Sonoma County Sheriff's Office
Administrative Review
22-AR-0002

Internal Investigation Summary

INCIDENT TYPE:	DATE OF INCIDENT:	DATE REPORTED:	FILE NUMBER:
Critical Incident - Officer Involved Shooting	July 29, 2022	July 29, 2022	22-AR-0002

EMPLOYEE(S):	DIVISION OR ASSIGNMENT:	WORK LOCATION:
Michael Dietrick (E-21)	Law Enforcement - Patrol	Main Office – North Beat
Anthony Powers (E-35)	Law Enforcement - Patrol	Main Office – Local Beat

COMPLAINANT:	ADDRESS:	
Sonoma County Sheriff's Office	2796 Ventura Avenue	
CITY:	STATE:	ZIP CODE:
Santa Rosa	CA	95403
HOME TELEPHONE:	WORK OR CONTACT TELEPHONE:	
N/A	(707) 565-2650	

SUMMARY OF INCIDENT:

On July 29, 2022, at approximately 0824 hours, deputies responded to [redacted] Tre Monte Ln. (Healdsburg, CA), to investigate a suspicious circumstances report. The reporting party, an area resident, reported an unknown male, later identified as David Pelaez-Chavez, trespassed onto their property, and shattered a large glass window with a rock. The reporting party's father confronted Pelaez-Chavez and fired warning shots off in order to chase Pelaez-Chavez off the property. Pelaez-Chavez carjacked a gardener's vehicle in order to flee.

Pelaez-Chavez drove through numerous properties, damaging fences, and ultimately got the vehicle stuck in a ditch. Pelaez-Chavez fled from the vehicle on foot, trespassing onto the property of [redacted] Tre Monte Lane.

The residence at [redacted] Tre Monte Lane heard Pelaez-Chavez talking outside of his residence. He located Pelaez-Chavez, who appeared disheveled, "out of it", and "meth'ed out". The resident also observed Pelaez-Chavez holding several large rocks, approximately the size of cantaloupes. The resident returned to his residence to arm himself with a pistol and he called for his girlfriend to call 9-1-1. The resident again confronted Pelaez-Chavez and told him, in both English and Spanish, to sit down and wait for law enforcement to arrive. Pelaez-Chavez did not comply and began to flee. The resident followed him until Pelaez-Chavez turned to him and yelled, "Shoot me! Shoot me!" while still holding the rocks. Based on Pelaez-Chavez's erratic behavior, the resident stopped following him and returned to his residence.

Deputy Dietrick and Deputy Powers responded to the [redacted] Tre Monte Lane call for service. Upon arrival, the resident drove them in a side-by-side UTV to the 5600 block of Thomas Road, where Pelaez-Chavez was headed towards. While searching the area, a third area resident advised Pelaez-Chavez had stolen a UTV from their property and was last seen driving east.

While searching for Pelaez-Chavez, they located the stolen UTV, which was still running, but stuck between rocks and trees in a creek bed.

The deputies continued to pursue Pelaez-Chavez. In total, they pursued him over the course of approximately one hour and fifteen minutes, spanning approximately one and a half miles of rough terrain.

Deputy Powers located Pelaez-Chavez on a hilltop. He took a position of concealment and observed Pelaez-Chavez until Deputy Dietrick arrived. Upon Deputy Dietrick's arrival, Pelaez-Chavez saw the deputies. Deputy Dietrick attempted to communicate with Pelaez-Chavez in both English and Spanish, even offering him water. Pelaez-Chavez disregarded the deputies and continued to flee.

Deputy Powers was the first to contact Pelaez-Chavez, who appeared agitated and was armed with a metal hammer and a metal hand-tiller, in a creek bed. Deputy Powers attempted to communicate with Pelaez-Chavez; however, his attempts had little effect. While Deputy Powers was trying to communicate with Pelaez-Chavez, Pelaez-Chavez picked up a large rock from the creek bed and made a motion as if he were going to throw it at Deputy Powers. Deputy Powers retreated away from Pelaez-Chavez, which caused Pelaez-Chavez to not throw the rock.

Deputy Powers continued to follow Pelaez-Chavez through the creek. Deputy Dietrick caught up and contacted Pelaez-Chavez as he emerged from the creek. Deputy Dietrick pointed his duty pistol at Pelaez-Chavez and repeatedly ordered him to drop his weapons. Pelaez-Chavez did not comply and began yelling at the Sheriff's Office helicopter, which was circling above them.

Deputy Dietrick gave several more commands for Pelaez-Chavez to drop his weapons, which Pelaez-Chavez refused to follow. Pelaez-Chavez reached his arm back, as if he prepared to throw a rock at Deputy Dietrick. Instead of throwing the rock, Pelaez-Chavez bent over at the waist, still holding a large rock, a hammer, and a hand-tiller. While he was bent over, Pelaez-Chavez dropped the rock. As Pelaez-Chavez began to pick the rock up, he also took a step back, as if to prepare to throw the rock. Deputy Dietrick fired his pistol at Pelaez-Chavez, and Deputy Powers fired his Taser electronic control device (ECD) at Pelaez-Chavez.

Pelaez-Chavez was struck by Deputy Dietrick's gunfire. Once Pelaez-Chavez was shot, Deputy Dietrick and Deputy Powers performed lifesaving measures, including CPR, for approximately 30 minutes, until a paramedic from Bell's Ambulance arrived on scene.

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

As a result of this incident, the Sonoma County Law Enforcement Employee-Involved Critical Incident Protocol was invoked. The Santa Rosa Police Department assumed jurisdiction over the criminal investigation and the Marin County Sheriff-Coroner assumed jurisdiction over the death investigation.

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The Sonoma County Sheriff's Office Internal Affairs Unit was tasked with conducting an Administrative Review of the incident, due to the fact the actions of the involved Sheriff's Office employees, while attempting to arrest Pelaez-Chavez, resulted in his death.

This investigation was tolled until November 16, 2023, until the Criminal Investigation and the District Attorney's Review was completed and both documents were provided to the Professional Standards Unit.

DIVISION ASSIGNED:	DATE ASSIGNED:	DATE COMPLETED:
Internal Affairs Unit	August 1, 2022	April 18, 2024
INVESTIGATOR:	SUPERVISOR (S) REVIEW:	
Sergeant Brent Kidder	Lieutenant Sean Jones	

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Sonoma County Sheriff's Office
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Involved Parties – Subject

DAVID PELAEZ-CHAVEZ



DOB: [redacted]
Race: Hispanic
Sex: Male
Address: [redacted] Avenue, Lower Lake, CA 95457
CDL: [redacted]
CII: [redacted]

Medical History:

None reported.

Criminal History:

[redacted]

Autopsy Findings:

Pelaez-Chavez's cause of death was determined to be: "Penetrating Gunshot Wounds to Head and Chest."

Other significant conditions contributing to Pelaez-Chavez's death were determined to be: "Acute Methamphetamine Intoxication."

The Marin County Sheriff-Coroner's Office mannered Pelaez-Chavez's death as a "Homicide".

Involved Parties – Deputies

DEPUTY MICHEAL DIETRICK



Sonoma County Sheriff's Office: Hired July 25, 2017
Assignment at time of Incident: Main Office – Dayshift Patrol
Call Sign at time of Incident: Edward-21 (E-21) – North beat
Collateral Assignments: EVOC Instructor and Tac Team Member
Last Two Evaluations:

August 1, 2020 through June 30, 2021: **Exceeds Standards**
June 1, 2019 through June 1, 2020: **Exceeds Standards**

DEPUTY ANTHONY POWERS



Sonoma County Sheriff's Office: Hired February 22, 2022
Assignment at time of Incident: Main Office – Dayshift Patrol
Call Sign at time of Incident: Edward-35 (E-35) – Local beat
Collateral Assignments: None
Last Evaluation:

May 16, 2022 through July 1, 2022: Standard

Deputy Powers only had one evaluation in his file, due to being hired by the Sheriff's Office approximately five months before this incident.

Complaint / Authorities

The purpose of this Administrative Review investigation was to review the circumstances surrounding the performance of the Sonoma County Sheriff's Office, during this incident, which resulted in David Pelaez-Chavez's death.

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

The following policies were examined:

Sonoma County Sheriff's Office Policies:

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

Sonoma County Law Enforcement Chief's Association

93-1 Law Enforcement Employee-Involved Critical Incident Protocol

Investigation

On August 1, 2022, I was assigned this investigation by Professional Standards Lieutenant Brandon Cutting.[1] He requested I conduct an Administrative Review of this Officer Involved Shooting, which resulted in the death of David Pelaez-Chavez. This investigation was tolled until I received the completed criminal investigation from the Santa Rosa Police Department, as well as the District Attorney's Officer-Involved Fatal Incident Report.

On January 5, 2023, I received the Santa Rosa Police Department's police report (Case #22-8672), which included the Marin County Sheriff-Coroner's Death Investigation report (Case #CR22-226). After reviewing these reports, the Event Chronology, Sheriff's Dispatch Audio, the associated body worn camera footage and the rest of the evidence provided by the Santa Rosa Police Department, I was able to determine the following:[2]

On July 29, 2022, at approximately 0733 hours, Deputy Dietrick was dispatched to [redacted] Hwy 128 in Geyserville, to investigate an unoccupied suspicious vehicle. It was reported, at approximately 0530 hours, an unknown person drove to the above stated address, parked a silver, Nissan Sentra (CA [redacted]), jumped a fence and then fled the area. The vehicle was registered to [redacted], in Clearlake, CA. Dispatch contacted Clearlake Police Department in an attempt to get a phone number for the registered owner of the Nissan. Clearlake PD's records indicated there was only one contact with that vehicle and the driver at the time was not the registered owner. Clearlake dispatch advised the name of the driver was [redacted]-[unknown], and they did not have a phone number for him. Deputy Dietrick arrived at approximately 0810 hours. After spending approximately 25 minutes on scene, Deputy Dietrick determined there was no authority to tow the vehicle. He advised the reporting party and cleared the call.

At approximately 0824 hours, Deputy Dietrick was dispatched to a suspicious circumstances report at [redacted] Tre Monte Lane in Geyserville. The reporting party in this call was identified as [redacted], who reported an unknown person threw a rock through a window into their residence. [redacted] reported her father, identified as [redacted], armed himself with a firearm and went looking for the person responsible. [redacted] reported they lived on 60 acres, on a rural property, and there was a gardener named [redacted]] on the property as well.

When Deputy Dietrick arrived, he reported the suspect, a Hispanic, adult male (later identified as David Pelaez-Chavez) had stolen [redacted] blue Chevrolet Silverado pick-up truck and headed toward [redacted] Tre Monte Lane. Deputy Dietrick also reported the vehicle should have some front-end damage due to being driven through a couple gates.

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

[2] The SRPD's Police Report, the Marin County Sheriff-Coroner's Report, the Event Chronology, the Dispatch Audio and the associated BWC footage can all be found in the Exhibit's module in AIM.

While Deputy Dietrick was on scene with [redacted], [redacted] received a phone call from a neighbor, identified as [redacted], who told [redacted] that [redacted] truck was on their property, located at [redacted] Tre Monte Lane. [redacted] wife, identified as [redacted], called Sheriff's Dispatch to report Pelaez-Chavez arrived on their property. When [redacted] tried to pass the phone to [redacted], the phone disconnected. Sheriff's Dispatch called back and reached [redacted], who stated Pelaez-Chavez was barefoot, he was holding three big rocks, he told [redacted] to kill him, and he believed someone was after him. [redacted] told dispatch he spoke to Pelaez-Chavez in Spanish and that Pelaez-Chavez tried to speak to him in English. [redacted] also told dispatch Pelaez-Chavez had fled down the hill.

While responding to [redacted] Tre Monte Lane, Deputy Dietrick confirmed he saw [redacted] truck, which he described being stuck in a ditch. Upon arriving to [redacted] Tre Monte Lane, Deputy Dietrick updated Dispatch with Pelaez-Chavez's clothing description, he reported Pelaez-Chavez was "armed" with "several rocks", and he was last seen running west from [redacted] Tre Monte Lane.

When Deputy Powers arrived on scene at [redacted] Tre Monte Lane, he and Deputy Dietrick began to develop a plan to search for Pelaez-Chavez. Deputy Powers walked down the hill from [redacted] Tre Monte Lane, while Deputy Dietrick rode with [redacted] in [redacted] UTV, in the direction Pelaez-Chavez was last seen running.

[redacted] stopped the UTV, turned it off and yelled out in an attempt to contact Pelaez-Chavez. When Deputy Dietrick asked if he saw something, [redacted] indicated he did not, he was just yelling to see if he could locate Pelaez-Chavez (Deputy Dietrick's BWC 25:50).

When Deputy Dietrick got to the bottom of the hill, he met up with Deputy Powers, who indicated he did not see any evidence of Pelaez-Chavez. Deputy Powers got into the UTV, and they continued to search the property from the UTV.

Deputy Dietrick and Deputy Powers decided to have [redacted] drive toward a neighboring residence, west of [redacted] Tre Monte Lane, due to the fact Pelaez-Chavez appeared to be going to residences.

When Deputy Dietrick and Deputy Powers arrived at a locked gate, they exited the UTV and began walking toward a barn on the property located at [redacted] Thomas Road. They checked the residence at [redacted] Thomas Road to confirm Pelaez-Chavez was not there. While they cleared the property at [redacted] Thomas Road, they were advised a different UTV had been stolen from the property and a normally secured gate had been left unsecured. They began following the tracks on the dirt road where the UTV had been driven through the unlocked gate.

Deputy Dietrick located the stolen UTV, still running, in a cluster of trees in a dry creek bed. He and Deputy Powers cleared the vehicle, confirming Pelaez-Chavez was not in or around the vehicle (Deputy Dietrick BWC 47:12 – 48:01).

After locating the unoccupied, stolen UTV, Deputies Dietrick and Powers continued to search the rural property for Pelaez-Chavez on foot.

While Deputy Powers was searching, Pelaez-Chavez can be heard screaming on his BWC footage. Deputy Powers advised Deputy Dietrick that he located more footprints going straight up the hill (Deputy Powers' BWC 40:24).

Deputy Powers located Pelaez-Chavez on top of a knoll. While watching him, Deputy Powers advised Pelaez-Chavez was armed with a hatchet and a hammer over the radio (Deputy Powers' BWC 40:40 - 41:57).

Deputy Dietrick responded to Deputy Powers' location. As he approached, he advised he could see Deputy Powers, but he could not see Pelaez-Chavez. Deputy Dietrick continued to approach Deputy Powers' location. Pelaez-Chavez was heard making unknown noise in the video (Deputy Dietrick's BWC 01:02:29 – 01:04:59).

Deputy Dietrick took cover behind a tree while Deputy Powers continued to surveil Pelaez-Chavez.

Deputy Dietrick and Deputy Powers attempted to contact Pelaez-Chavez with verbal commands in Spanish. They told him there was no problem, ordered him to come down, and they offered him water. Pelaez-Chavez fled on foot. (Deputy Dietrick's BWC 01:06:20 – 01:07:17).

Deputies Powers and Dietrick continued to search for Pelaez-Chavez after they lost sight of him as he ran down the hill.

Deputy Dietrick spotted Pelaez-Chavez who was still running down the hill. He estimated Pelaez-Chavez was approximately 200 yards ahead of him and Deputy Powers. Both deputies began running down the hill after Pelaez-Chavez. While pursuing Pelaez-Chavez, on two occasions, Deputy Dietrick can be heard advising Pelaez-Chavez still had both weapons in his hands (Deputy Dietrick's BWC 01:08:13 – 01:08:55).

Deputy Powers was the first down the hill. Before entering the tree line, he advised a responding deputy (Deputy Clegg), of the direction Pelaez-Chavez had taken them. Deputy Powers again located and confronted Pelaez-Chavez after entering the tree line. Deputy Powers drew his pistol, pointed it at Pelaez-Chavez, and ordered him to "put it fucking down, put it down." After giving those commands, Deputy Powers re-holstered his pistol and proceeded to follow Pelaez-Chavez. As he did so, he advised Pelaez-Chavez was holding the weapons aggressively and had just struck a tree. (Deputy Powers' BWC 50:08 - 51:21).

When the deputies located Pelaez-Chavez, they continued to follow him down the hill. Deputy Dietrick yelled, "Stop" at least once and "Manos Arriba" three times, while Deputy Powers yelled "Alto" twice and "Aqui" once. Pelaez-Chavez did not comply and continued down the

hill. Both deputies continued their pursuit (Deputy Dietrick's BWC 1:10:45 – 1:11:24, Deputy Powers' BWC (51:39 – 52:18).

As they continued to pursue Pelaez-Chavez, prior to making contact again, Deputy Powers asked Deputy Dietrick if he [Deputy Dietrick] wanted him [Deputy Powers] to be "Taser." Before Deputy Dietrick responded, Deputy Powers told Deputy Dietrick to be his "lethal cover", which Deputy Dietrick agreed. After almost falling down the hill, Deputy Dietrick stated "If we make it there" as they continued to follow Pelaez-Chavez (Deputy Powers' BWC 52:36 – 52:57, Deputy Dietrick's BWC 1:11:42 - 1:12:02).

