

TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

To: Deputy Marcus Green

From: Sergeant Robert Nikiforuk

Date: November 18th, 2020

Subject: Notice of Investigation/ Notice of Interview/ Confidentiality Order

Let this serve as a notice that you are the subject of an Internal Affairs Investigation regarding your conduct as an employee of the Tuolumne County Sheriff's Office. You are under investigation and are subject to disciplinary action up to and including termination. Due to the possibility of disciplinary action you are hereby notified of your right to representation. Effective immediately, you are assigned to paid administrative leave pending the conclusion of this investigation and all subsequent proceedings. While on paid administrative leave, you are subject to all provisions of:

TCSO Policy 1020.8 Administrative Leave.

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.**
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.**
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may always be required to remain available for contact during such shift, and will report as ordered**

The investigation has been assigned to (**Sergeant Robert Nikiforuk**), should you have any issues or questions you may contact the investigator at (**209-533-5839**). The date, time and location of your interview will be (**Thursday, 12/3/20, at 1000 hours, at Tuolumne County Sheriff's Office, Sheriff's Conference Room, 2nd floor, 28 N. Lower Sunset Drive, Sonora, CA 95370**). The date and time of this interview may be adjusted by your representation based on their availability.

It has been brought to the attention of the Tuolumne County Sheriff's Office that your actions may be in violation of County Policy and/ or the Tuolumne County Sheriff's Office Policy and Procedures.

Tuolumne County Sheriff's Office Policies:

TCSO Policy 300.3 Use of Force

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

TCSO Policy 340.3.1 Ethics

- (a) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.**
- (g) Any other failure to abide by the standards of ethical conduct.**

TCSO Policy 340.3.6 Efficiency

- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.**

TCSO Policy 340.3.7 Performance

- (i) Any act on- or off-duty that brings discredit to this office.**

TCSO Policy 340.3.8 Conduct

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.**
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.**
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the county.**
- (m) Any other on- or off duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.**

Tuolumne County Sheriff's Office Custody Policies:

***TCSO Custody Policy 6.41 Conduct in Dealing with Inmates
Procedures***

D. OFFICER DEMEANOR

- 1. Jail deputies shall maintain proper demeanor with all inmates in custody and shall perform their duties in a mature, professional manner.**
- 3. Jail deputies shall be alert, courteous and professional in their dealings with inmates, fellow employees, visitors and members of the public.**

***TCSO Custody Policy 6.47.1 Cell Extraction
Procedures***

- A. All forceful extractions will be performed under the direct supervision of the watch commander or designee. Only approved techniques and equipment shall be used. The purpose of this policy is to establish and maintain a legal, safe, humane, and consistent method for the forcible movement of an inmate in custody.**
- 2. Each cell extraction team shall be comprised of up to five members plus a team leader, who is generally the Jail Watch Commander. The number of staff used shall be at the discretion of the Watch Commander. Cell extractions will be conducted in accordance with department policies 300 Use of Force and 309 Taser Device.**

County of Tuolumne Personnel Rules and Regulations:

TC PR&R Rule 9, Disciplinary Action, Section B. Cause(s) of Action

- (4) Willful or negligent disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order.**
- (6) Inefficiency**
- (13) Discourteous treatment of the public or other employees.**
- (16) Violation of a department rule.**

Tuolumne County DSA Memorandum of Understanding:

DSA MOU Article 16, Section C. Cause(s) of Action

- (3) Willful disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order;**
- (5) Inefficiency**
- (12) Discourteous treatment of the public or other employees.**
- (16) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the county.**

On November 9th, 2020, a Use of Force incident was forwarded to the Tuolumne County Sheriff's Office Professional Standards Division by the acting Jail Commander, Sergeant



This is a confidential investigation. You are ordered not to discuss any aspect of this investigation with any other county employee, volunteer, contractor, or witness to the incident, including but not limited to, Sergeant [REDACTED] Corporal [REDACTED] Deputy [REDACTED] Deputy [REDACTED] Deputy [REDACTED] Deputy [REDACTED] Deputy [REDACTED] Jail Tech [REDACTED] Jail Tech [REDACTED] and Nurse [REDACTED]. The only exceptions would be with your designated employee representative, or the designated investigator. You will not contact [REDACTED]. You will not access any Sheriff's Office records, reports or databases for the purposes of contacting; [REDACTED] his associates, family members or friends. All previous orders or directives remain in effect. Failure to abide by this confidentiality order may result in disciplinary action up to and including termination.

I have received a copy of this notice.

	11-18-20
Employee Name	Date



TUOLUMNE COUNTY SHERIFF'S OFFICE

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Sheriff-Coroner

ADMINISTRATIVE ADMONISHMENTS Constitutional rights

Due to the nature of this administrative investigation, Government Code § 3303 (h) requires me to advise you of your constitutional rights. Therefore, it is important that you understand that criminally:

- You have the right to remain silent.
- Anything you say may be used against you in court.
- You have the right to an attorney before and during questioning.

Miranda Waiver

Do you understand each of these rights that I have explained to you? YES ☒ NO ☐

With these rights in mind, would you like to speak to me now? YES ☐ NO ☒

Lybarger Admonishment

- While you have the right to remain silent with regard to any criminal investigation, you do not have the right to refuse to answer my questions administratively.
- This is an administrative investigation. I am, therefore, now ordering you to answer all of my questions fully and honestly.
- If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, up to and including termination.
- Any statement you make under compulsion of the threat of such discipline is for administrative purposes only and cannot be used against you criminally.

I understand my rights as described in the **Lybarger Admonishment** and WILL / WILL NOT discuss this matter with you administratively.

Weingarten Admonishment

You have the right to have a representative present with you at this meeting. You have the right to meet with your representative prior to being questioned and you can request a recess at any time during this interview to speak privately with your representative. Your representative can ask clarifying questions but cannot interfere with the investigation in any manner. Your representative cannot instruct you not to answer any of my/our questions. Any refusal to answer any of my/our questions under the direction of your representative will be deemed to be insubordination to which you can be disciplined up to and including termination.

I understand my rights as described in this **Admonishment**. YES ☒ NO ☐

Is there any reason this interview cannot continue at this time? YES ☐ NO ☒

☐ I waive my right to a representative.

Signature

Date 12-21-20

Witness

12-21-20



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☐ I wa _____

Signature _____

Witness _____

Date 12-10-20

12-10-20



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TUOLUMNE COUNTY SHERIFF'S OFFICE

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Bill J. Pooley
Sheriff-Coroner

To: Deputy Marcus Green

From: Sergeant Robert Nikiforuk

Date: November 18th, 2020

Subject: Notice of Investigation/ Notice of Interview/ Confidentiality Order

Let this serve as a notice that you are the subject of an Internal Affairs Investigation regarding your conduct as an employee of the Tuolumne County Sheriff's Office. You are under investigation and are subject to disciplinary action up to and including termination. Due to the possibility of disciplinary action you are hereby notified of your right to representation. Effective immediately, you are assigned to paid administrative leave pending the conclusion of this investigation and all subsequent proceedings. While on paid administrative leave, you are subject to all provisions of:

TCSO Policy 1020.8 Administrative Leave.

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.**
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.**
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may always be required to remain available for contact during such shift, and will report as ordered**

The investigation has been assigned to (**Sergeant Robert Nikiforuk**), should you have any issues or questions you may contact the investigator at (**209-533-5839**). The date, time and location of your interview will be (**Thursday, 12/3/20, at 1000 hours, at Tuolumne County Sheriff's Office, Sheriff's Conference Room, 2nd floor, 28 N. Lower Sunset Drive, Sonora, CA 95370**). The date and time of this interview may be adjusted by your representation based on their availability.

It has been brought to the attention of the Tuolumne County Sheriff's Office that your actions may be in violation of County Policy and/ or the Tuolumne County Sheriff's Office Policy and Procedures.

Tuolumne County Sheriff's Office Policies:

TCSO Policy 300.3 Use of Force

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

TCSO Policy 340.3.1 Ethics

- (a) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Any other failure to abide by the standards of ethical conduct.

TCSO Policy 340.3.6 Efficiency

- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

TCSO Policy 340.3.7 Performance

- (i) Any act on- or off-duty that brings discredit to this office.

TCSO Policy 340.3.8 Conduct

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the county.
- (m) Any other on- or off duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

Tuolumne County Sheriff's Office Custody Policies:

***TCSO Custody Policy 6.41 Conduct in Dealing with Inmates
Procedures***

D. OFFICER Demeanor

- 1. Jail deputies shall maintain proper demeanor with all inmates in custody and shall perform their duties in a mature, professional manner.**
- 3. Jail deputies shall be alert, courteous and professional in their dealings with inmates, fellow employees, visitors and members of the public.**

***TCSO Custody Policy 6.47.1 Cell Extraction
Procedures***

- A. All forceful extractions will be performed under the direct supervision of the watch commander or designee. Only approved techniques and equipment shall be used. The purpose of this policy is to establish and maintain a legal, safe, humane, and consistent method for the forcible movement of an inmate in custody.**
- 2. Each cell extraction team shall be comprised of up to five members plus a team leader, who is generally the Jail Watch Commander. The number of staff used shall be at the discretion of the Watch Commander. Cell extractions will be conducted in accordance with department policies 300 Use of Force and 309 Taser Device.**

County of Tuolumne Personnel Rules and Regulations:

TC PR&R Rule 9, Disciplinary Action, Section B. Cause(s) of Action

- (4) Willful or negligent disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order.**
- (6) Inefficiency**
- (13) Discourteous treatment of the public or other employees.**
- (16) Violation of a department rule.**

Tuolumne County DSA Memorandum of Understanding:

DSA MOU Article 16, Section C. Cause(s) of Action

- (3) Willful disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order;**
- (5) Inefficiency**
- (12) Discourteous treatment of the public or other employees.**
- (16) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the county.**

On November 9th, 2020, a Use of Force incident was forwarded to the Tuolumne County Sheriff's Office Professional Standards Division by the acting Jail Commander, Sergeant [REDACTED]

This is a confidential investigation. You are ordered not to discuss any aspect of this investigation with any other county employee, volunteer, contractor, or witness to the incident, including but not limited to, Sergeant [REDACTED] Corporal [REDACTED] Deputy [REDACTED] Deputy [REDACTED] Deputy [REDACTED] Deputy [REDACTED] Deputy [REDACTED] Jail Tech [REDACTED] Jail Tech [REDACTED] and Nurse [REDACTED]. The only exceptions would be with your designated employee representative, or the designated investigator. You will not contact [REDACTED]. You will not access any Sheriff's Office records, reports or databases for the purposes of contacting; [REDACTED] his associates, family members or friends. All previous orders or directives remain in effect. Failure to abide by this confidentiality order may result in disciplinary action up to and including termination.

I have received a copy of this notice.

	11-18-20
_____ Employee Name	_____ Date



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

To: Deputy [REDACTED]

From: Sergeant Robert Nikiforuk

Date: November 18th, 2020

Subject: Notice of Investigation/ Notice of Interview/ Confidentiality Order

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Tuolumne County Sheriff's Office Policies:

TCSO Policy 300.2.1 Duty to Intercede

Any deputy present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. A deputy who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

TCSO Policy 340.3.1 Ethics

(g) Any other failure to abide by the standards of ethical conduct.

TCSO Policy 340.3.6 Efficiency

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Employee Name

Date

DEPUTY [REDACTED]

11/8/20, 1530 HRS, I READ THE NOTICE OF INVESTIGATION, NOTICE OF INTERVIEW, AND CONFIDENTIALITY ORDER TO DEPUTY [REDACTED] VIA TELEPHONE. I SENT A COPY OF THE ORDER TO HIS PERSONAL AND WORK EMAIL.



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Sheriff-Coroner

To: Corporal [REDACTED]

From: Sergeant Robert Nikiforuk

Date: November 18th, 2020

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It has been brought to the attention of the Tuolumne County Sheriff's Office that your actions may be in violation of County Policy and/ or the Tuolumne County Sheriff's Office Policy and Procedures.

Tuolumne County Sheriff's Office Policies:

TCSO Policy 201.2 Authority, Ranking Officers

The ranking officer shall exercise the authority of his/her position under all conditions which require that he/she use such authority in the best interests of the Department.

Ranking officers have the authority to enforce policy and give orders to Department members inside or outside their chain of command. Authority outside the chain of command should be exercised only in circumstances which, by their nature, require immediate action and in the absence of a ranking officer in that chain of command. Ranking officers acting outside their chain of command should not vary from established policy unless:

- a. There is agreement from the affected supervisor or
- b. Emergency conditions necessitate the deviation.

TCSO Policy 300.2.1 Duty to Intercede

Any deputy present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. A deputy who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

TCSO Policy 300.3 Use of Force

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

TCSO Policy 340.3.1 Ethics

- (a) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Any other failure to abide by the standards of ethical conduct.

TCSO Policy 340.3.6 Efficiency

- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

TCSO Policy 340.3.7 Performance

- (i) Any act on- or off-duty that brings discredit to this office.

TCSO Policy 340.3.8 Conduct

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the county.

(m) Any other on- or off duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

Tuolumne County Sheriff's Office Custody Policies:

TCSO Custody Policy 6.41 Conduct in Dealing with Inmates Procedures

D. OFFICER Demeanor

1. Jail deputies shall maintain proper demeanor with all inmates in custody and shall perform their duties in a mature, professional manner.

3. Jail deputies shall be alert, courteous and professional in their dealings with inmates, fellow employees, visitors and members of the public.

TCSO Custody Policy 6.47.1 Cell Extraction Procedures

A. All forceful extractions will be performed under the direct supervision of the watch commander or designee. Only approved techniques and equipment shall be used. The purpose of this policy is to establish and maintain a legal, safe, humane, and consistent method for the forcible movement of an inmate in custody.

2. Each cell extraction team shall be comprised of up to five members plus a team leader, who is generally the Jail Watch Commander. The number of staff used shall be at the discretion of the Watch Commander. Cell extractions will be conducted in accordance with department policies 300 Use of Force and 309 Taser Device.

County of Tuolumne Personnel Rules and Regulations:

TC PR&R Rule 9, Disciplinary Action, Section B. Cause(s) of Action

(4) Willful or negligent disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order.

(6) Inefficiency

(13) Discourteous treatment of the public or other employees.

(16) Violation of a department rule.

Tuolumne County DSA Memorandum of Understanding:

DSA MOU Article 16, Section C. Cause(s) of Action

(3) Willful disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order;

(5) Inefficiency

(12) Discourteous treatment of the public or other employees.

(16) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the county.

On November 9th, 2020, a Use of Force incident was forwarded to the Tuolumne County Sheriff's Office Professional Standards Division for review by the acting Jail Commander, Sergeant [REDACTED]

This is a confidential investigation. You are ordered not to discuss any aspect of this investigation with any other county employee, volunteer, contractor, or witness to the incident, including but not limited to, Sergeant [REDACTED] Deputy Green, Deputy [REDACTED] Deputy [REDACTED] Deputy [REDACTED] Deputy [REDACTED] Jail Tech [REDACTED] Jail Tech [REDACTED], and Nurse [REDACTED]. The only exceptions would be with your designated employee representative, or the designated investigator. You will not contact [REDACTED]. You will not access any Sheriff's Office records, reports or databases for the purposes of contacting; [REDACTED] his associates, family members or friends. All previous orders or directives remain in effect. Failure to abide by this confidentiality order may result in disciplinary action up to and including termination.

I have received a copy of this notice.

[REDACTED]

Employee Name

11/19/20

Date



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

To: Sergeant [REDACTED]
From: Sergeant Robert Nikiforuk
Date: November 18th, 2020

Subject: Notice of Investigation/ Notice of Interview/ Confidentiality Order

Let this serve as a notice that you are the subject of an Internal Affairs Investigation regarding your conduct as an employee of the Tuolumne County Sheriff's Office. You are under investigation and are subject to disciplinary action up to and including termination. Due to the possibility of disciplinary action you are hereby notified of your right to representation.

The investigation has been assigned to **(Sergeant Robert Nikiforuk)**, should you have any issues or questions you may contact the investigator at **(209-533-5839)**. The date, time and location of your interview will be **(Thursday, 12/10/20, at 1600 hours, at Tuolumne County Sheriff's Office, Sheriff's Conference Room, 2nd floor, 28 N. Lower Sunset Drive, Sonora, CA 95370)**. The date and time of this interview may be adjusted by your representation based on their availability.

It has been brought to the attention of the Tuolumne County Sheriff's Office that your actions may be in violation of County Policy and/ or the Tuolumne County Sheriff's Office Policy and Procedures.

Tuolumne County Sheriff's Office Policies:

TCSO Policy 201.2 Authority, Ranking Officers

The ranking officer shall exercise the authority of his/her position under all conditions which require that he/she use such authority in the best interests of the Department.

Ranking officers have the authority to enforce policy and give orders to Department members inside or outside their chain of command. Authority outside the chain of command should be exercised only in circumstances which, by their nature, require immediate action and in the absence of a ranking officer in that chain of command. Ranking officers acting outside their chain of command should not vary from established policy unless:

- a. There is agreement from the affected supervisor or
- b. Emergency conditions necessitate the deviation.

TCSO Policy 300.2.1 Duty to Intercede

Any deputy present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. A deputy who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

TCSO Policy 300.3 Use of Force

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

TCSO Policy 340.3.1 Ethics

- (a) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Any other failure to abide by the standards of ethical conduct.

TCSO Policy 340.3.6 Efficiency

- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

TCSO Policy 340.3.7 Performance

- (i) Any act on- or off-duty that brings discredit to this office.

TCSO Policy 340.3.8 Conduct

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the county.

(m) Any other on- or off duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

Tuolumne County Sheriff's Office Custody Policies:

TCSO Custody Policy 6.41 Conduct in Dealing with Inmates Procedures

D. OFFICER Demeanor

1. Jail deputies shall maintain proper demeanor with all inmates in custody and shall perform their duties in a mature, professional manner.

3. Jail deputies shall be alert, courteous and professional in their dealings with inmates, fellow employees, visitors and members of the public.

TCSO Custody Policy 6.47.1 Cell Extraction Procedures

4. All forceful extractions will be performed under the direct supervision of the watch commander or designee. Only approved techniques and equipment shall be used. The purpose of this policy is to establish and maintain a legal, safe, humane, and consistent method for the forcible movement of an inmate in custody.

2. Each cell extraction team shall be comprised of up to five members plus a team leader, who is generally the Jail Watch Commander. The number of staff used shall be at the discretion of the Watch Commander. Cell extractions will be conducted in accordance with department policies 300 Use of Force and 309 Taser Device.

County of Tuolumne Personnel Rules and Regulations:

TC PR&R Rule 9, Disciplinary Action, Section B. Cause(s) of Action

(4) Willful or negligent disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order.

(6) Inefficiency

(13) Discourteous treatment of the public or other employees.

(16) Violation of a department rule.

Tuolumne County DSA Memorandum of Understanding:

DSA MOU Article 16, Section C. Cause(s) of Action

(3) Willful disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order;

(5) Inefficiency

(12) Discourteous treatment of the public or other employees.

(16) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the county.

On November 9th, 2020, a Use of Force incident was forwarded to the Tuolumne County Sheriff's Office Professional Standards Division for review by the acting Jail Commander, Sergeant [REDACTED]

This is a confidential investigation. You are ordered not to discuss any aspect of this investigation with any other county employee, volunteer, contractor, or witness to the incident, including but not limited to, Cpl. [REDACTED] Deputy Green, Deputy [REDACTED] Deputy [REDACTED] Deputy [REDACTED] Deputy [REDACTED] Jail Tech [REDACTED] Jail Tech [REDACTED] and Nurse [REDACTED]. The only exceptions would be with your designated employee representative, or the designated investigator. You will not contact [REDACTED]. You will not access any Sheriff's Office records, reports or databases for the purposes of contacting; [REDACTED] his associates, family members or friends. All previous orders or directives remain in effect. Failure to abide by this confidentiality order may result in disciplinary action up to and including termination.

