SONOMA COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS INVESTIGATION
21-C-0019

BACKGROUND SUMMARY

On September 8, 2021,[1] I was assigned this investigation by Lieutenant Brandon Cutting of the Professional Standards Bureau. He requested I conduct an administrative investigation regarding Deputy Collier's conduct during a patrol canine deployment.

On September 8, 2021, Lt. Cutting received the complaint forms from the Independent Office of Law Enforcement Review and Outreach (IOLERO).[2] The complainant, identified as Roberto Perez-Hildebrand (identified as Perez throughout the rest of this report), indicated the following types of complaints on the IOLERO Complaint Forms: Conduct Unbecoming of a Deputy, Racial Profiling / Bias-based Policing, Improper Procedure or Complaint Against Policy, Unnecessary or Excessive Use of Force, Discourtesy, Neglect of Duty and Dishonesty.

In the summary of the complaint, as well as in the associated attachments to the complaint, Perez made the following specific allegations:

- He was surrounded while inside of his shed in the back yard
- He complied and put his hands up and walked toward the door
- The deputies tossed the K9 at him while he was complying and in a prone position
- The K9 bit his forearm and shoulder, resulting in injury
- The deputies were laughing the entire time the canine was biting him
- He believed the deputies most likely falsified their reports
- He believed the deputies "broke and abandoned" policy and procedure
- The deputies intentionally destroyed the work he did on the property
- The deputies pulled his friend from bed, resulting in trauma and/or injury
- The deputies put the friend back into bed, but did so disrespectfully and rude
- Due to the deputies' misconduct and negligence, the friend died two weeks later
- The deputies were verbally and physically abusive throughout the incident
- The deputies and the supervisors were instruments of systemic racism

Incident Summary:

On February 25, 2021, Sonoma County Deputies responded to [redacted] in Santa Rosa to arrest Perez for a total of four outstanding warrants, one of which was for domestic violence, and to conduct a probation search of his residence, pursuant to his three cases of probation.

When the deputies arrived at Perez's residence, which was a shed in the back of the address, K9 Deputy Collier announced "Sheriff's Office" several times and he instructed any occupants

[1] An underlined date indicates it is part of my investigation – Sergeant Brent Kidder, Internal Affairs
[2] A digital copy of the complaint forms can be found in Exhibits

inside of Perez's shed to come out. After the announcements began, objects inside the shed were heard being moved around.

Deputy Auerbach was able to open the shed door and he observed Perez hiding behind a piece of furniture. Deputy Auerbach ordered Perez out, however Perez refused to comply. After multiple announcements were made, a female identified as [redacted], exited the shed.

K9 Deputy Collier continued to give announcements and Deputy Auerbach told Perez he knew where he was hiding in the shed and ordered him to come out. Perez continued to hide and did not acknowledge any of the announcements or orders he was given.

K9 Deputy Collier deployed his canine partner, who bit Perez. After being taken into custody, Perez was transported to the hospital where he was treated for wounds he sustained during the canine deployment. Perez was not admitted to the hospital and was medically cleared hours after his arrival. Once Perez was medically cleared from the hospital, he was transported and booked into the Sonoma County jail for his outstanding warrants and other charges.

After Perez was taken into custody, Deputies Yebra and Castro found the resident of the main house, identified as Myron "Mike" [redacted], on the floor inside his bedroom. They learned he had fallen when he attempted to get out of bed to see what the commotion was all about. The deputies requested medics to the bedroom and [redacted] was eventually picked up from the floor and placed in his chair. [redacted] was left in the care of the medics after being placed back into bed.

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COMPLAINT / AUTHORITIES

The purpose of this Internal Affairs complaint investigation was to determine if Deputy Collier violated Sheriff's Office Rules and Regulations or Office-Wide Policy and Division Policies; more specifically:

Rules and Regulations Regarding Conduct

5. PROCEDURES

B. DUTIES, CONDUCT AND RESPONSIBILITY

2. Local State and Federal Law: Members shall observe, obey and uphold all local, state and federal laws. Specifically:

California Penal Code Section 594(a) - Vandalism

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. Specifically:

300 – Use of Force

309 – Canines

401 – Bias-Based Policing

4. Standard of Conduct: Members shall conduct their private and professional lives in such a manner so as to avoid bringing discredit upon the Sheriff's Office.

8. General Duties of Deputy Sheriffs: Protect life, property and environment, maintain law and order, report and investigate unlawful activity, make legal searches, seizures and arrests, apprehend criminals and provide a safe, humane custodial environment, recover and protect personal property and evidence, and testify as required.

18. Reports and Records: Members shall promptly submit such reports and records as are required by the performance of their duties or by competent authority.

a. No member shall fail to disclose, or misrepresent material facts, knowingly delay, alter, remove or falsify official records, applications, examination form, nor cause to be entered inaccurate, false or misleading entries or information in any Sheriff's Office book, record, document, form, or report.

INVESTIGATION

On September 8, 2021, I was assigned this investigation by Lieutenant Brandon Cutting of the Professional Standards Bureau. Upon being assigned the case, I reviewed the IOLERO complaint forms. I observed the IOLERO complaint form was dated August 27, 2021, and the supplemental narrative was dated July 10, 2021. Perez did not identify any specific deputy or deputies as the subject(s) of his complaint, and he listed the date and time of the incident in question as March 28, 2021, occurring at approximately 1730 hours, at [redacted], in Santa Rosa.