Deputy Powers advised Deputy Dietrick that he spotted Pelaez-Chavez. Deputy Powers then advised Deputy Dietrick he was going down into the creek. Deputy Dietrick acknowledged Deputy Powers and told him to be careful (Deputy Powers' BWC 54:19 – 55:13).

Sheriff's Helicopter Henry-1 arrived overhead as Deputy Powers made his way into the creek and continued after Pelaez-Chavez (Deputy Powers' BWC 55:34).

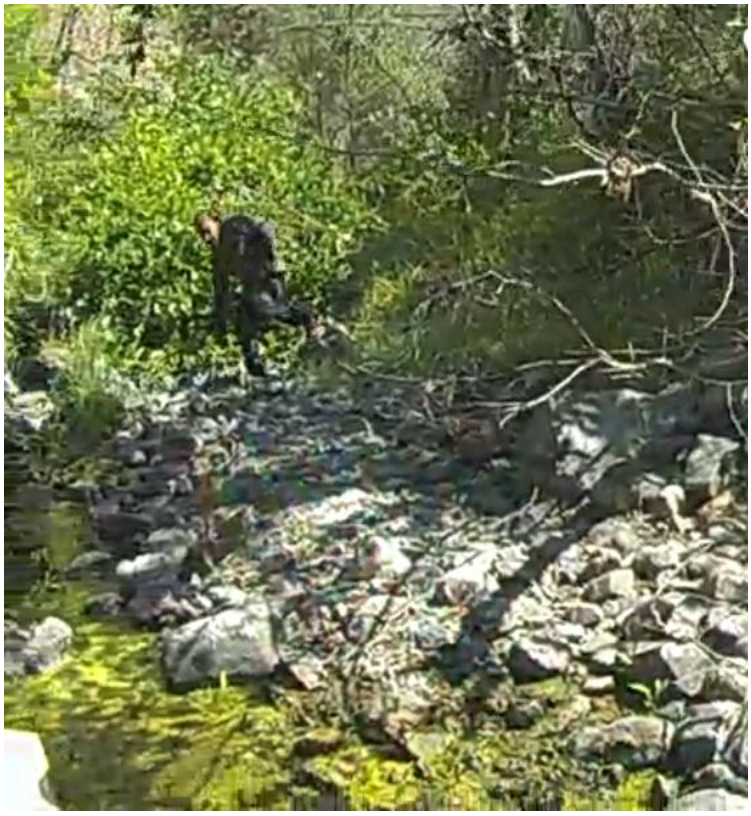
Pelaez-Chavez was heard yelling on Deputy Powers' BWC footage. Deputy Powers told Pelaez-Chavez to "Stop" twice while continuing to follow him (Deputy Powers' BWC 57:12 – 57:35).

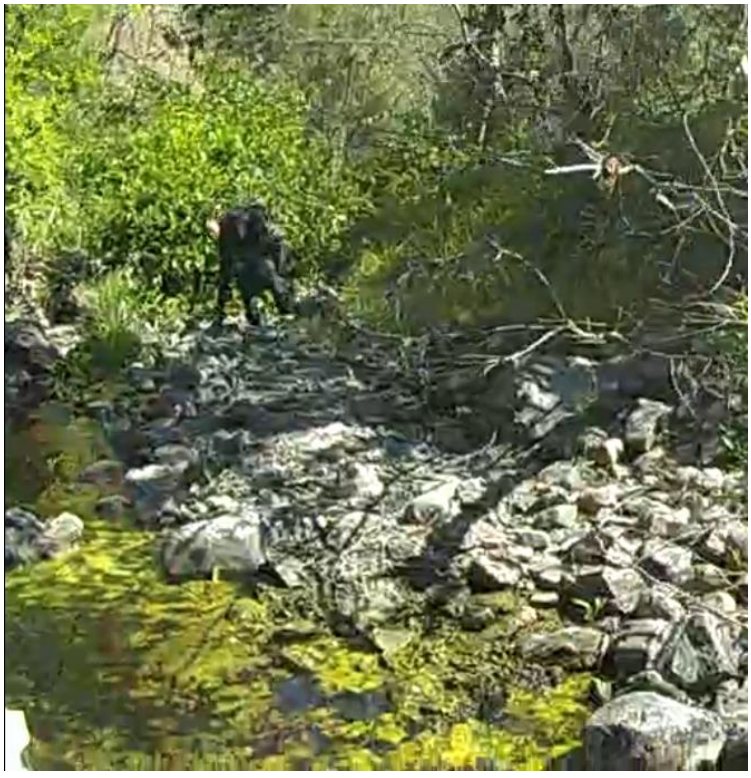
Deputy Powers again told Pelaez-Chavez to "fucking stop" while still following him (Deputy Powers' BWC 58:51).

As Deputy Powers continued following Pelaez-Chavez, Pelaez-Chavez can be heard on Deputy Powers' BWC footage saying something to the effect of "A mi Muero". Deputy Powers responded, "Senor, fucking no mas. Aqui por favor. No problemo. Put it down. Put it down. Senor, senor aqui, put it down. Senor, senor, put it down. You want help? Hey, hey, you want it (as he pointed to the helicopter)? Tu, arriba, senor, put the fucking shit down, no mas, no mas. Senor, senor, no mas. Senor, no mas, por favor. Hey familia? Tu familia?" Pelaez-Chavez responded, "Si." Deputy Powers asked, "Aqui, donde?" Pelaez-Chavez replied, "[unintelligible] llame." Deputy Powers told Pelaez-Chavez to call them and gestured his hand as if it were a telephone. Pelaez-Chavez continued to walk away. Deputy Powers continued to follow him and stated he was all wet, he wasn't going anywhere, and "Senor", "aqui", and "por favor" (Deputy Powers' BWC 01:01:35 – 01:03:11).

Deputy Powers drew his Taser and pointed it at Pelaez-Chavez, after attempting to communicate with him. In the BWC video, it appeared Pelaez-Chavez picked up a rock and started to throw it at Deputy Powers. Deputy Powers immediately retreated, while saying, "oh fuck" (Deputy Powers' BWC 01:03:12 – 01:03:16).

Below is a series of three still-images taken from Deputy Powers' BWC footage, which depict Pelaez-Chavez picking up a rock, and appearing to throw it at Deputy Powers:







Pelaez-Chavez never actually threw the rock at Deputy Powers. Deputy Powers continued to tell Pelaez-Chavez "no mas." Pelaez-Chavez did not respond and again walked away from Deputy Powers.

After Pelaez-Chavez walked away from Deputy Powers, he encountered Deputy Dietrick, who had accessed a levy, which ran parallel within the creek bed. On Deputy Powers' BWC footage, Deputy Dietrick can be heard giving Pelaez-Chavez commands and Pelaez-Chavez can be heard screaming. (Deputy Powers' BWC 01:03:27 – 01:03:40).

As Deputy Dietrick walked on the levy, he encountered Pelaez-Chavez, who appeared to be walking parallel to his direction. While continuing to walk parallel with Pelaez-Chavez, Deputy Dietrick drew his pistol, pointed it at Pelaez-Chavez and ordered him to, "Drop it, drop it now, drop it, drop it now." Pelaez-Chavez did not respond to Deputy Dietrick's commands. Pelaez-Chavez changed direction, began walking directly at Deputy Dietrick, then suddenly stopped (Deputy Dietrick's BWC 01:22:32 – 01:22:43).

Once he stopped, he looked up to the sky and began yelling while holding a large rock in his right hand and the other weapons (hammer and hand tiller) in his left hand. Deputy Dietrick then told him to "put it down, put it down". Pelaez-Chavez bent over and placed his hands, still holding the rock and the weapons, onto his knees (Deputy Dietrick's BWC 01:22:44 - 01:22:50).

While Pelaez-Chavez was bent over with his hands on his knees, the rock suddenly dropped from his right hand. He maintained his hold of the weapons in his left hand. Deputy Dietrick again gave the command "put it down" (Deputy Dietrick's BWC 01:22:51 – 01:22:53).

Pelaez-Chavez did not comply with Deputy Dietrick's order to drop the weapons. Instead, he briefly stood up, faced Deputy Powers, then suddenly reached toward the ground (Deputy Powers' BWC 01:03:51 – 01:03:53). Below is a still image from Deputy Powers' BWC footage, depicting Pelaez-Chavez bent over, reaching for the ground while Deputy Dietrick pointed his pistol at him:



Deputy Dietrick fired three rounds from his pistol and Deputy Powers fired his Taser at approximately the same time as Deputy Dietrick fired his pistol (Deputy Dietrick's BWC 01:22:58 – 01:23:01, Deputy Powers BWC 01:03:53 – 01:03:56).

After Deputy Dietrick fired his pistol, he and Deputy Powers approached Pelaez-Chavez. Deputy Powers cleared the weapons from Pelaez-Chavez's grasp, and Deputy Dietrick handcuffed Pelaez-Chavez. After Deputy Dietrick and Deputy Powers donned protective gloves and Deputy Powers appeared to check for a pulse. After checking for a pulse, Deputy Powers quickly directed Deputy Dietrick to "uncuff" Pelaez-Chavez, which Deputy Dietrick did (Deputy Dietrick's BWC 01:23:03 – 01:24:18).

As soon as Pelaez-Chavez was uncuffed, the deputies placed Pelaez-Chavez on his back, got his arms out to his side, and Deputy Powers began CPR (cardiopulmonary resuscitation). Simultaneously, Deputy Dietrick advised Sheriff's Dispatch that shots were fired, suspect down, deputies "Code 4", and they were starting "life-saving measures" (Deputy Dietrick's BWC 01:24:38 - 01:25:00).

While administering CPR, Deputy Powers stopped and told Deputy Dietrick to look. He then continued administering chest compressions and yelled out, "Come on" and "Let's go". Deputy Powers again told Deputy Dietrick to look, at which time Deputy Dietrick stated, "It's going, you got it pumping." At that moment, the deputies switched roles, where Deputy Dietrick took over chest compressions, and Deputy Powers held pressure over a wound on Pelaez-Chavez's chest (Deputy Dietrick's BWC 01:26:02 - 01:26:30).

Deputy Powers and Deputy Dietrick took turns covering the wound on Pelaez-Chavez's chest and administering chest compressions. Neither deputy made any statement about the shooting

while they conducted lifesaving measures. The only communication they had was to check on each other and to coordinate when they would switch roles.

Approximately 20 minutes after they began CPR, Paramedic Eric Constantine arrived at the deputies' location after being long-lined into the scene by Henry-1. Deputy Powers continued chest compressions, while Deputy Dietrick briefed Medic Constantine about Pelaez-Chavez's condition. Medic Constantine told the deputies to continue CPR while he attached a heart monitor to Pelaez-Chavez. Medic Constantine advised Pelaez-Chavez did not have a pulse and he was "asystole" on the monitor. Medic Constantine directed the deputies to continue CPR, while he attached AED pads to Pelaez-Chavez's chest. Deputy Powers asked Medic Constantine if he had a "chest seal". Medic Constantine subsequently applied a "chest seal" to Pelaez-Chavez's chest wound (Deputy Dietrick's BWC 01:44:28 - 01:49:05).

While Deputy Powers continued chest compressions, Sgt. Berg and Deputy Clegg were long-lined to the scene. Sgt. Berg met with Deputy Dietrick and asked if he was okay. Deputy Dietrick replied he was, but stated he was "exhausted". Sgt. Berg then asked Deputy Dietrick for a public safety statement. Deputy Dietrick confirmed Pelaez-Chavez was the only suspect, he stated he fired 3-5 shots, and he indicated the direction he fired the shots to Sgt. Berg. He also confirmed Pelaez-Chavez did not have a firearm, but did have "a hatchet, a hammer, and a rock" in his hands. Sgt. Berg also confirmed Deputy Dietrick's BWC was recording at the time of the shooting, and he told Deputy Dietrick to remain recording.

Sgt. Berg then met with Deputy Powers individually, outside the presence of Deputy Dietrick, in order to get his public safety statement.

While Sgt. Berg was meeting with Deputy Powers, on Deputy Dietrick's BWC footage, TFO Deputy C. Haas could be heard confirming to discontinue life saving measures because Pelaez-Chavez was deceased (Deputy Dietrick's BWC 01:50:58 – 01:51:01).

Once Sgt. Berg was done meeting with Deputy Powers, he directed TFO Deputy Haas to get the deputies out of the scene and sequester them. He also told both deputies they could remove their protective gloves but advised them to keep their uniforms on as they were.

Due to the remote location of the scene, getting Deputies Powers and Dietrick out of the scene took some time. Deputy Clegg began to speak with both Deputy Powers and Deputy Dietrick about the difficulties of trying to locate them as they were following Pelaez-Chavez. Sgt. Berg ordered them to stop talking, which they did.

Tactical Flight Officer (TFO) Deputy Haas coordinated removing the deputies from the scene. Deputy Powers was the first to be long-lined out, followed by Deputy Dietrick. Both deputies BWC's were turned off and collected by Sgt. Berg as they were lifted from the scene by Henry-1.

The deputies were sequestered at the Sonoma County Deputy Sheriff's Association (DSA) Hall, where Evidence Technicians from the Santa Rosa Police Department processed them for evidence. Sgt. Anthony Diehm and I also responded to the DSA Hall, where we placed both Deputy Dietrick and Deputy Powers on routine Administrative Leave and notified them of this administrative investigation. After being processed and placed on leave, the deputies were released from being sequestered.

On July 31, 2022, at approximately 1050 hours, Deputy Powers met with Detectives Gino Rantissi and Matthew White from the Santa Rosa Police Department, at which time Deputy Powers provided a voluntary statement related to the criminal investigation.[3] This recorded interview took place at the Sonoma County DSA Hall and Deputy Powers' legal representation, Attorney [redacted] from RLS Law Firm, was present with him. Below is a summary of that interview, which I have reorganized for clarity.

Before asking Deputy Powers to provide a narrative statement regarding the incident, Detective Rantissi confirmed the following information:

- Deputy Powers was being interviewed as a witness and victim,
- Deputy Powers was free to leave at any time,
- Deputy Powers was not obligated to answer any questions,
- Deputy Powers agreed to provide a voluntary statement,
- Deputy Powers had ample time to gather his thoughts and was prepared to give a statement,
- Deputy Powers had viewed his BWC footage regarding this incident,
- Deputy Powers **had not** viewed anyone else's BWC footage regarding this incident,
- Deputy Powers did not have any friendship or other relationship with either Detective Rantissi or Detective White,
- Deputy Powers was not sick or injured at the time of the interview,
- Deputy Powers was not sick or injured at the time of the incident, nor was he injured as a result of this incident,
- Deputy Powers was not on any medications at the time of the incident,
- Deputy Powers slept from approximately midnight to 0630 hours, a total of six and a half hours, the night before the incident,
- Deputy Powers could not recall when he last ate before the incident,
- Deputy Powers slept for a total of approximately eight hours the night before he provided his statement,
- Deputy Powers had not eaten before providing his statement,
- Deputy Powers had not consumed any alcohol 24 hours prior to the incident, nor had he consumed any alcohol 24 hours prior to giving his statement.

[3] A copy of Deputy Powers' statement to SRPD Detectives can be found in the Exhibits module in AIM.

Before becoming a Peace Officer, Deputy Powers served in the United States Marine Corps for approximately eight years. Over the course of his military career, Deputy Powers was an infantryman and instructor. Specifically, Deputy Powers was a Scout Sniper while with the Marine Corps. His military training included: man-tracking courses, survival courses, Basic Scout Sniper course, Scout Sniper team leader, and Mountain Leader for both summer and winter seasons. He was also a Mountain Scout Sniper instructor and a ski instructor.

Prior to working for the Sheriff's Office, Deputy Powers worked as a Peace Officer for the San Francisco Police Department for approximately four years and three months. During his time at the San Francisco Police Department, he did not hold any collateral or specialty assignments.

At the time of this incident, Deputy Powers had been a Deputy Sheriff with the Sonoma County Sheriff's Office for approximately five months. He did not hold any collateral assignments with the Sonoma County Sheriff's Office. He was assigned to dayshift (0700 hours – 1900 hours) patrol out of the Sheriff's main office. Deputy Powers started his shift at 0700 hours, and his call-sign was Edward-33 (E33). He drove his normally assigned patrol vehicle at the time of this incident.

Deputy Powers was in a full Sheriff's Office patrol uniform. His uniform consisted of a tan shirt that had Sonoma County Sheriff's Office patches on each shoulder, a tan outer carrier vest that had a badge on his left chest, green pants, and black boots. Equipment affixed to the outer carrier vest included a magazine pouch and handcuffs. On his duty belt, he had a Taser electronic control device on his left hip and his 9mm Glock pistol on his right hip. Deputy Powers had his department-issued shotgun in his patrol car, he did not have a patrol rifle, and he did not have a back-up gun. His pepper spray was in his patrol car, he did not have a baton, and he did not deploy any other less-lethal equipment.

Regarding the incident, Deputy Powers stated between 0800-0830 hours, he volunteered to back-up Deputy Dietrick, who was the north beat deputy. At the time of the interview, Deputy Powers recalled the details of the call were, a Hispanic male (Pelaez-Chavez) had thrown a rock through a window, people on scene were searching for him, he had stolen truck and smashed through gates.

