the scene of an assault with a deadly weapon call for service. Two subjects were detained at the scene, with a third subject, later identified as [redacted] walking away from you after being ordered to the ground. It was unknown if [redacted] was involved in the crime being investigated, so you pursued [redacted]

Upon contacting [redacted] you attempted to detain him, from a distance, at gunpoint; with your firearm in your right hand and your flashlight in your left hand. [redacted] was non-compliant, by having failed to stop when ordered as well as failing to lie on the ground when ordered. You decided to un-holster your Taser; with a warning you would discharge it if [redacted] did not get on the ground. While deploying your Taser from its holster, the evidence showed you did not holster your firearm, nor your flashlight. Rather, you placed your flashlight under your armpit, while keeping your firearm deployed in your right hand and your Taser in your left hand.

Your decision to deploy three tools simultaneously, while attempting to detain a subject who you believed was non-compliant and potentially related to a violent felony, were improper tactics. The Sheriff's Office Taser Use policy (#304) specifically states, "*Deputies should not hold both a firearm and the Taser Device at the same time.*"

Due to Policy 304 stating, "*Should*", rather than "*Shall*", it does not strictly prohibit you from holding both your firearm and Taser at the same time. However, it clearly indicates you were expected not to

handle both weapons simultaneously in most circumstances. In reviewing this case, there was no reason you needed to divert from policy and hold both weapons. [redacted] had stopped, was facing you with both hands visible, and upon presentation of the Taser, [redacted] got on the ground as instructed. No threats were visible in the video, which would have necessitated both weapons to be deployed simultaneously. You stated other subjects were in the area at this time who you considered threats. However, the BWC video does not show an active threat. The mere presence of other persons in the area did not constitute grounds to divert from policy and create the safety risks, which arise from deploying both weapons simultaneously. Furthermore, the additional action of holding the flashlight at the same time as the firearm and Taser could have only compounded the difficulty and safety risks related to deploying both weapons concurrently.

Use of Force
Based on your use of your firearm (pressing it against the physical body of another), it was determined your actions did constitute a use of force.

There were two moments during this incident where it was determined you used force on [redacted] First was the pressing of your firearm to [redacted] head. The second was the pressing of your firearm to [redacted] back.

In regards to the pressing of your firearm to [redacted] head: You believed [redacted] was possibly connected to, or the suspect, in an Assault with a Deadly Weapon (a knife) investigation which was rapidly unfolding. You had provided [redacted] lawful orders, which [redacted] had disregarded by walking away. You pursued [redacted] alone, without handcuffs, and eventually confronted him. Upon confronting [redacted], you again provided [redacted] orders, which [redacted] did not comply with. During these moments, [redacted] hands were visible and he was holding a cell phone in one hand and a flashlight in the other. Upon presenting a Taser, [redacted] complied with your orders. You advanced on [redacted] with your firearm drawn. Upon reaching [redacted] you kicked his flashlight from him and stood above [redacted] with your firearm drawn and pointed at [redacted]

While this situation was not ideal (as you had no handcuffs and were now standing directly next to [redacted] at this point in the contact you were in a position of advantage, with [redacted] lying on his stomach with his hands visible. From this positioning, you leaned down pointing your firearm muzzle inches from [redacted] head. This investigation did not reveal any active threats which would have necessitated you to consider a close contact head shot on [redacted] at this point in the contact.

You made the decision to reposition yourself so your knee was in [redacted] back. This action appeared reasonable, as it gave you an opportunity to place [redacted] in a control hold, if you chose, while waiting for back up with proper restraints. Additionally, this repositioning could have allowed you to conduct a pat search of [redacted] to confirm whether he was armed and remove a weapon from [redacted] if located; thereby determining if [redacted] was in fact a lethal threat, and if so, possibly minimizing the threat by fully disarming [redacted] as is the goal and is accomplished in most pat searches.

After repositioning yourself, you did not place [redacted] in a control hold nor did you pat search him. You decided to press your firearm to [redacted] head pushing it to the ground. At this point in the contact, you were clearly in a position of advantage and this investigation did not reveal any immediate active

threats posed by [redacted] While deputies at times do present firearms even when a threat is not immediately visible (such as high-risk stops), I know of no training which instills the pressing of a firearm into the head of another as a form of an unrestrained detention. You confirmed in your interview you have never been trained in this tactic nor have you ever seen any other deputy use this tactic.