On September 8, 2021, I reviewed the RMS reports[3] associated with this complaint, which accompanied this complaint. I have included the narratives of each report below:

Deputy Yebra's initial narrative:

> *"On 02/25/2021, I traveled to [redacted] in Santa Rosa to serve four misdemeanor warrants (SCR-730188-1; SCR-727781-1; SCR726748-1; SCR-741900-1) and conduct a probation search (SCR-730188-1; SCR-727781-1; SCR726748-1) on a Roberto Hildebrand. The terms of Hildebrand's probation included standard conditions including to be of good conduct and obey all laws and not to possess or use controlled substances or associated paraphernalia without a valid prescription.*
>
> *"Of note, Hildebrand has a lengthy history of gang involvement, weapons and resisting arrest. He also previously fled from me in October 2020 (see report SCY-201023017) and also on 02/17/2021 (SD210480172). Due to the Hildebrand's criminal history, I requested several deputies to assist me with the warrant service and probation search.*
>
> *"At 2101 hours, we arrived at the above location. K9 Deputy Forghani and Deputy Castro went to the rear of the property while Sargent Salkin, Deputy Maikranz, Deputy Auerbach, K9 Deputy Collier and I traveled to the front. I previously received information from Hildebrand's probation officer that he stayed in a shed to the rear of the property. We accessed the rear of the property through a gate and located the shed Hildebrand was reportedly residing in. K9 Deputy Collier announced "Sheriff's Office" several times and instructed the occupants out of the shed. Deputy Auerbach opened the shed door and a female subject, later identified as [redacted], exited. Deputy Auerbach guided [redacted] to me at which time I patted her down for weapons and instructed her to walk to the front of the residence.*
>
> *"As K9 Deputy Collier continued to make announcements instructing occupants out of the shed, I heard Deputy Auerbach state another subject was still inside. K9 Deputy*

[3] A digital copy of the RMS reports can be found in Exhibits.

Collier gave several more warnings before he deployed the K9. (See Deputy Collier's supplement for more details) I entered the shed and observed Hildebrand on the ground. I subsequently assisted Deputy Auerbach handcuff Hildebrand and escorted him out to the front of the residence.

"I subsequently returned to the shed and conducted a probation search. I located two glass pipes that had a bulbous tip with black and white residue inside. Based on my training and experience I recognized these pipes to be used to smoke methamphetamine.

"Medics, AMR, medic unit 773, responded to the scene, and transported Hildebrand to Santa Rosa Memorial Hospital for medical treatment. I followed the ambulance to the hospital and remained with Hildebrand until I was relieved by Deputy Maikranz.

"Based on Hildebrand's refusal to follow Deputy Collier's instructions to exit the shed, I believe he is in violation of misdemeanor 148(a)(1) PC, delaying/resisting a peace officer, and 1203.2 PC, violation of probation as he failed to be of good conduct. Additionally, the methamphetamine pipes located in his shed violated the terms not to possess or use controlled substances or associated paraphernalia without a valid prescription.

"Hildebrand was later booked on the above charges and his four warrants."

Deputy Auerbach's supplemental narrative:

"On 02/25/21 at approximately 2101 hours, I responded to [redacted] *in Santa Rosa to assist Deputy Yebra in conducting a probation search/arrest warrant service on Roberto Perez-Hildebrand. I was in full Sonoma County Sheriff's uniform and was driving a fully marked Sheriff's vehicle. See Deputy Yebra's initial report for further details regarding Hildebrand's probation terms and warrant information.*

"It should be noted that I had previously reviewed Hildebrand's criminal history via DAT Site. In doing so, I learned that Hildebrand is a self-admitted Norteno gang member. He has been arrested for possessing weapons, felony assault, and obstructing/resisting law enforcement. Furthermore, we had previously tried to contact Hildebrand at the same location and he fled on foot upon contact. A probation search was performed at that time and I noted several instruments within the shed that could be used as potential weapons.

"Upon arrival, myself along with multiple other deputies made our way to the rear of the residence to a shed where I knew Hildebrand was residing. I knew this to be the shed Hildebrand was residing in based on information provided to us in the past by his mother and this being his listed address.

"As we approached the shed, I could heard Deputy Collier begin identifying us as the "Sheriff's Office" and for the occupants of the shed to come out. I began to hear items within the shed banging around; specifically against the door. Given what I was hearing, it was not only apparent that someone was inside the shed but this led me to believe someone was potentially trying to barricade the door closed.

"Given Hildebrand's history, the occupants refusing to exit, and the potential the occupants were attempting to barricade, I pointed my firearm at the door to the shed. While keeping some distance, I was able to open the shed door. Upon doing so, I could see a tall wooden cabinet directly in the left corner of the shed. I observed a subject (later found to be Hildebrand) quickly hide behind the cabinet fully concealing himself. I could not immediately identify Hildebrand as I only saw a small portion of his head as he tucked back behind the cabinet. I ordered Hildebrand to come out and to show me his hands but he refused and stayed behind the cabinet.