I have received a copy of this notice.

[REDACTED]

Employee Name

11/19/20
Date



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

To: Deputy [REDACTED]

From: Sergeant Robert Nikiforuk

Date: December 10th, 2020

Subject: Notice of Investigation/ Notice of Interview/ Confidentiality Order

Let this serve as a notice that you are the subject of an Internal Affairs Investigation regarding your conduct as an employee of the Tuolumne County Sheriff's Office. You are under investigation and are subject to disciplinary action up to and including termination. Due to the possibility of disciplinary action you are hereby notified of your right to representation.

The investigation has been assigned to **(Sergeant Robert Nikiforuk)**, should you have any issues or questions you may contact the investigator at **(209-533-5839)**. The date, time and location of your interview will be **(Monday, 12/21/20, at 1000 hours, at Tuolumne County Sheriff's Office, Sheriff's Conference Room, 2nd floor, 28 N. Lower Sunset Drive, Sonora, CA 95370)**. The date and time of this interview may be adjusted by your representation based on their availability.

It has been brought to the attention of the Tuolumne County Sheriff's Office that your actions may be in violation of County Policy and/ or the Tuolumne County Sheriff's Office Policy and Procedures.

Tuolumne County Sheriff's Office Policies:

TCSO Policy 340.3.6 Efficiency

- (a) Neglect of duty.***
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.***

TCSO Policy 340.3.7 Performance

- (i) Any act on- or off-duty that brings discredit to this office.***

TCSO Policy 340.3.8 Conduct

(m) Any other on- or off duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

TCSO Policy 343.1.1 Report Preparation

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

TCSO Policy 418.8 Mental Illness Commitments Criminal Offenses

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate. When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this office to regain custody of the individual, office resources (e.g., posting a guard) and other relevant factors in making this decision.

County of Tuolumne Personnel Rules and Regulations:

TC PR&R Rule 9, Disciplinary Action, Section B. Cause(s) of Action

- (4) Willful or negligent disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order.
- (6) Inefficiency
- (16) Violation of a department rule.

Tuolumne County DSA Memorandum of Understanding:

DSA MOU Article 16, Section C. Cause(s) of Action

(3) Willful disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order;

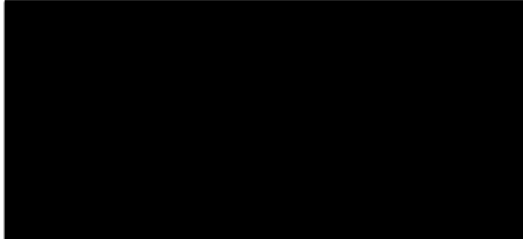
(5) Inefficiency

(16) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the county.

On November 9th, 2020, a Use of Force incident was forwarded to the Tuolumne County Sheriff's Office Professional Standards Division for review by the acting Jail Commander, Sergeant [REDACTED]. Throughout the internal affairs investigation, it was determined Deputies [REDACTED] and [REDACTED] brought the subject, [REDACTED] to jail.

This is a confidential investigation. You are ordered not to discuss any aspect of this investigation with any other county employee, volunteer, contractor, or witness to the incident, including but not limited to, Sgt. [REDACTED], Cpl. [REDACTED], Deputy [REDACTED], Deputy Green, Deputy [REDACTED], Deputy [REDACTED], Deputy [REDACTED], Deputy [REDACTED], Deputy [REDACTED], Jail Tech [REDACTED], and Nurse [REDACTED]. The only exceptions would be with your designated employee representative, or the designated investigator. You will not contact [REDACTED]. You will not access any Sheriff's Office records, reports or databases for the purposes of contacting; [REDACTED] his associates, family members or friends. All previous orders or directives remain in effect. Failure to abide by this confidentiality order may result in disciplinary action up to and including termination.

I have received a copy of this notice.



12-21-20

Date



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

To: Deputy [REDACTED]

From: Sergeant Robert Nikiforuk

Date: December 10th, 2020

Subject: Notice of Investigation/ Notice of Interview/ Confidentiality Order

Let this serve as a notice that you are the subject of an Internal Affairs Investigation regarding your conduct as an employee of the Tuolumne County Sheriff's Office. You are under investigation and are subject to disciplinary action up to and including termination. Due to the possibility of disciplinary action you are hereby notified of your right to representation.

The investigation has been assigned to **(Sergeant Robert Nikiforuk)**, should you have any issues or questions you may contact the investigator at **(209-533-5839)**. The date, time and location of your interview will be **(Monday, 12/21/20, at 1100 hours, at Tuolumne County Sheriff's Office, Sheriff's Conference Room, 2nd floor, 28 N. Lower Sunset Drive, Sonora, CA 95370)**. The date and time of this interview may be adjusted by your representation based on their availability.

It has been brought to the attention of the Tuolumne County Sheriff's Office that your actions may be in violation of County Policy and/ or the Tuolumne County Sheriff's Office Policy and Procedures.

Tuolumne County Sheriff's Office Policies:

TCSO Policy 340.3.6 Efficiency

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

TCSO Policy 340.3.7 Performance

(i) Any act on- or off-duty that brings discredit to this office.

TCSO Policy 340.3.8 Conduct

(m) Any other on- or off duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

TCSO Policy 343.1.1 Report Preparation

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

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In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this office to regain custody of the individual, office resources (e.g., posting a guard) and other relevant factors in making this decision.

County of Tuolumne Personnel Rules and Regulations:

TC PR&R Rule 9, Disciplinary Action, Section B. Cause(s) of Action

- (4) Willful or negligent disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order.
- (6) Inefficiency
- (16) Violation of a department rule.

Tuolumne County DSA Memorandum of Understanding:

DSA MOU Article 16, Section C. Cause(s) of Action

(3) Willful disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order;

(5) Inefficiency

(16) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the county.

On November 9th, 2020, a Use of Force incident was forwarded to the Tuolumne County Sheriff's Office Professional Standards Division for review by the acting Jail Commander, Sergeant [REDACTED]. Throughout the internal affairs investigation, it was determined Deputies [REDACTED] and [REDACTED] brought the subject, [REDACTED] to jail.

This is a confidential investigation. You are ordered not to discuss any aspect of this investigation with any other county employee, volunteer, contractor, or witness to the incident, including but not limited to, Sgt. [REDACTED], Cpl. [REDACTED], Deputy [REDACTED], Deputy Green, Deputy [REDACTED], Deputy [REDACTED], Deputy [REDACTED], Deputy [REDACTED], Deputy [REDACTED], Jail Tech [REDACTED] and Nurse [REDACTED]. The only exceptions would be with your designated employee representative, or the designated investigator. You will not contact [REDACTED]. You will not access any Sheriff's Office records, reports or databases for the purposes of contacting; [REDACTED] his associates, family members or friends. All previous orders or directives remain in effect. Failure to abide by this confidentiality order may result in disciplinary action up to and including termination.

I have received a copy of this notice.

[REDACTED]

12/10/2020
Date



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

To: Jail Technician [REDACTED]

From: Sergeant Robert Nikiforuk

Subject: Confidentiality Order

Date: November 13th, 2020

You have been identified as a possible WITNESS to an issue that is currently being investigated by the department. YOU ARE NOT THE SUBJECT OF THIS INVESTIGATION. This administrative investigation is confidential.

I am ordering you at this time not to discuss this investigation directly or indirectly with any other County employee, volunteer or contractor to protect the confidentiality and personal rights of the individual(s) being investigated. Failure to adhere to this order is considered insubordination and can lead to disciplinary action up to and including termination.

Should you have any issues or questions regarding this matter at any time, you are ordered to bring these matters directly to me for review. You are to answer all of my questions fully and honestly at the time of your interview.

I have received a copy of this notice.

Sign

Date



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

To: Deputy [REDACTED]
From: Sergeant Robert Nikiforuk
Subject: Confidentiality Order
Date: December 2nd, 2020

You have been identified as a possible WITNESS to an issue that is currently being investigated by the department. **YOU ARE NOT THE SUBJECT OF THIS INVESTIGATION.** This administrative investigation is confidential.

I am ordering you at this time not to discuss this investigation directly or indirectly with any other County employee, volunteer or contractor to protect the confidentiality and personal rights of the individual(s) being investigated. Failure to adhere to this order is considered insubordination and can lead to disciplinary action up to and including termination.

Should you have any issues or questions regarding this matter at any time, you are ordered to bring these matters directly to me for review. You are to answer all of my questions fully and honestly at the time of your interview.

I have received a copy of this notice.

[REDACTED]

Sign

12-04-20

Date



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

To: Sergeant [REDACTED]

From: Sergeant Robert Nikiforuk

Subject: Confidentiality Order

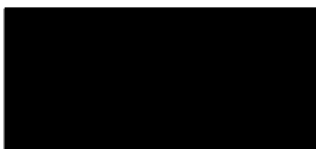
Date: November 13th, 2020

You have been identified as a possible WITNESS to an issue that is currently being investigated by the department. **YOU ARE NOT THE SUBJECT OF THIS INVESTIGATION.** This administrative investigation is confidential.

I am ordering you at this time not to discuss this investigation directly or indirectly with any other County employee, volunteer or contractor to protect the confidentiality and personal rights of the individual(s) being investigated. Failure to adhere to this order is considered insubordination and can lead to disciplinary action up to and including termination.

Should you have any issues or questions regarding this matter at any time, you are ordered to bring these matters directly to me for review. You are to answer all of my questions fully and honestly at the time of your interview.

I have received a copy of this notice.



11/13/20
Date



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

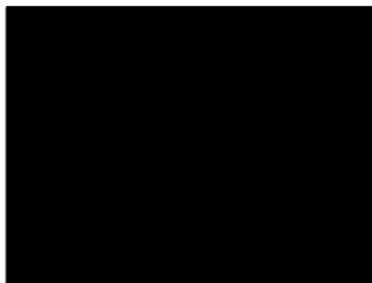
To: Deputy [REDACTED]
From: Sergeant Robert Nikiforuk
Subject: Confidentiality Order
Date: November 13th, 2020

You have been identified as a possible WITNESS to an issue that is currently being investigated by the department. YOU ARE NOT THE SUBJECT OF THIS INVESTIGATION. This administrative investigation is confidential.

I am ordering you at this time not to discuss this investigation directly or indirectly with any other County employee, volunteer or contractor to protect the confidentiality and personal rights of the individual(s) being investigated. Failure to adhere to this order is considered insubordination and can lead to disciplinary action up to and including termination.

Should you have any issues or questions regarding this matter at any time, you are ordered to bring these matters directly to me for review. You are to answer all of my questions fully and honestly at the time of your interview.

I have received a copy of this notice.



11/13/20

Date



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

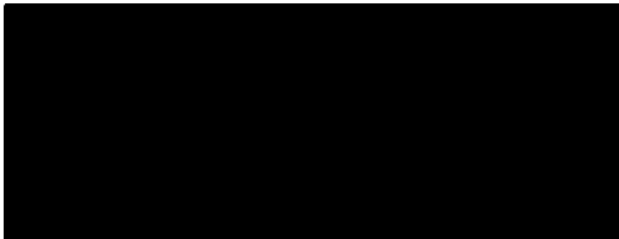
To: Deputy [REDACTED]
From: Sergeant Robert Nikiforuk
Subject: Confidentiality Order
Date: November 13th, 2020

You have been identified as a possible WITNESS to an issue that is currently being investigated by the department. **YOU ARE NOT THE SUBJECT OF THIS INVESTIGATION.** This administrative investigation is confidential.

I am ordering you at this time not to discuss this investigation directly or indirectly with any other County employee, volunteer or contractor to protect the confidentiality and personal rights of the individual(s) being investigated. Failure to adhere to this order is considered insubordination and can lead to disciplinary action up to and including termination.

Should you have any issues or questions regarding this matter at any time, you are ordered to bring these matters directly to me for review. You are to answer all of my questions fully and honestly at the time of your interview.

I have received a copy of this notice.



11/13/2020
Date



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

To: Nurse [REDACTED]
From: Sergeant Robert Nikiforuk
Subject: Confidentiality Order
Date: November 13th, 2020

You have been identified as a possible WITNESS to an issue that is currently being investigated by the department. **YOU ARE NOT THE SUBJECT OF THIS INVESTIGATION.** This administrative investigation is confidential.

I am ordering you at this time not to discuss this investigation directly or indirectly with any other County employee, volunteer or contractor to protect the confidentiality and personal rights of the individual(s) being investigated. Failure to adhere to this order is considered insubordination and can lead to disciplinary action up to and including termination.

Should you have any issues or questions regarding this matter at any time, you are ordered to bring these matters directly to me for review. You are to answer all of my questions fully and honestly at the time of your interview.

I have received a copy of this notice.

[REDACTED SIGNATURE]

Sign

11-16-2020

Date



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

To: Deputy [REDACTED]
From: Sergeant Robert Nikiforuk
Subject: Confidentiality Order
Date: November 13th, 2020

You have been identified as a possible WITNESS to an issue that is currently being investigated by the department. YOU ARE NOT THE SUBJECT OF THIS INVESTIGATION. This administrative investigation is confidential.

I am ordering you at this time not to discuss this investigation directly or indirectly with any other County employee, volunteer or contractor to protect the confidentiality and personal rights of the individual(s) being investigated. Failure to adhere to this order is considered insubordination and can lead to disciplinary action up to and including termination.

Should you have any issues or questions regarding this matter at any time, you are ordered to bring these matters directly to me for review. You are to answer all of my questions fully and honestly at the time of your interview.

I have received a copy of this notice.

Sign

11/16/2020

Date



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

To: Deputy [REDACTED]

From: Sergeant Robert Nikiforuk

Subject: Confidentiality Order

Date: November 13th, 2020

You have been identified as a possible WITNESS to an issue that is currently being investigated by the department. **YOU ARE NOT THE SUBJECT OF THIS INVESTIGATION.** This administrative investigation is confidential.

I am ordering you at this time not to discuss this investigation directly or indirectly with any other County employee, volunteer or contractor to protect the confidentiality and personal rights of the individual(s) being investigated. Failure to adhere to this order is considered insubordination and can lead to disciplinary action up to and including termination.

Should you have any issues or questions regarding this matter at any time, you are ordered to bring these matters directly to me for review. You are to answer all of my questions fully and honestly at the time of your interview.

I have received a copy of this notice.

[REDACTED]

11-17-20

Date



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

To: Deputy [REDACTED]
From: Sergeant Robert Nikiforuk
Subject: Confidentiality Order
Date: November 13th, 2020

You have been identified as a possible WITNESS to an issue that is currently being investigated by the department. **YOU ARE NOT THE SUBJECT OF THIS INVESTIGATION.** This administrative investigation is confidential.

I am ordering you at this time not to discuss this investigation directly or indirectly with any other County employee, volunteer or contractor to protect the confidentiality and personal rights of the individual(s) being investigated. Failure to adhere to this order is considered insubordination and can lead to disciplinary action up to and including termination.

Should you have any issues or questions regarding this matter at any time, you are ordered to bring these matters directly to me for review. You are to answer all of my questions fully and honestly at the time of your interview.

I have received a copy of this notice.

[REDACTED]
Sign

1-17-2020
Date



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

ADMINISTRATIVE ADMONISHMENTS Constitutional rights

Due to the nature of this administrative investigation, Government Code § 3303 (h) requires me to advise you of your constitutional rights. Therefore, it is important that you understand that criminally:

- You have the right to remain silent.
- Anything you say may be used against you in court.
- You have the right to an attorney before and during questioning.

Miranda Waiver

Do you understand each of these rights that I have explained to you? YES ☒ NO ☐

With these rights in mind, would you like to speak to me now? YES ☐ NO ☒

Lybarger Admonishment

- While you have the right to remain silent with regard to any criminal investigation, you do not have the right to refuse to answer my questions administratively.
- This is an administrative investigation. I am, therefore, now ordering you to answer all of my questions fully and honestly.
- If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, up to and including termination.
- Any statement you make under compulsion of the threat of such discipline is for administrative purposes only and cannot be used against you criminally.

I understand my rights as described in the **Lybarger Admonishment** and **WILL / WILL NOT** discuss this matter with you administratively.

Weingarten Admonishment

You have the right to have a representative present with you at this meeting. You have the right to meet with your representative prior to being questioned and you can request a recess at any time during this interview to speak privately with your representative. Your representative can ask clarifying questions but cannot interfere with the investigation in any manner. Your representative cannot instruct you not to answer any of my/our questions. Any refusal to answer any of my/our questions under the direction of your representative will be deemed to be insubordination to which you can be disciplined up to and including termination.

I understand my rights as described in this **Admonishment**. YES ☒ NO ☐

Is there any reason this interview cannot continue at this time? YES ☐ NO ☒

Signature

Witness

Date

12/1/2020

12-1-20



TUOLUMNE COUNTY SHERIFF'S OFFICE

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Bill J. Pooley
Sheriff-Coroner

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☒ I waive my right to a representative.

Signature

Date

Witness



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Sheriff-Coroner

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I understand my rights as described in this **Admonishment**. YES

NO

Is there any reason this interview cannot continue at this time? YES

NO

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Signature

Date

12/1/2020

Witness

12-1-20



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

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I understand my rights as described in this **Admonishment**. YES ☐ NO ☐

Is there any reason this interview cannot continue at this time? YES ☐ NO ☐

☒ ☐ I waive my right to a representative.

Signature

Date

12-01-2020

Witness

12-1-20



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

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I understand my rights as described in this **Admonishment**. YES ☐ NO ☐

Is there any reason this interview cannot continue at this time? YES ☐ NO ☐

☐ ☐ I waive my right to a representative.

Signature

Date

12-08-20

Witness

12-8-20



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill J. Pooley
Sheriff-Coroner

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I understand my rights as described in this **Admonishment**. YES ☐ NO ☐

Is there any reason this interview cannot continue at this time? YES ☐ NO ☐

☒ I waive my right to a representative

Signature

Date

Witness



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill Pooley
Sheriff-Coroner

To: Sheriff Bill J. Pooley
From: Sergeant Robert S. Nikiforuk
Date: March 24th, 2021
Subject: Internal Affairs Investigation 20-006

Sheriff Pooley,

I have completed the internal affairs investigation of the Use of Force incident in the Tuolumne County Jail that occurred on November 9th, 2020.

SUMMARY OF COMPLAINT:

On 11-9-20, Acting Jail Commander, Sergeant [REDACTED] called Undersheriff Evans and stated he just witnessed a use of force that may have been excessive. On 11-10-20, Sergeant [REDACTED] delivered corresponding reports and video surveillance to Lt. Vasquez. We reviewed the video footage of the incident. Inmate [REDACTED] was sitting on the half wall of Sobering Cell 4. It appeared [REDACTED] was told to get off the wall on at least two different occasions. 6 Deputies went into the cell to remove [REDACTED] from the half wall. [REDACTED] jumped off the wall toward deputies, was pushed to the ground and Deputies [REDACTED] and Green moved their bodies to control [REDACTED] upper torso. Deputy Green appeared to have been struck in the face by [REDACTED] foot. At this point, [REDACTED] was on his back. Deputy [REDACTED] was attempting to gain control of [REDACTED] right side while Deputy Green was attempting to gain control of [REDACTED] left side. Other deputies were attempting to control [REDACTED] torso and legs. Deputy Green delivered a combination of 7 punches and "hammer" punches to [REDACTED] left side of his face and head over a twelve second period. The physical encounter lasted a total of 2:58 minutes before [REDACTED] was carried to Safety Cell 3.