Your actions contributed to the circumstances which precipitated the pressing of your firearm to [redacted] head. You advanced on [redacted] alone, closing the distance between him and you while knowing [redacted] could be armed with a close contact weapon (a knife). The danger which came from this action was compounded when you realized you did not have handcuffs to properly restrain [redacted]

You stated [redacted] had previously been uncooperative by failing to stop as well as failing to get on the ground when ordered; but at this point in the contact [redacted] had become cooperative and was submitting to the detention. With [redacted] submission, you appeared to raise your level of force by pressing your gun to [redacted] head, rather than hold at the level of force which was effective (presentation of the Taser or firearm), or lower your level of force due to [redacted] new level of cooperation.

At the conclusion of pressing your firearm to [redacted] head, you stood up and diverted your attention from [redacted] turning away from him. This action was not consistent with the level of force used in this instance and was not consistent with the perceived threat posed by [redacted] as described by you.

Regarding your pressing of your firearm into [redacted] back, I determined the following: You had diverted your attention off [redacted] after having pressed your gun to [redacted] head. You reengaged [redacted] by pressing your firearm to [redacted] back while again giving [redacted] verbal commands. [redacted] cooperative conduct had not changed since you had turned away from him. [redacted] had produced no new threats, and no justification of force was visible or articulated which would have risen above placing [redacted] in a control hold while waiting for proper restraints. You articulated [redacted] had previously been uncooperative, was still unrestrained and you feared [redacted] may try to fight you while you were alone. These facts do not justify the pressing of a loaded firearm's muzzle into the body of another.

Furthermore, after pressing your firearm's muzzle into [redacted] back, you again stood up and diverted your attention away from [redacted] This action was not consistent with the perceived threat posed by [redacted] as described by you.

Conduct

During the overall investigation, you contacted eight subjects. You repeatedly cursed at numerous subjects and told subjects you would shoot them for not following your commands. During your IA interview, you acknowledged deadly force would not have been justified for failing to follow your orders.

On numerous occasions, subjects attempted to explain themselves to you, and you responded by speaking over them, or telling them to shut up, rather than allow them to provide you with information. Several of these instances occurred after the subjects had become compliant or were detained in handcuffs.

Regarding your conduct towards [redacted] during his detention, it appeared the placement of your firearm to Paz's head and back was completed in a fashion to intimidate Paz rather than gain a tactical advantage.

Your statements, such as, "I'm going to fucking shoot you," while placing the muzzle of your firearm inches from [redacted] head, followed by the statement, "Do you under-fucking-stand me," while pushing the muzzle to [redacted] head, all while [redacted] was on his stomach on the ground; appeared to be intended to instill fear rather than protect you from an immediate threat. This was supported by your follow-up actions of standing up and turning your back to [redacted]

Moments in law enforcement do exist where cursing at subjects and/or threatening subjects with force, to include deadly force, are reasonable and justified. However, in this overall instance, much of your conduct was out of line and unnecessary in assisting you in completing your duties.

Report Writing

You authored three paragraphs as it related to your observations, pursuit, detention, and release of [redacted] This documentation was brief and failed to articulate why reasonable suspicion existed to detain [redacted] justifying your pursuit of him. Your documentation failed to describe any threats posed by [redacted] which reasonably would have justified force. You failed to document any of the force used on [redacted] in any way. Lastly, you failed to identify [redacted] and properly document his involvement in the overall incident, even if it only were as a witness.

In reviewing this incident, all of the information, which was lacking was relevant and should have been documented. These failures led to missing pertinent information in the criminal investigation of [redacted] with an unidentified eyewitness, [redacted], as well as led to complications in the Internal Affairs investigation (due to an unidentified person, [redacted] who had been subjected to Force).

YOUR RIGHT TO A RESPONSE

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

You have the right to respond, verbally or in writing, or both, to this Notice. Your verbal or written response must be made within three (3) working days after the day this notice is delivered to you, pursuant to Rule 10, Section 10.5 A of the Rules of the Civil Service Commission. The time to respond may be extended if you make such a request to the appointing authority and the request is granted.

Your written or oral response, if any, must be communicated to Assistant Sheriff Eddie Engram, Sonoma County Sheriff's Office, 2796 Ventura Avenue, Santa Rosa, California, 95403, or by phoning him at [redacted]

IF NO RESPONSE TO THIS WRITTEN NOTICE IS RECEIVED BY ASSISTANT SHERIFF ENGRAM WITHIN THREE (3) WORKING DAYS AFTER THE DAY THIS NOTICE IS DELIVERED TO YOU, OR ON THE LAST DAY OF ANY APPROVED EXTENSION OF TIME, YOU WILL HAVE WAIVED YOUR RIGHT TO MAKE SUCH RESPONSE.