When Deputy Powers arrived on scene, he met up with Deputy Dietrick and one of the property owners ([redacted]), who told him Pelaez-Chavez had a rock and asked to be killed. Deputy Powers was told Pelaez-Chavez was at the residence five minutes before deputies arrived. He used his binoculars to search for Pelaez-Chavez, because he knew he was on foot and wasn't too far away.

Deputy Dietrick got into an UTV with one of the property owners ([redacted]), while Deputy Powers walked down the hillside to confirm Pelaez-Chavez wasn't hiding in the brush.

After Deputy Powers cleared the hillside below the residence, he met up with Deputy Dietrick and got into the UTV. [redacted] drove the UTV until they were met with a secured gate.

Deputy Powers and Deputy Dietrick climbed over a wall and cleared some outbuildings on a neighboring property. The outbuildings were clear, so they decided to continue to the main house on the property. As they were clearing the main residence, a worker from the property arrived and told them a different UTV had been stolen. With that information, they were under the assumption Pelaez-Chavez was traveling via UTV. They followed UTV tracks toward a water tower but were unable to find Pelaez-Chavez. They continued searching and found a UTV, still running, apparently stuck between a rock and a tree.

Using his experience in tracking, Deputy Powers found a barefoot print going uphill. After he found another print, he advised Deputy Powers he had located "sign" and he continued to follow it uphill. Deputy Powers eventually located Pelaez-Chavez at the top of a hill. When Deputy Powers located Pelaez-Chavez, he "got down" and watched him. He saw Pelaez-Chavez had "two, handled" tools or weapons in each hand. Deputy Powers also observed Pelaez-Chavez appeared tired, he was hunched over and making noise, but Deputy Powers couldn't make out what he was saying.

Deputy Powers told Deputy Dietrick he had located Pelaez-Chavez and continued to observe him from approximately 50 yards away. Deputy Dietrick eventually arrived at Deputy Powers' location. Pelaez-Chavez spotted Deputy Powers and said something to him. Deputy Powers recalled Deputy Dietrick asking if Pelaez-Chavez wanted some water, and he stated he and Deputy Dietrick tried to communicate with Pelaez-Chavez, in order to try to build some rapport. Pelaez-Chavez made more noise and then continued up the hill until the Deputies lost sight of him.

Deputy Powers and Deputy Dietrick went to the top of the hill, at which time Deputy Dietrick spotted Pelaez-Chavez as he fled south, down the hill toward a creek, which Deputy Powers estimated was a few hundred yards away. Deputy Powers noted Pelaez-Chavez had traveled that distance in the very short amount of time they had lost sight of him. Deputy Powers stated he ran down the hill and got to the tree line. Deputy Powers yelled for Pelaez-Chavez to stop. When he did so, Deputy Powers stated Pelaez-Chavez responded in an "aggressive, growling" voice, and then hit the tree he was standing in front of with one of the weapons he was holding. As Deputy Powers broadcast his observations over the radio, Pelaez-Chavez fled into the creek, out of sight of Deputy Powers. Deputy Powers continued toward the creek.

When Deputy Powers got to the creek, he stated he continued to the east, even though he couldn't explain why. Eventually, he caught glimpses of Pelaez-Chavez through the foliage, so he started to close distance on him. He continued to follow from a safe distance because he knew Pelaez-Chavez still had both weapons and because he knew Pelaez-Chavez had thrown a rock earlier in the incident.

Deputy Powers eventually got to a distance where he could communicate with Pelaez-Chavez. He attempted to build rapport by asking if Pelaez-Chavez wanted to call his family, if he wanted water, and he told Pelaez-Chavez to put the weapons down. Deputy Powers acknowledged there was a language barrier between him and Pelaez-Chavez.

During his attempts at building rapport, Deputy Powers believed Pelaez-Chavez "wanted to" [deescalate], but then continued running. Deputy Powers tried to get close enough to use his Taser; however, Pelaez-Chavez picked up a rock, which Deputy Powers described as a "a little smaller than a volleyball," then turned his body and brought his arm back as if he was going to throw the rock toward Deputy Powers. Deputy Powers retreated because he believed Pelaez-Chavez was going to throw the rock at him and he only had his Taser out. Pelaez-Chavez put the rock down and continued fleeing. Soon after this encounter, Deputy Powers heard Deputy Dietrick yelling further up the creek.

Deputy Powers continued. He saw Deputy Dietrick and Pelaez-Chavez and he heard Deputy Dietrick giving commands. Deputy Powers approached and triangulated himself from Pelaez-Chavez and Deputy Dietrick. He observed Pelaez-Chavez still had a rock in his hand. Deputy Powers recalled deploying his Taser at Pelaez-Chavez, but saw he was going for the rock again. He then heard the shots fired by Deputy Dietrick. Deputy Powers stated he believed Deputy Dietrick was in more danger than he was.

After Deputy Dietrick fired his pistol, he and Deputy Powers approached Pelaez-Chavez, and Deputy Dietrick handcuffed him. Deputy Powers realized Pelaez-Chavez needed first aid, so he told Deputy Dietrick to remove the handcuffs. He explained he did so in order to administer higher quality CPR. Deputy Powers and Deputy Dietrick took turns administering CPR for approximately 20 minutes, until a medic arrived on scene. The medic eventually determined Pelaez-Chavez had died.

Deputy Powers was asked to describe the terrain. He stated the terrain was wooded, very steep and consisted of dry grass, and loose shale rock down to the creek. He explained some of the terrain was so steep, he had to slide down it. He also stated there were large, jagged boulders in the creek.

When asked, Deputy Powers explained he believed he had radio reception, but he wasn't certain if he had reception while he was in the creek. He stated he tried to go to "direct" to see if anyone was close enough to receive any traffic.[4]

Deputy Powers described his safety concerns were, the fact they were so far out there, there was no address to provide a good location, and the location they were able to provide was based on where they last observed Pelaez-Chavez. He was also concerned for Deputy Dietrick's safety, he was concerned if one of them got hurt, he was concerned with trying to get Pelaez-Chavez into custody safely, and he was concerned Pelaez-Chavez was going to go to another residence to do the same thing [break-in, vandalize, steal vehicles].

[4] Going to "direct" refers to Deputy Powers switching his patrol radio from "repeater" mode to "direct" mode, which meant his radio transmission was only transmitted to other deputies' patrol radios nearby. This tactic can used by a deputy who does not have radio coverage, to communicate with other deputies near them. The goal is for the deputy receiving the direct transmission to have radio coverage, so they can communicate with dispatch.

When asked about the moment when Pelaez-Chavez grabbed the volleyball-sized rock, Deputy Powers explained he was concerned about his footing, in terms of getting away, because he was standing in shin-deep water. He explained he only had his Taser out, and in the event Pelaez-Chavez threw the rock or ran toward him, he was concerned if he would he have enough time to transition to his pistol.

SRPD Detective White asked Deputy Powers to estimate time and distance regarding certain aspects of this incident. Deputy Powers believed there was over two miles of distance between where he parked his patrol car and where the shooting occurred. He estimated he was on foot for approximately one mile. He estimated the incident took over an hour, from the time he left his patrol car to after the shooting.

Detective White asked Deputy Powers to explain what he meant when he said he "got down" when he observed Pelaez-Chavez on top of the hill. Deputy Powers explained he got into a prone position and communicated his observations; however, he was not sure if his communications were broadcast over the radio, and he did not recall receiving a response. He explained he did this because he was by himself and was waiting for another unit.

Detective White asked Deputy Powers how many times he deployed his Taser, and whether or not the deployment had the desired effect. Deputy Powers stated he deployed his Taser one time, and he couldn't recall if the deployment had the desired effect. He believed Pelaez-Chavez may have still reached for the rock after his Taser deployment.

Deputy Powers explained he did not know how close his closest back-up was during this incident. He recalled other deputies trying to communicate to determine their location, but all he could provide was 'get in the creek and travel east'. He didn't know the nearest residence or the road. He stated it was safe to say he had no idea where he was.

Deputy Powers' attorney, [redacted], reminded Deputy Powers that his interview was being audio recorded, so he wanted Deputy Powers to describe his actual observations when Pelaez-Chavez was striking the tree with one of the weapons he had in his hands. Deputy Powers explained there was a tree between him and Pelaez-Chavez. When Deputy Powers yelled for him to stop, Pelaez-Chavez responded with an angry yell, and he used his right hand to strike the tree with one of the weapons he was holding. Deputy Powers described the strike as an overhand "hack" at the tree. When he was asked what Pelaez-Chavez's actions meant to him, he explained it meant Pelaez-Chavez was displaying his weapons in an aggressive manner. Deputy Powers recalled trying to advise dispatch of his observations, but he wasn't sure if they heard him.

Later in the interview, Ganz asked Deputy Powers if he discussed his and Deputy Dietrick's roles, regarding lethal and less-lethal cover. Deputy Powers did and stated that exchange occurred after he saw the suspect strike the tree with the weapon. He explained they created that tactical plan so if there was an opportunity, he would deploy the less-lethal [option].

Ganz asked Deputy Powers to describe the information he knew at the time Pelaez-Chavez struck the tree with the weapon. Deputy Powers stated he knew Pelaez-Chavez had thrown a rock through a window, he had been confronted [by [redacted]t and [redacted]], and he asked one property owner ([redacted]) to kill him. Based on his training and experience, Deputy Powers believed Pelaez-Chavez was likely on some sort of narcotic, like Methamphetamine, and was in some sort of meth psychosis. Deputy Powers continued to explain he had encountered people on methamphetamine, and he knows those individuals to have superhuman strength and speed, they do things out of the ordinary, and they are unpredictable. All of which increased his level of concern. The fact that Pelaez-Chavez was barefoot and able to traverse the terrain he did, in the time he did, again led Deputy Powers to believe Pelaez-Chavez was on narcotics. He explained most people would have experienced pain, especially in the creek where there were large, sharp boulders; however, Pelaez-Chavez was able to move at a good pace and did not appear to be slowed down. Regarding Pelaez-Chavez's 'kill me' plea to one of the property owners who confronted him, Deputy Powers explained that factored into his mindset or concern because he was trying to provoke people into killing him, he had two large tools that could have been used as weapons, and the fact he kept coming back to large rocks. Pelaez-Chavez had thrown a rock through a window, he picked up a rock and almost threw it at Deputy Powers, and then he picked up a rock when confronted by Deputy Dietrick. Ganz also asked Deputy Powers if someone who expressed suicidal thoughts could pose a danger to citizens or deputies. Deputy Powers answered they could perform an act aggressively toward a civilian or a deputy to prompt them to defend themselves.

Deputy Powers believed the two weapons Pelaez-Chavez was carrying was a hammer, and the other looked like a hatchet, with a flat, long metal head. Ganz asked Deputy Powers if there was potential for harm from those weapons, even if someone was five or ten feet away from Pelaez-Chavez. Deputy Powers stated Pelaez-Chavez could have definitely deployed those weapons within five to ten feet.

Ganz asked Deputy Powers, aside from methamphetamine, if he was aware of Pelaez-Chavez having any potential mental health issues, in terms of someone saying, "kill me", could that person be going through something? Deputy Powers answered affirmatively and upon questioning confirmed there were no mental health resources available to him, nor could they have gotten to his location. Ganz then asked Deputy Powers if, regardless of Pelaez-Chavez's mental health status, he posed a threat to him (Deputy Powers), Deputy Dietrick, or the public. Deputy Powers answered that he did.

At one point during the interview, Ganz asked Deputy Powers what his ultimate goal was during this incident. Deputy Powers stated the ultimate goal was to get Pelaez-Chavez to drop the weapon and then take him into custody. He answered "no" when Ganz asked him if he wanted to physically harm Pelaez-Chavez.

Ganz asked Deputy Powers about how he was feeling, in terms of time and distance. Deputy Powers stated he was thirsty and winded. He explained he was an ultra-marathon runner, and then stated the terrain he traversed was some of the hardest terrain he had ever run over.

Ganz asked how much time passed after Deputy Dietrick shot Pelaez-Chavez, to when back-up arrived. Deputy Powers estimated it took approximately 20 minutes for the next human to get on scene. He wasn't sure if Henry-1 flew the medic in because he was focused on providing quality chest compressions. He recalled once the medic arrived, he was instructed to continue CPR. He also recalled asking for a chest seal before the suspect was pronounced [deceased]. Ganz continued to ask about time, and asked how much time was spent trying to coordinate deputies to their location. Deputy Powers estimated it took about 15-20 minutes. Ganz confirmed it took the helicopter and 15-20 minutes of coordinating deputies by updating his location to the best of his abilities, to get to him. Deputy Powers responded, "If not longer, yeah."

Ganz returned his focus to when Pelaez-Chavez picked up the volleyball-sized rock in the creek bed, when Deputy Powers had his Taser out. He asked Deputy Powers to describe that rock, in comparison to the rock Pelaez-Chavez picked up right before he was shot. Deputy Powers stated the rock Pelaez-Chavez picked up right before he was shot was a little smaller and looked like it could have been thrown easily. Ganz asked him to compare the two moments. Deputy Powers stated when Pelaez-Chavez picked up the volleyball-sized rock, it was bigger and looked heavy, leading Deputy Powers to believe it couldn't have been thrown as far, which was why he backed up. He stated there was more danger when Pelaez-Chavez picked up the smaller rock because it could have been thrown at a high speed. Deputy Powers estimated the distance between him and Pelaez-Chavez during the first incident with the volleyball-sized rock in the creek bed was approximately 15 yards, where the distance between Pelaez-Chavez and Deputy Dietrick, when Pelaez-Chavez picked up the smaller rock before being shot, was approximately ten yards. Deputy Powers stated he was a little further away from Pelaez-Chavez than Deputy Dietrick was, which meant Deputy Dietrick was in more danger.

Ganz asked Deputy Powers, if, during the first incident when Pelaez-Chavez picked up the volleyball-sized rock and began to throw it at him, he had his gun out instead of his Taser, would he have deployed it. Deputy Powers said he couldn't say for certain, but stated when Pelaez-Chavez reached back, he honestly believed Pelaez-Chavez was going to throw the rock at him. He believed he may have fired his firearm, if he had it in his hand, as opposed to his Taser.

Ganz asked Deputy Powers to clarify what the danger was if Pelaez-Chavez actually threw either rock. Deputy Powers stated during the first incident, he was in shin deep water while Pelaez-Chavez was out of the water. He believed the rock would have struck him in the face and he would have been in 18-24" of water. Specifically, the potential injuries Deputy Powers stated he could have sustained were, unconsciousness, drowning, if he landed in the water, injuries due to falling on the rocks around him, and the thrown rock could have caused fractures itself. Deputy Powers had similar concerns regarding the second incident with the smaller rock and confirmed though it was smaller, it was hard and heavy enough to break a bone or render someone unconscious if struck by it.

After this line of questioning, SRPD Detective Rantissi took a break. The interview resumed approximately 22 minutes later. The same personnel were present for the second part of this interview, and Detective Rantissi resumed the questioning.

Deputy Powers was asked if Pelaez-Chavez had anything in particular in his hands during both instances where he picked up a rock. Deputy Powers answered that Pelaez-Chavez was still holding onto both weapons. He believed Pelaez-Chavez held onto the weapons in his "off-hand". He was asked to specifically recall the second instance and state whether or not Pelaez-Chavez had anything in his hand. Deputy Powers answered he still had the wood-handled weapons in his left hand.

Deputy Powers was asked to describe Pelaez-Chavez's body positioning during each instance involving rocks. During the first instance, Deputy Powers stated Pelaez-Chavez initially had his back to him; however, when he closed the distance to get a Taser shot, Pelaez-Chavez turned around really fast, faced him, and picked up the rock. During the second instance, Deputy Powers stated Pelaez-Chavez was facing Deputy Dietrick.

Deputy Powers then explained his Taser cartridge could be deployed from approximately 30 feet away. He stated he was approximately 10 yards [30 feet] from Pelaez-Chavez when he deployed his Taser and knew he was on the "cusp" of the effectiveness range [of his Taser].

Deputy Powers was asked if, aside from drowning, he had any other fears regarding the weapons Pelaez-Chavez was holding. Deputy Powers stated he feared Pelaez-Chavez could have thrown them or rushed and struck him with them. When asked specifically about the hatchet, Deputy Powers stated he believed there was a potential for injury, specifically having the hatchet lodged in his skull or in his neck, if Pelaez-Chavez threw it at him.

When asked how he evacuated the scene, Deputy Powers explained via the Sheriff's Office helicopter, at the direction of the sergeant on scene.

Detective Rantissi asked Deputy Powers if he had any concerns if Pelaez-Chavez encountered another citizen. Deputy Powers stated he was concerned Pelaez-Chavez may have been shot and killed by a citizen, or Pelaez-Chavez may have injured or killed a person. He explained Pelaez-Chavez's demeanor or meth [influenced] thought process made it seem like he was getting more and more desperate to get away.

Ganz asked Deputy Powers, hypothetically, if he knew Pelaez-Chavez would have gone straight home and slept, would you have let him get away? Deputy Powers stated Pelaez-Chavez had committed several felonies; therefore, he had an obligation to detain him. Ganz confirmed Deputy Powers was attempting to take Pelaez-Chavez into custody for the crimes he had committed and Deputy Powers' concern for other people's safety, based on what Pelaez-Chavez had already done. He then asked Deputy Powers if he knew what Pelaez-Chavez was doing, or what he was planning on doing, when he threw the rock through the window. Deputy Powers

stated he did not. Ganz confirmed whatever Pelaez-Chavez's intent, it was enough for the homeowner to come out with a gun.