BACKGROUND:

On 11-9-20, at 0506 hours, [REDACTED] called on 911 saying there was blood and hair on the cleaning brushes. [REDACTED] refused to give further information about himself and was standing by at [REDACTED] in Twain Harte. Deputies arrived and they were unable to locate or get a hold of [REDACTED] on the phone. On 11-9-20, at 0824 hours, [REDACTED] called in to dispatch stating her brother, [REDACTED] was talking crazy and was in the backroom of [REDACTED] where he works. She stated [REDACTED] was [REDACTED]. TCSO

deputies arrived at [REDACTED] and arrested [REDACTED] on a misdemeanor warrant for 148(a)(1) PC, resisting, delaying or obstructing justice. [REDACTED] was transported to the jail where he was booked. [REDACTED] was cleared by the nursing staff and placed into Sobering Cell 4.

Around 1040 hours, [REDACTED] sat on the half wall in Sobering Cell 4. He was told by jail deputies to get off the wall. At one point, [REDACTED] did get off the wall. Shortly after, he got back on the wall and sat there. He then stood on the wall with his shirt off. He spun his shirt in the air and motioned to deputies. Deputies entered the cell and [REDACTED] jumped off toward the deputies. [REDACTED] ended up on his back while 6 deputies were trying to subdue him. Deputy Green delivered a combination of 7 punches and "hammer" punches to [REDACTED] face times over a 12 second period. [REDACTED] was placed into handcuffs and leg shackles. [REDACTED] was carried to Safety Cell 3 where he was left. [REDACTED] sustained a black and blue left eye.

After receiving medical records for [REDACTED] from Adventist Health Sonora Emergency Room for a visit he had on 11-10-20, he suffered from [REDACTED]. A urinalysis showed he tested positive for amphetamines and cannabinoids. He had several tests and x-rays done. He had a sprained ankle and a fracture to his left zygomatic arch (left eye area).

The following is part of the final summary for Deputy Green's prior investigation.

On 10-28-18, then, Cpl. Green brought inmate [REDACTED] into the jail library after learning he referred to Deputy Green as a "bitch ass" in an outgoing message from the jail. There were no other deputies present with Deputy Green and [REDACTED] in the library. Deputy Green engaged [REDACTED] with unprofessional and confrontational demeanor, which directly contributed to escalating [REDACTED] into a state of agitation. Deputy Green's level of training and experience did not reflect his actions during this contact. There was no attempt to find out from [REDACTED] the reasoning he was upset with Deputy Green, as indicated by Deputy Green was the reason for the contact. Deputy Green's demeanor and actions created an environment that was confrontational in nature, which conflicts with Deputy Green's training and experience. Deputy Green initiated the use of physical force in an attempt to place [REDACTED] into handcuffs and re-house [REDACTED]. [REDACTED] resisted, which required a level of force reasonable to overcome his resistance.

As a result of this investigation, Deputy Green was demoted from corporal to deputy.

The alleged TCSO, Tuolumne County policy and DSA MOU violations are as follows:

Tuolumne County Sheriff's Office Policies:

TCSO Policy 201.2 Authority, Ranking Officers

The ranking officer shall exercise the authority of his/her position under all conditions which require that he/she use such authority in the best interests of the Department.

Ranking officers have the authority to enforce policy and give orders to Department members inside or outside their chain of command. Authority outside the chain of command should be exercised only in circumstances which, by their nature, require immediate action and in the absence of a ranking officer in that chain of command. Ranking officers acting outside their chain of command should not vary from established policy unless:

- a. There is agreement from the affected supervisor or
- b. Emergency conditions necessitate the deviation.

TCSO Policy 300.2.1 Duty to Intercede

Any deputy present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. A deputy who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

TCSO Policy 300.3 Use of Force

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

TCSO Policy 340.3.1 Ethics

- (a) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Any other failure to abide by the standards of ethical conduct.

TCSO Policy 340.3.6 Efficiency

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

TCSO Policy 340.3.7 Performance

- (i) Any act on- or off-duty that brings discredit to this office.

TCSO Policy 340.3.8 Conduct

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the county.

(m) Any other on- or off duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

TCSO Policy 343.1.1 Report Preparation

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

Tuolumne County Sheriff's Office Custody Policies:

TCSO Custody Policy 6.41 Conduct in Dealing with Inmates Procedures

D. OFFICER DEMEANOR

1. Jail deputies shall maintain proper demeanor with all inmates in custody and shall perform their duties in a mature, professional manner.
3. Jail deputies shall be alert, courteous and professional in their dealings with inmates, fellow employees, visitors and members of the public.

TCSO Custody Policy 6.47.1 Cell Extraction Procedures

A. All forceful extractions will be performed under the direct supervision of the watch commander or designee. Only approved techniques and equipment shall be used. The purpose of this policy is to establish and maintain a legal, safe, humane, and consistent method for the forcible movement of an inmate in custody.

2. Each cell extraction team shall be comprised of up to five members plus a team leader, who is generally the Jail Watch Commander. The number of staff used shall be at the discretion of the Watch Commander. Cell extractions will be conducted in accordance with department policies 300 Use of Force and 309 Taser Device.

County of Tuolumne Personnel Rules and Regulations:

TC PR&R Rule 9, Disciplinary Action, Section B. Cause(s) of Action

- (4) Willful or negligent disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order.
- (6) Inefficiency
- (13) Discourteous treatment of the public or other employees.
- (16) Violation of a department rule.

Tuolumne County DSA Memorandum of Understanding:

DSA MOU Article 16, Section C. Cause(s) of Action

(3) Willful disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order;

(5) Inefficiency

(12) Discourteous treatment of the public or other employees.

(16) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the county.

INVESTIGATION:

On 11-9-20, Undersheriff Evans told the Professional Standards Division about a call he received from Sgt. [REDACTED]. Sgt. [REDACTED] told Undersheriff Evans he had just witnessed a use of force incident that was questionable. Sgt. [REDACTED] continued telling Undersheriff Evans about the incident when Undersheriff Evans told Sgt. [REDACTED] to stop speaking and to submit what he had to the Professional Standards Division. On 11-10-20, Sgt. [REDACTED] brought Lt. Vasquez jail incident reports and video footage of an incident that took place on 11-9-20. Lt. Vasquez, Deputy [REDACTED] and I watched the video footage. During the footage, Inmate [REDACTED] was standing on the half wall in Sobering Cell 4. It appeared and was later confirmed, [REDACTED] was told to get off the wall by jail deputies. [REDACTED] ultimately did not comply. Deputies entered the cell and as they did, [REDACTED] jumped off the wall toward deputies with his arms and legs extended. [REDACTED] went to the ground on his back as deputies got on top of him. Deputies tried gaining control of [REDACTED] extremities. Deputy Green punched [REDACTED] 7 times in twelve seconds on or around his face.

On 11-10-20, I requested several items from acting Jail Commander [REDACTED] to include:

- List of on duty staff
- Video surveillance of surrounding cameras from the time [REDACTED] came to jail until 30 minutes after the use of force incident
- [REDACTED] inmate file

Cpl. [REDACTED] provided me with the items I asked for the next day.

Incident 2011090019 Summary

On 11-9-20, at 0506 hours, [REDACTED] called on 911 saying there was blood and hair on the cleaning brushes. [REDACTED] refused to give further information about himself and was standing by at [REDACTED] mini mart.

Deputies arrived and were unable to locate or get a hold of [REDACTED] on the phone.

Incident 2011090027 Summary

On 11-9-20, at 0824 hours, [REDACTED] called in to dispatch stating her brother, [REDACTED] was talking crazy and was in the backroom of [REDACTED] where he works. She stated [REDACTED] was [REDACTED].

TCSO deputies arrived at [REDACTED] and arrested [REDACTED] on a misdemeanor warrant for 148(a)(1) PC, resisting, delaying or obstructing justice. [REDACTED] was transported to the jail where he was booked. [REDACTED] was cleared by the nursing staff and placed into Sobering Cell 4.

TCSO Deputy [REDACTED] Case 20-3447 Summary

On 11-9-20, at about 0835 hours, Deputies [REDACTED] and [REDACTED] were dispatched to [REDACTED] because [REDACTED] was talking crazy in the back room. The deputies were told [REDACTED] was [REDACTED]. Dispatch confirmed [REDACTED] had a confirmed misdemeanor warrant. When deputies [REDACTED] and [REDACTED] arrived, they contacted a store employee and was told [REDACTED] was in the back acting strange. Deputies [REDACTED] and [REDACTED] contacted [REDACTED] as he was mopping the floor in pajama pants with no shoes on. [REDACTED] had multiple fresh scratches on both his arms.

[REDACTED] stated there was marijuana residue on the floors because there was people growing it on the roof. [REDACTED] thought the people who were growing the marijuana were living in the ceiling.

[REDACTED] birthday was confirmed, and he was placed into handcuffs. He was transported to jail without incident and booked on his warrant.

On-duty Jail Staff Summary

The following people were on duty and in the jail at the time of the use of force incident:

- Sgt. [REDACTED]
- Cpl. [REDACTED]
- Dep. Green
- Dep. [REDACTED]
- Dep. [REDACTED]
- Dep. [REDACTED]
- Dep. [REDACTED]
- Dep. [REDACTED]
- Dep. [REDACTED]
- Dep. [REDACTED]
- Dep. [REDACTED]
- Dep. [REDACTED]
- Dep. [REDACTED]
- Kitchen [REDACTED]
- Kitchen [REDACTED]
- Kitchen [REDACTED]
- Nurse [REDACTED]
- Nurse [REDACTED]

- Custody Support Tech. [REDACTED]
- Custody Support Tech. [REDACTED]
- Work Crew Manager [REDACTED]

On-Duty Staff Involved or Present During Use of Force:

Sgt. [REDACTED]
 Cpl. [REDACTED]
 Dep. [REDACTED]
 Dep. [REDACTED]
 Dep. [REDACTED]
 Dep. [REDACTED]
 Dep. [REDACTED]
 Dep. [REDACTED]

Custody Support Techs [REDACTED] and [REDACTED] were in the control room at the time. Since the beginning of this investigation, Custody Support Tech [REDACTED] had resigned from employment.

Deputy [REDACTED] Report Summary

On 11-9-20, Deputy [REDACTED] was working the J1 post. At about 0925 hours, Deputy [REDACTED] brought [REDACTED] into jail for a misdemeanor warrant. [REDACTED] refused to answer the Covid-19 questions while in the garage. [REDACTED] was brought into the jail and went through the intake process. Nurse [REDACTED] evaluated [REDACTED] and cleared him for custody and determined he was not under the influence.

At about 1054hours, [REDACTED] was sitting on the half wall in Sobering Cell 4. Deputy [REDACTED] opened the door and told [REDACTED] to get down. [REDACTED] told Deputy [REDACTED] no and he would have to make him get down. Deputy [REDACTED] shut the door and walked away. [REDACTED] got down.

At about 1055 hours, [REDACTED] got back on the half wall. Deputy [REDACTED] told [REDACTED] to get down. [REDACTED] said he would have to be made to get down. Deputy [REDACTED] told Cpl. [REDACTED] Sgt. [REDACTED] came to Sobering Cell 4. [REDACTED] was standing on the half wall and waiving his shirt around with his right hand. Sgt. [REDACTED] ordered the deputies, [REDACTED] Green, [REDACTED] [REDACTED] and [REDACTED] to move [REDACTED] to Safety Cell 3 for his own safety.

Deputy [REDACTED] opened the door and entered. [REDACTED] jumped off the wall at Deputy [REDACTED] and attempted to grab him. Deputy [REDACTED] pushed [REDACTED] back and to the right side of cell. [REDACTED] fell to his back and put his legs up. Deputy Green was "kicked" in the face as the two came down on top of [REDACTED]. Deputy [REDACTED] gained control of [REDACTED] right arm. Deputy Green attempted to gain control of [REDACTED] left arm but [REDACTED] continued to be uncooperative and resistant. Deputy [REDACTED] gave numerous commands for [REDACTED] to stop. Deputy Green had his forearm across [REDACTED] left shoulder. Deputy Green delivered 3 strikes to the left side of [REDACTED] face. Deputy Green was able to gain control of [REDACTED] left arm. Deputies [REDACTED] and [REDACTED] gained control of [REDACTED] legs. Deputy [REDACTED] placed leg shackles on [REDACTED]. [REDACTED] was flipped to his stomach and placed into handcuffs.

[REDACTED] was carried to Safety Cell 3. The leg shackles were removed. Cpl. [REDACTED] told the deputies to leave the handcuffs on and the handcuffs could be removed through the food port. Deputy [REDACTED] opened the food port and told [REDACTED] to place his hands through it. [REDACTED] did not move and remained face down in the cell, however, he could be seen breathing. Deputy [REDACTED] logged his visual checks. He informed Cpl. [REDACTED] that [REDACTED] was breathing but had not given any response. Nurse [REDACTED] came down to check on [REDACTED]. Deputies [REDACTED] Green, [REDACTED] and [REDACTED] entered the cell. [REDACTED] was turned to his side. Deputy [REDACTED] performed a sternum rub on [REDACTED] chest. [REDACTED] woke up and looked at deputies. [REDACTED] left eye and cheek were swollen and bruised. Nurse [REDACTED] cleared [REDACTED] to remain in custody. Once [REDACTED] was checked, he remained in handcuffs. [REDACTED] again, refused to come to the door's food port to get his handcuffs removed. At about 1214 hours, Deputies went in and removed [REDACTED] handcuffs without incident.

Deputy [REDACTED] completed a Use of Force report form. On the form he marked, "Signs of mental disability". See the Use of Force form for complete details.

Deputy Green Report Summary

On 11-9-20, at about 1053 hours, Deputy Green was in the breakroom when he heard Deputy [REDACTED] yell, "Get down from the wall!" Deputies Green and [REDACTED] went out to the holding cell area and saw inmate [REDACTED] sitting on the half wall. Deputy [REDACTED] opened the door and told [REDACTED] to get off the wall. [REDACTED] stated, "You are going to have to get me down." Deputy [REDACTED] closed the door and radioed for Cpl. [REDACTED]. [REDACTED] got off the wall and came to the door yelling obscenities. Sgt. [REDACTED] came down to Sobering Cell 4. [REDACTED] got back on the wall. Sgt. [REDACTED] ordered the deputies to place [REDACTED] in Safety Cell 3 for his safety. Sgt. [REDACTED] Cpl. [REDACTED] Deputies [REDACTED] [REDACTED] [REDACTED] and Green were all present.

At 1056 hours, Deputy [REDACTED] opened the cell door. [REDACTED] jumped off the half wall toward Deputy [REDACTED]. Deputy [REDACTED] "deflected" [REDACTED] toward Deputy Green. [REDACTED] fell to the ground. As Deputy [REDACTED] and Green were moving in to gain control of [REDACTED], [REDACTED] "delivered a push kick with his left leg" hitting deputy Green in the left side of his face. Deputy Green landed on top of [REDACTED] and was trying to gain control of [REDACTED] left arm. [REDACTED] kept swinging his left arm toward Deputy Green. Deputy [REDACTED] gave several commands for [REDACTED] to not resist. Deputy Green "delivered seven strikes to the left side of [REDACTED] head to gain compliance." Deputy Green was able to gain control of [REDACTED] arm. He laid on [REDACTED] to maintain control due to being "disoriented and unable to see" from his left eye. Deputy [REDACTED] took over for Deputy Green and he exited the cell. [REDACTED] was carried to Safety Cell 3.

At about 1125 hours, Deputy Green assisted with going into Safety Cell 3 to have [REDACTED] seen by the nurse.

Sergeant [REDACTED] Report Summary

On 11-9-20 at about 1055 hours, Sgt. [REDACTED] ordered inmate [REDACTED] be moved from Sobering Cell 4 to Safety Cell 3. Sgt. [REDACTED] watched as deputies entered the cell. [REDACTED] jumped off the half wall toward Deputy [REDACTED]. It appeared [REDACTED] contacted Deputy [REDACTED]. [REDACTED] fell to his back and it appeared his foot hit Deputy Green. Deputies attempted to gain control of [REDACTED] as he was actively resisting. Deputy Green struck [REDACTED] 3 times in a row. Sgt. [REDACTED] told Deputy Green to stop striking him, but it was unknown if Deputy Green heard him. A short time later, Deputy Green struck [REDACTED] two more times. Sgt. [REDACTED] yelled for Deputy Green to stop hitting [REDACTED]. Deputy Green stopped. [REDACTED] continued to resist and was eventually handcuffed. [REDACTED] was carried to Safety Cell 3. Due to [REDACTED] uncooperative state, he was not immediately seen by medical. [REDACTED] was left in handcuffs and instructed to come place his hands through the food port to have the handcuffs removed. At about 1125 hours, deputies entered Safety Cell 3 and sat [REDACTED] up. Deputy [REDACTED] took photos of [REDACTED]. Medical evaluated [REDACTED] and cleared him to remain in custody.

Deputy [REDACTED] Report Summary

On 11-9-20, at about 1054 hours, Deputy [REDACTED] was working as a transportation deputy. He saw [REDACTED] sitting on the half wall of Sobering Cell 4. He told [REDACTED] to get down and he refused. Sgt. [REDACTED] ordered Deputies [REDACTED] Green, [REDACTED] [REDACTED] and [REDACTED] to place [REDACTED] in the safety cell for his own safety. By the time Deputy [REDACTED] entered the cell, [REDACTED] was on the ground disobeying and fighting with deputies. Deputy [REDACTED] grabbed [REDACTED] feet to control them. Leg shackles were applied, and [REDACTED] was handcuffed. Deputy [REDACTED] assisted in moving [REDACTED] to Safety Cell 3.

Deputy [REDACTED] Report Summary

On 11-9-20, at about 1054 hours, Deputy [REDACTED] was working as a transportation deputy. He was about to exit the jail with Deputy [REDACTED] when they saw inmate [REDACTED] sitting on the half wall of Sobering Cell 4. The two deputies told [REDACTED] to get down. [REDACTED] refused to do so. Sgt. [REDACTED] ordered Deputies [REDACTED] Green, [REDACTED] [REDACTED] and [REDACTED] to place [REDACTED] in the safety cell for his own safety. As Deputy [REDACTED] entered the cell, he saw [REDACTED] jump off the half wall. [REDACTED] went to the floor and was actively resisting. Deputy [REDACTED] tried gaining control of [REDACTED] right arm and eventually did. Deputy [REDACTED] assisted in handcuffing [REDACTED]. He assisted with carrying [REDACTED] to the safety cell.

Deputy [REDACTED] Report Summary

On 11-9-20, at about 1054 hours, Deputy [REDACTED] was working as the classification deputy. He heard deputies yelling at an inmate. Deputy [REDACTED] responded and saw [REDACTED] sitting on the half wall of Sobering Cell 4. [REDACTED] told deputies they would have to make him get down. Sgt. [REDACTED] ordered deputies to remove [REDACTED] and place him into Safety Cell 3. Deputies [REDACTED] and Green entered the cell. [REDACTED] kicked Deputy Green in the face. [REDACTED] refused to listen to commands and was "extremely combative". Deputy Green struck [REDACTED] 3 times with a closed fist in the face. Deputy [REDACTED] was able to gain control of [REDACTED] legs. Deputy [REDACTED] placed leg shackles on [REDACTED]. Deputies [REDACTED] and [REDACTED] carried [REDACTED] to Safety Cell 3. Deputy [REDACTED] had control of Robison's right arm. [REDACTED] was yelling and appeared to be combative. The leg shackles were removed, and the handcuffs were left on. [REDACTED] never came to the food port to have the handcuffs removed. Nurse [REDACTED] arrived about 13 minutes later. Deputies entered the cell as [REDACTED] was not moving. [REDACTED] was sat up and he was looking at deputies. Nurse [REDACTED] cleared [REDACTED] to remain in custody. The deputies exited the cell, and they attempted to have [REDACTED] come to the door to remove the handcuffs, but he did not. About 10 minutes later, deputies went into the cell and removed the handcuffs.