If you wish to accept the proposed Order of Suspension from Employment for an 80 hour suspension, with an additional 52 hours to be served in the form of a 5% reduction in your hourly rate as a Deputy Sheriff for 1,040 hours per Civil Service Rules 10.4 and not respond to Assistant Sheriff Engram, please advise Sergeant Anthony Diehm at [redacted] within three (3) working days so he can move forward with the disciplinary process.

This Notice may become part of your permanent personnel record if disciplinary action is, in fact, imposed as a result of the reasons set forth herein. Read this Notice carefully and sign or initial this notice on the line provided below.

MARK ESSICK
Sheriff-Coroner

8/3/21
Date Signed

Jose Vega
Deputy Sheriff

8/4/21
Date Received

Prepared by: Sgt. Diehm

SONOMA COUNTY SHERIFF'S OFFICE

MARK ESSICK
Sheriff-Coroner

JAMES NAUGLE
Assistant Sheriff
Law Enforcement Division

EDDIE ENGRAM
Assistant Sheriff
Detention Division

HEIDI KEITH
Chief of Financial and
Administrative Services

ORDER OF SUSPENSION FROM EMPLOYMENT

October 27, 2021

Jose Vega
Deputy Sheriff

This Order will inform you that your appointing authority, Sheriff Mark Essick, is implementing a 132-hour suspension. The suspension will be served as an 80-hour suspension, with an additional 52 hours to be served in the form of a 5% pay reduction in your hourly rate as a Deputy for 1,040 hours per the Civil Service rules 10.4. The 80-hour suspension will begin November 12, 2021 and end November 21, 2021. The 5% pay reduction will begin November 26, 2021 and continue for the duration of 1,040 hours.

RULES OF THE CIVIL SERVICE COMMISSION

RULE 10: Separations and Suspensions

SECTION 10.4 SUSPENSIONS/DEMOTIONS/REDUCTIONS IN PAY

Any employee may be suspended without pay, reduced in pay and/or demoted for any of the reasons provided by these rules for dismissal. No suspension shall exceed two hundred and forty consecutive (240) working hours. A reduction in pay is defined as a reduction in the hourly pay rate for hours worked which is no more than five (5) percent of the employee's salary step prior to the reduction and shall not exceed 1040 hours in duration.

The reason for this suspension is set forth in the Notice of Intended Disciplinary Action dated August 03, 2021, which you received on August 04, 2021.

You may reply in writing to this Order, directing your reply to the Clerk of the Board of Supervisors of Sonoma County. The Clerk of the Board of Supervisors must receive such written reply within ten (10) regular County business days after the date that you are served with this Order.

You may also appeal, from this Order, to the Civil Service Commission of Sonoma County by filing a written notice of appeal with the Clerk of the Board of Supervisors within five (5) regular County business days of the date of this Order.

This Order will become part of your permanent personnel record. Please read this Order carefully and either sign or initial it on the line provided.

MARK ESSICK
Sheriff-Coroner

10/27/21
Date Signed

Jose Vega
Deputy Sheriff

10/27/21
Date Received

Prepared by: Sgt. Diehm

SONOMA COUNTY SHERIFF'S OFFICE

MARK ESSICK
Sheriff-Coroner

JAMES NAUGLE
Assistant Sheriff
Law Enforcement Division

EDDIE ENGRAM
Assistant Sheriff
Detention Division

HEIDI KEITH
Chief of Financial and
Administrative Services

Skelly Hearing

DATE OF INCIDENT:	October 31, 2020
CASE:	20-IA-0006
DATE OF HEARING:	October 7, 2021 at 10:00 AM
PRESENT:	Deputy Jose Vega [redacted] Attorney at Law Assistant Sheriff Eddie Engram

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Deputy Vega,

On October 7, 2021, we met to conduct a Skelly Hearing regarding your Notice of Intended Disciplinary Action (NOIDA) in reference to investigation 20-IA-0006. Your appointing authority, Sheriff Mark Essick, had a proposed a 132-hour suspension. The suspension proposed is intended to be served as an 80-hour suspension with an additional 52 hours to be served in the form of a 5% pay reduction in your hourly rate as a Deputy Sheriff for 1,040 hours per the Civil Service rules 10.4.

My review of this incident, following the Skelly Hearing, included the following: consideration of you and your attorney's verbal presentation, review of all documents within the Internal Affairs investigation, review of Body Worn camera video of the incident, review of the NOIDA, review of all related policies and procedures, and a review of your personnel file.