Ganz readdressed Deputy Powers' concerns if he were struck by the rock during the first instance with the larger rock. He asked Deputy Powers, if he were struck by the rock and rendered "woozy", was he concerned about Pelaez-Chavez getting closer to him, specifically because of the other weapons Pelaez-Chavez was holding. Deputy Powers answered that he was. Specifically, Deputy Powers believed he could have sustained a broken bone or have been "sliced" open if he were in fact struck by one of those weapons, either by Pelaez-Chavez striking him with them or throwing them at him.

Ganz confirmed Deputy Powers was trying to get into a maximum effective range of the Taser, and he was trying to pick up the laser on his Taser, to close the distance on the suspect before the suspect picked the rock up. Ganz asked, if the suspect's action of picking the rock back up caused Deputy Powers to deploy his Taser, why didn't he get closer or wait longer. Deputy Powers replied that when the suspect dropped the rock, he felt like he had an opportunity to attempt to incapacitate the suspect with the Taser because the suspect was preoccupied with picking the rock back up. Ganz asked what Deputy Powers' concerns were if he got any closer or waited another second. Deputy Powers stated he was concerned he would have been hit with the rock.

There were no further questions and the interview concluded at approximately 1217 hours.

On July 31, 2022, at approximately 1235 hours, Deputy Dietrick met with Detectives Gino Rantissi and Matthew White from the Santa Rosa Police Department, at which time Deputy Dietrick provided a voluntary statement related to the criminal investigation.[5] This recorded interview took place at the Sonoma County DSA Hall and Deputy Dietrick's legal representation, Attorney [redacted] from RLS Law Firm, was present with him. Below is a summary of that interview, which I have reorganized for clarity.

Before asking Deputy Dietrick to provide a narrative statement regarding the incident, Detective Rantissi confirmed the following information:

- Deputy Dietrick was being interviewed as a witness and victim,
- Deputy Dietrick was free to leave at any time,
- Deputy Dietrick was not obligated to answer any questions,
- Deputy Dietrick agreed to provide a voluntary statement,
- Deputy Dietrick had ample time to gather his thoughts and was prepared to give a statement,
- Deputy Dietrick had viewed his BWC footage regarding this incident,
- Deputy Dietrick **had not** viewed anyone else's BWC footage regarding this incident,

[5] A copy Deputy Dietrick's statement to SRPD Detectives can be found in the Exhibits module in AIM.

- Deputy Dietrick did not have any friendship or other relationship with either Detective Rantissi or Detective White,
- Deputy Dietrick was not sick or injured at the time of the interview,
- Deputy Dietrick was not sick or injured at the time of the incident, nor was he injured as a result of this incident,
- Deputy Dietrick was not suffering from any medical condition at the time of this incident,
- Deputy Dietrick was not taking any medications at the time of the incident,
- Deputy Dietrick slept from approximately 2130 to 0500 hours, a total of seven and a half hours, the night before the incident,
- Deputy Dietrick had eaten before the incident,
- Deputy Dietrick slept for a total of approximately five hours the night before providing his statement,
- Deputy Dietrick had eaten before providing his statement,
- Deputy Dietrick had consumed approximately three White Claw alcoholic beverages within 24 hours prior to giving his statement. Specifically, he consumed the drinks between 1300-1500 on July 30,
- Deputy Dietrick had not consumed any alcohol 24 hours prior to the incident.

Before working for the Sonoma County Sheriff's Office Deputy Dietrick worked for the Clearlake Police Department for approximately four years. At the time of this incident, Deputy Dietrick had been a Deputy Sheriff with the Sonoma County Sheriff's Office for approximately five years. In total, Deputy Dietrick had approximately nine years of experience as a Peace Officer at the time of this incident. Aside from the police academy, Deputy Dietrick stated he had other police training, including a behavioral analysis (he couldn't remember the acronym) class,[6] Emergency Vehicle Operator Course (EVOC) instructor class, field force operations for the tactical team, and Field Training Officer (FTO) school.

For the two years leading up to this incident, Deputy Dietrick was assigned weekend dayshift. His shift was from 0700-1900 hours and his normal workdays were every other Thursday, Friday, Saturday, and Sunday. On the specific day of this incident, Deputy Dietrick began his shift at 0700 hours, his call sign was Edward-21 (E21), and he drove his normally assigned patrol vehicle.

At the time of this incident, Deputy Dietrick was in a full, Sheriff's Office patrol uniform. His uniform consisted of a black, baseball-style hat with the Sheriff's star on it, a tan short-sleeved uniform shirt with Sonoma County Sheriff's Office patches on each shoulder, an outer carrier vest that had his name and his brass star badge on it, green pants, and black boots. Equipment affixed to the outer carrier vest included his BWC affixed to the left breast pocket, a double handcuff pouch, his Taser (cross-draw), his OC (Pepper) spray, and a keyring. On his duty belt, he had a double magazine holder, his Glock [Model] 22, .40 caliber pistol was on his right hip, a

[6] According to his POST Training Profile, Deputy Dietrick was referring to attending the Behavior Analysis Training Institute (BATI) Interview and Interrogation training. His POST Training Profile can be found in Exhibits.

glove pouch containing rubber gloves, a tourniquet, a baton loop with no baton, and a flashlight holder with flashlight. Deputy Dietrick did not have a back-up gun on his person but did have an AR-15 patrol rifle in his vehicle. He did not have any other less-lethal equipment.

Regarding the incident, Deputy Dietrick recalled, at approximately 0830 hours, being dispatched to an unoccupied suspicious vehicle at a winery off of Highway 128. He contacted either a ranch manager or worker in charge who told him at approximately 0600 hours an unknown person drove the Nissan sedan into the vineyard property, then left it. The employee did not see the driver but saw there were footprints heading south. Deputy Dietrick checked the vehicle but there wasn't any evidence to indicate it was stolen. He discussed how to get the vehicle removed from the property with the employee.

While he was clearing the suspicious vehicle call, dispatch advised that south of the suspicious vehicle call, there was a report that someone had broken out a window of their residence, and the reporting party's father was outside with a gun trying to find the person responsible.

Deputy Dietrick responded to the scene of the broken window and contacted the homeowner ([redacted]). [redacted] reported a Hispanic male (Pelaez-Chavez) approached his house and broke out a window of the house. [redacted] grabbed his gun and fired several warning shots at Pelaez-Chavez's feet. Pelaez-Chavez then stole the gardener's truck and drove through multiple gates and multiple properties. [redacted] believed Pelaez-Chavez was still close by because he could see clouds of dust.

Deputy Dietrick stated he requested back-up, because he believed the original suspicious vehicle incident [involving the Nissan} and the broken window incident could have been related. As Deputy Dietrick was gathering information, [redacted] received a call from a neighbor ([redacted]), who stated Pelaez-Chavez was at [redacted] house. [redacted] led Deputy Dietrick to [redacted] driveway, which was a short distance away. Before proceeding to the [[redacted]] residence, Deputy Dietrick looked at the map on his patrol vehicle's Mobile Data Computer (MDC) and saw Deputy Powers was nearby. Given the information he had, he felt the safest thing to do was to wait for Deputy Powers to arrive before trying to take Pelaez-Chavez into custody.

As he was waiting, dispatch advised [redacted] called and reported Pelaez-Chavez was on his knees, was crying, and was armed with rocks. Deputy Dietrick decided there was an opportunity to take Pelaez-Chavez into custody, so he proceeded to the residence before Deputy Powers arrived.

As Deputy Dietrick drove to the [redacted] residence, he observed the gardener's truck, which Pelaez-Chavez stole after breaking out the window at the [redacted] residence, in a ditch.

When Deputy Dietrick arrived at the [redacted] residence, he got out of his vehicle and announced his presence. [redacted] came outside and, when asked where Pelaez-Chavez went, directed Deputy Dietrick's attention to the east. He also advised Pelaez-Chavez was armed with

three "boulders" and he asked [redacted] to shoot him. [redacted] admitted he was armed with a pistol; however, realized the pistol was unloaded after confronting Pelaez-Chavez. Once he realized his pistol was not loaded, [redacted] decided to retreat into this residence. [redacted] stated he watched Pelaez-Chavez run down a hill, traveling east.

Deputy Dietrick tried to follow Pelaez-Chavez's path, but he was unable to do so because of the various animal trails in the area.

Deputy Dietrick stated he tried to figure out which house Pelaez-Chavez was going to go to next, based on his past behavior. At that time, Deputy Dietrick knew Pelaez-Chavez was potentially related to a stolen vehicle (Nissan), he had gone to a property where he had broken out a window which caused that property owner to shoot warning shots at him, he had stolen the gardener's truck, and gone to this second residence, where he was confronted by another armed homeowner. Deputy Dietrick felt there was a pattern that Pelaez-Chavez was going from house to house.

Once Deputy Dietrick determined the next most likely residence, both property owners advised the deputies would have to drive quite a distance in order to get to the next property. [redacted] offered to take Deputy Dietrick and Deputy Powers in his side-by-side (UTV) to the gate and stated he had a key.

Deputy Dietrick got into the passenger seat of [redacted] UTV and visually searched along the way. Deputy Powers, who had since arrived on scene, walked down the hill in order to clear some brush piles. Deputy Powers eventually got into the UTV as well, and they continued down the hill through a gate.

They made it to the third property, which Deputy Dietrick couldn't recall the address. They weren't able to access the gate, so Deputy Dietrick and Deputy Powers had to jump the fence to gain access. They cleared some outbuildings and were looking for a ranch hand who was reported to live nearby. As he and Deputy Powers were trying to figure out where Pelaez-Chavez may have gone, the ranch hand arrived at the property. The ranch hand had no information since he had just arrived.

Deputy Dietrick decided to check the main residence, to confirm Pelaez-Chavez wasn't there and/or threatening the residents. The deputies confirmed no one was at the main residence and there was no evidence Pelaez-Chavez had been there either. As they were checking the residence, the ranch hand reported an ATV had been stolen from the property, and a normally secured gate was found unsecured.

Deputy Dietrick and Deputy Powers got back into [redacted] UTV and they drove to the unsecured gate. They located tire tracks in the dirt, which they followed for a while but then lost. In the southeast corner of the property, they found another gate that was closed, but unlatched. He decided to continue through that gate and again picked up more tracks. While they were stopped for a moment trying to figure out the direction of the tracks, Deputy Dietrick

saw a reflective, red surface in the creek bed. He advised Deputy Powers, and they went to investigate it.

Deputy Dietrick found it was the stolen UTV (not an ATV), which was reported missing by the ranch hand. The engine was still running, yet the vehicle appeared to be stuck in the creek. Deputy Dietrick turned the vehicle off and took the keys. At that point, Deputy Dietrick didn't know where Pelaez-Chavez was, and he was concerned because Pelaez-Chavez could have doubled-back and fled.

Deputy Dietrick stated he and Deputy Powers continued traveling east because that was the direction Pelaez-Chavez seemed to be traveling. He admitted he and Deputy Powers split up, stating he went to the "left", and Deputy Powers went to the "right", as they walked the ridgelines to get the best field of view.

Deputy Dietrick recalled dispatch advised Henry-1was enroute but was still 30 minutes away.

As they continued east, Deputy Dietrick believed he heard someone yell. He realized the noise he heard was coming from the ridgeline Deputy Powers was on, not his. He ran down the ravine and tried to catch up to Powers. As Deputy Dietrick was walking up the hill, Deputy Powers advised he had located Pelaez-Chavez and was going to watch him until they could get more resources.

When Deputy Dietrick got to the top of the hill, he found Deputy Powers was lying on his stomach at the bottom of the hill and looking to the top of the hill. Deputy Dietrick recalled being able to see Pelaez-Chavez through the brush, though not very clearly. While keeping a large Oak tree between them, to remain concealed, Deputy Dietrick moved toward Deputy Powers. Deputy Dietrick thought he and Deputy Powers could just keep eyes on Pelaez-Chavez and wait for more resources to get to them before they tried to do anything further. He was hoping the helicopter could get on scene and he knew Sgt. Berg and Deputy Clegg were coming, but he knew he and Deputy Powers were at least 15-20 minutes ahead of them, and he wasn't sure if Sgt. Berg or Deputy Clegg would even find them.

While waiting for more resources, Pelaez-Chavez either saw him or Deputy Powers. After spotting them, Pelaez-Chavez made some sort of sound toward the deputies, indicating he knew they were there. Deputy Dietrick didn't feel like they could wait for the resources any longer, so he tried to "deescalate" and establish some rapport with Pelaez-Chavez. Deputy Dietrick emerged from behind the tree and saw Pelaez-Chavez had hatchet in one hand and another long-handled tool, possibly a hammer or a pick, in the other hand. Deputy Dietrick told the detectives he said something to the effect of, "mi amigo, no problemas." Deputy Dietrick admitted he did not speak Spanish fluently and he wasn't sure if Pelaez-Chavez spoke Spanish or English. Pelaez-Chavez appeared agitated and did not want to come toward the deputies.

Deputy Dietrick stated he offered Pelaez-Chavez water, even though he didn't have any to offer, in an attempt to build rapport. He knew he was exhausted and thirsty, so he thought that was a

tool to try to get Pelaez-Chavez to come toward him. Deputy Dietrick stated, based on Pelaez-Chavez's erratic behavior and being barefoot, he believed Pelaez-Chavez was possibly under the influence of methamphetamine, which he knew one of the side effects to be dry mouth. He was hoping to entice Pelaez-Chavez to calm down and come talk with them.

Deputy Dietrick recalled Pelaez-Chavez continued to talk to himself, he was yelling, he was pacing, and he continued to hold onto the weapons. Deputy Powers told Pelaez-Chavez to come down in Spanish and pointed for him to come down to them. While he and Deputy Powers were trying to communicate with Pelaez-Chavez, they maintained their distance, they did not approach him, and they did not have their guns out while they tried to deescalate the situation. Pelaez-Chavez moved back a little bit, which caused the deputies to move forward in order to maintain a visual on him. Pelaez-Chavez suddenly began running east, down the hill.

Deputy Dietrick stated at that point, he knew he couldn't wait for the helicopter or other resources any longer. He said it was a miracle they found Pelaez-Chavez in the first place, so they didn't want to lose sight of him again. He didn't know who else lived out there, Pelaez-Chavez had already been confronted by two, armed homeowners, so he was worried for the safety of the next homeowner to come into contact with Pelaez-Chavez, as well as Pelaez-Chavez's own safety.

Deputy Dietrick continued to the top of the hill and when he got to the top, he couldn't see Pelaez-Chavez. He and Deputy Powers cleared some potential hiding spots between some rocks, mounds of dirt, and trees, because he was worried about being ambushed, based on the suspects violent and erratic behavior.

Deputy Dietrick then spotted Pelaez-Chavez running, down the hill, toward a creek. Deputy Powers and Deputy Dietrick gave chase. Deputy Powers was in front of Deputy Dietrick and stated the hill was so steep, at times he was just trying to stay on his feet.

After running down the hill, they got into more of a wooded area. Deputy Powers was still ahead of Deputy Dietrick. Deputy Powers had a visual on Pelaez-Chavez and Deputy Dietrick could see Deputy Powers, but Deputy Deitrick could not see Pelaez-Chavez. He recalled Deputy Powers stop, then yell, "drop it" or "put it down", loudly. As Deputy Dietrick tried to catch up, he remembered Deputy Powers told him Pelaez-Chavez had just hit a tree with the axe (hatchet) and he would not drop the weapons. Deputy Dietrick was not certain if Deputy Powers put that information out over the radio, or if he only made the comment to him directly.

Pelaez-Chavez continued down the hill, toward the creek. Deputy Dietrick went to the right to try to get a visual on Pelaez-Chavez, while Deputy Powers remained elevated and was able to maintain a visual him. Deputy Powers told Deputy Dietrick he still had a visual on Pelaez-Chavez, which caused Deputy Dietrick to catch up to Deputy Powers' location. As they met up, they were starting to get close to Pelaez-Chavez and they were continuing toward the creek. Deputy Dietrick believed this was where Pelaez-Chavez was going to stop because he saw there was a cliff leading down into the creek. At that point, Deputy Dietrick recalled Deputy Powers

advising he would "go Taser" and Deputy Dietrick would "go lethal cover." Deputy Dietrick agreed, and they continued down the hill.

Pelaez-Chavez went down a very steep cliff into the creek, at which time the deputies again lost sight of him. Deputy Dietrick wasn't certain how they were going to get into the creek, and he stated they weren't sure which direction Pelaez-Chavez went once he got to the bottom of the creek.

Deputy Powers located Pelaez-Chavez running in the creek, so both deputies started making their way into the creek. Deputy Dietrick recalled falling and sliding down the last few feet of the steep embankment, into the creek. Deputy Dietrick described the terrain was very difficult to traverse, even with their hands free. With that, he recalled Pelaez-Chavez still had possession of the weapons he was carrying while traversing the difficult terrain.