"I could Hear Deputy Collier continue making announcements which led to one unidentified female to exit. I passed the female off to Deputy Yebra and held the doorway of the shed at gunpoint; specifically in the direction of where Hildebrand was hiding. In attempt to deescalate the situation and in hopes Hildebrand would surrender, I yelled out that I could see where he was hiding and he was ordered to come out. Hildebrand refused as he did not come out nor did he acknowledge us.

"Deputy Collier ultimately deployed his K-9 and I ultimately placed Hildebrand into handcuffs. The cuffs were later double locked and checked for proper spacing and fit. I escorted Hildebrand out of the shed and away from the residence. Paramedics arrived on scene a short time later and provided medical aid to Hildebrand. I later released Hildebrand's left arm from handcuffs and secured his right arm to the gurney so he could be properly treated by paramedics.

"During this investigation, I was equipped with my BWC.

"END OF SUPPLANMENTAL REPORT.

"Case Status: Refer to original report."

Deputy Collier's supplemental narrative:

"On 2/25/21 at approximately 2100 hours, I was dressed in full uniform driving a marked patrol vehicle. Other deputies and I responded to [redacted] *to attempt a warrant service on Roberto Perez. Perez had four active warrants for his arrest, SCR-730188-1 for 273.5(a) PC (domestic violence), SCR-725364-1 for 11364(a) HS, SCR-741900-1 for 148(a)(1) PC, and SCR727781-1 for 2800.1(a) VC. Deputy Forghani advised me he and other deputies went to this located last week on 2/17/21 in attempt to*

arrest Perez on his warrants. When they arrived Perez fled on foot and evaded deputies, in violation of 148 PC.

"I looked at Perez' criminal history and observed he admitted to being a Sureno gang member in 2014, had been arrested multiple times for weapons violations to include, possession of a concealed dirk or dagger (2014), possession of a billy club (2018 and 2019), and also a felony domestic violence arrest (2019).

"Perez was currently on probation for Domestic violence (SCR-730188-1), hit in run (SCR-727781-1), and a drug offense (SCR725364-1). Perez had terms of his probation to include warrantless search and seizure of person and residence any time day or reasonable hour of night. Perez' current address as of 10/29/20 was [redacted] *Deputy Forghani advised me Perez resides in a detached structure near the north east corner of the property. He advised me the door to the structure faces north. The structure is an approximately 10 x 12 building that had been converted into a bedroom.*

"Based on Perez' history of running from law enforcement, his history of weapon possession, his gang affiliation, his history of violence (domestic violence) and the above warrant I elected to utilize my canine partner "Duke" in case Perez resisted deputies. Duke is a two year old Belgian Malinois / German shepherd mix that is P.O.S.T. certified in suspect apprehension.

"Deputy Maikranz, Deputy Yebra, Deputy Auerbach, Sgt. Salkin and I went to the front of the property. We made our way back to the structure Perez lives in. I observed the door to the structure to be closed. I made an announcement yelling something to the effect of Sheriff's canine, come out now or you will be bit. No one came out of the structure. I approached the closed door and stood to the left of it. Deputy Auerbach and the other deputies stood to the right of the door. While standing right next to the closed door I again yelled Sheriff's K9 come out now or you will be bit. No one came out of the residence and I did not hear anyone yelling they were coming out. I did hear items being moved around inside. I suspected Perez was inside and he was attempting to block the door with items to prevent us from coming inside.

"Deputy Auerbach opened the door to the structure and yelled come out. I again yelled come outside now or you will be bit. I observed a female, later identified as [redacted] *on a bed inside the structure. I yelled again, Sheriff's canine come out or you will get bit.* [redacted] *cooperated and came out of the structure. Other deputies took her to the side of the residence.*

"Once [redacted] *was out of the way I gave another announcement of Sheriff's canine come out now or you will get bit. No one else came outside. I heard Deputy Auerbach yell "I see you behind there" and pointed to the area directly to the right inside the structure. I observed a large shelve next to the door that I believed Perez was hiding behind. I gave*

another announcement of "you are going to get bit" and Perez did not come out and did not say anything.

"During the numerous announcements I made I did not hear Perez say anything and he continued to hid himself out of view of deputies behind the shelf. I did not know if Perez had armed himself with a weapon and was lying in wait for deputies to enter the structure. Based on the fact Perez was wanted for a serious offense (domestic violence, resisting arrest and a vehicle pursuit), had a history of weapons violations, was an admitted Sgureno gang member, and was concealing himself inside the residence, I elected to utilize Duke to safely apprehend him. I believed Perez was concealed in an area where entry by other than the canine would pose a threat to the safety of deputies. This structure was also fairly small with items such as the above shelf, a bed and other items inside. I felt due to the small confined space it would have been difficult for multiple deputies to go inside and safely take Perez into custody.

"I gave Duke the command to search for Perez inside the structure. I knew Perez was hiding directly to the right of the door. I observed Duke go into the center portion of the room. I yelled "hear" two times for Duke to redirect his attention to me so that I could have him go to the area where I believed Perez was hiding. Duke turned towards me and it appeared Duke then saw Perez as his behavior changed and he went to that corner of the structure. I heard Perez yell ok ok but he still did not come out into our view. I then heard Perez screaming as if Duke had made contact with him by biting him.