Sergeant [REDACTED] Memo Summary

On 11-10-20, at about 0400 hours, Sgt. [REDACTED] spoke to [REDACTED] about the use of force used on him. [REDACTED] told Sgt. [REDACTED] he was sitting on the wall in the cell due to an injured ankle he had prior to coming into the jail. He refused to get down and when the deputies came in, he jumped off the wall, but not toward the deputies. [REDACTED] was taken to the ground and received this (as he pointed to his left eye that was bruised and swollen). [REDACTED] said the only injury was to his eye and he may have injured his ankle further. [REDACTED] had scrapes on his forearms which he stated was prior to his arrest. Pictures were taken of the injuries.

[REDACTED] Inmate File Summary

In the inmate file summary, there was a booking form, property form, own recognizance form, medical paperwork, and driver's license check.

██████████ stated he had ██████████. On the intake medical form, the forms asked for observations of the interviewer (deputy). For mental status, "Alert" was documented. For behavior, "uncooperative" was marked. For physical appearance, "relaxed" was marked. For gait, "normal" was marked. The last question was "Did the arresting officer indicate medical or mental health concerns?" Deputy ██████████ wrote, "Crazy".

In the nurse's medical forms which were dated 11-9-20 at 0945 hours, ██████████ denied drug and alcohol use. There was notes about a swollen ankle and scrapes and abrasions to ██████████ palms.

There was an additional medical form for "On-site Emergency Response Record". The notes stated, "Became combative with staff. Pt placed in safety cell." "Pt reports cardiovascular. Reported earlier in the day that his heart stopped twice before while he was in Texas. Unable to retrieve his medical records at this time." In regard to the nurse checking his eyes, the notes say, "Pt would not open his eyes, in fact he clinched them shut at first. As this nurse started to walk away, he opened his eyes and directed a question to custody staff. Pt uncooperative with pupil check". Additionally, "This nurse able to note size and shape of pupils but pt uncooperative with light accommodation and reactivity". There was not any other real notable notes from the form.

Video Review of Incident Summary

I reviewed the jail video surveillance for 11-9-20. The times were recorded by the camera system. See the attached Video Review Summary in the exhibits.

Nurse ██████████ Interview Summary

On 12-1-20, at about 0855 hours, Lt. Vasquez and I interviewed Nurse ██████████ regarding her involvement with Inmate ██████████ on 11-9-20. Nurse ██████████ told us the following in summary.

Nurse ██████████ is a registered nurse and has been employed by CFMG since 2007. She has worked in the Tuolumne County Jail a couple different times and most recently since March 2020. With the intake process, deputies notify medical staff if any sections are answered yes in the medical portion. ██████████ had high blood pressure and a swollen ankle, so she had to screen ██████████ had 2-3 superficial abrasions on his hands. ██████████ said he was not under the influence of drugs or alcohol. Nurse ██████████ stated if she had to "guess", she believed ██████████ was under the influence of methamphetamine. This was based off an elevated heart rate, fidgety, and ██████████ being angry. ██████████ was "short and blunt" in answering questions. He was cooperative but not friendly. Nurse ██████████ completed all her medical tasks required for ██████████ Nurse ██████████ was not aware, nor could she tell if ██████████ had any mental health issues.

The only mental health services offered to inmates are for inmates who are suicidal and placed into the safety cell. ██████████ did not make any suicidal statements. Nurse ██████████ did not know why ██████████ was placed into Sobering Cell 4.

The second time Nurse [REDACTED] saw [REDACTED] was after the use of force incident. Nurse [REDACTED] was called down to the intake area by telephone by Cpl. [REDACTED] to see [REDACTED] who was in Safety Cell 3. Nurse [REDACTED] checked [REDACTED] for major injuries, and he did not have any. He did have a "huge black eye". [REDACTED] cognitive ability was fine. He was quiet and did not speak much. Nurse [REDACTED] did not see any force being used on [REDACTED] other than the "usual" which is keeping the subject on the ground so deputies could exit the cell. [REDACTED] "eye itself was fine".

Nurse [REDACTED] was told Deputy Green was kicked in the head. She checked Deputy Green and saw "nothing". She believed Deputy [REDACTED] was the other injured deputy, and she did not see anything but also could not remember much about it.

Nurse [REDACTED] professional opinion about [REDACTED] injuries where he was hit "pretty hard in the eye". [REDACTED] eye was "pretty black and blue and on a scale of 1-10 she would rate it as a 7." She thought under [REDACTED] eye was possibly broken. Nurse [REDACTED] was in the intake area and present while [REDACTED] was lying face down in the safety cell. Nurse [REDACTED] explained the sternum rub was usually reserved for persons who were unconscious. She was "surprised" about [REDACTED] black eye. Nurse [REDACTED] was told [REDACTED] jumped off the half wall and attacked deputies.

Nurse [REDACTED] knows [REDACTED] will lie about their medication use. [REDACTED] behavior was not consistent with how [REDACTED] was acting. He was angry and not paranoid. [REDACTED] was "short, gruff and not happy". Nurse [REDACTED] wanted to get the medical screening done quickly so she did not get hurt. [REDACTED] made Nurse [REDACTED] "nervous".

Deputy [REDACTED] Interview Summary

On 12-1-20, at about 1009 hours, Lt. Vasquez and I interviewed Deputy [REDACTED] regarding his involvement with Inmate [REDACTED] on 11-9-20. Deputy [REDACTED] was read his Administrative Admonishments verbatim from the Tuolumne County Sheriff's Office form. Deputy [REDACTED] told us the following in summary.

Deputy [REDACTED] is currently a Transportation Jail Deputy. He has been a Jail Deputy for about 2.5 years and does not hold any collateral duties. Deputy [REDACTED] was originally hired for patrol and did not make the patrol field training program and was subsequently moved to the jail. Deputy [REDACTED] was a cadet for Santa Rosa College where he performed security details. He attended a police academy and completed it. He had training on use of force in both the jail and police academy. Deputy [REDACTED] stated he was aware of use of force and he understood it. He was unaware of the changes in the use of force laws over the last year and a half.

Deputy [REDACTED] explained totality of circumstances and gave an example of a patrol deputy that has back up 45 minutes away and how the use of force may be different versus a jail deputy who has back up from 30 seconds to a one minute away. Deputy [REDACTED] takes into consideration the totality of circumstances prior to using force. He went to explain defensive tactics and how it can be used on subjects. Deputy [REDACTED] had "a lot" of defensive tactics in the academy. He has also had agency hosted defensive tactics. Deputy [REDACTED] has been taught to deescalate and explained it as trying to get someone who is acting erratically to calm down. De-escalation is the first "weapon" used in a use of force situation.

Deputy [REDACTED] was working as a Jail Transportation Deputy on 11-9-20. He was familiar with [REDACTED]. He was not present when [REDACTED] came into the jail and but at some point, saw him in the jail. Deputy [REDACTED] saw [REDACTED] on the half wall and told him to get down. Deputy [REDACTED] believed [REDACTED] was getting down and walked into the break room and was talking with other deputies. There was no specific behavior [REDACTED] was exhibiting that Deputy [REDACTED] could recall. [REDACTED] demeanor could be described as "make me" get off the half wall. Inmates sometimes do sit on the half wall, but it is uncommon. Inmates usually will get off the half wall and sometimes will have to be again to get off the wall.

Deputy [REDACTED] has been through cell extraction training which was about 2-5 hours [REDACTED]. He had about 4-5 scenarios he participated in. Deputy [REDACTED] has never been a part of a "legit" cell extraction. He described this kind of cell extraction as putting protective gear on, having a shield, and video recording it. The other cell extraction, "just pop the door and go" was described as opening the door and going "hands on". He said he has been a part of about 20 where he has gone into a cell to "conduct business", however it did not mean he went hands on every time. Deputy [REDACTED] has done about 4-5 extractions from the half wall situation.

Deputy [REDACTED] could not recall why [REDACTED] was in Sobering Cell 4. Deputy [REDACTED] and [REDACTED] were trying to get [REDACTED] to get off the half wall. Other deputies were coming into the intake area including Deputy [REDACTED] and [REDACTED]. Deputy [REDACTED] opened the door and told [REDACTED] to get down. Deputy [REDACTED] believes [REDACTED] flipped off Deputy [REDACTED]. Deputy [REDACTED] closed the door and [REDACTED] got down but got right back up on the half wall. Sgt. [REDACTED] told the deputies to place [REDACTED] into the Safety Cell which is a padded cell. Cpl. [REDACTED] was the direct supervisor on duty this day. Deputies were talking about a "legit cell extraction" and it was "squashed". Normally what happens in a cell extraction is two to three deputies go in, get the subject down, and place his legs in a figure 4, place handcuffs on the subject and move them. There was no particular order going into the cell. The first two go to arms, the third gets legs, and the others do what they can. Normally, if you work with consistent partners, there would have been a plan made.

Deputy [REDACTED] assumed because [REDACTED] was in Sobering Cell 4, he was under the influence of drugs or alcohol. There was no discussion of [REDACTED] history prior to going into the cell. Deputy [REDACTED] mentioned Deputies [REDACTED] and [REDACTED] and how the three of them would slow an incident down because of prior experience (in patrol).

When Deputy [REDACTED] went into the cell, he saw [REDACTED] move and ended up down in the corner. Deputies [REDACTED] and Green were on top of him while Deputy [REDACTED] was also on him. Deputy [REDACTED] grabbed a foot and pulled the pile away from the wall. Deputy [REDACTED] grabbed [REDACTED] other foot. [REDACTED] continued to resist. Deputy [REDACTED] came in and placed leg shackles on. Deputy [REDACTED] had [REDACTED] leg extended and he could not feel him moving his legs. Deputy [REDACTED] could feel [REDACTED] moving and wiggling his hips and upper body. Deputy [REDACTED] did not see any contact from [REDACTED] to deputies. He also did not see any force being used on [REDACTED]. At one-point Deputy [REDACTED] was hit in the head. He handed his glasses to Cpl. [REDACTED]. Deputy [REDACTED] told the deputies to slow down so they could flip [REDACTED] over. Deputy [REDACTED] heard [REDACTED] yelling but could not remember what. Deputy [REDACTED] did not hear any slapping or thumping. He could not see [REDACTED] arms. Deputy [REDACTED] did not hear anyone say for anyone to stop using force or to stop striking anyone. The cell was very loud. [REDACTED] was carried to Safety Cell 3. [REDACTED] was "mellowed out a little bit". [REDACTED] was very heavy. Once in the Safety Cell, [REDACTED] was still moving. Deputy [REDACTED] did not believe [REDACTED] was unconscious. The handcuffs were going to be taken off through the food port, but the leg shackles were taken off immediately. [REDACTED] was talking during the time in the safety cell. [REDACTED] did not come to the door after he was told to get his handcuffs off.

Deputy [REDACTED] watched the video surveillance in the "back office" and could not remember who was watching it with him but there were a couple other deputies there. Deputy [REDACTED] described the strikes by Deputy Green as "punches". At one point, Deputy [REDACTED] heard Deputy Green saying he punched [REDACTED] a couple of times. Deputy [REDACTED] did not hear why Deputy Green punched [REDACTED]. Deputy [REDACTED] assumed they were distractionary blows. Deputy [REDACTED] explained a distractionary strike by saying if someone was trying to gain compliance of someone's arm, a distractionary blow would be used at the side or upper body or knee. Deputy [REDACTED] prefers using control holds. Deputy [REDACTED] would not deliver a distractionary strike to the head/face. He has always been taught to go for more mass and by doing so the person would be less likely to die. There could be a situation where a person would need to be struck in the face.

Later in the day, Deputy [REDACTED] saw photos of [REDACTED] injury. The deputies spoke about the incident amongst themselves in small groups. There was no actual debrief. Deputy [REDACTED] spoke with Deputy Green and Deputy [REDACTED]. Deputy Green had told Deputy [REDACTED] he was kicked in the face and was seen by the nurse. There was no criminal case completed on [REDACTED] for this incident but should have been. Deputy [REDACTED] completed a jail incident report.

Based off of Deputy Oliver's training and experience, he believes a couple punches could have "maybe" been justified, but "6-7 were a little, little much". However, there are times when situations may allow that type of force. Based off the position Deputy [REDACTED] was in, he would not have used the same force.

Deputy [REDACTED] Interview Summary

On 12-1-20, at about 1126 hours, Lt. Vasquez and I interviewed Deputy [REDACTED] regarding his involvement with Inmate [REDACTED] on 11-9-20. Deputy [REDACTED] was read his Administrative Admonishments verbatim from the Tuolumne County Sheriff's Office form. Deputy [REDACTED] told us the following in summary.

Deputy [REDACTED] is currently a Transportation Deputy and has worked for the sheriff's office since 2010. Deputy [REDACTED] was a Custody Assistant for the Los Angeles County Sheriff's Office for about 3.5 years which is equivalent to a Tuolumne County Jail Deputy. Deputy [REDACTED] attended the Los Angeles CORE academy (jail academy) through the State of California. He does not hold any special assignments. Deputy [REDACTED] has had multiple defensive tactics trainings but could not give a number. Deputy [REDACTED] stated he understood what use of force was and was familiar with TCSO's policy of use of force. Deputy [REDACTED] explained the totality of circumstances was "depending on the situation will determine what the use of force would be used." Deputy [REDACTED] would take into consideration the totality of circumstances prior to using force. He explained what defensive tactics was and how he was taught to use de-escalation techniques. He explained de-escalation as "trying to talk someone down" and talking is the first step in de-escalation. He said the totality of circumstances changes and has to be reassessed. Deputy [REDACTED] is trained in defensive tactics and the last training was about a year ago.

Deputy [REDACTED] does not know [REDACTED]. On 11-9-20, Deputy [REDACTED] was working as a Transportation Deputy in the jail. Deputy [REDACTED] did not assist with the intake process for [REDACTED]. Deputy [REDACTED] has participated in cell extraction training in an inhouse capacity on several occasions. The training consisted of scenarios and talked about planning the cell extraction. Deputy [REDACTED] has participated in about 30 total cell extractions with proper equipment and planning.

Deputy [REDACTED] has participated in more than 30 extractions where the door is opened, and deputies go in. He explained the difference between the two types of cell extractions.

Deputy [REDACTED] began describing the circumstances leading up to deputies going into Sobering Cell 4. [REDACTED] was standing on the half wall as Deputy [REDACTED] and Deputy [REDACTED] were about to leave the jail. Deputy [REDACTED] told [REDACTED] to get down several times. [REDACTED] remained on the wall. Deputy [REDACTED] could not remember what [REDACTED] said but thought the said something along the lines of "come in and get me". Deputy [REDACTED] explained why Sobering Cell 4 was used which was for someone who is under the influence. He believed [REDACTED] was under the influence of something due to a safety sheet attached to the wall. Deputy [REDACTED] told other deputies about [REDACTED] being on the half wall. At some point, Sgt. [REDACTED] came out of the lieutenant's office. Sgt. [REDACTED] told the deputies to remove [REDACTED] from the cell.

I asked Deputy [REDACTED] what the plan was. He scoffed with a "huh". He said there was not really a plan. There may have been some sort of plan made as far as who was going in when. The shield was spoken about but not used. The reason for [REDACTED] to be removed from the Sobering Cell 4 was for his safety. Deputies [REDACTED] Green, [REDACTED] [REDACTED] and [REDACTED] went into the cell. Deputy [REDACTED] has gone into one of sobering cells to remove inmates from the cell on several occasions. Deputy [REDACTED] was not aware of any mental health issues or drug or alcohol use and it was not discussed prior to entering the cell. Deputy [REDACTED] assumed [REDACTED] was under the influence because of the safety sheet.

When Deputy [REDACTED] went into Sobering Cell 4, he saw [REDACTED] on the floor with Deputy [REDACTED] to the left of him and Deputy Green to the right. Deputy [REDACTED] was trying to get [REDACTED] right hand as [REDACTED] was on his side. Deputy [REDACTED] did not see [REDACTED] strike any deputies as he leapt off the wall. He only saw [REDACTED] landing before he went to the ground. [REDACTED] was being "squirrely". Deputy [REDACTED] could not remember [REDACTED] yelling or screaming anything. Deputy [REDACTED] can remember hearing deputies saying, "Stop resisting". He may have said it himself. Deputy [REDACTED] could not see [REDACTED] strike any deputies, but he could feel [REDACTED] moving. He did not see him punch or kick anyone from the angle he was at. Deputy [REDACTED] did not see any deputies strike [REDACTED] to include Deputy Green. Deputy [REDACTED] and Deputy [REDACTED] were able to handcuff [REDACTED]. Leg shackles were placed on [REDACTED]. [REDACTED] was carried by other deputies to Safety Cell 3. He could not remember if [REDACTED] was resistive at that point or if he was saying anything. Deputy [REDACTED] and Deputy [REDACTED] left he jail. Deputy [REDACTED] did not know why the handcuffs were left on [REDACTED].

Deputy [REDACTED] did not hear anyone tell any deputies to "stop hitting him". Deputy [REDACTED] possibly thinks someone could be heard if they yelled something from outside the cell.

After the incident, Deputy Green told Deputy [REDACTED] he was kicked in the face. He also said he "struck him". Deputy [REDACTED] could not recall if Deputy Green said anything about why he struck [REDACTED]. Green never said anything about being angry or that his strikes were because he was mad. Deputy [REDACTED] could see Deputy Green's left eye was swollen. No other injuries were noted by Deputy [REDACTED] other than [REDACTED] left or right eye. He saw a photo a couple hours later and it appeared [REDACTED] was "hit". Deputy [REDACTED] could not remember any conversation Deputy Green had about being able to control [REDACTED] hands.

Deputy [REDACTED] watched the video of the incident. He could not tell from the video what [REDACTED] hands were doing. Lt. Vasquez asked what he thought about the strikes delivered to [REDACTED]. Deputy [REDACTED] stated he could not answer the question. Deputy [REDACTED] said if he was getting hit that might warrant striking the subject back. He said one strike might be possible, two may be possible but it would all depend with what is going on with the suspect. Deputy [REDACTED] did not experience any situation where any strikes were necessary in this situation. He said if he was struck then he would strike back. Lt. Vasquez explained a distractionary strike. Deputy [REDACTED] was familiar with the concept and had been taught about it. He explained a distractionary strike would be used on the knees or arms. He did not think the face would be a good place for a distractionary strike. The totality of circumstance would need to warrant the strikes to the face.

Deputy [REDACTED] assisted when he got back into the jail with taking the handcuffs off [REDACTED]. [REDACTED] was not resistive, and he assumed [REDACTED] was breathing. There was a brief plan made to get the handcuffs off. Deputy [REDACTED] held [REDACTED] legs.

After the incident there was a very informal talk about the incident where there were just a couple people who were involved. The conversations were brief, and they talked about what happened. He could not remember what was said or if they discussed the strikes that were given by Deputy Green.