They continued to follow Pelaez-Chavez through the creek and told him to stop numerous times. Deputy Dietrick admitted he was exhausted and was having a difficult time keeping up with Pelaez-Chavez and Deputy Powers. Deputy Dietrick admitted he had many things going through his mind as he was giving chase. He stated he not only wanted to take Pelaez-Chavez into custody for the crimes he already committed, but because of the potential for him to commit future crimes if he wasn't apprehended. He stated he didn't want to lose sight of Deputy Powers, he didn't know how to describe where he was if either he or Deputy Powers got hurt, and the helicopter still wasn't on scene.

Once he heard the helicopter nearby, he tried to direct the pilot overhead. After providing some direction, the personnel in Henry-1 confirmed they were overhead, but they did not have a great visual due to the thick canopy.

Deputy Dietrick lost sight of Pelaez-Chavez and Deputy Powers, so he had to catch up. He took what he believed to be a direct route, and eventually caught up to Deputy Powers. He stated the terrain was very rocky, he described there was water present at times, and a wire fence, blackberry bushes and branches made traversing the creek bed very difficult.

Deputy Dietrick saw a straight path continuing up the creek, which appeared to be flatter. He went up onto the bank, to that flatter terrain, and he was able to catch up to Pelaez-Chavez. Once he was parallel with Pelaez-Chavez, instead of continuing in the creek bed like he had been doing, Pelaez-Chavez turned toward Deputy Dietrick and began to walk straight at him.

Deputy Dietrick drew his pistol and pointed it at Pelaez-Chavez and held lethal cover on Pelaez-Chavez as Pelaez-Chavez approached him. He observed the suspect still had a hammer in his left hand and a rock the size of a cantaloupe in his right hand.

Pelaez-Chavez got between 10-15 feet from Deputy Dietrick before he stopped. Pelaez-Chavez raised both arms and looked at up at the helicopter. Deputy Deitrick explained he was on the cusp of potentially shooting Pelaez-Chavez at that moment, because he perceived Pelaez-Chavez

was preparing to throw one of the weapons at him or charge toward him. Deputy Dietrick stated he held off, even though he knew it was a risk, because he was trying to buy a little more time until Deputy Powers could come up with the Taser. When Pelaez-Chavez looked up and started yelling at the helicopter, Deputy Dietrick realized Pelaez-Chavez's attention was focused on the helicopter. Deputy Dietrick stated he didn't know what Pelaez-Chavez was saying, but the suspect was speaking in very "aggressive speech", in Spanish, as he was yelling at the helicopter.

Deputy Dietrick saw Pelaez-Chavez lower his arms; at which time he observed Deputy Powers off his left-hand side. Pelaez-Chavez, who was still holding both weapons in one hand and the rock in the other, looked at Deputy Dietrick, looked back at Deputy Powers, and then put his hands on his knees, as if he were resting. Deputy Dietrick wasn't certain if it was intentional or not, but he saw Pelaez-Chavez drop the rock. Pelaez-Chavez maintained possession of the "axe" (hatchet) and the "hammer" in his left hand. Pelaez-Chavez looked back at Deputy Dietrick. Pelaez-Chavez then took a step back and reached down with his right hand to pick up the rock he had just dropped. As Pelaez-Chavez was picking up the rock, Deputy Dietrick felt like there wasn't anything else he could do. He felt like the next move Pelaez-Chavez was going to make was to throw the rock at him, which could have knocked him out or broken his ankle. Deputy Dietrick felt there was no other choice, so he fired his pistol three times at Pelaez-Chavez.

Deputy Dietrick stated the rounds struck Pelaez-Chavez, which caused the weapons to fall from his hands as he fell back. He and Deputy Powers approached Pelaez-Chavez and saw at least one round struck him in the chest.

Deputy Dietrick reverted to his training and his observations of Pelaez-Chavez's erratic and violent behavior when he decided to handcuff him. Deputy Dietrick stated, as he was about to latch the second handcuff, Deputy Powers told him to not handcuff Pelaez-Chavez. Deputy Dietrick didn't know the extent of Pelaez-Chavez's injuries, so he decided to finish handcuffing and then reassess the situation. Once handcuffed, they rolled Pelaez-Chavez onto his back. They began CPR, and they applied pressure to the wound on Pelaez-Chavez's chest. He and Deputy Powers took turns with each task.

Deputy Powers suggested taking the handcuffs off in order to administer more effective life saving measures. At that point, Deputy Dietrick agreed it was safe to do so and would have been better for Pelaez-Chavez. He subsequently removed the handcuffs and he and Deputy Powers continued lifesaving measures for approximately 20-30 minutes. He explained he was exhausted but he did everything he could to try to keep Pelaez-Chavez alive.

Deputy Dietrick stated after approximately 20-30 minutes, the helicopter was able to airlift a medic into the scene. Approximately ten minutes after the medic, another deputy and Sgt. Berg were airlifted into the scene. Once the extra personnel were airlifted into the scene, he and Deputy Powers were relieved of their efforts.

Detective Rantissi asked Deputy Dietrick what his concern was if he were to have left Pelaez-Chavez unattended, allowing him to continue going wherever he was going. Deputy Dietrick

stated he was concerned Pelaez-Chavez was going to come across another homeowner and harm them, or potentially get himself harmed. He stated he was concerned for Pelaez-Chavez's safety and the public's safety. Specifically, he explained he was concerned Pelaez-Chavez could have encountered a homeowner who wasn't able to protect themselves or wasn't able to call for help, due to the remoteness of the location. He continued by stating if Pelaez-Chavez was able to get to another property, even with multiple units in the area, it could take 20-30 minutes for Sheriff's Deputies to respond.

Detective Rantissi asked Deputy Dietrick to further describe the terrain. Deputy Dietrick described very loose dirt, the hills rose and fell steeply in elevation, uneven terrain, gopher holes, rocks, holes where cows had walked in the mud, downed branches, downed trees, drop offs into the creek, old barbed-wire fences, loose rocks, slick rocks, and at times in the bottom of the creek, there was water deep enough to swim in.

Ganz asked Deputy Dietrick if he had a vision in his head on what had just occurred at the house where Pelaez-Chavez had just thrown a rock through the window. Deputy Dietrick described the homeowner was sitting at home in his nice, quiet rural house, where he doesn't get many visitors, when all of a sudden, seeing Pelaez-Chavez appear, with no shoes on, while holding a rock, then breaking a window out, which scared the homeowner enough to arm himself and fire warning shots at him. Deputy Dietrick stated the homeowner seemed capable and fairly level-headed.

Ganz asked Deputy Dietrick if he knew what Pelaez-Chavez's intent was when he threw a rock through the window. Deputy Dietrick stated he did not. Ganz confirmed Deputy Dietrick had investigated residential burglaries prior to this incident and Deputy Dietrick confirmed it was "definitely a possibility" that Pelaez-Chavez was trying to break into the house when he smashed the window out.

Ganz asked Deputy Dietrick about the information he learned from Deputy Powers, about Pelaez-Chavez doing something with a tree and one of the tools. Deputy Dietrick stated Deputy Powers advised, either over the radio or to him directly, that Pelaez-Chavez had hit a tree with the axe (hatchet). He explained that information indicated Pelaez-Chavez was "far more" aggressive and confrontational that someone who was just trying to get away, and the action was threatening.

Ganz asked if Deputy Dietrick had ever encountered a suspect when there was a language barrier. Deputy Dietrick stated he had. Ganz confirmed during those instances, those suspects were able to comply, even though Deputy Dietrick did not speak the same language. Deputy Dietrick stated he had, and explained it was usually apparent, based on body language and tone of voice. He also said, if a suspect didn't understand, they usually stop what they are doing and try to figure it out. Ganz asked if Pelaez-Chavez would have been able to see he and Deputy Powers were deputies or law enforcement, and if it appeared to Deputy Dietrick if Pelaez-Chavez was confused or if he was willfully not complying. Deputy Dietrick stated Pelaez-

Chavez absolutely should have known he was a deputy sheriff, and it appeared to him Pelaez-Chavez was willfully not complying.

Ganz directed Deputy Dietrick's focus to the moment when Pelaez-Chavez was walking toward him, as he was coming up from the creek. He asked Deputy Dietrick in what direction did he move as Pelaez-Chavez approached him. Deputy Dietrick stated he started walking sideways, not to get closer to Pelaez-Chavez, but to contain him and to prevent him from continuing to flee. He explained he tried to parallel Pelaez-Chavez, so he could triangulate the suspect with Deputy Powers. Ganz asked what Deputy Dietrick would have expected to see from a person who wanted to comply in that moment. The first thing Deputy Dietrick said he would have expected to see would have been Pelaez-Chavez dropping the weapons. He stated, in his experience, that is a "universal sign" that someone is complying, and regardless of language, he believed most people know the police don't want people holding weapons while they are dealing with them. He experienced many times, with people who don't speak the same language, where people put their hands up or stop what they are doing. Ganz confirmed Pelaez-Chavez never dropped the two weapons in his hands and he never went to his knees or laid on his stomach, to indicate compliance.

Ganz asked Deputy Dietrick if he ever got a good enough look at the weapons Pelaez-Chavez was holding, to describe them in any level of detail. Dietrick stated he knew one was a hatchet and he believed the other one was a hammer. He described the hatchet as having a long handle, with a large, flat, blade on one end and a blunted, shorter end on the other. Ganz asked Deputy Dietrick if he had his firearm aimed at Pelaez-Chavez, who was still holding the weapons and the rock, as he raised his body and hands upward. Deputy Dietrick confirmed he did. Ganz asked Deputy Dietrick if Pelaez-Chavez was in a position to see Deputy Dietrick had his firearm. Deputy Dietrick answered affirmatively. Ganz asked if Deputy Dietrick knew what Pelaez-Chavez's intentions were. Deputy Dietrick stated he did not. Ganz then asked, in the moments before Pelaez-Chavez seemed to focus his attention to the helicopter, if Deputy Dietrick was concerned with everything Pelaez-Chavez was holding in his hands. Deputy Dietrick replied, "Absolutely, I was concerned that, that he was raising up his arms to throw one of the, you know, either the rock or um, you know, one of the two other weapons, ah, at me." Ganz confirmed Deputy Dietrick did not shoot at that moment, and then asked him if he had any knowledge of Deputy Powers was nearby. Deputy Dietrick stated he knew Deputy Powers was behind Pelaez-Chavez and was "close." He stated he held off as long as he could, to try to get Deputy Powers on scene to possibly deploy the Taser. Ganz asked Deputy Dietrick why he wanted the Taser deployed, as opposed to lethal force. Deputy Dietrick responded, "Um, I, you know, I don't want to shoot the guy, I don't want, you know, I don't want to take anybody's life. Um, you know, I, I, I want, I wanted this to come to a, you know, to a, to a, to a resolution that didn't result in somebody being seriously injured, um, you know, or being fatally wounded."

Ganz confirmed Deputy Dietrick's description of Pelaez-Chavez going from having his arms up toward the helicopter, to where his hands were on his knees. Ganz asked if Pelaez-Chavez still had the two weapons in his hands. Deputy Dietrick confirmed Pelaez-Chavez still had both weapons in his left hand and the rock in his right hand. After Ganz confirmed Deputy Dietrick

wasn't sure if Pelaez-Chavez intentionally dropped the rock, he asked Deputy Dietrick what Pelaez-Chavez's next movement was. Deputy Dietrick stated, "Um, he looked down at the ground, then he looked over at me, um, then he took a step back with I believe it was his left leg, and then he reached down with his right hand and picked up the rock that had just fallen from his hand." Ganz asked if Deputy Dietrick believed Pelaez-Chavez was close enough to reach him or Deputy Powers if he threw the rock, or the weapons, at either of them. Deputy Dietrick answered "absolutely". Ganz then asked what Deputy Dietrick's concerns were if Pelaez-Chavez threw the rock at him. Deputy Dietrick stated, "Um, could lose consciousness, um could be knocked out, um, you know, which would leave me incapable of protecting myself or helping Deputy Powers, also you know, give him access to any of the weapons that I have on my belt, um, or that would have been in my hand at that point, um, that wouldn't even have been restrained in a holster, um, I mean even if a rock that size even hits you in the leg, it could break your leg." Ganz asked Deputy Dietrick if he believed the rock was solid enough and heavy enough to actually break his leg. Deputy Dietrick stated, "Absolutely." Ganz then asked Deputy Dietrick if he believed the other two objects [weapons] could have the same potential capability. Deputy Dietrick responded, "Uh, absolutely, um, you know, especially the, the axe, um, you know I, I, I know how easily and accurately those, that, you know, those small hatchets can be thrown with relatively little to no training." Ganz confirmed Deputy Dietrick was able to wait a second longer when Pelaez-Chavez approached him as he was coming up [from the creek], before he raised his arms toward the helicopter. He then asked Deputy Dietrick if he felt like he had the opportunity to wait when Pelaez-Chavez reached down to pick up the rock after he had dropped it. Deputy Dietrick stated he did not and explained he believed the next move Pelaez-Chavez was going to make, once that rock was in his hand, was he was going to throw it at him.

Ganz did not have any more questions at that point. Detective White suggested taking a break and Detective Rantissi turned the recorder off at approximately 1400 hours.

At approximately 1409 hours, Detective Rantissi began the second part of Deputy Dietrick's interview. The same personnel were present for the second part of this interview. Detective Rantissi's only follow-up question for Deputy Dietrick was, which commands did he give while he had his firearm pointed at Pelaez-Chavez. Deputy Dietrick believed he told Pelaez-Chavez to "drop it" and "put it down" multiple times. Neither Detective Rantissi nor Detective White had any more questions.

Ganz asked Deputy Dietrick if he was trying everything he could, to give Pelaez-Chavez commands. Deputy Dietrick stated he was. Ganz then asked if it appeared Pelaez-Chavez was having trouble hearing what Deputy Dietrick was saying. Deputy Dietrick did not believe Pelaez-Chavez had any trouble hearing.

When Ganz gave Deputy Dietrick the opportunity to add anything to his statement, he said he did not have anything else to add and stated he believed everything had been covered.

Deputy Dietrick's interview concluded at approximately 1410 hours.

On November 7, 2023, I reviewed Deputy Dietrick's firearms training records.[7] See the table below regarding Deputy Dietrick's firearm's training records for the year leading up to this incident in descending order:

Date Training Attended	Type of Firearms Training Attended	Score or Pass/Fail
April 19, 2022	2022 2nd Quarter	Pass
March 8, 2022	2022 1st Quarter – Qualification	94/100 – Pass
October 19, 2021	2021 4th Quarter	Pass
August 2, 2021	2021 3rd Quarter	97/100 - Pass
April 8, 2021	2021 2nd Quarter – POST PSP	Pass

For each of the above listed firearm's trainings that Deputy Dietrick completed, he utilized his personally owned, Glock, Model 22, .40 caliber pistol (Serial [redacted]), which was the same pistol he used during this incident.

On November 7, 2023, I reviewed Deputy Powers' training records.[8] I observed he successfully completed the Taser New User Certification on March 1, 2022. His training was attested to by Certifying Instructor SCSO Deputy William Mahoney.

On November 16, 2023, I reviewed the Officer-Involved Fatal Incident Report submitted by the Sonoma County District Attorney's Office regarding this incident.[9] The purpose of the District Attorney's investigation and review of this critical incident was to determine criminal liability, if any, on the part of any involved party, including law enforcement employee(s).

In this case, the District Attorney consulted with an expert on police practices and uses of force. The expert, identified as Jeff Nobel, worked in law enforcement for 28 years, and held assignments ranging from patrol officer to deputy chief. Nobel had authored two textbooks, titled, "Managing Accountability Systems for Police Conduct: Internal Affairs and External Oversight" and "Understanding Police Uses of Force". According to the District Attorney's report, Noble had "extensive" experience in analyzing over a hundred police use of force incidents, and he had been consulting or providing expert witness services for approximately five years prior to this instance.

This District Attorney provided Noble with all the investigative material, which he reviewed. After reviewing the material, Noble provided the following opinion(s):

> *"A reasonable police officer, knowing all of the facts and circumstances known to Deputy Dietrick, would have believed that Mr. Pelaez's actions by picking up the rock that they were at imminent threat of death or serious bodily injury. A reasonable police officer*

[7] Deputy Dietrick's training records can be found in the Exhibits module in AIM.
[8] Deputy Powers' training records can be found in the Exhibits module in AIM.
[9] A redacted version of the District Attorney's Officer-Involved Fatal Incident report can be found in the Exhibits module in AIM.

would believe that the size of the rock allowed it to be thrown and was large enough that if struck they could suffer a seriously bodily injury or death. Here, Deputy Dietrick was moving parallel to Mr. Pelaez as Mr. Pelaez walked along the creek. It was Mr. Pelaez, not Deputy Dietrick, who created the confrontation as Mr. Pelaez moved out of the creek and up the embankment.

"Based on the totality of the circumstances known to Deputy Dietrick at the moment he used deadly force, I am of the opinion that his use of deadly force was objectively reasonable and consistent with generally accepted police practices. It is my opinion that a reasonable police officer knowing all the facts known by Deputy Dietrick would have believed that Mr. Pelaez was likely going to throw the rock at him as he was in a throwing position and he bent down to pick up the rock even though he was being held at gun point, and that if Deputy Dietrick were struck by the rock he could suffer great bodily injury or death."