"Perez was still not in my view and still concealed behind the shelf. I yelled for Perez to come out and show us his hands. Perez pushed the above noted shelf over towards me and the front door. The shelf landed in the door way, nearly striking me, preventing deputies from getting inside. As this time Perez was just screaming and I did not know if he purposefully knocked the shelf over. I also still did not know if Perez was armed with any weapons and Perez was not following commands to exit the structure, therefore I continued to allow Duke to engage Perez. I pulled the shelf out of the way and entered the structure. As I was pulling the shelf I observed Perez go to the middle of the room and lay down onto his stomach as if he was giving up. Once he was on the ground he yelled get it if off of me. I observed Duke had made contact to Perez' left shoulder area by biting him. I observed Perez did not have any obvious weapons in his hands so I took control of Duke and removed him from Perez. As I removed Duke from Perez part of his shirt got caught on Duke's teeth which caused his shirt to rip. The length of time from when Duke made first contact with Perez until I removed him was approximately 34 seconds.

"Sgt. Salkin requested medical personnel respond to the scene code 3.

"Deputies removed Perez from the structure and I secured Duke in my patrol vehicle. Deputies had Perez sit on the front bumper of a patrol vehicle to await medical

personnel. Using medical sheers, I cut off Perez' t-shirt to observe the severity of his injuries. I observed the following injuries to Perez:

"Perez had a small cut to his right pointer finger, puncture to the top of his left hand, a small tear to the palm of his left hand, a puncture and small scraps to the top of his left forearm, scraps and an approximate ¼ inch tear to the underside of his left forearm, approximately six punctures to his left shoulder, and scratch marks to his left shoulder. These injuries were undoubtedly caused from the canine contact.

"Medical personnel transported Perez to Santa Rosa Memorial Hospital to treatment. At the hospital I photographed Perez' injuries. I later unloaded the photographs into evidence.com.

"I spoke to Perez regarding the canine contact with him. Perez stated the following in summary:

"When asked, Perez stated people have been coming and harassing him at his residence. He stated when he heard someone outside he got scared and hid behind the shelf. I asked him if he heard me yelling sheriff's canine come out of you will get bit and he stated he heard me yell that. I asked him why he did not come out and he stated he was scared. I asked him if he thought I was bluffing him regarding sending my dog inside. Perez laughed and told me yeah. Perez also spontaneously stated my job is dangerous and I need to protect myself because all it takes is one bullet from someone. I agreed with him on this and asked him if he knew why I sent my dog inside to apprehend him instead of deputies going inside and he stated he did understand. He acknowledged hiding out of deputies view made it adherently more dangerous for us because we do not know why he was hiding.

"Perez stated Duke first made contact with his left hand. Perez stated he tried to remove Duke with is right hand which caused his right finger to get bit. As he was trying to remove Duke from his hand, Duke transferred to his left forearm. I asked him if Duke bit his shoulder area after they fell to the ground and he stated he thinks so.

"I believed Duke transferred from Perez' hand to his forearm due to Perez physically trying to remove him from his hand. I believe during the struggle and falling to the ground Duke lost his grip on Perez' forearm and re-engaged on Perez' shoulder where he bit and held until I remove him.

"I advised canine Sgt. Parks and Sgt. Piccinini of the canine deployment.

"This was captured on my BWC.

"Nothing further, forward to the Sonoma County D.A.'s Office for filing."

Deputy Forghani's supplemental narrative:

> *"On 2/25/21 at approximately 2100 hours, I responded to assist with a Warrant Attempt at* [redacted] *for Roberto Hildebrand. We conducted a tactical briefing prior to heading to the residence and it was determined that I would take a perimeter position (along with Deputy Castro) to the northeast of the target residence with my K9 partner "Max" due to the fact Hildebrand had fled in that direction during a previous Warrant Attempt.*
>
> *"Once in position I notified the other deputies responding directly to the residence that I was prepared in case he fled. Soon after I heard a voice, which I recognized as Deputy Collier, shout out something to the effect of "Sheriff's Office K9, come out now or you will be bit!" I heard numerous K9 announcements being given clearly from my position. I then heard another voice, which I later learned was Deputy Auerbach, yelling "Show me your hands" and "I see you". I could then hear Deputy Collier's K9 barking and a few moments later I heard Sgt Salkin advise Sheriff's Dispatch that a K9 had been deployed and requested medical for a dog bite.*
>
> *"I then left my perimeter position, returned "Max" to my patrol car, and went to the front of the residence to assist where I could.*
>
> *"My BWC was activated throughout my involvement in this incident. This report is merely a supplemental. Please refer to Deputy Yebra's report for further details on this incident."*

I reviewed the associated body worn camera footage regarding this incident.[4] Below is a summary of the BWC footage I reviewed:

Deputies Collier, Maikranz, Auerbach, and Yebra, along with Sgt. Salkin, arrived at the front of the residence on [redacted] Avenue. They entered the property through a latched gate and immediately went to a shed at the rear of the property, where Perez was known to reside. Due to Perez' history of fleeing law enforcement, Deputies Forghani and Castro took up containment positions behind the shed where Perez resided.

Deputy Auerbach got to his position at the corner of the shed. He manipulated a blue tarp, which was affixed to the shed and concealed the front door of the shed. When he moved the tarp, the door to the shed became visible. He then pulled the tarp from the shed. Once the tarp was removed, Deputy Auerbach approached the door and opened it.