In regards to the first sustained policy violation:

RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

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

304.3 – Issuance and Carrying Taser Devices

D - Deputies should not hold both a firearm and the TASER device at the same time.

During you Skelly Hearing, neither you nor your attorney, [redacted] disagreed with this finding. Your only disagreement was with the proposed discipline, which you believed was excessive in light of the circumstances and your record as a Deputy Sheriff.

After consideration of all the above, I do concur with the investigative findings of "Sustained."

In regards to the second sustained policy violation

RULES AND REGULATIONS REGARDING CONDUCT

5. PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

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

300 – Use of Force (Version of Policy in effect on 10/31/2020. Policy dated 6/8/2020)
300.3 – Use of Force (As to the Application of Force)

During your Skelly Hearing, neither you nor your attorney, [redacted] disagreed with this finding. Your only disagreement was with the proposed discipline, which you believed was excessive in light of the circumstances and your record as a Deputy Sheriff.

Though you argued, you have taken actions to avoid this behavior in the future, including taking Jui Jitsu to assist you in becoming more comfortable with handling subjects. I do not believe this is enough of a mitigating factor in this case. During the Skelly Hearing, there did not appear to be any recognition of the fact you placed yourself in a position of disadvantage by engaging in a foot pursuit of a subject without all of your tools (handcuff). By doing so, you forced a situation (placing a gun to the back of [redacted] head) and use force that was not warranted in this situation. Additionally, when asked what you have done to prevent this from occurring in the future, your response was to slow things down. Though slowing situations down to assess them and make decisions based on the evolving situation is important, the need to de-escalate

situations is also important. You gave no indication that you have engaged in additional de-escalation training.
After consideration of all the above, I do concur with the investigative findings of "Sustained."

In regards to the third sustained policy violation:

RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

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

320.5.9 - Standards of Conduct – Conduct

F- Discourteous, disrespectful ~~or discriminatory~~ treatment of any member of the public or any member of this office or the County.

G-Use of obscene, indecent, profane or derogatory language while on duty or in uniform.

During your Skelly Hearing, neither you nor your attorney, [redacted] disagreed with this finding. Your only disagreement was with the proposed discipline, which you believed was excessive in light of the circumstances and your record as a Deputy Sheriff.

Though the use of profanity may be appropriate to gain compliance in some cases, in my opinion your repeated use of profanity in this case was completely unwarranted. You used profanity towards several subjects in this case continuously and in some cases when subjects were compliant or already detained and when you should have been in "investigative mode." Based on your behavior in the light of the totality of circumstances, I believe you acted in a discourteous manner to several members of the public.

After consideration of all the above, I concur with the investigative findings of "Sustained."

In regards to the fourth sustained policy violation:

RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

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

323.1.1 – Report Preparation

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken.

During your Skelly Hearing, neither you nor your attorney, [redacted] disagreed with this finding. Your only disagreement was with the proposed discipline, which you believed was excessive in light of the circumstances and your record as a Deputy Sheriff and the additional steps you have taken to improve your report writing, including reviewing others reports and studying case law. Though these steps to improve your report preparations are a step in the right direction, I do not believe they mitigate the numerous omissions from your report including your lawful justification to detain [redacted] use force on [redacted] and document the use of force on [redacted] You also failed to properly identify [redacted] which led to complications in the criminal investigation of CR#201031-031 and the Internal Affairs Investigation.

After consideration of all the above, I concur with the investigative findings of "Sustained."

Though [redacted] argued, your light disciplinary record and the actions you have taken to correct and prevent future policy violations should be a mitigating factor in regards to discipline, and that discipline should not be punitive, but corrective in nature, I do not find a compelling reason to reduce the proposed discipline. Therefore, I concur with all the investigative findings of "Sustained." I also concur with the recommended discipline of a 132-hour suspension. The suspension is intended to be served as an 80-hour suspension with an additional 52 hours to be served in the form of a 5% pay reduction in your hourly rate as a Deputy Sheriff for 1,040 hours per the Civil Service rules 10.4. Sergeant Diehm will be in contact with you regarding the final discipline.

Submitted,

Eddie Engram, Assistant Sheriff

[redacted]

Cc: Sheriff Mark Essick
Assistant. Sheriff James Naugle

Lieutenant Brandon Cutting
Sergeant Anthony Diehm
[redacted] Attorney at Law

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides 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 of the Sonoma County Sheriff's Office is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner. Even at its lowest level, the use of force is a serious responsibility and the Sonoma County Sheriff's Office recognizes the need for constant evaluation.