Starting with the first paragraph on page 31 of the District Attorney's report, which was a part of section "VII. Analysis and Findings", the District Attorney wrote:

"Mr. Pelaez-Chavez behaved irrationally on July 29, 2022, and also behaved in a way that objectively signaled that he was not going to acquiesce to the requests of other people. Mr. Pelaez-Chavez signaled that he was determined to get away from the deputies, as demonstrated by the pursuit he led them on. Mr. Pelaez-Chavez signaled that he viewed the items he possessed as important by not abandoning those items at times when it would have been easier for his escape to do so. Additionally, when facing a Sheriff's deputy who had a firearm aimed at him, Mr. Pelaez-Chavez did not disarm himself to signal he was not a threat; to the contrary, he actively reached for a rock that could be used as a weapon while also maintaining possession of the other items that could be used as weapons. These actions by Mr. Pelaez-Chavez were confrontational and signaled an intent to escalate the encounter to one in which further action is taken. Nothing about Mr. Pelaez-Chavez's behavior – both all of his behavior at the residences on Tre Monte Lane, through the entire pursuit, as well as in the moments prior to the shooting – would have indicated to Deputy Dietrick that Mr. Pelaez-Chavez intended to bring a simple ending to the pursuit. Instead, by reaching for the rock, after that pursuit, at a time when the deputy was in close proximity to Mr. Pelaez-Chavez and the deputy had his gun pointed at Mr. Pelaez-Chavez, indicated that Mr. Pelaez-Chavez was intending to take imminent action with one of the items in his possession to enable himself to avoid apprehension and arrest. The dangerousness of a rock is more than theoretical; the District Attorney is aware of cases, including murder cases, in which a rock was used as a deadly or dangerous weapon.

"Deputies Dietrick and Powers were acting within the scope of their responsibilities as Sheriff's deputies when they pursued and tried to apprehend Mr. Pelaez-Chavez on July 29, 2022. The deputies were appropriately attempting to contact and arrest Mr. Pelaez-Chavez for crimes he committed related to vandalism and theft at the Tre Monte

residences and involving the Silverado. The deputies were also appropriately concerned about what Mr. Pelzez-Chavez may do at another residence or if he encountered additional civilians given his recent behavior that indicated unpredictability, a willingness to commit criminal acts, a willingness to do what was necessary to avoid apprehension, and a possible desire to provoke a lethal response. The public would want and expect the deputies to continue their pursuit of an erratic and irrational criminal if possible to do so. The deputies had no duty to desist in their efforts to apprehend Mr. Pelaez-Chavez due to Mr. Pelaez-Chavez's resistance, nor would we expect our law enforcement officers to do so.

"In assessing the officer-involved shooting of Mr. Pelaez-Chavez by Deputy Dietrick, in addition to the digital evidence and fact witnesses from that day, Mr. Noble has also reviewed the materials and rendered an independent evaluation of Deputy Dietrick's use of force. Mr. Noble believes that "based on the totality of the circumstances known to Deputy Dietrick at the moment he used deadly force…his use of deadly force was objectively reasonable and consistent with generally accepted police practices.

"Accounting for the available evidence, information, and opinions related to the circumstances surrounding the officer-involved shooting on July 29., 2022, by Deputy Dietrick, there is not an evidentiary basis from which the District Attorney could prove beyond a reasonable doubt that the killing of Mr. Pelaez-Chavez was not legally justified. Instead, the available evidence, information, and opinions indicate, from the perspective of a reasonable officer, that Deputy Dietrick was objectively reasonable in his use of deadly force to defend against an imminent threat of serious bodily injury to the other officer or to another person. Accordingly, addressing the limited inquiry of the District Attorney's evaluation of this incident, criminal charges are not warranted."

In Section "VIII. Conclusion", the District Attorney reiterated that, accounting for the totality of the circumstances on July 29, 2022, criminal charges against any law enforcement personnel were not warranted related to Mr. Pelaez-Chavez's death.

On January 10, 2024, I spoke with Lt. Fowler, who was the on-duty Watch Commander during this incident. During my conversation with Lt. Fowler, I confirmed he notified Captain Murphy of the incident on July 29, 2022. Specifically, he recalled calling Capt. Murphy while he was responding to the scene. Lt. Fowler confirmed the Law Enforcement Employee-Involved Critical Incident Protocol was invoked. He recalled, by the time he returned to the Sheriff's Main Office, the Sheriff's Office entire command staff was present for the incident briefing.

On February 5, 2024, I received copies of the transcripts from Deputy Dietrick's and Deputy Powers' depositions related to this case, from IOLERO Auditor Emma Dill via email.[10] I subsequently reviewed the transcripts. The depositions were held virtually, by the plaintiffs' attorney, identified as Izaak Schwaiger. Below are summaries of each of the transcripts.

[10] Copies of Deputy Dietrick's and Deputy Powers' transcripts can be found in the Exhibits module in AIM.

Deputy Dietrick's Deposition Transcript Summary:

Deputy Dietrick's deposition occurred on October 24, 2023, at approximately 1006 hours. Most of the information elicited from Deputy Dietrick during his deposition was consistent with information already gleaned during this investigation. The following are instances where Deputy Dietrick had an opportunity to elaborate or provide more insight into what he observed during the incident, his perception, beliefs and/or his mindset during the incident.

Deputy Dietrick was asked about the instance where Deputy Powers had located the suspect on top of the hill and, after being spotted, Deputy Dietrick attempted to deescalate the situation. Specifically, he was asked why he chose to attempt to communicate with Pelaez-Chavez in a calm voice. Deputy Dietrick explained, Pelaez-Chavez was 30-50 yards away from Deputy Powers, it was the first instance where he and Deputy Powers were able to see Pelaez-Chavez and he did know how Pelaez-Chavez was going to react to seeing law enforcement; specifically, he didn't know if Pelaez-Chavez was going to comply or become more agitated. He also explained he and Deputy Powers were in a safe position to try to talk to Pelaez-Chavez and offer him water. Deputy Dietrick stated the purpose of trying to deescalate the situation at that moment was "*to try to bring the incident to a peaceful resolution and gain compliance*" (Deputy Dietrick's Deposition, Page 106, Line 17 – Page 108, Line 21).

Schwaiger asked Deputy Dietrick about his chief concern in the moments leading up to the shooting, specifically regarding the hand tools. Deputy Dietrick confirmed the hand tools were a *"high concern*" and the fact Pelaez-Chavez was holding them "*was definitely a factor*" in his decision. When Schwaiger asked Deputy Dietrick to elaborate, Deputy Dietrick stated, "*He's continuously rearmed himself throughout the incident. He's got the two tools in his left hand and now he has dropped the third weapon, which is the rock, and then picks that rock back up. I don't know of another reason why he would reacquire that weapon that he had dropped if not to then use it on me*." Deputy Dietrick also explained he believed Pelaez-Chavez was going to attack him with the rock and he believed it was a possibility that after being attacked with the rock, Pelaez-Chavez could follow up with the tools (Deputy Dietrick's Deposition, Page 153, Line 8 – Page 155, Line 3).

Schwaiger asked Deputy Dietrick about what Pelaez-Chavez's physical movement was that led him to believe Pelaez-Chavez was going to throw the rock at him. Deputy Dietrick stated Pelaez-Chavez's left foot was farther forward and he stepped back with his right foot, he had leaned down, picked up the rock, and as Pelaez-Chavez was coming up, his arm was coming up and slightly moving back (Deputy Dietrick's Deposition, Page 157, Lines 18-22).

Schwaiger asked Deputy Dietrick if he had previously stated he feared Pelaez-Chavez would cause him serious bodily injury or death, to which Deputy Dietrick answered affirmatively. Schwaiger then told Deputy Dietrick that when he was interviewed by Santa Rosa Police Detectives, he told them he was afraid Pelaez-Chavez might break his ankle or knock him unconscious, to which Deputy Deitrick agreed. Schwaiger then asked Deputy Dietrick why,

during his interview with the Santa Rosa Police Department, he didn't mention that he feared Pelaez-Chavez was going to kill him. Deputy Dietrick stated it was a fear he had on scene, but explained it was a difficult thing for him to say, even during this deposition, it was difficult for him to say it out loud, and he wasn't aware he hadn't said it during his interview with Santa Rosa Police detectives (Deputy Dietrick's Deposition, Page 158, Line 1 – Page 159, Line 6).

Schwaiger then asked about Deputy Dietrick's prior shooting, during his employment with the Clearlake Police Department. Deputy Dietrick confirmed he had fired his service weapon twice in the line of duty, and that during his first shooting, he fired between three and five rounds. When he was asked if there was a reason why he chose to fire three to five rounds, Deputy Dietrick stated he was losing consciousness while being beaten with a steel object, so he squeezed the trigger until the threat stopped. Schwaiger asked Deputy Dietrick if he experienced similar circumstances during this [Pelaez-Chavez] shooting. Deputy Dietrick stated he fired as many rounds as he thought would stop the threat (Deputy Dietrick's Deposition, Page 162, Line 23 – Page 163, Line 16).

Schwaiger ascertained the rate of Deputy Dietrick's fire was rapid, Deputy Dietrick confirmed he was not able to evaluate the effectiveness of each round he fired prior to firing the next round and he was aiming at [Pelaez-Chavez's] center mass (Deputy Dietrick's Deposition, Page 163, Line 23 – Page 165, Line 18).

Schwaiger asked Deputy Dietrick if he knew where the rounds he fired impacted Pelaez-Chavez. Deputy Dietrick stated he did not know where the rounds he fired impacted Pelaez-Chavez until he and Deputy Powers began life saving measures. At that point, he recalled impacts in the chest, one of his arms, and he could see blood coming from Pelaez-Chavez's ear. He wasn't sure if the blood coming from Pelaez-Chavez's ear was from a bullet wound or a head injury from falling, but he believed it was possible Pelaez-Chavez had been shot through his ear (Deputy Dietrick's Deposition, Page 165, Line 19 – Page 166, Line 17).

Schwaiger reviewed a portion of Deputy Dietrick's BWC footage with him, time stamped at 01:22:45. He played the portion of the video where Pelaez-Chavez had emerged from the creek while holding a rock in his right hand and the two tools in his left hand, and he was screaming at the helicopter.

Schwaiger asked Deputy Dietrick if he feared Pelaez-Chavez was going to attack him with the weapons he had, at that very moment. Deputy Dietrick stated he was concerned that was a possibility; however, it appeared Pelaez-Chavez's attention was on the helicopter and not on him. Upon further questioning, Deputy Dietrick explained Pelaez-Chavez was not in a throwing stance, like he was at the time he fired. (Deputy Dietrick's Deposition, Page 176, Line 7 – Page 177, Line 4).

Schwaiger told Deputy Dietrick to hold on, then continued to play the video, which he stopped at timestamp 01:22:51, then scrolled back to timestamp 1:22:48. He asked Deputy Dietrick if Pelaez-Chavez had moved the rock and was no longer holding it in his right hand. Deputy

Detrick confirmed Pelaez-Chavez had moved the rock from his right hand to his left hand. Deputy Dietrick confirmed he did not believe Pelaez-Chavez was going to attack him at that point (Deputy Dietrick's Deposition Page 177, Line 7 – Page 178, Line 13).

Schwaiger then focused on time stamp 01:22:50, where Pelaez-Chavez either had or was regaining possession of the rock in his right hand, while still holding the two tools. Schwaiger again asked if Deputy Dietrick believed Pelaez-Chavez was going to attack him at that moment. After asking his question, before Deputy Dietrick could answer, he explained he was attempting to "identify the point of departure." Deputy Dietrick responded, "*I mean, it's definitely a concern that he's going to. I'm also trying to buy as much time as I possibly can waiting for Deputy Powers to try and get in position with the taser*." Schwaiger confirmed, at that exact moment, Deputy Dietrick did not perceive an imminent threat which would have required the use of deadly force. (Deputy Dietrick's Deposition, Page 179, Line 16 – Page 180, Line 12).

Schwaiger asked Deputy Dietrick about "time, talk and tactics" and that in certain situations, part of de-escalation is increasing time or distance, and "slowing things down". Regarding this particular incident, Schwaiger asked Deputy Dietrick if he was able to increase his distance from Pelaez-Chavez. Deputy Dietrick explained he did not believe increasing distance to be a good idea, because he felt it was more difficult to stop a threat with lethal force when distance was increased, and he felt any attempt to back up in the rocky terrain was dangerous, as he could have tripped and fell. Upon clarifying, Deputy Dietrick confirmed it was more difficult to hit your target with an increase in distance. Schwaiger asked if it was more difficult for someone to hit you with a rock as you increase distance. Deputy Dietrick stated that was true; however, he knew Deputy Powers was still going to be near Pelaez-Chavez because he was trying to deploy the taser, so he felt it necessary to be in the best position as possible to "*provide cover for him*." Deputy Dietrick confirmed, at the moment he fired, he felt Pelaez-Chavez was an imminent threat to him, and he felt it was possible Pelaez-Chavez could also throw the rock at Deputy Powers (Deputy Dietrick's Deposition, Page 194, Line 22 – Page 201, Line 23).

Schwaiger asked Deputy Dietrick if he believed Pelaez-Chavez intended to kill him. Deputy Dietrick replied, "*I believe that he intended to kill me or cause me great bodily injury*." (Deputy Dietrick's Deposition, Page 202, Lines 17 – 18).

Schwaiger proceeded to attempt "to pin down" the moment Deputy Dietrick decided his encounter with Pelaez-Chavez became lethal. Deputy Dietrick explained, "*There was no doubt in my mind that when he had dropped that rock, picked it back up, that he was going to throw that rock at me which could kill me or cause me serious bodily injury.*" (Deputy Dietrick's Deposition, Page 204, Lines 21 – 24).

Deputy Powers' Deposition Transcript Summary:

Deputy Powers' deposition occurred on October 25, 2023, at approximately 0906 hours. Most of the information elicited from Deputy Powers during his deposition was consistent with information already gleaned during this investigation. The following are instances where Deputy

Powers had an opportunity to elaborate or provide more insight into what he observed, what he perceived, his beliefs and/or his mindset during the incident.

Schwaiger asked Deputy Powers to describe his observations of Pelaez-Chavez striking the tree during the foot pursuit. Deputy Powers stated the suspect yelled something to him, which he described as a "*war cry*" and then Pelaez-Chavez hit the tree as hard as he could with one of the tools. Deputy Powers confirmed he felt this was an aggressive act by Pelaez-Chavez, which ultimately led to the decision to have a lethal and less-lethal plan. Deputy Powers explained the purpose of developing a plan was to attempt to keep everybody safe and to do their best to take Pelaez-Chavez into custody (Deputy Powers' Deposition, Page 78, Line 15 – Page 80, Line 4).

After returning from a recess, Schwaiger asked Deputy Powers if he missed anything between the time Deputy Powers was pursuing Pelaez-Chavez in the creek and when Deputy Powers encountered Pelaez-Chavez, where he raised a rock above his head. Deputy Powers explained he was trying to communicate with Pelaez-Chavez the best he could, in an attempt to build rapport with Pelaez-Chavez, and to deescalate the situation. Schwaiger asked what the purpose of de-escalation was, to which Deputy Powers explained it was to slow things down and lower the intensity level, which sometimes brings the incident to an end safely (Deputy Powers' Deposition, Page 94, Line 25 – Page 96, Line 5).

Schwaiger began reviewing Deputy Powers' BWC video footage with him. At the 01:02:57 time stamp, Schwaiger paused the video, confirmed with Deputy Powers he did not have any of his weapons out, and asked why Deputy Powers did not have any of his weapons out? Deputy Powers responded, "*Because at that point, he was far enough away from me that I knew I didn't have a shot with a Taser. And when I was trying to communicate with him, I was trying to show him my hands and let him know that I was trying to help him rather than pointing any weapons at him at that time.*" (Deputy Powers' Deposition, Page 112, Line 18 – Page 113, Line 8).

Schwaiger questioned Deputy Powers about his perception of Pelaez-Chavez's actions of dropping the rock, picking it back up, and taking a step back. Deputy Powers told Schwaiger, "*I thought he was picking up a rock to throw the rock, so I tried to do whatever I could to stop him from throwing that rock.*" Schwaiger continued to focus on why Deputy Powers deployed his Taser. Deputy Powers replied, "*Based on the totality of the circumstances, like you said, everything that happened before that, I reasonably believed after he ran at me with the rock that he was picking up that rock again to throw it at either me or Deputy Dietrick. From my perspective, it looked like he was more zeroed in on Deputy Dietrick. But I reasonably believed he was going to throw the rock.*" (Deputy Powers Deposition, Page 140, Line 6 – Page 141, Line 21).

Schwaiger asked Deputy Powers if, based on his observations, he believed Deputy Dietrick was justified in shooting Pelaez-Chavez. Deputy Powers replied, "*I do.*" When asked to explain why, he stated, "*Because based on the totality of the circumstances, he was in the open; I was not. At this point, I was his less-than-lethal cover. He was our lethal cover. And that subject had used rocks prior to this. Basically, based on the totality, he had this rock in his hand. He*

dropped it and quickly went to pick it up, and it appeared that he was throwing -- going to throw the rock at us." (Deputy Powers Deposition, Page 148, Lines 10 – 23).

Conclusion and Findings

The purpose of this Administrative Review was to review the circumstances and performance of the Sonoma County Sheriff's Office personnel involved in the shooting of David Pelaez-Chavez on July 29, 2022.