[4] Copies of BWC Footage from Deputy Collier, Deputy Auerbach, Deputy Yebra, Deputy Maikranz, Deputy Castro, Deputy Forghani and Sgt. Salkin can all be found in Exhibits.

When Deputy Collier arrived at the shed, he repeatedly announced his presence as a Sheriff's Canine and ordered any occupants to come out of the shed. Approximately 49 seconds after the first announcement and warning Deputy Collier gave, [redacted] exited the shed. She was placed into handcuffs without incident and walked to the front of the residence.

After [redacted] exited the shed, Deputy Collier provided another canine warning. Deputy Collier's warnings consisted of some variation of "Sheriff's Office Canine…come out or you will get bit." Deputy Auerbach indicated he knew Perez was hiding behind a piece of furniture and Deputy Collier provided one last warning.

When there was no response from Perez, Deputy Collier deployed his canine into the shed. Once the canine was in the shed, Perez stated "Alright" approximately five times in a matter of seconds. Perez's words appeared to catch the canine's attention and the canine subsequently bit him. Once the canine engaged Perez, a struggle ensued and the piece of furniture Perez was hiding behind was knocked over, blocking the door.

Deputy Collier removed the piece of furniture before he entered the shed. Once he entered the shed, his BWC footage showed his canine and Perez were on the floor of the shed. Perez was on his stomach and the canine was biting Perez's left shoulder.

Deputy Collier controlled his canine while Deputy Auerbach and Deputy Yebra controlled Perez's arms. Once Perez was controlled, Deputy Collier ordered his canine to release Perez, which the canine did. Deputy Collier stood by in the shed, holding his canine, while Perez was handcuffed and removed from the shed.

Once Perez was removed from the shed, Deputy Collier walked his canine to his patrol car and secured him in the back.

Deputy Auerbach and Deputy Yebra walked Perez to the front bumper of a patrol vehicle to wait for emergency medical personnel to arrive on scene. While waiting for EMS to arrive, Deputy Collier used medical shears to remove Perez's shirt, exposing his wounds.

Paramedics arrived on scene and began to assess and treat Perez. They eventually had him lay down on a gurney, at which point Sgt. Salkin and Deputy Collier both questioned Perez about his behavior. Perez claimed he did not hear Deputy Collier's warnings and he claimed to have hearing loss in his right ear. He admitted to getting scared and admitted he was "obviously" hiding. Perez also stated, "shit, if I would've had a gun or something, don't you think I would've shot you guys or something?" Perez was eventually loaded into the back of an ambulance and transported to the hospital for treatment.

While the medics were tending to Perez, Deputy Yebra and Deputy Castro went to search the shed. As they walked by the main residence, their attention was drawn to yelling coming from

inside. They looked through the window in a door and saw the resident, identified as Myron "Mike" [redacted], on the floor next to his bed. They asked for medics to respond into the bedroom, and they followed the caregiver into the residence. They spoke to [redacted] and determined he had fallen out of bed when he tried to get up to see what was going on. The deputies tried to lift [redacted] back into his chair, however they were unable to do so. They asked EMS personnel to respond into the residence to assist.

EMS personnel arrived and ascertained [redacted] was not injured, he did not hit his head when he fell, he never lost consciousness, he did not want to go to the hospital, and only wanted to be placed back into bed. EMS personnel subsequently picked [redacted] up and placed him in his chair. Once [redacted] was placed in his chair, both Deputy Yebra and Deputy Castro refocused their attention to law enforcement activities and left [redacted] in the hands of EMS and the caregiver.

At the hospital, Deputy Collier interviewed Perez about the incident and the dog bite specifically. During the interview, Perez admitted to being scared, "panicked out", he stated he did not want to go to jail, and he did not want to get shot. Deputy Collier explained his reasoning for using his canine to Perez. He explained he did not know Perez, he was uncertain if Perez was armed, and he (Deputy Collier) needed to be careful. Perez understood, telling Deputy Collier that the police deal with a bunch of people and just one bullet could take their life. During his interview, Deputy Collier asked Perez if he believed Deputy Collier was bluffing about sending the dog. Perez giggled and stated, "I think so, man."

On June 13, 2022, I called Perez to schedule an interview. Perez was apprehensive to meet with me, however he agreed to a phone interview. He told me to call him back on June 21, 2022, at approximately 0900 hours.

On June 21, 2022, at approximately 0900 hours, I called Perez. He did not answer his phone and I was never directed to Perez's voicemail box to leave a message. I called Perez four additional times throughout the day, but he never answered his phone.

On June 21, 2022, at approximately 1625 hours, I called Perez's girlfriend, identified as [redacted] The phone number I had for her was no longer in service, as it did not ring, there was no answer and there was no option to leave a voicemail.

On October 6, 2022, I reviewed Perez's arrest record in the CrimNet system. I learned he had been arrested in Sonoma County eleven times before the February 25, 2021 incident. Some of the charges he was arrested for included: Possession of illegal weapons, domestic violence, kidnapping, false imprisonment, evading a peace officer, obstructing and/or resisting a peace officer, providing false identification to a peace officer, possession of drug and drug paraphernalia, violation of probation and outstanding warrants.