300.1.1 DEFINITIONS

ACTIVE RESISTANCE/ASSAULTIVE BEHAVIOR: When a subject verbally or physically indicates their intent to inflict bodily injury, assaults a deputy, or any other person. The deputy reasonably believes there is an imminent danger of violence. The subject may assume a fighting stance, display boxing or mixed martial art skills, attempt to escape, prevent his/her arrest, interfere with a deputy's lawful authority by inflicting pain or physical injury to the deputy, or any other person.

COMPLIANCE TECHNIQUE: The level of force utilized by a deputy to gain the compliance and control of a subject who refused to comply with a deputy's verbal commands or physical control techniques.

COOPERATIVE/COMPLIANT: The actions of a subject when they yield to the authority of a deputy with whom they have official contact.

DEADLY FORCE: Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

FORCE: The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

LESS-LETHAL WEAPON: An authorized weapon used to launch, fire, or propel less-lethal munitions to engage a subject with the intent to gain their compliance and overcome a subject's active resistance or assaultive behavior. Less-lethal munitions when used properly, are less likely to result in a serious bodily injury or fatality and can be used to de-escalate a potentially deadly situation. (Examples of less-lethal munitions include: Taser, foam/rubber batons, and chemical agents).

NO FORCE: The professional command presence or de-escalation skills used by deputies to control an incident and gain the voluntary compliance of a subject in any given situation.

PASSIVE RESISTANCE/NON-COMPLIANT: Refusal by a subject to comply with a deputy's verbal commands. When a subject is passive or resists a deputy's authority and direction. This includes verbal and physical cues of non-compliance, not physically resistive, but not complying.

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REASONABLENESS: The Fourth Amendment “reasonableness” inquiry is whether the peace officers' actions were "objectively reasonable" in light of the facts and circumstances confronting them, at that moment, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that peace officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.

REPORTABLE FORCE: Any use of physical force by a deputy of this Sheriff’s Office shall be documented. It is the responsibility of the deputy using force to ensure that the use of force is documented completely, promptly, and accurately in an appropriate report. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in Sheriff's Office policy or law. Actions not considered physical use of force are Sheriff's Office-approved searching or handcuffing when the suspect does not resist.

SERIOUS BODILY INJURY/FATALITY: When a subject commits a public offense where the deputy reasonably believes there is an imminent danger of violence to the deputy or any other person. The deputy reasonably believed the subject’s actions may result in their risk of weapon loss, serious bodily injury, or fatality.

VIOLENT FELONY: A violent, forcible, act committed by a subject which threatens serious bodily injury or fatality to the deputy, or any other person.

DE-ESCALATION: When reasonable, deputies should consider slowing down an incident in a manner that allows them to decrease the intensity of a situation by creating more time, distance, and space which can allow for evaluating different tactical options during dynamic situations.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. On a daily basis, deputies are involved in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests. It is the policy of this Office that deputies shall use only that force which is objectively reasonable, given the facts and circumstances known at the time of the event to effectively bring an incident under control.

"Reasonableness" of the use of force will be determined from the perspective of a reasonable deputy on scene at the time of the incident.

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300.2.1 DUTY TO INTERCEDE
Any deputy present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. A deputy who observes another employee use force that they believe is unreasonable under the circumstances shall promptly report these observations to a supervisor.

300.3 USE OF FORCE

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).

The reasonableness of 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 reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by the Office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 LEGAL AUTHORITY FOR USE OF FORCE
California Penal Code Section 835: An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subject to such restraint as is reasonable for his/her arrest and detention.

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

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or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

Title 15, California Code of Regulations Section 3268: (Reasonable Force) The force that an objective, trained and competent employee, faced with similar facts and circumstances, would consider necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(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, 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.

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

(s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed Office-approved training. Deputies utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the subject can comply with the direction or orders of the deputy.

(c) Whether the subject has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved, or is ineffective.

300.3.4 CAROTID CONTROL HOLD

Effective June 6th, 2020, the Carotid Control Hold is not an approved use of force and shall not be applied to any person.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a subject from swallowing evidence or contraband.Deputies are encouraged to use techniques and methods taught by the Sonoma County Sheriff's Office for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

If an objectively reasonable deputy would consider it safe and feasible to do so under the totality of the circumstances, deputies should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (Penal Code § 835a):

(a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the deputy or another person.