There was no criminal report made and only jail incident reports.

Deputy [REDACTED] Interview Summary

On 12-1-20, at about 1304 hours, Lt. Vasquez and I interviewed Deputy [REDACTED] regarding his involvement with Inmate [REDACTED] on 11-9-20. Deputy [REDACTED] was read his Administrative Admonishments verbatim from the Tuolumne County Sheriff's Office form. Deputy [REDACTED] told us the following in summary.

Deputy [REDACTED] has been a jail deputy for about 2.5 years. He is currently the classification deputy. He also was a jail training officer for about 1.5 years. He attended a CORE (jail) academy in Stanislaus. During the academy they had "a lot" of training on use of force to include defensive tactics. Deputy [REDACTED] "thinks" he was up to date on the new use of force changes that occurred in the state. Deputy [REDACTED] received emails and attended briefings regarding use of force. I explained totality of circumstances to Deputy [REDACTED] and he understood. I gave examples of totality of circumstances to include the number of deputies present, and/or the subject's use of drugs and alcohol. Deputy [REDACTED] gave some examples of totality of circumstances. Deputy [REDACTED] explained defensive tactics and stated he was trained on them. The last training day he attended was "January or February", "maybe even before that". He has not had any further training other than in-house and from academy.

Deputy [REDACTED] explained de-escalation. He said, "Finding other ways to manipulate the situation or the subject to where we don't have to go greater with the use of force that we may need to do. You can always use words or at least try." Deputy [REDACTED] agreed that the overall goal of de-escalation is to gain compliance. Deputy [REDACTED] agreed the totality of circumstances can change during the incident and the use of force can change to gain compliance whether up or down.

Deputy [REDACTED] was working on 11-9-20. He had never had contact with [REDACTED] before. He was not present when [REDACTED] was brought into jail. He noticed [REDACTED] at some point in Sobering Cell 4 but nothing more. As part of Deputy [REDACTED]'s position of classification, he would have interviewed [REDACTED] at some point. Deputy [REDACTED] did not have any interaction with [REDACTED] until he went into Sobering Cell 4. Sobering Cell 4 is typically used for inmates who are under the influence of drugs or alcohol. Deputy [REDACTED] believed [REDACTED] was under the influence of "something" or could have had a "[REDACTED]". [REDACTED] appeared to be under the influence of drugs to Deputy [REDACTED] at the time right before deputies went into the cell. He said it was based off of "the strange reactions to deputies' requests. Very angry toward us about asking him to get off. He was cussing at us". Deputy [REDACTED] was referring to the half wall in Sobering Cell 4.

Deputy [REDACTED] has cell extraction training from academy and one or two in-house trainings on the topic. The training was put on by the corporals. During the training, deputies went over the use of force policy. They went over what deputy would do what and worked with the shield.

Deputy [REDACTED] has been a part of 3 cell extractions in the housing units and an additional 10 in the intake area. The typical reasons deputies would cell extract from the intake area, was because inmates were punching or kicking the wall. As far as inmates sitting on the half wall, Deputy [REDACTED] has not had to do a cell extraction for that violation. Deputy [REDACTED] has always been able to talk inmates off the half wall.

Deputy [REDACTED] was back at his computer past the holding cells when he heard Deputies [REDACTED] and [REDACTED] yelling at [REDACTED]. He heard [REDACTED] yelling back and said something along the lines of, "Hey mother fuckers come get me". [REDACTED] stood on the half wall. Sgt. [REDACTED] told the deputies to remove [REDACTED]. During this day, Cpl. [REDACTED] was the OIC and Sgt. [REDACTED] was in charge of the whole jail. The plan was for Deputies [REDACTED] and Green to grab [REDACTED] arms and Deputies [REDACTED] and [REDACTED] would be going to grab legs. The plan was discussed amongst the deputies prior to going in. As Deputy [REDACTED] entered the cell, he saw [REDACTED] jump off the wall directly at Deputy [REDACTED] and he thought he may have hit Deputy [REDACTED]. Deputies [REDACTED] and Green "tackled" [REDACTED] was not letting deputies gain control and was "combative" and "very resistive". Deputy [REDACTED] stated [REDACTED] kicked Deputy Green in the face and that is what made him believe [REDACTED] was "fighting" as opposed to be resistive. Deputy [REDACTED] did not see Deputy Green get kicked in the face but heard it after the incident took place. As [REDACTED] was on the ground, Deputy [REDACTED] was on [REDACTED] right leg and closest to the door. Deputy [REDACTED] had "trouble" getting [REDACTED] legs. Deputy [REDACTED] could feel [REDACTED] move his leg up and down and side to side. He felt if he was to let go, [REDACTED] would fight deputies. Deputy [REDACTED] was on [REDACTED] torso while Deputy [REDACTED] was on his upper body and Deputy Green was on [REDACTED] right side.

I asked Deputy [REDACTED] if he saw any force being used on [REDACTED]. Deputy [REDACTED] said, "Yes, of course." He heard, then saw Deputy Green punch, with a closed fist, [REDACTED] 3-4 times in the face and was in direct line of sight of the strikes. The sound of the punch sounded like a "thump". As soon as Deputy Green struck [REDACTED] "It was over".

Deputy [REDACTED] heard "everyone" giving commands for [REDACTED] to "stop resisting". He could not remember what [REDACTED] was yelling but he was. The noise in the cell was "pretty loud". Deputy [REDACTED] heard Sgt. [REDACTED] tell Deputy Green to "stop striking him". Sgt. [REDACTED] was standing outside of Sobering Cell 4 at the window. He heard "Sgt. [REDACTED] say stop hitting him, stop hitting him. I think twice, then he stopped, so." Deputy [REDACTED] recollection was Deputy Green stopped hitting [REDACTED] after Sgt. [REDACTED] told him to stop. Deputy [REDACTED] took this as Sgt. [REDACTED] interceding and satisfying the duty to intercede.

I asked Deputy [REDACTED] "Based on your training and experience, was the force Deputy Green used reasonable or necessary?" Deputy [REDACTED] said, "Uhm, I would say for me, no." I asked him why he believed that. He said, "Because there was 5 of us, 6 of us, 7 of us, 8 of us, I don't know. So, I have been in that position before, and it has never occurred to me to strike someone like that." Deputy [REDACTED] then said, "In my opinion, I probably would not have done that."

Lt. Vasquez asked, "What about and I don't want to narrow the focus by any means but is there a time when you may have to strike somebody?" Deputy [REDACTED] said, "Ya". Deputy [REDACTED] opinion was to not strike [REDACTED] however he said, "I mean it would have taken a lot longer to get control of him and as soon as Green hit him, we got control, and that's good, that's a good thing..."

Deputy [REDACTED] has been in a position similar to this many times and never struck someone in the face.

Deputy [REDACTED] described a distractionary strike. Lt. Vasquez asked where Deputy [REDACTED] would deliver a distractionary strike. Deputy [REDACTED] gave examples of striking in the arm, legs, torso, with punches, elbows, knees, or kicks. Deputy [REDACTED] would use strikes if it was one on one. He would "go to blows" if he was being struck. As soon as more deputies are involved, using strikes would be lessened.

Deputy [REDACTED] did not see any additional strikes during the incident. He knows there were more from the report. After compliance was gained, [REDACTED] was placed in handcuffs and leg shackles. He was picked up and carried to Safety Cell 3 by Deputies [REDACTED] and [REDACTED]. Once [REDACTED] was placed in Safety Cell 3, he was not moving. Deputy [REDACTED] could not remember if [REDACTED] was yelling at this point. The deputies were ordered to not remove the handcuffs by Cpl. [REDACTED]. Deputy [REDACTED] believes [REDACTED] was conscious as he was breathing. He did not move for several minutes. The deputies went back into the cell and moved [REDACTED] into a sitting position. [REDACTED] was looking at deputies but was not talking. The nurse came in and cleared [REDACTED] to stay in custody. Deputy [REDACTED] remembers [REDACTED] saying something but could not remember what. They laid [REDACTED] back down and he was tensing up. [REDACTED] again, did not come to the food port to get the handcuffs off.

Deputies went back in and removed the handcuffs. [REDACTED] tensed up for a second and Deputy [REDACTED] told him they were just taking the handcuffs off. Deputy [REDACTED] did not get injured. Deputy Green was kicked in the face. His eye was swollen and bruised. Deputy Green went to the hospital for the injury and [REDACTED] sustained a bruise, swollen, right eye.

There was debriefing of what happened with Sgt. [REDACTED] Cpl. [REDACTED] Deputies [REDACTED] and [REDACTED]. They checked for injuries and blood. Deputy [REDACTED] could remember Deputy Green did speak but he could not remember what he said. He could not remember what anyone else said. Deputy [REDACTED] said no criminal report was taken on [REDACTED].

Deputy [REDACTED] believed [REDACTED] may have been under the influence or had a mental problem. [REDACTED] "appeared to be a little off to me, like maybe he has some mental problems." He could not remember if someone said anything about it. He thinks it was spoken about after the incident took place. Deputy [REDACTED] completed an incident report.

Deputy [REDACTED] spoke with the people involved and some other deputies about the incident. A day or two after the incident, Deputy Green and Deputy [REDACTED] spoke. Deputy Green was looking for "encouragement" from Deputy [REDACTED]. He "possibly" felt like he did something wrong. Deputy Green spoke to Deputy [REDACTED] about [REDACTED] purposely kicking him in the face. Deputy [REDACTED] never saw the "kick" to Deputy Green's face.

Deputy [REDACTED] Interview Summary

On 12-1-20, at about 1402 hours, Lt. Vasquez and I interviewed Deputy [REDACTED] regarding his involvement with Inmate [REDACTED] on 11-9-20. Deputy [REDACTED] was read his Administrative Admonishments verbatim from the Tuolumne County Sheriff's Office form. Deputy [REDACTED] told us the following in summary.

Deputy [REDACTED] is currently a jail deputy and has been employed by TCSO for 12.5 years. Deputy [REDACTED] is currently part of the work crew, is a training officer and has been for about 4 years, taser instructor, and was a classification deputy.

Deputy [REDACTED] could not remember when he first contacted [REDACTED]. He was a work crew deputy but did not go in the field for the day. He was "just there" at work.

Deputy [REDACTED] heard a "bunch of commotion" and walked out from his office which was past holding cell 6. He heard yelling and did not know what was going on and wanted to check on the deputies. He did not know if deputies were yelling or if it was [REDACTED]. When Deputy [REDACTED] first came out, he saw Sgt. [REDACTED] standing in the window looking into Sobering Cell 4. "I don't remember exact words he used, but he said something to the effect of stop hitting or stop striking." He heard this as he was near holding cell 6. Deputy [REDACTED] could not remember how many times Sgt. [REDACTED] said this. It was at least one time. Deputy [REDACTED] looked into the cell and could just see a "ton of people". He could not recall if he heard [REDACTED] say anything. He heard a couple different deputies say, "Stop resisting". Deputy [REDACTED] did not help in subduing [REDACTED] in any way. [REDACTED] was holding his head up and was not "limp". Deputy [REDACTED] heard medical being called at some point. Once [REDACTED] was in Safety Cell 3, Deputy [REDACTED] remained in the intake area for a couple minutes then went back to his office.

Deputy [REDACTED] did not remember if deputies were talking about the incident. He did remember Deputy Green saying he was kicked in the face. Deputy Green told Deputies [REDACTED] possibly [REDACTED] and Sgt. [REDACTED] he had hit [REDACTED] three times while Deputy [REDACTED] was in close proximity. Deputy [REDACTED] may have shut the door once the deputies exited Safety Cell 3.

Deputy [REDACTED] did not assist with taking the handcuffs off of [REDACTED]. Deputy [REDACTED] watched the video of the incident by himself. I said, "You have been around for many years, and have been involved with many altercations, what are your thoughts and your opinion about that video?" Deputy [REDACTED] sighed and said, "That's tough cause what happens on video and real life could be two different things." I then asked, "Specifically the strikes that Deputy Green gave to [REDACTED]" Deputy [REDACTED] said, "Oh man, I don't know, it's hard to say, I wasn't in the room when everything went on."

I asked Deputy [REDACTED] if he had ever struck somebody. He said, "Not in the face." I asked Deputy [REDACTED] why? He said "Just, I don't know, it's just, you know, I have fought lots of people throughout my career and usually when I've struck somebody is has been in their ribs or something and it was me and one other person and we were in a full on fight and trying to deal with somebody." In the incidents Deputy [REDACTED] had been he did not feel it was appropriate to strike the subject in the face.

I said, "In referencing the incident you are talking about was with you and one other deputy, we are talking about 5-6 deputies on one inmate and they get struck in the face. What are your thoughts on that and opinion with your experience and training?" Deputy [REDACTED] paused, "I kind of feel and this is my opinion and if you are going to be hitting in the face, it would be for survival reasons. That's my opinion."

Lt. Vasquez spoke about the dangers of using force. Deputy [REDACTED] agreed striking somebody in the face would be more dangerous than striking someone in the ribs. Deputy [REDACTED] did not hear anyone voicing their concerns about the incident.

Deputy [REDACTED] Interview Summary:

On 12-8-20, at about 1800 hours, Deputy [REDACTED] and I interviewed Deputy [REDACTED] regarding his involvement with Inmate [REDACTED] on 11-9-20. Deputy [REDACTED] was read his Administrative Admonishments verbatim from the Tuolumne County Sheriff's Office form. Deputy [REDACTED] told us the following in summary.

Deputy [REDACTED] is currently a jail deputy and has been for two months. He worked as deputy sheriff for San Joaquin SO from 2012 until 2015. He also worked for Lodi PD for a few months prior to going to San Joaquin SO.

Deputy [REDACTED] was working on 11-9-20. He was assigned as the J2 or J3 Post and his trainer was Deputy [REDACTED]. Deputy [REDACTED] could recall [REDACTED]. He did not know him prior to this contact. Deputy [REDACTED] explained the intake process. He could not recall processing [REDACTED] into the intake process. Deputy [REDACTED] could not remember who did the booking process. I told Deputy [REDACTED] he was the one who completed the intake process for [REDACTED]. Deputy [REDACTED] was surprised he was the one. He was shown the paperwork for the intake process and confirmed it was his handwriting. He could not remember [REDACTED] demeanor or what deputies brought him in. He stated, "It has been a wild two months." I pointed out the intake paper where it asked what the arresting deputy said about the inmate. Deputy [REDACTED] could not remember what was said but it was similar to the effect of what the paper said which was "crazy". Deputy [REDACTED] would not have put "crazy" down unless he was told that. Typically, anything of significance would be mentioned by a deputy and documented. He would not have put anything in that space on his own.

Deputy [REDACTED] could not recall seeing [REDACTED] in any holding cells and was not part of the cell extraction when [REDACTED] was moved to Safety Cell 3. Deputy [REDACTED] can remember not being able to go downstairs to assist because he was busy doing other things related to his post assignment. Deputy [REDACTED] did not know why [REDACTED] was placed into Safety Cell 3 until after the fact. He knows [REDACTED] was on the half wall and the jail's policy is to not allow it for the safety of the inmate.

Deputy [REDACTED] was asked to assist in taking the handcuffs off [REDACTED] after he was placed into Safety Cell 3 because he had been combative. [REDACTED] also needed to be seen by medical staff to evaluate him for injuries. Deputy [REDACTED] was going to grab [REDACTED] left arm after a plan was made of who was doing what. [REDACTED] was lying face down in handcuffs. The deputies lifted [REDACTED] up and placed him against the wall. [REDACTED] was not combative. [REDACTED] was given a sternum rub after he was not responding. A deputy spoke to [REDACTED] and he "perked" up like he was listening the whole time. He thought [REDACTED] may have been purposely not responding. Deputy [REDACTED] did not believe [REDACTED] was unconscious based off how he responded to questions. The nurse cleared [REDACTED]. The handcuffs remained on as deputies were concerned [REDACTED] would be combative.

Deputy [REDACTED] went into the break room and deputies were discussing the incident. He could remember there was discussion, but he could not remember much. He remembered Deputy [REDACTED] Deputy Green and possibly Deputy [REDACTED] in there. He heard Deputy [REDACTED] say [REDACTED] jumped at him and he possibly hit his head on the wall. The deputies went to try to handcuff [REDACTED]. He heard discussion about Deputy Green striking [REDACTED]. He knew Deputy Green was concerned that he might get into trouble for what happened. He heard Deputy Green had already contacted the attorney. Deputy Green said his eye was hurting pretty bad because he was kicked in the face by [REDACTED]. Deputy [REDACTED] assumed Deputy Green gave distractionary blows. He was not sure if Deputy Green got his eye checked out.

Deputy [REDACTED] watched the video footage of the incident with Deputy [REDACTED]. He could not remember what Deputy [REDACTED] thought about it. Deputy [REDACTED] remembers the video. He described the incident. He believed [REDACTED] stood on the wall and was getting ready to "fight". Deputy [REDACTED] counted 7 strikes. I asked Deputy [REDACTED] based off all his training and experience what he thought about the strikes by Deputy Green. He said, "I was a little surprised by that." He knows distractionary blows can be necessary and he did not believe they were necessary. He felt one or two strikes may have been justified depending on the level of [REDACTED] being combative. I asked him about 3 strikes, and he said depending on the circumstances. He said 4 strikes and above would all be too much force.

Deputy Green Interview Summary:

On 12-10-20, at about 0900 hours, Lieutenant Vasquez and I interviewed Deputy Green regarding his involvement with Inmate [REDACTED] on 11-9-20. Deputy Green was represented by his legal counsel, Jason Jasmine. Deputy Green was read his Administrative Admonishments verbatim from the Tuolumne County Sheriff's Office form. Deputy Green told us the following in summary.

Deputy Green has been with the Sheriff's office for 14 years. He is currently a Transportation Deputy and has been for 6 months. He has been a Classification Deputy for about 1.5 years, and a Corporal for about 1.5 years. As a Corporal, Deputy Green was never the Officer in Charge. Every time he was on, there was a sergeant on. As far as collateral duties, Deputy Green is an Impact Weapons instructor and has been for 5 years, was a Defensive tactics instructor, and was trained in cell extractions. Deputy Green was a defensive tactics instructor for a "couple of years". He attended a cell extraction about 6 years ago and held two courses within the sheriff's office.

Deputy Green is familiar with use of force. He knows Penal Code 835a regulates use of force and is familiar with TCSO Policy 300, use of force. Deputy Green is aware, "for the most part", of the newer state changes in the use of force. Deputy Green explained totality of circumstances. He said, "The overall circumstance on whether it was necessary to use force or not." I gave examples of totality of circumstances such as, what the suspect is doing, how many deputies are present, and the size of suspect versus deputy. When I asked if he had a good understanding of it, he stated, "Yes". He takes into consideration the totality of circumstances prior to using force.

Deputy Green explained defensive tactics as a class put on by POST or STC that teaches control holds, de-escalation, and other things to defend themselves to include punches, strikes and kicks. Impact weapons are not included in this.

Deputy Green attended a jail academy and was taught a brief portion of defensive tactics. He was also taught about use of force. Deputy Green was trained as a defensive tactic's instructor in 2015. The course was 2 weeks and he had never recertified. In the course he was taught "hundreds and thousands" of control holds, escapes from chokes, punches, kicks, hostage situations, and weapon takeaways. Deputy Green was part of a newly formed defensive tactics team with the sheriff's office. Prior to being sent to training for the team which taught a different style of defensive tactics, Deputy Green was removed due to budget cuts. Deputy Green has not been to a defensive tactics course in two to three years and at that time he was an instructor. Deputy Green believes it had been about two years since he took a defensive tactics course that was taught by Cpl. [REDACTED] during an in-house training day.