On October 11, 2022, I called the Sonoma County Coroner's Office and confirmed [redacted] died on March 30, 2021, while he was admitted to the Santa Rosa Memorial Hospital. Lucal's cause of death was determined to be: "Acute respiratory failure, due to sepsis, due to Osteomyelitis of the right foot, due to peripheral vascular disease, due to diabetes (type II)." Other significant conditions contributing to his death were listed as: "Acute-chronic congestive heart failure, and acute renal failure." Lucal's death was mannered as a "natural" death.

CONCLUSIONS AND FINDINGS

This investigation began as a result of a citizen complaint submitted by Perez, who was identified as the complainant in this case. The complaint was initially submitted to the Sonoma County Independent Office of Law Enforcement Review and Outreach, then forwarded to the Sheriff's Office. Perez alleged Sheriff's deputies, which he did not specifically identify, used unnecessary and/or excessive force on him, they followed improper procedure, they used racial profiling and/or biased based policing, their conduct was unbecoming, they were dishonest and discourteous, and they were negligent in their duty. As a result of this investigation, I determined the following facts:

- Perez had four outstanding warrants for his arrest
- Perez was on active probation
- Terms of Perez's probations included (not an all-inclusive list):
    - Be of good conduct and obey all laws
    - Submit to warrantless search and seizure of person, property, personal business or vehicle at any time of the day or night.
    - Submit to warrantless search and seizure of residence anytime day or any reasonable hour of the night by any probation officer or law enforcement officer.
- Perez's had previously been arrested for:
    - Domestic violence
    - Kidnapping
    - False imprisonment with violence
    - Weapons
    - Evading law enforcement officers
    - Resisting arrest
    - Drug related charges
- Perez had fled from law enforcement officers on two prior occasions:
    - October 23, 2020 (Refer to case number SCY201023-017)
    - February 17, 2021 (Refer to event number SD210480172)

Addressing each specific allegation Perez made in his complaint, I coupled the appropriate policy or procedure which would have been applicable to the allegation:

- *Perez was surrounded while inside of his shed in the back yard.* (**Rules and Regulations #5.B.8 – General Duties of Deputy Sheriffs**)

Deputies did in fact surround Deputy Perez's shed, which was in the backyard of the property at [redacted] in Santa Rosa. Based on Perez's prior criminal history, specifically the fact he had previously fled from law enforcement officers and had been arrested for falsely identifying himself and resisting arrest, it was reasonable, lawful and within policy to set up a

perimeter and have multiple deputies respond for the warrant attempt and probation search. Therefore, the finding regarding this allegation should be **exonerated**.

- *Perez complied and put his hands up and walked toward the door*.

After reviewing all the associated BWC footage related to this event, Perez never attempted to comply with any of the deputies' commands before Deputy Collier deployed his canine partner. Once the canine was deployed and inside the shed, Perez then stated "alright" multiple times; however, he never emerged from his hiding spot, he did not walk toward the door and his hands were never visible. Based on the evidence, Perez's allegation that he complied, put his hands up and walked toward the door was false, therefore the finding for this allegation should be **unfounded**.

- *The deputies tossed the K9 at Perez while he was complying and in a prone position.*

After reviewing all the associated BWC footage related to this event, Perez only found himself lying in a prone position after he fell to the ground while struggling with the canine. Prior to the canine being deployed, Perez never made any attempt to comply with any of deputies' commands. Furthermore, Deputy Collier did not "toss" his canine partner at Perez. Based on the evidence I reviewed, I determined this allegation was false; therefore the finding for this allegation should be **unfounded**.

- *The K9 bit Perez's forearm and shoulder, resulting in injury.* (**Policy 300 – Use of Force and Policy 309 – Canines**)

After reviewing the BWC footage related to this event, this allegation did occur and will be addressed later in this report.

- *The deputies were laughing the entire time the canine was biting Perez*. (**Rules and Regulations #5.B.4 – Standard of Conduct**)

During my review of all the associated BWC footage, I never observed any deputy laughing while Deputy Collier's canine partner was biting Perez. I was able to locate two instances where Deputy Yebra laughed, however, those instances were after Perez had been bitten and her laughter was not directed toward Perez. Based on the evidence, this allegation was false; therefore the finding for this allegation should be **unfounded**.

- *Perez believed the deputies most likely falsified their reports.* (**Rules and Regulations #5.B.18 – Reports and Records**)

After reviewing all the BWC footage associated with this incident, I did not observe any discrepancy between the events that took place on scene and any of the deputies' incident and/or

supplemental reports. Based on the evidence I have reviewed, I determined this allegation was frivolous; therefore the finding for this allegation should be **unfounded**.

- *Perez believed the deputies "broke and abandoned" policy and procedure.* (**Rules and Regulations #5.B.3 – Obey Policies and Procedures**)

After reviewing all the BWC footage and reviewing all the associated reports regarding this incident, I did not observe any violation of Sheriff's Office policy and/or procedure. Based on the evidence, this allegation was false; therefore, the finding for this allegation should be **unfounded**.

- *The deputies intentionally destroyed the work he did on the property.* (**Rules and Regulations #5.B.2 – Local State and Federal Law**)

Without discussing the allegation with Perez, I was unable to determine exactly what he was referring to when he alleged the deputies destroyed "the work he did on the property." Therefore, taking the allegation at face value, I assessed whether or not there was any evidence the deputies vandalized any property, which would have meant they maliciously damaged, destroyed or defaced any property.