(b) A deputy may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the deputy shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

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Deputies shall not use deadly force against a person based on the danger that person poses to him/herself, if an objectively reasonable deputy would believe the person does not pose an imminent threat of death or serious bodily injury to the deputy or to another person (Penal Code § 835a).

An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable deputy in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the deputy or another person. A deputy’s subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. If possible deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle to themselves or the public, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of physical force by a member of this Sheriff’s Office shall be documented. Actions not considered physical use of force are Sheriff's Office-approved searching or handcuffing when the suspect does not resist.

It is the responsibility of the member using force to ensure that the use of force is documented completely, promptly, and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in Sheriff's Office policy and/or law.

(a) Body worn camera video footage shall be uploaded into Evidence.com and categorized as Use of Force.

(b) Photographs of all involved parties shall be taken to document both physical injury and/or the lack of physical injury to any party.

    1. If for some reason a deputy is unable to capture body worn camera video footage or take photographs to document the physical condition of the parties involved in a use of force when he/she has a sustained or alleged an injury, the deputy shall document the reason these actions were not taken in a Sheriff’s Office report.

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

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(b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of a TASER device or control device.

(f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges any of the above has occurred.

(j) All correctional deputies shall report any use of force as soon as practical.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
The Professional Standards Lieutenant, or the authorized designee shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code § 12525.2.

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any subject who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the deputy’s initial assessment of the nature and extent of the subject’s injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any subject providing medical care or receiving custody of a subject following any use of force is informed that the subject was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Subjects who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving

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these subjects should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practical.

In the Detention Division, all incarcerated inmates shall be seen by jail medical staff for any use of force.

300.7 SUPERVISOR RESPONSIBILITY

When practical, Supervisors are expected to respond to an incident in which there has been a reported application of force. The Supervisor is expected to:

(a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) If appropriate, separately interview the subject(s) upon who force was applied.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs shall be attached to the appropriate report and uploaded into the use of force review.

(e) Ensure all witnesses are included in related reports.

(f) Review body worn camera video of the incident.

(g) Review and approve all related reports.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

Prior to going on their regular days off, the supervisor will complete the use of force report in the administrative investigation management database and forward it to the Use of Force Lieutenant for review.

In the event that the supervisor believes the incident may give rise to potential civil litigation, the Watch Commander and Risk Management shall be notified.

300.7.1 USE OF FORCE LIEUTENANT RESPONSIBILITY

The Use of Force Lieutenant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues. If a use of force is determined to be potentially outside the parameters of this policy, it will be assigned to Internal Affairs for additional investigation to determine if there were any violations of this, or any other policy.

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300.8 TRAINING

Deputies will receive periodic training on this policy and demonstrate their knowledge and understanding.

300.8.1 TRAINING REQUIREMENTS

Assistant Sheriffs are required to ensure that all sworn personnel under their command qualify in accordance with this policy.

(a) Use of Force Instructors refers to Defensive Tactics and Firearms Instructors.

(b) The Use of Force Instructors will keep a record of all those who attend training.

(c) All sworn personnel must attend use of force training each quarter.

1. For the Law Enforcement Division, it will consist of, at minimum, four (4) hours of training: Two (2) hours of defensive tactics and two (2) hours of firearms.
2. For the Detention Division, it will consist of, at minimum, two (2) hours of defensive tactics training.

(d) The quarters will be divided as follows:

1. First Quarter: January through March
2. Second Quarter: April through June
3. Third Quarter: July through September
4. Fourth Quarter: October through December

(e) Failure to comply with this training (attendance and/or qualification) may result in disciplinary action.

1. Only the Sheriff, or his designee, may exempt a deputy from the provisions mandated in this policy.
2. If a deputy fails to attend at least one use of force training during a quarter, the deputy shall attend the first training offered of the following quarter.

(f) Management is not required to attend the defensive tactics portion of this training. Management from the Law Enforcement division is required to attend the firearms portion of the training.

If a deputy fails to qualify after remediation, the Use of Force Instructor shall immediately notify the Use of Force Lieutenant verbally, and shall prepare a memo to be sent, via chain of command, as soon as practical, for determination of action.

300.9 USE OF FORCE ANALYSIS

At least annually, the Law Enforcement Division Administration Captain and the Detention Division Captain, or their designee, should prepare a report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by members.

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(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

300.10 RECORDS RETENTION

Use of Force Reports shall be kept on file for a period of five (5) years, after which time such reports shall be deleted according to applicable State of California statute and County of Sonoma Ordinance.

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