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

Each of the following policies, procedures, or protocols were reviewed individually:

Sonoma County Sheriff's Office Policies:

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

Sonoma County Law Enforcement Chief's Association

93-1 Law Enforcement Employee-Involved Critical Incident Protocol

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Sonoma County Sheriff's Office Policy 300 – Use of Force

Whether Deputy Powers and Deputy Dietrick used reasonable and necessary force while attempting to take Pelaez-Chavez into Custody.

Sonoma County Sheriff's Office Policy 300 – Use of Force, version dated June 15, 2022, was the appropriate policy addressing the aforementioned concern.

Policy section 300.1 – "Purpose and Scope", stated:

"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 member of this office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy."

Policy 300.2 "Policy" stated:

"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."

Policy 300.3 "Use of Force" stated:

"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. Deputies may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

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 approved or authorized 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."

Policy Section 300.3.1 "Legal Authority for Use of Force" stated:

"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 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."

Policy Section 300.3.2 "Factors Used to Determine the Reasonableness of Force" stated:

"*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 circumstance permit (Government Code § 7286(b)). These factors include but are not limited to:*

(a) The apparent immediacy and severity of the threat to the deputies or others (Penal Code 835a).
(b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time (Penal Code § 835a).
(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 force (Penal Code §835a).
(e) The effects of suspected 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 prior to and at the time force is used.
(l) Training and experience of the deputy.
(m) Potential for injury to deputies, suspects, bystanders, 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."

Policy section 300.3.6 "Alternative Tactics – De-Escalation" stated:

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, deputies should consider actions that may increase deputy safety and may decrease the need for using force:

(a) Summoning additional resources that are able to respond in a reasonably timely manner.
(b) Formulating a plan with responding deputies before entering an unstable situation that does not reasonably appear to require immediate intervention.
(c) Employing other tactics that do not unreasonably increase deputy jeopardy.

In addition, when reasonable, deputies should evaluate the totality of circumstances presented at

the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)). Such alternatives may include but are not limited to:

> *(a) Attempts to de-escalate a situation.*
> *(b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.*

Policy Section 300.4 "Deadly Force Applications" stated:

"Where feasible, the deputy shall, prior to the use of deadly force, make reasonable efforts to identify him/herself 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 (Penal Code 835a).

If an objectively reasonable deputy would consider it safe and feasible to do so under the totality of the circumstances, deputies shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, deputies should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the deputy reasonably believes it is necessary 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.*

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)."

At the time of this incident, Deputy Dietrick and Deputy Powers determined there was probable cause to arrest Pelaez-Chavez for vandalism and potential burglary when he threw the rock threw the window of a residence and was confronted by the homeowner, auto theft (which ultimately ended up meeting the elements of carjacking) when he stole Mr. [redacted] pick-up truck, as well as other vandalisms when he drove through gates and fences, and the theft of a utility vehicle after he abandoned the pick-up truck.

When Deputy Powers first located Pelaez-Chavez on top of a hill, Deputy Powers immediately attempted to conceal himself by laying down, all the while maintaining a visual on Pelaez-Chavez. He observed Pelaez-Chavez's actions while he waited for Deputy Dietrick to respond to his location before making contact. When Deputy Dietrick arrived at Deputy Powers' location, he kept a large Oak tree between him and the suspect, to remain out of sight of the suspect as he moved closer to Deputy Powers. Deputy Dietrick was hopeful he and Deputy Powers could just continue watching the suspect while waiting for more resources. The deputies' actions at this juncture of the incident were attempts to deescalate the situation. Specifically, in accordance with policy section 300.3.6 (a), Deputy Powers summoned the only additional resource (Deputy Dietrick) who was able to respond in a "reasonably timely manner." Once Deputy Dietrick arrived, the two deputies attempted to wait even longer.

Shortly after Deputy Dietrick arrived at Deputy Powers' location, Pelaez-Chavez spotted the deputies. Instead of immediately rushing Pelaez-Chavez, the deputies attempted verbal communication with him, from a distance, at which time they asked Pelaez-Chavez if he wanted water and told him to come to them. Instead of allowing the deputies' attempts at de-escalation to prevail, Pelaez-Chavez chose to continue to flee.

As Deputy Dietrick and Deputy Powers pursued Pelaez-Chavez down the hill, toward the creek, Deputy Powers and Deputy Dietrick developed a plan where Deputy Powers would be less-lethal cover, and Deputy Dietrick would be lethal cover. This planning and coordination, albeit a brief interaction, showed the deputies attempted to take Pelaez-Chavez into custody using some level of tactical planning.

Once in the creek, Deputy Powers was again able to catch up with Pelaez-Chavez. Upon initial contact, Deputy Powers attempted to speak with Pelaez-Chavez by asking him about his family and by telling him 'No more (no mas)' in Spanish. This attempt to speak with Pelaez-Chavez was yet another attempt at de-escalating the situation; however, Pelaez-Chavez was not able to be deescalated.

As Deputy Powers approached Pelaez-Chavez in the creek, Pelaez-Chavez grabbed a large rock and made movements consistent with starting to throw it at Deputy Powers. Pelaez-Chavez's

actions were aggressive and threatening toward Deputy Powers. During his interview, Deputy Powers stated, in essence, that if he had his pistol in his hand, instead of his Taser, he may have used deadly force against Pelaez-Chavez at that moment. Deputy Powers explained he was concerned he would have potentially sustained great bodily injury and/or death if he were struck by the rock. This evidence not only showed Pelaez-Chavez's propensity for aggressive and threatening behaviors, but it also showed Deputy Powers' mindset was consistent with Deputy Dietrick's, regarding using deadly force against Pelaez-Chavez who, at those specific moments during the incident, had the present ability, opportunity, and apparent intent to cause serious bodily injury or death to either deputy by throwing a rock or either of the other weapons at them.

When Pelaez-Chavez emerged from the creek, he began walking toward Deputy Dietrick. Deputy Dietrick was dressed in a full Sonoma County Sheriff's Office uniform, which consisted of a shirt with two Sonoma County Sheriff's patches on each shoulder, a ballistic vest with his name and badge on it, and a duty belt. Even though Deputy Dietrick did not verbally identify himself to Pelaez-Chavez as a sheriff's deputy, due to the fact Deputy Dietrick was wearing a full uniform, and Pelaez-Chavez had seen both Deputy Powers, who was also in full uniform, and Deputy Dietrick on multiple other occasions during this incident, yet continued to flee, it was reasonable for Deputy Dietrick to reasonably believe Pelaez-Chavez knew he and Deputy Powers were peace officers. It was also reasonable for Deputy Dietrick to believe Pelaez-Chavez should have known lethal force may have been used against him because Pelaez-Chavez knew or should have known he had committed numerous crimes, he was armed with three different weapons (a hammer, a hand tiller, and a rock), Deputy Dietrick was pointing his pistol at him, and Deputy Dietrick was ordering him to drop his weapon(s), which he refused to drop.

During his interview, Deputy Dietrick described a moment during his encounter with Pelaez-Chavez, where he observed Pelaez-Chavez raise his hands while still holding the hammer and the hand-tiller. Deputy Dietrick stated, based on his observations and the circumstances he was presented with, he contemplated using lethal force at that moment, stating Pelaez-Chavez could have thrown any of the weapons, each of which could have caused serious bodily injury or death, at him at that moment. However, Deputy Dietrick quickly realized Pelaez-Chavez's attention and focus appeared to be on the helicopter and not necessarily on him. Deputy Dietrick opted not to use lethal force at that moment and took the extra time to give Pelaez-Chavez more commands. This evidence showed Deputy Dietrick took another opportunity to deescalate the situation by postponing a physical response to a perceived threat of serious bodily injury and/or death, by allowing more time to pass and attempting more verbal communication.

The evidence in this case showed the circumstances and facts known to Deputy Dietrick and Deputy Powers just prior to the use of force included:

- Pelaez-Chavez had committed multiple crimes,
- Pelaez-Chavez was armed with multiple weapons, all of which could have inflicted serious bodily injury and/or death,
- Pelaez-Chavez was acting erratically,
- Pelaez-Chavez was possibly under the influence of methamphetamine,

- Pelaez-Chavez was avoiding and actively fleeing from law enforcement contact,
- Pelaez-Chavez exhibited aggressive and non-compliant behavior towards deputies,
- Pelaez-Chavez's identity was not known at the time of the incident,
- Deputy Dietrick was exhausted after pursuing Pelaez-Chavez for over one and half miles of rough and steep terrain, over the course of approximately an hour and fifteen minutes,
- Deputy Dietrick believed the rock Pelaez-Chavez picked up was large enough and heavy enough to inflict serious bodily injury [or death] if he were struck by it,
- Deputy Dietrick believed Pelaez-Chavez was going to throw the rock at him,
- Deputy Dietrick believed he was going to sustain serious bodily injury and/or death, if he was struck by the rock that he believed Pelaez-Chavez was going to throw at him,
- Deputy Dietrick believed [in order to come to a prompt resolution], he needed to immediately control Pelaez-Chavez in order to prevent Pelaez-Chavez from committing more crimes and potentially harming himself or someone else,
- The confrontation with Pelaez-Chavez occurred in an extremely remote location, which he could not effectively describe to dispatch, meaning resources and help were extended,
- The remote location coupled with Pelaez-Chavez's actions made it unreasonable for either deputy to wait for additional resources,
- Both Deputy Powers and Deputy Dietrick made numerous attempts to deescalate the situation with Pelaez-Chavez by planning, taking extra time, and attempting verbal communication on multiple occasions.

In examining Sheriff's Office Policy 300.3, which stated, "*Deputies may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).",* this investigation revealed Deputy Dietrick reasonably perceived Pelaez-Chavez was attempting to use lethal force against him, when Pelaez-Chavez picked up the rock and simultaneously took a step back as if to throw it at him. In that moment, Pelaez-Chavez was physically capable of picking up and throwing the rock or either of the other weapons (ability), Pelaez-Chavez was approximately 10-15 feet away from Deputy Dietrick (opportunity), and his attention was focused on Deputy Dietrick as he picked up the rock and began to step back in preparation of throwing (intent), to cause serious bodily injury or death to Deputy Dietrick. In response, Deputy Dietrick used proportional force against Pelaez-Chavez, to overcome Pelaez-Chavez's resistance and effect his arrest. For these reasons, this investigation determined Deputy Dietrick's response was ultimately proportional to the "reasonably perceived level of actual or threatened resistance" Pelaez-Chavez was exhibiting.

Though the focus of this use of force analysis was on the lethal force used by Deputy Dietrick, Deputy Powers' use of force against Pelaez-Chavez, specifically his deployment of his Taser at Pelaez-Chavez during this incident was also reviewed. The evidence showed Deputy Powers had consistent information available to him and he had identical concerns regarding serious bodily injury and/or death to Deputy Dietrick at the time he deployed his Taser. In his interview, Deputy Powers stated he believed Deputy Dietrick was actually in more danger than he was. Furthermore, there simply wasn't a reasonable amount of time, from when Deputy Powers

arrived to where Deputy Dietrick and Pelaez-Chavez were, for Deputy Powers and Deputy Dietrick to develop and/or discus any further tactical planning. As Deputy Powers approached Pelaez-Chavez and Deputy Dietrick, Pelaez-Chavez's sudden, furtive movement to reach down for the rock caused each of the deputies to respond. The evidence also showed Deputy Powers deployed his Taser almost simultaneously as Deputy Dietrick fired his pistol. This showed both deputies perceived the same threat and they immediately responded to it with the tools they had readily available, which ultimately bolsters the "reasonable officer" standard.

Lastly, the Sonoma County District Attorney's Office conducted a review of this incident for potential violations of criminal law. As a part of their review, they consulted with an independent, third party, law enforcement use of force expert, who offered the opinion that Deputy Dietrick's use of force was reasonable. At the conclusion of the District Attorney's Office review, they determined no charges would be filed against any law enforcement personnel involved in his matter. The fact that the District Attorney's Office determined no charges were warranted was evidence that Deputy Powers and Deputy Dietrick acted within state law.

For the reasons stated above, the evidence in this case showed both Deputy Dietrick and Deputy Powers' use of force against Pelaez-Chavez in their attempt to arrest him was reasonable, lawful and within policy; therefore, there was **no violation** of this policy.

Sonoma County Sheriff's Policy 302 - Handcuffing and Restraints

Whether Deputy Powers and Deputy Dietrick followed Sheriff's Office policy when they handcuffed Pelaez-Chavez.

Sonoma County Sheriff's Office Policy 302 – Handcuffing and Restraints, version dated June 15, 2022, was the appropriate policy which addressed the aforementioned concern. The applicable sections to this policy are listed below:

Section 302.2 "Policy" stated:

"The Sonoma County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and office training. Restraint devices shall not be used to punish to display authority or as a show of force."

Section 302.4 "Application of Handcuffs or Plastic Cuffs" stated:

"Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Sheriff's Office. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not

conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility."

In this incident, after the shooting occurred, Deputy Dietrick approached and handcuffed Pelaez-Chavez. Under policy section 302.4, handcuffing was a discretionary act; however, it was recommended for most arrest situations. The facts known to the deputies were: Pelaez-Chavez had exhibited aggressive behavior, he had fled from deputies, he possessed multiple weapons, they perceived Pelaez-Chavez as having the present ability, opportunity and apparent intent to use force capable of inflicting serious bodily injury and/or death against the deputies, he was unwilling to cooperate with deputies, he was not responsive to de-escalation efforts, and the deputies had probable cause to arrest Pelaez-Chavez for numerous crimes. Based on those facts, it was reasonable for Deputy Dietrick to handcuff Pelaez-Chavez.

Based on the BWC video, it was evident Deputy Dietrick appropriately applied his handcuffs behind Pelaez-Chavez's back. The video also showed Deputy Dietrick did not double-lock the handcuffs. Policy section 302.4 stated, "*When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists."* In this incident, at the time Deputy Dietrick handcuffed Pelaez-Chavez, neither he nor Deputy Powers had searched Pelaez-Chavez, nor had either deputy assessed Pelaez-Chavez's condition. Therefore, it was not feasible for Deputy Dietrick to double-lock the handcuffs immediately after securing Pelaez-Chavez in handcuffs.

Lastly, approximately 60 seconds after Pelaez-Chavez was handcuffed, Deputy Powers directed Deputy Dietrick to unhandcuff Pelaez-Chavez, which Deputy Dietrick did. After doing so, Pelaez-Chavez was rolled onto his back and lifesaving measures were started. According to policy section 302.4, "*Handcuffs should be removed as soon as it is reasonable…"*. During his interview with SRPD Detectives Rantissi and White, Deputy Powers stated he told Deputy Dietrick to unhandcuff Pelaez-Chavez, in order to administer "higher quality" CPR. This was a reasonable determination and was in accordance with this policy.

Deputy Dietrick's and Deputy Powers' actions regarding handcuffing were reasonable and within policy; therefore, there was **no violation** of this policy.

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Sonoma County Sheriff's Office Policy 304 - Taser Use

Whether Deputy Powers acted within the scope of the Sheriff's Office Taser policy when he deployed his Taser at Pelaez-Chavez.

Sonoma County Sheriff's Office Policy 304 – Taser Use, version dated June 15, 2022, was the appropriate policy which addressed the aforementioned concern. The applicable sections to this policy are listed below:

Section 304.2 "Policy" stated:

"The TASER® device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to deputies and suspects."

Section 304.3 "Issuance and Carrying Taser Devices" stated in part:

"Only members who have successfully completed Office-approved training may be issued and carry the Taser device."

Section 304.5 "Use of the Taser Device" stated:

"The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

Section 304.5.1 "Application of the Taser Device" stated:

"The TASER device may be used in any of the following circumstances, when the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting.

(b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, him/herself or others.

Mere flight from a pursuing deputy, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual."

In this incident, Deputy Powers was the only deputy who deployed his Taser. Deputy Powers had successfully completed Taser training; therefore, he was authorized to carry his Taser while on duty.

According to his own statement during his interview, Deputy Powers believed he was within the effective range when he deployed his Taser. The body-worn camera footage associated with this incident showed Deputy Powers had designated himself as "less-lethal" coverage, prior to contacting Pelaez-Chavez. Deputy Powers approached Pelaez-Chavez, getting approximately 30 feet away, which was the maximum effective range of his Taser.

Policy Section 304.5.1, the Taser Use policy, outlines that a deputy sheriff is allowed to deploy the Taser when a suspect is violent or physically resisting, OR when a suspect demonstrates, through actions or words, an intention to be violent or physically resist, and presents a potential harm to deputies, him/herself, or others. It also stated mere flight from a deputy, without other factors, is not good cause to deploy the Taser. In this incident, Pelaez-Chavez's actions demonstrated an intent to be violent or physically resist the deputies. Specifically, when Pelaez-Chavez violently struck the tree with one of the weapons, when Pelaez-Chavez picked up a rock and started to throw it at Deputy Powers in the creek, and when, after dropping the rock, Pelaez-Chavez picked up the rock and prepared to throw it at Deputy Dietrick. All three of these instances show Pelaez-Chavez's actions demonstrated his intent to be violent and/or his intent to physically resist the deputies. The evidence also showed Deputy Powers did not apply his Taser due to Pelaez-Chavez's mere flight.