Upon his initial response to Perez's residence, Deputy Auerbach removed a blue tarp which concealed the door to the shed, by pulling on it. As a result of his actions, the tarp appeared to rip. It was reasonable for Deputy Auerbach to remove the tarp for safety reasons, as the tarp provided concealment for Perez, it did not provide cover for the deputies and the presence of it reasonably created additional safety concerns. There was no indication Deputy Auerbach maliciously intended to damage the tarp. The damage to the tarp was documented via photograph and BWC footage.

The only other potential property damage I observed would be the piece of furniture Perez was hiding behind being knocked over. According to the BWC footage, Perez was responsible for knocking the piece of furniture over as he was struggling with the canine. Deputy Collier did appear to move the piece of furniture in order to make entry into the shed, therefore, any damage caused to the piece of furniture by Deputy Collier moving it would not have been malicious. The overturned piece of furniture was also documented via photograph and BWC footage.

Perez could have submitted a claim to the County of Sonoma for reimbursement for the damage to the aforementioned property. There was no other evidence to suggest the deputies damaged, destroyed or defaced anything else on the property. Based on the evidence, I determined there was in fact damage to some of Perez's property, however the damage was incidental to the law enforcement response and was reasonable; therefore, the finding for this allegation should be **exonerated**.

- *The deputies pulled his friend from bed, resulting in trauma and/or injury.* (**Rules and Regulations #5.B.4 – Standard of Conduct**)

During my review of the BWC footage, after Perez was being attended to by paramedics, Deputy Yebra and Deputy Castro began walking back toward Perez's shed in order to complete a probation search. As they were walking past the main house, they heard yelling from inside. Deputy Yebra and Deputy Castro ultimately found the resident, identified as Myron "Mike" [redacted], on the floor next to his bed. The deputies entered, at which time [redacted] proceeded to explain he fell out of his bed as he attempted to get up to see what was going on, because he heard the commotion outside. The deputies attempted to lift [redacted] onto a chair, but they were unable to do so because [redacted] began complaining of pain. The deputies requested EMS to respond to assist. At no point during my review of the BWC footage did I see any deputy enter the main residence and pull [redacted] from his bed. Furthermore, [redacted] was attended to by paramedics on scene, who would have been able to address any trauma and/or injury [redacted] may have sustained. The evidence in this case showed this allegation to be false; therefore, the finding for this allegation should be **unfounded**.

- *The deputies put the friend back into bed but did so disrespectfully and rude.* (**Rules and Regulations #5.B.4 – Standard of Conduct**)

Once Deputy Yebra and Deputy Castro found [redacted] on the floor and ascertained he had fallen out of bed, they did attempt to lift him up and place him on a nearby chair. Due to Lucal's size and his level of pain once they began lifting, the deputies stopped. They contacted the paramedics who ultimately responded into the residence and the paramedics were the one who lifted [redacted] up and put him into his chair. At no point during their interaction with [redacted] were either Deputy Yebra or Deputy Castro rude or disrespectful to [redacted]. Based on the evidence, this allegation is false; therefore the finding for this allegation should be **unfounded**.

- *Due to the deputies' misconduct and negligence, the friend died two weeks later.* (**Rules and Regulations #5.B.8 – General Duties of Deputy Sheriffs**)

[redacted] died on March 30, 2021, while he was admitted to Santa Rosa Memorial Hospital, where he was under the care of a physician. Lucal's cause of death and the other significant conditions contributing to death were all listed as naturally occurring medical conditions. There was no evidence to suggest Lucal's death was a result of any misconduct or negligence by any of the deputies involved in this incident. Based on the evidence, this allegation is completely frivolous; therefore, the finding for this allegation should be **unfounded**.

- *The deputies were verbally and physically abusive throughout the incident.* (**Rules and Regulations #5.B.4 – Standard of Conduct**)

After reviewing all the associated BWC footage related to this event, I did not observe any instance where any deputy was verbally or physically abusing toward Perez. On the contrary,

the deputies were respectful, they conducted themselves in a professional manner and they ensured Perez received the proper medical treatment once he was in custody. Based on the evidence, I determined this allegation was false; therefore, the finding for this allegation should b **unfounded**.

- *The deputies and the supervisors were instruments of systemic racism.* (**Policy 401 – Biased-Based Policing)**

Nowhere in Perez's written complaint did Perez explain this allegation. At the conclusion of this investigation, I determined the deputies had a legal authority to respond to Perez's residence in order to serve him with his warrants and to conduct a probation search. When they arrived, they were met with non-compliance from Perez, who had concealed himself inside his shed. After multiple announcements and ample opportunity for Perez to comply, Deputy Collier deployed his canine partner who ultimately bit Perez. Perez was handcuffed and taken into custody. Once Perez was arrested, he was medically treated at the scene and then at the hospital. Throughout this investigation I did not observe any indication, either by the deputies involved or Perez himself, that this incident was racially charged or biased-based in any way. Based on the evidence I determined this allegation is false; therefore the finding should be **unfounded**.



DEPUTY ALAN COLLIER

Date of Hire: 11/12/2013

Last two evaluations:

6/30/2020 – 6/30/2021: Exceeds Standards

7/1/2019 – 6/30/2020: Exceeds Standards

Regarding the use of force, I determined Perez was wanted for multiple outstanding warrants, one of which was for an outstanding domestic violence charge. He was also: Concealed inside of his shed, he was actively hiding from deputies on scene, he was non-compliant with commands from the deputies on scene, he had a history of possessing weapons and he had a history of resisting law enforcement.