Deputy Green has been taught de-escalation. He explained what de-escalation was. The instructor course went over de-escalation and he believes the policy covers it.

Deputy Green described his cell extraction course. He said they learned how to extract someone in tight quarters, and how to work in teams. Deputy Green has been a part of 3 to 4 cell extractions that included gearing up and utilizing a shield. The last one he was involved in was about 3 years ago.

On 11-9-20, Deputy Green was working as a transportation deputy. He remembers [REDACTED] but does not know him. He remembers getting called into the garage to assist when [REDACTED] first arrived but could not remember why. At the time, he remembered [REDACTED] being "mouthy" and described it as [REDACTED] being disrespectful. Deputy Green went out to the garage to make sure everyone was safe. [REDACTED] attitude was "up and down". Deputy Green could not remember anything specific that [REDACTED] was saying. Deputy Green was in the area when [REDACTED] came into the jail, but soon left and could not remember who processed [REDACTED]. He remembers Deputy [REDACTED] working the intake area.

Deputy Green knew a patrol deputy arrested [REDACTED] for a misdemeanor for resisting arrest but could not remember if the deputies "fought" with him in the field. He could not recall if he heard anything about [REDACTED] from the patrol deputies.

Later in the day, Deputy Green was in the breakroom when he heard Deputy [REDACTED] yelling at [REDACTED] to get off the half wall in the sobering cell. Deputy Green remained in the breakroom. Deputies Green and [REDACTED] walked out to the table where the gloves are kept.

Sobering Cell 4 is used for someone who is under the influence as it has a padded floor. Sometimes it is used to separate inmates. Deputy Green did not know why [REDACTED] was in the Sobering Cell 4.

Cpl. [REDACTED] was radioed because deputies need permission to move inmates. Sgt. [REDACTED] came out of his office and told deputies to move [REDACTED] to Safety Cell 3. There was no plan made. Deputy Green asked Deputy [REDACTED] what he was going to do. Deputy [REDACTED] said he was going to just go in. There was no stack order or plan. Deputy Green thought there were 5 or 6 in the area and thought 5 deputies went into the cell.

Lt. Vasquez asked Deputy Green if he knew anything about [REDACTED] mental capacity or illness. Deputy Green stated, "Well, I am not a doctor." Lt. Vasquez asked if he was given any information regarding such mental capacity. Deputy Green answered, "No".

Inmates will rarely sit or stand on the half wall. It is more of a liability standpoint, so the jail staff does not want inmates on it. Over Deputy Green's career, he has seen no less than 20 inmates sit or stand on the half wall. Deputies are usually able to talk inmates off the wall. He believes he had to physically remove inmates once or twice in his career from the half wall.

Deputy Green thinks the way [REDACTED] was removed could be a cell extraction, but it was not intended to be a cell extraction. In his opinion, there is only one type of cell extraction and that is when it is full gear.

Deputy Green knew [REDACTED] was going to be moved into Safety Cell 3. He was not sure and was about "50/50" of whether [REDACTED] would be compliant. Deputy Green stated there would be a typical way deputies would move to do an extraction. The first two guys usually grab arms, and the next deputies would grab legs.

Deputy [REDACTED] went into the cell and Deputy Green followed. As he came around Deputy [REDACTED] he looked up and saw [REDACTED] jump off the wall toward Deputy [REDACTED]. Deputy [REDACTED] deflected him, and [REDACTED] went to his back. Deputy Green moved to take control of [REDACTED]. As he was going down to [REDACTED] he was kicked across the left side of his face by [REDACTED] left foot. His face was burning, and his vision was blurry. Deputy Green was pinned by the window of the cell on top of [REDACTED]. Deputy Green could not see out of the side of his face and his face hurt. Deputy [REDACTED] was telling [REDACTED] to "Stop fighting." Deputy Green could not get [REDACTED] left arm. [REDACTED] was reaching and grabbing at Deputy Green's torso. Deputy Green thought he was going to be punched. He could not access his taser. Deputy Green "struck" [REDACTED] in the face with a closed fist. His strike landed in the "temple area" by his eye and upper cheek. [REDACTED] remained on his back the whole time Deputy Green was in the cell. Deputy Green could not remember where the other deputies were at. He was not focused on them and he was doing the best he could to control [REDACTED]. A couple of seconds later, Deputy Green struck [REDACTED] again two more times with a closed fist. [REDACTED] continued to "fight". Deputy Green struck [REDACTED] a couple more times with closed fist punches and [REDACTED] continued to "fight". Deputy Green struck him two more times and [REDACTED] complied. Deputy Green was able to extend [REDACTED] arm and just laid on it. He struck him a total of 7 times, and all were punches.

After he was struck, he complied, and Deputy Green was able to gain control of his arm. He was able to lock his arm out. Another deputy relieved Deputy Green and he exited the cell.

I asked Deputy Green if any of the strikes were "hammer punches or hammer strikes". Deputy Green paused, and said, "Probably". Lt. Vasquez asked Deputy Green if he punched him with his knuckles or hammer fisted him. Deputy Green paused and said, "My knuckles? Ya." Deputy Green was aware more deputies other than him and Deputy [REDACTED] went into the cell. He believed there was a total of 5 deputies that went into the cell with them. Deputy Green did not observe any other deputies come into the cell; he just knew there were others. Deputy Green could not remember hearing any other deputies. He could not remember if [REDACTED] was moving his torso or legs. All the strikes landed in the same area of [REDACTED] face.

Deputy Green never gave commands to [REDACTED]. Deputy Green did not hear Sgt. [REDACTED] or any other deputy tell him to stop striking [REDACTED].

Deputy Green used objects on the table to describe where the deputies were positioned.

As the deputies gained control of [REDACTED] Deputy Green was pushed out of the way by Deputy [REDACTED] who grabbed [REDACTED] arm. Deputy Green got dizzy after he stood up and moved out of the cell. Deputy [REDACTED] asked him if he was ok. Deputy Green did not assist in taking [REDACTED] to Safety Cell 3. Safety Cell 3 is used for suicidal inmates or inmates who are damaging jail property.

I told Deputy Green he has had weeks' worth of defensive tactics and he has taught classes. I asked Deputy Green if strikes to the face could be deadly. Jason Jasmine interjected and said that was a broad question and that anything could be deadly. In response to the question if strikes to face could be deadly, Deputy Green stated, "I suppose so".

Lt. Vasquez asked if there are zones for strikes. Zones are areas where strikes should be used. Deputy Green said there was not zones for strikes but for impact weapons. Lt. Vasquez said, "In defensive tactics when your taught and teaching students do you teach them that striking someone in the thigh is the same as striking someone in the face is the same level of force?" Deputy Green paused and said, "I would think it would be". The question was then rephrased. Deputy Green believes the face would show more injury than the thigh depending on the severity of how hard you hit them. The question was then rephrased for the third time. Deputy Green said the head would be a greater force than the thigh. Deputy Green agreed the fist could be an impact weapon.

I told Deputy Green about all of his qualifications and experience and asked, "Given the totality of circumstances of this particular incident was this use of force reasonable?" Deputy Green answered. "Yes". I asked Deputy Green what he was basing his answer on. He said, "Basing it on my perspective, cause I was there. Whether it be you were saying punching in the thigh or face, at that point that is all I had, I couldn't hit him in the body, I couldn't do nothing because, I am a big guy, I can't, you know, the wall is right there. I believe because every time I accounted for those strikes, I hit him twice and he was still fighting... I believe."

I asked, "What about [REDACTED] actions made you feel this was appropriate to strike [REDACTED] 7 times?" Deputy Green said, "Well, he was fighting us, he kicked me in the face, he jumped towards [REDACTED] at that point he was willing to fight us, and I did whatever I could do to overcome his resistance and he was fighting us."

I told Deputy Green I understood that. I asked about the fact how he was on top of [REDACTED] Deputy Green corrected me and said he was off to the side. I explained to Deputy Green that I did not understand why he just did not grab [REDACTED] left arm.

Deputy Green said, "I couldn't get his arm. I couldn't. I could not... I just could not get his arm. I tried grabbing his arm. And he... I just could not get it." I asked if [REDACTED] was moving around too much. Deputy Green said, "Ya." I asked Deputy Green if he was struck in the face with [REDACTED] left arm. Deputy Green said, "Ah did not hit me in face." I asked if he was struck in the chest and mid-section area. Deputy Green quietly said, "No." I asked if [REDACTED] grabbed for Deputy Green's duty belt. He said, "That I don't recall. I just..." I asked if Deputy [REDACTED] struck [REDACTED] He said, "I don't, don't recall, I don't know."

Lt. Vasquez Asked for clarification about the strikes and explained how the strikes were delivered in increments of one to two strikes at a time. Lt. Vasquez asked, "In between those strikes are you assessing [REDACTED] reactions to those?" Deputy Green said, "Yes." Lt. Vasquez asked what [REDACTED] reaction was after the first set of strikes. Deputy Green said, "Ahh he was fighting more and continued, umm, until the last set of strikes. And he kind of just, stopped."

I asked Deputy Green what injuries he had after he came out of the cell. Deputy Green said, "My eye was red, um, and right here the, um, the cheek bone was just swollen. It was, my eye was burning, and I was kind of freaking out cause he was barefoot, and I didn't want to get nothing, you know." Deputy Green sought medical assistance. Cpl. [REDACTED] filled out paperwork and Deputy Green went to prompt care at about 1330 hours. Deputy Green told the doctor what happened, and he was told he had an "orbital contusion". Another deputy took pictures of Deputy Green and sent them to him via email.

Deputy Green was present when [REDACTED] was refusing to have his handcuffs taken off. At some point, Deputy Green held [REDACTED] legs down when the nurse came in to look at [REDACTED] was assessed by the nurse. He could not remember if [REDACTED] said anything while he was in the cell. He believed someone put leg shackles back on [REDACTED] When Deputy Green first went into the cell, he thought [REDACTED] was conscious.

Lt. Vasquez asked Deputy Green if his strikes render [REDACTED] unconscious. Deputy Green said, "No". Lt. Vasquez asked if [REDACTED] was still moving and talking after the last volley of strikes. Deputy Green said, "Ya, cause he was awake after that. Cause I remember when I laid on his arm, he was he was still looking around at everybody."

Deputy Green said there was not a criminal complaint completed on [REDACTED] Jail deputies do not write criminal reports often. Deputy Green brought up the fact about doing criminal charges on [REDACTED] the next day with Cpl. [REDACTED] and nothing happened. Deputy Green authored a jail incident report.

Lt. Vasquez asked Deputy Green who made the decision to go to prompt care. Deputy Green said, "I made the decision." Nobody told him to go to prompt care, but supervisors did suggest filling out the paperwork.

Deputy Green could not recall discussing the incident with any other deputies to include Cpl. [REDACTED] Deputy Green did not discuss the incident with Sgt. [REDACTED] and there was no team debrief. I asked Deputy Green if he discussed the incident with any other deputies. Deputy Green said, "No, I was real quiet about it." I asked, "Why was that?" Just cause everything happened, and you know, it's still, I don't know, its, I really don't discuss anything."

Lt. Vasquez asked Deputy Green if he was nervous about his use of force. Deputy Green said, "No, I did not feel nervous about my use of force. Um, it was just my eye and everything else. I just did not know why I needed to discuss it with anybody. I remember just going to hospital. I was there for a while and came back and wrote my report."

Lt. Vasquez said, "You did not tell anyone that you were nervous about this going to IA and that you had already reached out to legal representation?" Deputy Green said, "Um, I don't remember saying that? But as far as legal representation, I would never would have reached out until the time." In reference to legal representation, Lt. Vasquez specified the time Deputy Green may have reached out to legal representation which was right after the use of force. Deputy Green said, "Might have said I was nervous, um, but I just, I would not say anything about legal representation. Lt. Vasquez said, "So it's your statement that you didn't make the statement about reaching out to legal representation about regarding this specific use of force to anybody?" Deputy Green said, "No. I wouldn't have reached out to an attorney or anything."

We took a short break at this time. When we were back on record, I said to Deputy Green, "After you delivered the seven strikes, you just laid on his arm." Deputy Green quietly said, "Ya I believe, Ya." I asked, "Why didn't you just lay on his arm to begin with." Deputy Green said, "Well, I laid... From where I was, his arm, I laid like this on him. But when his arm was free, I couldn't get his arm. I couldn't just flop my body on him. You know, I was just trying with my hands to grab his arms." I asked, "Why couldn't you just flop your body on him and use your body weight to pin his arm down?" Jason Jasmine interjected and said, "He previously said he stopped resisting after he delivered the last of the strikes, which the arm would have stopped moving. You can't lay on an arm if it is doing this." (moving arm around) Lt. Vasquez said he would like to hear Deputy Green say [REDACTED] arm was flailing if that was his "answer". I asked the question again. Deputy Green said, "It wasn't an option, cause he was flailing, waving his arm around." I asked if the arm was waving at the side. Deputy Green said it was waving to "the side, up, and toward me, everything." There was no way he could have pinned his arm with his body weight at the time. Once [REDACTED] stopped, Deputy Green was able to lay across [REDACTED] and pinned his arm.

Jason Jasmine asked Deputy Green when [REDACTED] stopped. Deputy Green said, "After I delivered the last strike."

Deputy [REDACTED] Interview Summary:

On 12-10-20, at about 1051 hours, Lieutenant Vasquez and I interviewed Deputy [REDACTED] regarding his involvement with Inmate [REDACTED] on 11-9-20. Deputy [REDACTED] was represented by his legal counsel, Jason Jasmine. Deputy [REDACTED] was read his Administrative Admonishments verbatim from the Tuolumne County Sheriff's Office form. Deputy [REDACTED] told us the following in summary.

Deputy [REDACTED] has been employed by Tuolumne County Sheriff's Office for 6 years and is currently a jail deputy. He was a work crew deputy for about two years of that time. Deputy [REDACTED] attended the CORE academy in Stanislaus. In the academy they learned about use of force and defensive tactics. He is aware of use of force and the section that governs it. He is aware of our policy and procedure and the changes that have occurred on the state level. He has received updated training in-house during briefing and training days.

Deputy [REDACTED] is familiar with totality of circumstances. He explained it as “mitigating factors that make up the scene or scenario from every angle.” He agreed with circumstances surrounding totality of circumstances such as the number of deputies present. Deputy [REDACTED] takes into account the totality of circumstances prior to using force. He explained what defensive tactics were to include, control holds, strikes, kicks, punches, and impact weapons. His last defensive tactics training was in 2018. Deputy [REDACTED] said the first step of defense tactics is to de-escalate. He explained de-escalation and knew it was covered in TCSO policy.

I asked Deputy [REDACTED] about his friendship with Deputy Green. He said, “Um, I don’t know if we’re friends but we talk occasionally.” I asked if they “hang out” outside of work. He said, “Um, not on an ongoing basis.” I asked how good of friends they were, and he said, “Um, I don’t know how to explain a good friend, but we are on good terms. I guess you could say that.” The two hang out 3 to 4 times a year.

On 11-9-20, Deputy [REDACTED] was working that day as the J1 Post deputy who is responsible for the holding cells and two housing units. On this day, Deputy [REDACTED] came into contact with [REDACTED] however, he does not know him. Deputy [REDACTED] was notified by control about a fresh arrest that was in the jail garage. He could not recall if anything was said about [REDACTED] demeanor prior to contacting him in the garage. The reason he contacted [REDACTED] in the garage was due to Covid-19 protocols.

When Deputy [REDACTED] contacted [REDACTED] he was not compliant with answering questions. He was not resistive or combative. [REDACTED] went through the intake process to include a medical screening. [REDACTED] went through the intake process conducted by Deputy [REDACTED]. Deputy [REDACTED] could not recall if any patrol deputies said anything about [REDACTED] demeanor or mental stability.

[REDACTED] was placed into Sobering Cell 4 so he could be alone and not with any other inmates. Deputy [REDACTED] did not believe [REDACTED] was under the influence of drugs or alcohol and he believed the nurse cleared him saying he was not under the influence.

Deputy [REDACTED] has been trained in cell extractions to include one full day in the academy and two additional 6.5-hour training days throughout his career. Deputy [REDACTED] explained a cell extraction including gaining supervisor approval. He has done about 3 cell extractions total.

Deputy [REDACTED] told [REDACTED] two different times to get off the half wall prior to entering the cell. The first time [REDACTED] said he would have to make to get down. [REDACTED] got down on his own. A couple minutes later, [REDACTED] was on the half wall. Again, Deputy [REDACTED] told [REDACTED] to get down. [REDACTED] remained on the wall. Deputy [REDACTED] radioed Cpl. [REDACTED] about the situation and Sgt. [REDACTED] came from his office. Deputy Green and Deputy [REDACTED] spoke about a plan and whether a shield was necessary. The two agreed a shield was not needed due to the number of deputies present. There were about 5-6 deputies present. Deputy [REDACTED] considered the entering of the cell to get [REDACTED] out a cell extraction.

Deputy [REDACTED] was going to go in first and Deputy Green second. The two were going to go in and grab arms and safely pull him from the wall. Deputy [REDACTED] named the deputies who he remembered being at the cell to include, [REDACTED] Green, [REDACTED] and [REDACTED]. Deputy [REDACTED] has had to remove about 3 people from the half wall throughout his career.

[REDACTED] had his shirt off and spinning it in his right hand yelling unintelligible things. [REDACTED] was "antagonistic". He was shaking his shirt in his hand and motioning for deputies to come in.

Deputy [REDACTED] opened the door and went in first. Deputy [REDACTED] said, "I entered the cell, ah, [REDACTED] unexpectedly jumped toward me. I believe he was trying to attack me. As he was coming toward me, I backed toward the wall to brace myself cause I thought he was going to hit me. I was able to maneuver my hands to keep him from hitting me. And I kind of pushed as he fell backwards, and he landed on the right side of cell." Deputy [REDACTED] believed he would have been struck by [REDACTED] if he did not put his hands up. Deputy [REDACTED] was asked to describe how [REDACTED] jumped at him. Deputy [REDACTED] said, "He jumped directly at me with his arms and legs extended and I believed he was going to hit me." [REDACTED] landed on his back to the right side of the cell. Deputy [REDACTED] was at [REDACTED] right-side torso/arm area. Deputy [REDACTED] was "able to gain control of his right arm as I got on top of him. He was, um, trying to move his arm and trying to overcome our resistance." Deputy [REDACTED] placed his left hand on his wrist and right hand on his shoulder, "basically I put him in an arm bar". I asked where [REDACTED] left arm was and what he was doing with it. Deputy [REDACTED] said, "He, Deputy Green was trying to gain control of that arm, um, that his left arm was flailing. I would say it was flailing on his left side trying to avoid Deputy Green's control." I asked where [REDACTED] left arm was at. He describe it as being between [REDACTED] body and the wall off the ground and "he was moving it in attempt to evade Deputy Greens control." Deputy [REDACTED] had a clear view of [REDACTED] left side of his torso and he could see [REDACTED] arm moving and "Deputy Green trying to gain control." Deputy [REDACTED] gave commands to [REDACTED] about 2-3 times for him to "give us his hands and stop resisting." He could not remember who else was giving commands as it was very loud in the cell.