For the reasons stated above, Deputy Powers' application of the Taser was reasonable, it was necessary to try to control Pelaez-Chavez, and was within policy; therefore, there was **no violation.**

Sonoma County Sheriff's Office Policy 305 - Officer-Involved Shootings and Deaths

Whether Sheriff's Office personnel invoked and followed the *Sonoma County Chief's Association Policy 93-1: Employee Involved Critical Incident Protocol* (Critical Incident Protocol) as a result of the officer-involved shooting death of Pelaez-Chavez.

The Critical Incident Protocol was invoked; therefore, there was **no policy violation**.

Refer to the section labeled, Sonoma County Law Enforcement Chief's Association - 93-1 Law Enforcement Employee-Involved Critical Incident Protocol, later in this report for further details.

Sonoma County Sheriff's Office Policy 324 - Media Relations

Whether the Sheriff's Office followed guidelines regarding media releases and media access to the scenes of disasters, criminal investigations, emergencies, and other law enforcement activities; and to ensure the Sheriff's Office provides the fair and consistent release of information regarding the Department's activity to the community.

Sonoma County Sheriff's Office Policy 324 – Media Relations, version dated June 15, 2022, was the appropriate policy to address the aforementioned concern.

Policy section 324.4.1(a) stated in essence, if the Sonoma County Law Enforcement Chiefs' Association's Employee Involved Fatal Incident Protocol is invoked, the media release shall be conducted consistent with that policy.

According to subsection (C.) in section IV – Release of Information to the News Media, specifically regarding the Employer Agency of the Incident Protocol, the following information should be released:

> 1. The employer agency is responsible for providing news media release of information directly relevant to the employer-employee relationship, including the status of any administrative investigation.
> 2. The employer agency may prepare the initial press release involving the incident. The press release will be confined to the following areas:
> a. The initial statement about what occurred.
> b. An employee of the employer agency was involved.
> c. The Sonoma County Law Enforcement Employee-Involved Critical Incident Protocol has been invoked.
> d. The identification of the lead and participating agencies.
> e. The employment status of the involved employee(s).
> 3. The employer agency should coordinate the release of any employer-employee information so that it does not conflict with criminal investigative concerns.
> 4. The employer agency may make statements or issue press releases regarding the criminal investigation when approved by the lead agency as long as it does not conflict with a criminal investigation or concern.

On August 14, 2022, Sheriff Mark Essick released an informational video to the public via Youtube.[11] The information released in the video was within the parameters set forth in the Critical Incident Protocol, specifically the parameters set forth in IV.C.2(a)-(d). The only parameter not met in the publicly released video regarding this incident was IV.C.2. (e), "the employment status of the involved employees." In order to meet that parameter, the video should have indicated both Deputy Powers and Deputy Dietrick were placed on paid, administrative leave, pursuant to policy and procedure.

[11] Youtube video can be found in Exhibits.

Even though the aforementioned parameter of this policy section was not met, the totality of this investigation show the Sheriff's Office made a good faith effort to advise the community of the circumstances of this incident by releasing an informational video to the public; therefore, there was **no violation**.

Recommendation: The Sheriff's Office should ensure all parameters of this policy are met before releasing informational videos, especially regarding Critical Incidents, to the public.

Sonoma County Sheriff's Office Policy 329 - Major Incident Notifications

Whether the required notifications were made to the appropriate personnel after the employee involved shooting occurred.

Sonoma County Sheriff's Office Policy 329 – Major Incident Notifications, version dated June 15, 2022, was the appropriate policy which addressed the aforementioned concern. The applicable sections to this policy are listed below:

Policy Section 329.2 - "Policy" stated:

"The Sonoma County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this Office to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed."

Policy Section 329.4 – "Watch Commander Responsibility" stated:

"The on duty Watch Commander (Lieutenant or Sergeant) is responsible for making the appropriate notifications to their Section Captain as soon as practical. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification."

Policy Section 329.4.1 – "Staff Notification" stated:

"In the event an incident occurs described in the Major Incident Notification Policy, the Sheriff shall be notified along with the affected Captain and the Detective Lieutenant."

In this incident, it was unnecessary for Sgt. Berg to notify Lt. Fowler, because Lt. Fowler was monitoring the incident and responded at approximately 1004 hours.[12] Lt. Fowler notified Captain Murphy, who ultimately notified the rest of the command staff, including the Sheriff. DSA President Cody Ebert was also notified of the incident. Furthermore, the Critical Incident

[12] As indicated on page 4 of CAD Event SD222100042 Details.

Protocol was invoked. The invocation of the Protocol showed the proper notifications were made during this incident, since the Protocol was invoked by agency heads, i.e., the Sheriff, the Chief of Police, etc.

The evidence in this case shows the proper notifications were made to the necessary personnel during and after this incident occurred; therefore, there was **no violation**.

Sonoma County Sheriff's Office Policy 338 - Critical Incident Debriefing/Defusing

Whether the Sheriff's Office provided an opportunity to provide information and support to the involved members after any critical incident that could involve traumatic injury or death.

Sonoma County Sheriff's Office Policy 338 – Critical Incident Debriefing/Defusing, version dated June 15, 2022, was the appropriate policy which addressed the aforementioned concern. The applicable sections to this policy are listed below:

Policy Section 338.2 - "Policy" stated:

"Sheriff's Office members, by nature of the job assignment, are routinely exposed to incidents that involve traumatic injury or death. These incidents are recognized as having a potential significant affect on Sheriff's Office members' mental, emotional and physical health. This policy attempts to provide members with opportunities to minimize potential health problems."

Policy Section 338.3.1 "Critical Incident Procedure" stated:

"When a critical incident occurs, the CID Coordinator shall be notified by the on-duty Watch Commander of the affected Division. The CID Coordinator will work with the affected Division to coordinate the defusing/debriefing process."

After this incident, the Sheriff's Office Peer Support team scheduled and subsequently held a confidential Critical Incident Stress Debriefing on August 4, 2022 at 1800 hours.[13] Aside from Peer Support team members, the Sheriff's Office had Dr. Joel Fay and Dr. Dian Barkan attend the debriefing. Dr. Fay and Dr. Barkan facilitated the debriefing, and they spoke about various topics related to dealing with the trauma and stress of an incident such as this. Any Sheriff's Office employee who was involved in this incident, including Deputy Dietrick and Deputy Powers, was offered the opportunity to attend the debriefing.

The evidence in this case showed the Sheriff's Office offered and held a critical incident debriefing regarding this incident; therefore, there was **no policy violation**.

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[13] The Critical Incident Stress Debriefing invitation email can be found in the Exhibit's module. Peer Support Sgt. Dylan Fong confirmed the Critical Incident Debrief for this incident occurred on the specified date and time.

Sonoma County Sheriff's Office Policy 400 - Patrol Functions

Whether the involved deputies were working within the scope of their duties, as patrol deputies, when they responded to the calls for service involving Pelaez-Chavez.

Sonoma County Sheriff's Office Policy 400 – Patrol Functions, version dated June 15, 2022, was the appropriate policy which addressed this concern. The applicable section(s) to this policy are listed below.

Policy Section 400.4 – "Policy" stated:

"The Sonoma County Sheriff's Office provided patrol services 24 hours a day, seven days a week and will prioritize response to requests for emergency services using available resources to enhance the safety of the public and office members."

Policy Section 400.5 – "Function" stated:

"Patrol will generally be conducted by uniformed deputies in clearly marked law enforcement vehicles in assigned jurisdictional areas of Sonoma. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.
(b) Apprehending criminal offenders.
(c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
(d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
(e) Responding to reports of criminal and non-criminal acts.
(f) Responding to routine calls for service, such as public assistance or public safety.
(g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
(h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
(i) Directing and controlling traffic."

Both Deputy Dietrick and Deputy Powers were wearing full, Sheriff's Office uniforms, which exhibited Sonoma County Sheriff patches on each sleeve, while they patrolled their assigned

zone. They were also driving their assigned, marked, Sheriff's Office patrol vehicles when they responded to this incident.

Deputy Dietrick was the primary responding deputy, when he was dispatched to [redacted] Hwy 128 at the [redacted] to investigate a suspicious vehicle, which was reportedly parked there early in the morning (Event #SD222100037). Deputy Dietrick responded, and based on his investigation, determined the vehicle was not reported stolen and he had no authority to tow it. He advised the reporting party of his findings and cleared the call.

As he was clearing the suspicious vehicle call, he was dispatched to a suspicious circumstances report, where a suspect, later identified as Pelaez-Chavez, had thrown a rock through a window of the residence at [redacted] Tre Monte Lane (Event #SD222100042). Again, due to his proximity to the call, Deputy Dietrick was the primary responding deputy. He responded and met with the homeowner, identified as [redacted], who provided him with the circumstances. While he was on scene, he learned that after Pelaez-Chavez broke the window, he stole a pick-up truck and fled the area. While remaining on scene, [redacted] received a phone call from a neighbor at [redacted] Tre Monte Lane, identified as [redacted]. [redacted] reported Pelaez-Chavez was at his residence, asking for [redacted] to kill him, and he was carrying large rocks. When Deputy Dietrick arrived at [redacted] Tre Monte Lane, he again gathered information and waited for Deputy Powers' arrival before continuing to pursue Pelaez-Chavez.

Based on the information they had at the time, Deputy Dietrick and Deputy Powers believed Pelaez-Chavez to be in violation of California Penal Code Section 594 – Vandalism, and California Vehicle Code Section 10851 – Auto Theft. In accordance with the "Patrol Function" policy, Deputy Dietrick, and Deputy Powers both responded to the emergency calls for service, and they pursued Pelaez-Chavez, who was a criminal offender, in order to apprehend him. Not only did the deputies have a duty to apprehend Pelaez-Chavez for the crimes he had committed, but they had a duty to prevent Pelaez-Chavez from committing further criminal acts. Based on Pelaez-Chavez's behavior before and during this event, it was more than reasonable for the deputies to believe Pelaez-Chavez would engage in similar behavior if he encountered another citizen and/or rural residence.

Deputy Dietrick's and Deputy Powers' response to the circumstances Pelaez-Chavez created was within their duties as patrol deputies and their response was within the parameters of this policy; therefore, there was **no violation**.

Sonoma County Sheriff's Office Policy 425 - Body Worn Cameras and Audio Recorders

Whether Deputy Dietrick and Deputy Powers activated their body worn cameras (BWC) in accordance with this policy.

Sonoma County Sheriff's Office Policy 425 – Body Worn Cameras and Audio Recorders, version dated June 15, 2022, was the appropriate policy which addressed the aforementioned concern. The applicable sections to this policy are listed below:

Policy Section 425.2 - "Policy" stated:

"The Sonoma County Sheriff's Office will provide sworn members with BWC's for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by accurately capturing contacts between members of the Office, the public, and those incarcerated in the Sonoma County Detention Facilities."

Policy Section 425.6 – "Activation of the BWC" stated in part:

"This policy is not intended to describe every possible situation in which the BWC should be used, although there are many situations where its use is appropriate. Unless, it would be unsafe, impossible, or impractical for the situation, members are required to activate their BWC prior to making contact when responding to all calls for service, and during any law enforcement related encounters and activities that occur while the member is on duty. Examples include, but are not limited to:

> *(a) All enforcement and investigative contacts including arrests, pursuits, suspicious persons, detentions, and field interview (FI) situations."*

Policy Section 425.6.1 – "Cessation of Recording" stated in part:

"Once activated, the BWC shall remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident."

In this incident, both Deputy Dietrick and Deputy Powers activated their department-issued body worn cameras, which began recording upon their respective arrival on scene. Both deputies' BWC's recorded continuously for the duration of their involvement in this incident, which ultimately captured the entirety of their pursuit of Pelaez-Chavez, including the use of force. Both deputies kept their BWCs recording until they were advised to turn them off by Sgt. Berg, at the conclusion of their involvement in the incident.

Deputy Dietrick and Deputy Powers appropriately activated their BWC's and recorded the entirety of their involvement in this incident, which was within policy; therefore, there was **no violation**.

Sonoma County Sheriff's Office Policy 435 - Medical Aid and Response

Whether Deputy Dietrick and Deputy Powers provided appropriate medical aid to Pelaez-Chavez after he was shot and whether they facilitated a medical response.

Sonoma County Sheriff's Office Policy 435 – Medical Aid and Response, version dated June 15, 2022, was the appropriate policy which addressed the aforementioned concern. The applicable sections to this policy are listed below.

Policy Section 435.2 – "Policy" stated:

"It is the policy of the Sonoma County Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response."

Policy Section 435.3 – "First Responding Member Responsibilities" stated in part:

"Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing."

Policy Section 435.6 – Medical Attention Related to Use of Force stated:

"Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies."

In this incident, after the shooting occurred, both Deputy Dietrick and Deputy Powers approached Pelaez-Chavez. They quickly assessed his condition and realized he needed immediate first aid. Both deputies donned latex gloves and began administering emergency first aid, including CPR (chest compressions), and applying pressure to an obvious wound on Pelaez-

Chavez's chest. The chest compressions administered by both deputies, as well as the pressure they applied to the chest wound, appeared to be consistent with department training.
Once Deputy Powers began administering chest compressions, Deputy Dietrick advised dispatch of the shooting, and that they were starting lifesaving measures (Deputy Dietrick's BWC 1:24:55 – 1:25:00).

Both deputies administered first aid for approximately 20 minutes, until a paramedic was flown into the scene by the Sheriff's helicopter. Even after the paramedic arrived, both deputies continued administering first aid at the medic's direction, while the medic connected Pelaez-Chavez to medical equipment and applied a chest seal over the wound on his chest. Deputy Dietrick and Deputy Powers stopped providing first aid only when relieved by other personnel.

Based on the evidence in this case, both Deputy Dietrick and Deputy Powers appropriately administered emergency first aid to Pelaez-Chavez, which was consistent with their training; therefore, there was **no violation** of this policy.

Sonoma County Law Enforcement Chief's Association

93-1 Law Enforcement Employee-Involved Critical Incident Protocol

Whether the Law Enforcement Employee-Involved Critical Incident Protocol was invoked in this matter.

The purpose of the Law Enforcement Employee-Involved Critical Incident Protocol was *"to set forth procedures and guidelines used by Sonoma County law enforcement agencies during the criminal investigation of specifically defined incidents involving law enforcement employees. While this Protocol represents the understanding and agreement among Member Agencies about how Law Enforcement Employee-Involved Critical Incidents are to be investigated, this Protocol is neither a statute, ordinance nor regulation. Members expect that its provisions will be followed when Protocol incidents occur but it is anticipated that agencies may make minor modifications, which will not affect the Protocol's basic principles, to meet agency requirements."*

Section I – H defined a Law Enforcement Employee-Involved Critical Incident as: "*A specific incident occurring in Sonoma County involving one or more person, in which a law enforcement employee is involved as an actor or injured person; when a fatal injury occurs.*

In this incident, Pelaez-Chavez was fatally injured when he was shot by Sonoma County Sheriff's Deputy Dietrick, after a long pursuit, in which Deputy Dietrick and Deputy Powers pursued Pelaez-Chavez in an attempt to apprehend him for various criminal violations. Both Deputy Dietrick and Deputy Powers were on-duty as Sheriff's Deputies at the time this incident took place. Given the circumstances of Pelaez-Chavez's death, this incident was determined to be a "Law Enforcement Employee-Involved Critical Incident."

Section II - A of the Protocol, titled "INVOKING PROTOCOL PROVISIONS – Mandatory Invoking", stated:

"When a Law Enforcement Employee-Involved Critical Incident occurs, the criminal investigative provisions of this Protocol shall be immediately invoked by member agencies to ensure that the employer agency, or the venue agency if the necessary investigative resources are not available, does not lead or have overall responsibility for the criminal investigation."

The Protocol was in fact invoked in this matter. The Santa Rosa Police Department was identified as the "Lead Agency," and ultimately assumed overall responsibility for supervising, coordinating, and conducting the criminal investigation. This was evident by the fact SRPD VCI Detective G. Rantissi completed SRPD Case #22-8672. As a part of his criminal investigation, numerous witnesses were interviewed, the scene was documented, photographs were taken, Pelaez-Chavez's family members, landlord and supervisor were interviewed, and both Deputy Dietrick and Deputy Powers were interviewed and processed for evidence. The Marin County Sheriff-Coroner completed Pelaez-Chavez's death investigation, which was documented in Marin County Coroner Case #22-226. Ultimately, after completing his investigation, Detective Rantissi submitted the case to the Sonoma County District Attorney's Office for review and potential filing of charges.

The Sonoma County District Attorney completed an Officer-Involved Fatal Incident Report regarding this incident, which summarized the incident. At the conclusion of this report, the District Attorney determined Deputy Dietrick and Deputy Powers did not violate any criminal statutes and no criminal charges were filed against either deputy.

This in-custody death was reported to the California Department of Justice, pursuant to The Protocol and Government Code Section 12525.[14]

After reviewing the facts of this case, the evidence showed this incident was appropriately determined to be a Law Enforcement Employee-Involved Critical Incident, and the Law Enforcement Employee-Involved Incident was appropriately invoked; therefore, there was **no violation.**

[14] Digital copies of CA DOJ Forms 713 BCIA (Original and Amended) can be found in the Exhibits module in AIM.