When K9 Deputy Collier, Deputy Yebra, Deputy Auberbach and other members of the Sonoma County Sheriff's Office approached Perez's residence, they setup containment, they provided multiple announcements identifying themselves as the "Sheriff's Office," they clearly instructed any occupant in the shed to exit and the announcements included a warning that a failure to exit could result in the occupant(s) being bitten by the canine. Based on BWC footage from Deputy Forghani, these announcements could be heard from the property behind Perez's residence, where Deputy Forghani had taken a perimeter position.

After multiple announcements, Perez's girlfriend, [redacted] exited the shed. She was detained without incident. The fact that [redacted] exited the residence showed the commands were audible, they were clear, and the fact [redacted] was taken into custody without force being used on her suggested deputies would not have used force on Perez if he would have complied.

After [redacted] was removed from the shed, at least one more announcement was made to Perez and he was warned if he did not exit the shed, the canine was going to be released and he would be bit. Perez continued to be non-compliant, and he did not respond.

Due to Perez's failure to comply or respond to the announcements or warnings, Deputy Collier released his canine partner into the shed. According to Deputy Collier's report, at the time he deployed his canine, Deputy Collier reasonably knew or believed: Perez was wanted for a serious offence (domestic violence), he was actively concealing himself inside the shed, he was non-compliant with commands, and based on Perez's history, Deputy Collier was concerned Perez had armed himself with a weapon. Deputy Collier also wrote, "Perez was concealed in an area where entry by other than the canine would pose a threat to the safety of deputies."

After the canine entered the shed, Perez stated something to the effect of "alright" approximately five times. Based on the BWC footage of the incident, Perez made this statement from his hiding spot inside the residence. Even when he made this statement, he never presented himself in any manner to indicate he was going to comply. Also based on the BWC footage, it appeared Perez's verbal response was what caused the canine to locate and subsequently bite him.

Once the canine located and bit Perez, Perez self-admittedly began to struggle with the canine as he attempted to remove the canine from the bite. As a result of that struggle, the cabinet Perez was hiding behind was knocked over and Perez and the canine fell to the ground. During this process, the canine released from his initial bite and then bit Perez again, in a different location on Perez's person.

Once Deputy Collier was able to clear the cabinet out of the way, he and other deputies were able to approach Perez and the canine. When Perez began to comply, by putting his arms behind his back, Deputy Collier gave his canine the command to release from the bite. The canine subsequently released from the bite before Perez was placed in handcuffs. Once the canine released from the bite, Perez was handcuffed without further incident.

After Deputy Collier's canine partner was deployed and had bitten Perez, neither Deputy Collier nor any other deputy applied any other use of force on Perez. Once Perez was placed under arrest, he was seen by paramedics on scene and transported to the hospital for further treatment, before being transported and booked into the Sonoma County Jail.

The facts of this investigation determined Deputy Collier used reasonable force to arrest Perez when he deployed his canine partner into the shed and when the canine bit Perez. In doing so, Deputy Collier was able to successfully control the incident.

Based on the evidence, Deputy Collier's decision to deploy his canine partner and the force which resulted from the deployment was reasonable, was within policy and was lawful; therefore, the finding should be **Exonerated.**

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. Specifically:

300 - Use of Force: This policy provides guidelines on the reasonable use of force. The Use of Force policy is lengthy but has specific sections relevant to this investigation, including:

300.2-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.

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.

Finding: Exonerated

Regarding Deputy Collier's deployment of his canine partner to apprehend Perez, the Canine Policy stated:

"A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing or threatening to commit any serious offense and if any of the following conditions exist:

a. *There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public.*
b. *The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.*
c. *The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public."*

The facts identified during this investigation revealed Deputy Collier reasonably believed Perez was wanted for multiple outstanding warrants, at least one of which was pertaining to a serious crime (domestic violence), Perez was concealed inside his shed, he was non-compliant with commands from law enforcement, he had a prior arrest for a weapons violation, he previously fled and previously resisted law enforcement officers and he was believed to be affiliated with a criminal street gang. In his report, Deputy Collier wrote: "*I believed Perez was concealed in an area where entry by other than the canine would pose a threat to the safety of deputies."*

Deputy Collier's decision to deploy his canine partner was reasonable, was within policy and was lawful. Furthermore, as soon as Deputy Collier determined Perez was no longer a threat, which was before Perez was secured in handcuffs, he ordered the canine to release from the bite. The canine subsequently released Perez after the first command. Based on the evidence, the finding pertaining to this policy section should be **Exonerated.**

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. Specifically:

309 - CANINE DEPLOYMENT

309.1-This policy establishes guidelines for the use of canines to augment police services to the community including, but not limited to locating individuals and contraband and apprehending criminal offenders.

309.6 Apprehension Guidelines
A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing or threatening to commit any serious offense and if any of the following conditions exist:

a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public.
b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing or is threatening to commit a serious offense, mere flight from a pursuing deputy, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander. Absent a change in circumstances that present an imminent threat to deputies, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

Finding: Exonerated