Lt. Vasquez recapped what Deputy [REDACTED] had said. He asked, "As he ([REDACTED] falls to the ground did he fall flat on his back?" Deputy [REDACTED] answered, "I'd say he more rolled on to his shoulders and his neck area and his feet came up as that happened." Lt. Vasquez asked, "At some point did he kick a deputy in face?" Deputy [REDACTED] said, "Yes he did." Lt. Vasquez asked how that happened. Deputy [REDACTED] said, "Um, as he fell backwards Deputy Green and I went to go gain control of [REDACTED] arms and upper torso. Um, I could see out of the corner of my eye, my field of vision, that [REDACTED] left foot contacted Green's face as we were falling to the ground." Lt. Vasquez asked, "Ok, so, was that as you saw that because it looked like [REDACTED] kicked green in the face or was it because his feet were rolling back from as you described as he fell?" Deputy [REDACTED] asked for the question to be repeated. Lt. Vasquez asked, "As his feet were coming up, is that when Deputy Green's face was struck? Deputy [REDACTED] answered, "Um...I'd say yes." Lt. Vasquez asked, "Ok, so was the contact from what you remember seeing was it incidental from him rolling back and his feet coming or was it like a straight kick to the face?" Deputy [REDACTED] answered, "I believe it was a deliberate kick to Deputy Green's face." The kick happened as [REDACTED] was rolling back onto his shoulders.

Deputy [REDACTED] was positioned to gain control of [REDACTED] legs. Deputy [REDACTED] was at [REDACTED] torso trying to control that and his legs while Deputies [REDACTED] and [REDACTED] were at his legs. Deputy Green had his left forearm on [REDACTED] left shoulder. Deputy [REDACTED] said, "[REDACTED] was moving and jerking, yelling, trying to, trying to basically overcome what we were doing. Um, and his left arm I believe was trying to grab Deputy Green is what I could see from the incident as it happened. Um, and can you repeat the question one more time for me?" Lt. Vasquez said, "It looked like [REDACTED] was trying to grab Green?" Deputy [REDACTED] said, "With his left arm, yes I believe so." Lt. Vasquez said, "What did you see?" Deputy [REDACTED] said, "From [REDACTED] at that point?" Lt. Vasquez said, "Correct." Deputy [REDACTED] said, "That his arm was moving back and forth not only trying to evade Deputy Green's control that he was trying to get but I believe at that time he was trying to grab Deputy Green." Lt. Vasquez asked, "Did you see him grab his belt?" Deputy [REDACTED] said, "No, I did not." Lt. Vasquez asked, "Did you see him grab his shirt?" Deputy [REDACTED] said, "No, I did not." Lt. Vasquez asked, "How about any other part of his body?" Deputy [REDACTED] said, "No I did not." Lt. Vasquez asked, "Ok, so it's your opinion that based on the movement with the arm you think he was trying to grab Deputy Green?" Deputy [REDACTED] answered, "Based on what I could see at the time, yes." Lt. Vasquez said, "Ok, was that because his hand went to grasp any part of Deputy Green that you could see? Deputy [REDACTED] said, "That's what I believed, yes." Lt. Vasquez said, "But, we did not actually see the hand grab anything?" Deputy [REDACTED] answered, "Not that I could see."

At the time of the incident, Deputy [REDACTED] believed Deputy Green struck [REDACTED] 3 times with a closed fist. Prior to the 3 strikes, [REDACTED] was not overcoming any deputies' tactics including Deputy [REDACTED]. The only thing breaking free from deputies was [REDACTED] left arm. The punches looked like a straight punch with knuckles.

I asked Deputy [REDACTED] why he did not strike [REDACTED]. Deputy [REDACTED] said, "I did not strike [REDACTED] because I had control of his left, sorry. I did not strike [REDACTED] cause I had gained control of his right arm and shoulder area." Deputy [REDACTED] could see [REDACTED] left arm moving and he believed Deputy Green would "be able" to control that arm, so he did not need to strike him. Deputy [REDACTED] did not hear Sgt. [REDACTED] tell Deputy Green to stop striking [REDACTED]. Deputy [REDACTED] did not tell Deputy Green to stop striking [REDACTED] nor did he hear any other deputy tell Deputy Green to stop striking Robinson.

I told Deputy [REDACTED] about all of his training and experience as a jail deputy and asked if the force used on [REDACTED] was reasonable. Deputy [REDACTED] said, "Yes". I asked what he was basing his opinion on. Deputy [REDACTED] said, "Um the fact, he um, was combative toward myself as we entered the cell, and he had just kicked Deputy Green and we were giving him verbal commands to comply and he was not doing that with his left arm."

Lt. Vasquez asked if deputies are supposed to reassess as part of defensive tactics. Deputy [REDACTED] acknowledged assessments are made throughout a use of force incident by saying, "Yes." Lt. Vasquez asked, "So after he jumped off the half wall in attempt to attacked you and you had deflected him and he is now on the ground is that a different situation than when he jumped at you from the half wall?" Deputy [REDACTED] said, "Yes, it is a changing situation." Lt. Vasquez asked, "And at that point by the time [REDACTED] is on the ground and the deputies come in to gain control, at some point he kicks Deputy Green correct?" Deputy [REDACTED] said, "Correct." Lt. Vasquez asked, "After the kick is delivered is there a new assessment of what happens in the moment?" Deputy [REDACTED] said, "I would say yes." Lt. Vasquez asked, "Is it your assessment that the only thing that was resisting at that time moving forward would have been [REDACTED] left arm? Deputy [REDACTED] said, "Can you repeat that for me one more time?" Lt. Vasquez said, "So, after the deputies come in and their essentially, it sounds from your statement like you had people on legs, you were on the right arm and I think you previously stated from what you could see is what wasn't controlled on [REDACTED] was his left arm, correct?" Deputy [REDACTED] said, "Correct." Ok so the assessment is we have to get control over this subject's left arm?" Deputy [REDACTED] answered, "Correct." Lt. Vasquez said, "Was that what you, obviously in the moment, that's what you remember seeing?" Deputy [REDACTED] said, "Yes and also he was squirming, I would describe it as squirming trying to overcome all of us. Um, I know his right arm was still squirming while I had it pinned so he was still being, trying to be uncooperative." Lt. Vasquez asked, "Ok, he was still actively resisting in other ways aside from just his left arm." Deputy [REDACTED] said, "Yes, I would say so." Lt. Vasquez said, "And its your opinion that the you described it as three strikes?" Deputy [REDACTED] said, "Yes." Lt. Vasquez said, "To the face as being reasonable?" Deputy [REDACTED] said, "Yes."

Deputy [REDACTED] said the floor to Sobering Cell 4 was "soft padding material". I asked, "Could punches to the face be deadly?" Deputy [REDACTED] answered, "Yes." After the first set of strikes, "[REDACTED] stopped trying to fight us, stopped trying to resist us and we were able to get him handcuffed and leg shackled. Lt. Vasquez asked how many sets of strikes there were. Deputy [REDACTED] said, "For me as it happened, cause it happened quickly, I believe there as one set of strikes."

After the set of strikes, deputies were able to get [REDACTED] handcuffed. [REDACTED] was "carried" to Safety Cell 3. Deputy [REDACTED] could not recall if [REDACTED] was saying anything. He believed [REDACTED] was conscious and there was nothing that made him believe otherwise. [REDACTED] was still moving as they carried him to Safety Cell 3. [REDACTED] was compliant and was not saying anything. He was moving his extremities as they were undoing the leg shackles. A supervisor wanted deputies to unhandcuff [REDACTED] through the food port of the door. [REDACTED] never came to the door to have his handcuffs removed. [REDACTED] did not move or say anything. Deputy [REDACTED] put a safety sheet on the door. He checked him 2-3 times and saw he was breathing each time. There were no other movements by [REDACTED] He notified Cpl. [REDACTED] about [REDACTED] not moving or responding and the nurse was asked to check him.

Deputies [REDACTED] and [REDACTED] went into the cell. They turned [REDACTED] over and he appeared unconscious, but he was breathing. Deputy [REDACTED] performed a sternum rub and [REDACTED] woke up. [REDACTED] eyes "got big". They sat [REDACTED] against the wall. The nurse came in and checked [REDACTED]. The nurse examined [REDACTED] face. He had bruising and swelling on the left side of his face and "it looked severe". His vital signs were good.

Deputy [REDACTED] went back into the cell about 30 minutes after the nurse saw him and assisted in removing his handcuffs. [REDACTED] was compliant and did not cause any issues. Deputy [REDACTED] could not remember if [REDACTED] was saying anything.

There was no criminal complaint written on [REDACTED]

Lt. Vasquez told Deputy [REDACTED] about how he observed one set of strikes for total of three strikes and Deputy [REDACTED] felt that was reasonable. Lt. Vasquez asked, "What if you had observed a total of seven strikes?" Deputy [REDACTED] asked, "Can you repeat the question one more time?" Lt. Vasquez said, "Would your opinion be the same if you observed seven closed fist strikes to his face?" Deputy [REDACTED] said, "Uh, I would say no." Lt. Vasquez asked, "Why?" Deputy [REDACTED] replied, "Because just a few would probably gain compliance and each hit would be a separate use of force, I would say." Lt. Vasquez asked, "Ok, and if you had seen seven and you thought that was unreasonable, it sounds like your saying seven was unreasonable?" Deputy [REDACTED] answered, "Uh, unless the inmate was still resistive and... was still uncompliant and depends on the circumstances of the incident." Lt. Vasquez asked, "If you had seen that would you have intervened in any kind of way?" Jason Jasmine interjected, "Hold on. Hold on. I want to make sure because he answered the question by saying unless the subject was still noncompliant, is your hypothetical assuming the subject is still noncompliant even after the strikes?" Lt. Vasquez said, "Yes, correct. So, my hypothetical is this. You saw at one point and you described that after you gained control of [REDACTED] arm that the only resistance was the fact the he was squirming and that his left arm was moving around attempting to evade Deputy Green, correct?" Deputy [REDACTED] said, "I would say yes." Lt. Vasquez said, "Ok. At that point did you see any other type of resistance?" Deputy [REDACTED] replied, "No, I did not." Lt. Vasquez said, "Ok. so, based on the resistance you did witness that was reasonable to use three strikes, if we are talking about the exact same resistance, seven strikes ok?" Jason Jasmine interjected, "Ok. I hear the hypothetical, but I'm confused by it which is the only reason I'm interjecting. The question whether or not there is a certain number of strikes to overcome resistance or is the question, I guess that is where I'm not, I'm really not tracking the question itself." Lt. Vasquez said, "So, I'm not asking for him to speculate anymore resistance than what he saw. What I'm asking is and your very clear you saw three strikes?" Deputy [REDACTED] said, "As it happened, when how fast it was happening yes." Lt. Vasquez said, "Yes, and that was based on your training and experience that's reasonable. I'm saying under the exact same circumstances is seven strikes ok. Is that reasonable?" Deputy [REDACTED] said, "Sorry can you repeat it one more time? I'm a little confused by your question." Lt. Vasquez said, "Sure, no, no its ok. And I asked it and you had said no. I had asked would you have intervened, and

you said it was depending on the circumstances. So, I don't think I need to re-ask the question of whether or not you think its reasonable because you already said no. So, my next question was looking at the same exact situation if seven strikes are being delivered and you're watching it and you thought it was unreasonable would you have intervened?" Deputy [REDACTED] answered, "...I'd say yes at that point." Jason Jasmine interjected, "So, I want to clarify this because I don't think we have a very clear record at his point. We have a couple of hypotheticals posed that gave incomplete facts. Where we ended last was if he saw something that he thought was unreasonable would he had intervened, and he said yes. Lt. Vasquez said, "Correct, yes." Jason Jasmine continued, "Backing up from that, the question about whether or not the number of strikes. I'm still hung up on the number of strikes question because you're asking him to answer the question about how many strikes would have been reasonable to overcome the resistance that was being prophered by the subject does that?" Lt. Vasquez said, "No the question prior was that he is stating three strikes is appropriate given the amount of resistance he saw, and he said yes. And I asked if seven is appropriate, and he said no." Jason Jasmine said, "Again, I take issue. I disagree that was asked. Maybe if I may ask, did the amount of force you saw used did you deem that appropriate for the circumstance?" Deputy [REDACTED] answered, "Yes." Lt. Vasquez asked, "You observed three strikes from your recollection?" Deputy [REDACTED] said, "At the time of it happening, yes. From my recollection it was three times." Lt. Vasquez said, "Ok, so, then would it be a surprise if I told you there was total of seven strikes?" Deputy [REDACTED] said, "Yes."

Lt. Vasquez said, "Ok. And I don't think there's a dispute of fact as to what the surveillance, you've seen the surveillance?" Deputy [REDACTED] said, "I had watched it, yes." Lt. Vasquez asked how many times?" Deputy [REDACTED] said, "I'd say, I watched it once." Lt. Vasquez asked, "Ok, did you watch it with anybody?" Deputy [REDACTED] said, "Um. Yes, I believe so." Lt. Vasquez asked who he watched it with. Deputy [REDACTED] said, "I don't recall who I watched it with." Lt. Vasquez asked, "Ok, how soon after the incident did you watch it?" Deputy [REDACTED] answered, "Ahh, I believe I watched it... five to ten minutes." Lt. Vasquez said, "And it is your statement that you were with one other person while you watched it?" Deputy [REDACTED] said, "I don't know who I was with when I watched it." Lt. Vasquez said, "But with one other person?" Deputy [REDACTED] said, "No. I don't know, the number of people I was with." Jason Jasmine said, "You said were you with anybody. He said yes. You said who. He said I'm not sure. You interpret that to be one and he didn't say there was one." Lt Vasquez thought he said there was one other person.

Lt. Vasquez wanted to be clear on a question asked earlier. He asked, "You observed three strikes and you said that appeared to be reasonable based on what you had seen?" Deputy [REDACTED] answered, "Correct". Lt. Vasquez asked, "And I'm asking you if you had seen seven strikes would it still be reasonable?" Jason Jasmine interjected and said, "You just said you are not asking him to speculate." Lt. Vazquez said, "No, no about the resistance. Use the same level of resistance and I'm saying if you think three strikes is reasonable for the level of resistance that you're observing, is seven strikes also reasonable for the level of resistance that you saw?" Deputy [REDACTED] sat there. Lt. Vasquez said, "I think it's clear." Deputy [REDACTED] said, "I'm, I'm confused by your question." Lt. Vasquez said, "Ok, so, we're using the level of resistance

that you're testifying, that you're making statement to right now." Deputy ██████ said, "Correct." Lt. Vasquez continued, "You're saying three is reasonable, correct?" Deputy ██████ answered, "At the time three was reasonable to me. At the time I believed I saw what happened." Lt. Vasquez continued, "Would four be reasonable?" Jason Jasmine interjected and said, "Is there any number? That's why I'm actually trying to get, I'm confused by the fact you're fixated on the number. Wouldn't the question be is the force reasonable to overcome resistance? Is the force you saw being used reasonable for overcoming resistance that you saw it being used whether it was one strike, two strikes, five strikes, hundred strikes. If the inmate is still resisting is it reasonable to use force to overcome that resistance?" Lt Vasquez said, "Yes. But we also established based on your training and experience that the amount of strikes does go into consideration of the totality of circumstances specifically for use of force. So, it would make a difference if it was one strike or seven strikes. And I'm asking based on his opinion if he thinks three strikes is appropriate and I'm asking if seven strikes is also appropriate?" Jason Jasmine said, "Depending on the circumstance I assume is your question." Lt. Vasquez said, "Depending on the circumstances that you saw that day?" Deputy ██████ said, "Based on what I saw, three was no issue." Lt. Vasquez asked, "How about seven?" Deputy ██████ said, "Obviously I couldn't see what Deputy Green... I take that back. I could see what I could see and based on what happened I believe it was three strikes cause it happened quickly. Um, If, I don't believe he hit him seven times at the time I realize that, um, that surprised me that it was seven times." Lt. Vasquez asked, "Would seven strikes be reasonable?" Deputy ██████ said, "I'd say depends on the circumstance of what's going on." Lt. Vasquez said, "Based on the circumstances you saw that day?" Deputy ██████ answered, "Then I would say no." Deputy ██████ asked to take a break.

Once back on record, Lt. Vasquez paraphrased the previous line of questioning and asked to be corrected if he did not have it correct. Lt. Vasquez said, "In the moment you had observed three strikes that you thought were reasonable based on the situation you had observed. Deputy ██████ said, "Correct." Lt. Vasquez continued, "Would more strikes also have been reasonable if the resistance had continued?" Deputy ██████ answered, "Yes."

Deputy ██████ believed he discussed the incident in regard to who was going to write what report. The deputies in the room were ██████ and ██████. They briefly discussed the incident. I asked what was said about Deputy Green's strikes. Deputy ██████ said Deputy Green said that he had punched ██████ in the face.

Lt. Vasquez asked if Deputy Green was concerned about the level of force he used. Deputy ██████ said, "Um, yes he did." Lt. Vasquez asked, "Did he tell he reached out right away to legal counsel regarding his concern that this would go to IA?" Deputy ██████ responded, "I remember him making a statement that he was gonna call Jason Jasmine." Lt. Vasquez asked, "How ██████ after the incident was that." Deputy ██████ said, "If I had to guess ten minutes."

In regard to the previous statement about Deputy Green reaching out to legal counsel, the conversation occurred about ten minutes after the incident. The deputies Deputy ██████ believed were there were ██████ and Sgt. ██████.

Deputy [REDACTED] said Sgt. [REDACTED] may have made a statement about the incident possibly going to IA about 5-10 minutes after the incident.

Deputy [REDACTED] described a distraction strike as a strike used to distract to gain control. The area of the body that needs to be controlled may be struck. Specifically, if an arm needs to be controlled, Deputy [REDACTED] may use a distractionary strike to the arm or the face if the subject is combative. Lt. Vasquez said, "A distraction strike to the face?" Deputy [REDACTED] said, "If they're combative, yes."

Corporal [REDACTED] Interview Summary:

On 12-10-20, at about 1227 hours, Lieutenant Vasquez and I interviewed Corporal [REDACTED] regarding her involvement with Inmate [REDACTED] on 11-9-20. Corporal [REDACTED] was represented by her legal counsel, Jason Jasmine. Corporal [REDACTED] was read her Administrative Admonishments verbatim from the Tuolumne County Sheriff's Office form. Corporal [REDACTED] told us the following in summary.

Cpl. [REDACTED] has been employed with the sheriff's office for almost 3 years. She has been a corporal for 1 year. She explained what a corporal was, "a supervisor of floor staff" and trains new staff. She was currently an Officer in Charge for a day shift and had been doing that for a few months. Cpl. [REDACTED] attended a CORE academy in Stanislaus. She is a defensive tactics instructor and has been for 1 year and is also a search and rescue liaison for 1 year.

Cpl. [REDACTED] is familiar with use of force and TCSO policy. She is up to date with the new state changes in use of force. I asked Cpl. [REDACTED] if she was aware of totality of circumstances. She began to explain it as using too much force would get a deputy in "trouble". I gave her examples of what totality of circumstances was, such as the size of the subject or deputy, drug or alcohol consumption by subject, and/or the number of deputies. I told her those were included into the totality of circumstances. She described defensive tactics as control holds and are basically a technique used to gain control. Cpl. [REDACTED] last trained in defensive tactics about a year ago and she was an instructor for it. Cpl. [REDACTED] was not aware of the POST mandate for defensive tactics updates, which is every 2 years. Cpl. [REDACTED] has been taught what de-escalation is and explained it as talking to someone. She was aware it was in TCSO policy.

Cpl. [REDACTED] was working the day of 11-9-20 as the officer in charge. She was present when [REDACTED] came to the jail, however, she does not know him. Cpl. [REDACTED] was called to the jail basement for the new arrest because she needs to be present for all fresh arrests. This was protocol due to Covid-19. While in the basement, she observed [REDACTED] being noncompliant. He was loud and not answering questions. [REDACTED] was moving and shifting around a lot. When he came inside, deputies were able to get [REDACTED] through the intake process. [REDACTED] went through the process but "not very well". [REDACTED] had told the nurse his ankle was hurting.

I asked, "Did any of the patrol deputies make a statement about [REDACTED] demeanor, behavior out in the field?" Cpl. [REDACTED] answered, "Not specifically out in the field. [REDACTED] said, um, he's here on a misdemeanor, I was gonna drop him off at the hospital and put him on a hold. And I was like, ok. But he brought him to us instead." I asked if Deputy [REDACTED] said why? Cpl. [REDACTED] said, "Why he brought him to us instead? I think, I don't, I think, I don't know, I can say I think, but he. I don't know, I can't remember exactly what he said." Lt. Vasquez asked, "What did you interpret as a hold?" Cpl. [REDACTED] answered, "I'm sorry. The, the mental health hold like a 5150." Lt. Vasquez asked, "Like a 5150?" Cpl. [REDACTED] replied, "Like I said, I think he was acting erratic, but I don't specifically, I don't ask the patrol deputies specific details. It's not my job. I just make sure he's good in custody." I asked, "Did he, Deputy [REDACTED] make any statements about [REDACTED] behavior or demeanor?" Cpl. [REDACTED] answered, "Like I said, just how he was gonna put him on a hold and I, he may have mentioned he's being erratic. I don't, I remember specifically, I think that's what he said. I asked, "Did he mention of, um, quote unquote crazy?" Cpl. [REDACTED] answered, "I don't know if he said he was crazy, but he said he was gonna put him, he as thinking about taking him to the hospital and put him on a hold so that kind of implies right?" Lt. Vasquez asked, "Is that how you interpret it?" Cpl. [REDACTED] replied, "That's how I would interpret he was acting erratic and, ya, that's how I interpret that."

[REDACTED] was cleared by the nurse for custody. [REDACTED] was placed in Sobering Cell 4 "cause there was someone in five. And due to his behavior and him being passively resisting we put him in four instead." Sobering Cell 4 is used for person intoxicated persons, possibly a harm to oneself, or just to separate inmates.

[REDACTED] was not under the influence of alcohol and Cpl. [REDACTED] was not sure if he was under the influence of drugs. Cpl. [REDACTED] has had one in-house cell extraction training put on by a sergeant and Deputy Green back in 2018. She also had training in the academy. She has done a "few" cell extractions similar to the one she was involved with on 11-9-20.

Cpl. [REDACTED] received radio transmission from Deputy [REDACTED] saying there was an inmate on the half wall. Cpl. [REDACTED] came downstairs and saw Sgt. [REDACTED] was "instructing people and I just stood by". Cpl. [REDACTED] assumed Sgt. [REDACTED] was in charge of the incident. She saw [REDACTED] feet on the half wall, he was waving his shirt around and he was talking loudly. I asked if there was a plan for deputies to enter the cell. Cpl. [REDACTED] said, "I believe, I believe so. Like I said when I got down there, they're all already lined up." Cpl. [REDACTED] was not present if there was in fact a plan made. I asked Cpl. [REDACTED] if she typically makes a plan. She responded, "I believe, I mean when I run one, ya." Cpl. [REDACTED] was not told by Sgt. [REDACTED] about moving [REDACTED] Deputies [REDACTED] Green, [REDACTED] [REDACTED] and [REDACTED] were the deputies that went into the cell. I asked Cpl. [REDACTED] if she went into the cell. She said, "I stood by and I grabbed stuff when they requested."

Cpl. [REDACTED] could only remember one other time where an inmate was on the half wall that did not get down. Deputies went in and were able to get him to comply. Cpl. [REDACTED] could only remember one person who went into the cell for an inmate sitting on the half wall.

Right before the deputies went into the cell, she could hear [REDACTED] getting loud. She saw [REDACTED] "jump" off the wall toward Deputy [REDACTED] and "fell" out of her view. She saw Deputies [REDACTED] and [REDACTED] "were getting like pushed around" while they "were trying to get the legs and they're just getting pushed back, back and forth and back and forth and they finally got him to stop and they yelled to get ankle shackles so I went and got ankle shackles cause [REDACTED] was the one running it and my impression was he was still watching so I got ankles, came back, gave them ankles. By that time, he was controlled, not moving. So, we took a break and I was trying to get people out if they needed to be replaced by other people, [REDACTED] gave me his glasses cause he got elbowed in the face, I think." While Cpl. [REDACTED] was on the breakroom getting leg shackles, she heard Sgt. [REDACTED] yell, "Stop striking him!" She only heard him yell it once. Cpl. [REDACTED] never saw Deputy Green or any other deputies strike [REDACTED]. Cpl. [REDACTED] could not see any other force being used other than deputies trying to control extremities. Cpl. [REDACTED] heard deputies giving [REDACTED] commands such as "Stop resisting, stop resisting". Cpl. [REDACTED] radioed for medical at one point.

Deputies were able to gain control and handcuff [REDACTED]. He was moved to Safety Cell 3 due to him being non-compliant and a potential danger to himself. I asked, "When [REDACTED] was carried out, was he conscious?" Cpl. [REDACTED] said, "Ya." I asked why she thought that. Cpl. [REDACTED] said, "Because he, I don't know, I guess he was conscious." Cpl. [REDACTED] did not think [REDACTED] was saying anything and does remember if he was "kicking at that time".

Once [REDACTED] was in Safety Cell 3, she could remember [REDACTED] breathing. She told deputies to leave the handcuffs on [REDACTED]. Her protocol is to leave handcuffs on a combative subject and have them come to the door to take them off. [REDACTED] just laid there. Cpl. [REDACTED] remembered watching [REDACTED] breath. [REDACTED] never came to the door to get his handcuffs off. Cpl. [REDACTED] watched [REDACTED] to ensure he was breathing. Safety checks are completed every 15 minutes and part of the check is to ensure the subject is breathing.

Lt. Vasquez asked, "Did you have a concern that he might be unconscious?" Cpl. [REDACTED] said, "Unconscious, no." Lt. Vasquez asked, "Why do you feel that way?" Cpl. [REDACTED] answered, "Because like I said, the deputies the way they were acting when they were taking off the ankles, I believe he was giving resistance. Lt. Vasquez, "Did you see it?" Cpl. [REDACTED] said, "No, I wasn't specifically in there, I was standing out."

She had the nurse wait a little while before going into the cell. After a little while, deputies devised a plan to go into the Safety Cell 3 to have the nurse see [REDACTED]. She believed Deputies [REDACTED] and maybe [REDACTED] went in. She remembered hearing [REDACTED] moaning. She remembered [REDACTED] received a sternum and that is why he was sat up. The nurse took [REDACTED] vital signs. She believed [REDACTED] was talking to the nurse. Cpl. [REDACTED] saw [REDACTED] face and saw he had a black eye and swollen. She thought the eye looked "bad". She thought his eye was swollen shut. The handcuffs remained on. [REDACTED] was left in the cell and told to come to the door to get unhandcuffed. [REDACTED] never came to the door. Awhile later, deputies went in and unhandcuffed [REDACTED].

Sgt. [REDACTED] and Cpl. [REDACTED] reviewed the video footage together after the incident. She believed Sgt. [REDACTED] watched it first. Sgt. [REDACTED] asked her what she thought of the incident. She told him, "I don't know". She then said to me and Lt. Vasquez, "Like, sorry I am new at being a supervisor. So I was like I don't know, I did not realize that, you know, that was happening or whatever and he said well, he, he, he was concerned and I said ok do what you have to do and he said ok like, cause he was concerned about it. Does that make sense to you guys?"

Cpl. [REDACTED] was asked what she said to Sgt. [REDACTED] about her thoughts of the video. Cpl. [REDACTED] reiterated she did not know what she thought as she has not been a part of many uses of force before. Cpl. [REDACTED] said Sgt. [REDACTED] seemed like he made up his mind to "send it up". I took this statement as being sent to Internal Affairs. Cpl. [REDACTED] was asked if she discussed or did a debrief of the incident with anyone else. She said there were some deputies in the breakroom and Deputy [REDACTED] was "out", so she went to the safety cell to check on [REDACTED]. Deputy Green said he was kicked, and Deputy [REDACTED] said he hit his head. Both were sent to the nurse. Deputy Green needed to get his eye looked at and Deputy [REDACTED] refused to be seen any further. Cpl. [REDACTED] told Deputy Green to go to Prompt Care. Deputy [REDACTED] did not know if he got hit or pushed into the wall while trying to gain control of [REDACTED].

I again asked if there was a debrief. She said there was no debrief done with the people involved. She spoke with her team about the incident as she was just covering for Sgt. [REDACTED] the day of the incident. She said her team including Deputies [REDACTED] and some new hires watched the video footage. The team discussed all "the different ways we could have handled it and I left. (giggled) Cause I'm not gonna argue with [REDACTED] and [REDACTED] and they were doing it as a training exercise with their people." Deputies [REDACTED] and [REDACTED] were critiquing the video with their new hires and they were "annoying" Cpl. [REDACTED] so she left. Lt. Vasquez asked why they were annoying her. Cpl. [REDACTED] said, "Because they, have you met Deputy [REDACTED] before? Ok, sometimes his opinions annoy me, so I just leave." Lt. Vasquez asked if it was because the two's opinions were different. Cpl. [REDACTED] answered, "Um, I, not necessarily different but because I had conversations with him before and he's always right and so I just leave. Jason Jasmine wanted to clear the record and asked if Cpl. [REDACTED] was being sarcastic about Deputy [REDACTED] always being right. She said, "Definitely sarcastic, I'm sorry."

There was no criminal complaint written as it was Sgt. [REDACTED] call. Writing criminal reports are not common within the jail and it depends on the deputy. Supervisors can make their deputies write them. Cpl. [REDACTED] said she could make it happen and reiterated she was a new supervisor and unsure about a lot of things, so she goes to Sgt. [REDACTED].

Cpl. [REDACTED] was present in the intake with Deputy Green after the incident. Deputy Green was complaining of pain to his face. Cpl. [REDACTED] made a joke to Deputy Green about testing for corporal that morning and being involved in a use of force. Deputy Green did not take the joke well and was "annoyed" with Cpl. [REDACTED].

I told Cpl. [REDACTED] about all her training and experience and the fact she is a defensive tactics instructor and asked her if the force used by Deputy Green was reasonable. Cpl. [REDACTED] remained quiet for a moment and said, "I believe, so, it overcame resistance. The force used was overcoming resistance. Right? So, the number of deputies and the behavior, and then him jumping at the deputies." I asked if it was reasonable. Cpl. [REDACTED] said, "Do I believe that the force was reasonable? I told her it was tough question. She said, "I get it, that's hard." I told her again, based off her experience and watching the video was the force used reasonable? "I have never been in a situation like that, so, I have never been the people specially on top of a person who is actively fighting." I told her I understood but again told her of her training, rank, and defensive instructor status and asked if the force was reasonable? She said, "I wouldn't have done it the same." I asked her what she would have done. Cpl. [REDACTED] said, "I would, I would have, I don't know, just used, I don't know, I don't know what I would have done actually cause I wasn't in there, but I don't feel like me as that person, I wouldn't have. It depends on where you're at. I don't know. I am answering this question horribly wrong."

Lt. Vasquez told her it was a tough question and that she is a supervisor. Cpl. [REDACTED] was asked to articulate her answer. Cpl. [REDACTED] said, "So part of, part of it was reasonable, yes. Part of it was reasonable force. Um, the striking specifically, I probably, I don't feel like the number of strikes probably, but the overcoming of resistance and the utilization of the number of deputies based on the amount of resistance given."

Lt. Vasquez understood that part of the force used was reasonable. He asked maybe the number of strikes was not necessary. Cpl. [REDACTED] said, "Right, like after reviewing the camera footage, sure." Lt. Vasquez asked, "The force that was used was reasonable, but the number of strikes was not? Cpl. [REDACTED] said, "Sure, yeah, I guess. I guess that is exactly what I am saying." Lt. Vasquez asked her to be sure and to clarify if need be. Jason Jasmine spoke and said he wanted clarification on the force used. Jason Jasmine clarified that Cpl. [REDACTED] felt the force was reasonable except for the amount of strikes delivered.

Cpl. [REDACTED] had a hard time understanding the question and appeared uncomfortable. She kept going back to the number of deputies present and level of resistance.

There was back and forth rephrasing of questions from Lt. Vasquez and Jason Jasmine to Cpl. [REDACTED]. Lt. Vasquez asked if the strikes were reasonable. Cpl. [REDACTED] began talking about what [REDACTED] may or may not have been doing with his hands and she said, "Holy shit you're counting all these numbers of strikes, but I don't know what he ([REDACTED]) was doing under... For me, would I do it? No, but maybe if he was going to punch me. I don't know."

Lt. Vasquez asked why? Cpl. [REDACTED] said, "Not how I would do it unless, like I said, that he was gonna hit me because I'm not someone who strikes people, like, I never struck someone so, so, I don't think I would literally strike someone, me, myself." Cpl. [REDACTED] understands there are times when a deputy may have to strike someone. Lt. Vasquez brought up target areas which are areas to strike a subject.

Lt. Vasquez asked, "The inmate was struck in the face, was that concerning based off the level of resistance you saw? Cpl. [REDACTED] said, "You guys I am very sorry, so, I don't, I don't know."

Lt. Vasquez told Cpl. [REDACTED] that it was her job to know as she was an instructor for this agency. Lt. Vasquez asked if part of the concern was the target of the strikes? Jason Jasmine interjected with, "So again just to be clear, does it cause you concern that the target was the inmate's face and if so, why does that concern you? Cpl. [REDACTED] said, "Um, well, yeah, having him get struck in the face that's concerning because you shouldn't strike someone in the face. Right?"

Cpl. [REDACTED] wanted to explain her role as a defensive tactic's instructor. She has only gone to ISR defensive tactics which is the "helmet" move. She has not gone through the CA POST approved course. She has only taught one specific part of the ISR course and the main goal is to get the suspect to the ground on their back.

She explained the knockout zone as the part of the head and face that could knock a person out. Lt. Vasquez asked, "Is that part of the reason why it was concerning that the target area is the head?" Cpl. [REDACTED] said, "Yes, because we weren't trying to knock out the inmate."

Cpl. [REDACTED] explained a distractionary strike as "Something to distract them, right?" She later said, "It is not a strike to aim at something." Distractionary strikes should be used on the arm, torso, and "not the face". A strike to the head would most likely cause injury. Cpl. [REDACTED] would not strike a person like that based on viewing the video footage. She would not teach the strikes to the face but would teach gaining control without strikes.

Lt. Vasquez asked if there was a protocol for dealing with an inmate who may or may not be 5150 W&I. Cpl. [REDACTED] said the intake process would not change but the person would be housed different. Most would be placed in a single cell and it would depend on charges.

If a deputy says the person is 5150 but has a warrant, there is no protocol. There was no conversation with anyone else about [REDACTED] and his mental stability prior to placing him in the cell.

If a person comes in and is making suicidal statements, jail staff will ask questions and the inmate will be placed into a safety cell, padded room with a "smock". Deputy [REDACTED] never made a statement about [REDACTED] being suicidal but just that he was going to take him on a 5150. Cpl. [REDACTED] took 5150 as being suicidal.

Sergeant [REDACTED] Interview Summary:

On 12-10-20, at about 1400 hours, Lieutenant Vasquez and I interviewed Sergeant [REDACTED] regarding his involvement with Inmate [REDACTED] on 11-9-20. Sergeant [REDACTED] was represented by his legal counsel, Jason Jasmine. Sergeant [REDACTED] was read his Administrative Admonishments verbatim from the Tuolumne County Sheriff's Office form. Sergeant [REDACTED] told us the following in summary.

Sgt. [REDACTED] has been with TCSO for 13 years. He is currently the interim jail commander and has been for a few months. He is a sergeant and has been for 3 years. He has had the positions as a corporal for 1 year, training officer for 1 year, and is a taser instructor. He has no other collateral assignments. He attended a 6-week CORE academy in Merced, CA. During that time, he was taught use of force and defensive tactics. He is familiar with use of force and TCSO policy. He is up to date with the changes in use of force throughout the state from agency memos. He is familiar with totality of circumstances and explained it as the overall situation or incident to include the subject's actions, weapons, and the number of deputies.

Sgt. [REDACTED] explained defensive tactics as control holds, pain compliance, and strikes to effect control of someone. The last defensive tactics training was about 1 year ago. Sgt. [REDACTED] has had in-house cell extraction training a couple of years ago. Sgt. [REDACTED] has never been involved with a full gear cell extraction but has been involved in a few of the non-gear cell extractions.

On 11-9-20, Sgt. [REDACTED] was working and came into contact with [REDACTED] just before the deputies entered the cell to remove him. Sgt. [REDACTED] heard deputies yelling for [REDACTED] to get down two different times from his office which is near the intake area. The second time, Cpl. [REDACTED] was radioed. Sgt. [REDACTED] came out to the intake area assuming Cpl. [REDACTED] was being summoned for the inmate that deputies were yelling at.

[REDACTED] had been warned to get off the wall. He explained sitting or standing on the wall is not allowed and this has been the "standard procedure" his entire career. Sgt. [REDACTED] was concerned [REDACTED] could fall off and injure himself or possibly damage the facility. He was less concerned for [REDACTED] to hang himself as there were deputies watching. When Sgt. [REDACTED] came out, he saw [REDACTED] standing on the half wall. Sgt. [REDACTED] gave at least one command for [REDACTED] to get down. Other deputies were giving commands as well. Sgt. [REDACTED] could not remember anything [REDACTED] was doing to motion at the deputies. Deputies told Sgt. [REDACTED] that he had been on the half wall. There was no mention of [REDACTED] being under the influence of drugs or alcohol. He does not believe there was a safety sheet on the wall indicating [REDACTED] was under the influence. There was no talk about any mental health issues with [REDACTED] until after the incident. Sgt. [REDACTED] could not remember if he read something about [REDACTED] having mental health issues or if someone had said something.

Sgt. [REDACTED] ordered the deputies to enter the cell and remove [REDACTED] for his safety. There was not a detailed plan. Deputies discussed who was getting arms and legs. They mentioned the shield, but it was decided to not use it due to [REDACTED] being elevated on the wall.

I asked Sgt. [REDACTED] if he knew that [REDACTED] had a mental health issue would he have still sent in deputies. He said he may have talked with [REDACTED] more but may have had to go in anyway and that is based off what has always been done.

Prior to entering the cell, Sgt. [REDACTED] knew he had enough deputies to enter the cell. He knew Deputies [REDACTED] Green, [REDACTED] and [REDACTED] went in. Sgt. [REDACTED] has removed at least one other inmate for sitting/standing on the half wall.

From the position of the window to the right of the cell door and his field of view, Sgt. [REDACTED] watched the incident unfold. [REDACTED] jumped off the half wall and "it appeared that he struck Deputy [REDACTED] or at least came close to him." He was not sure if [REDACTED] fell to the ground or was taken down. Once on the ground, it "appeared" [REDACTED] foot "make contact" with Deputy Green. Lt. Vasquez asked Sgt. [REDACTED] if Deputy Green was kicked in the face. Sgt. [REDACTED] said, "I don't know its definite, I don't know for a fact, so probably not, but I don't know for sure." Lt. Vasquez what it looked like to Sgt. [REDACTED] He said, "It looked like he got knocked back and his foot came up striking Deputy Green."

Sgt. [REDACTED] had a hard time seeing everything as there were many deputies in the cell. [REDACTED] was lying face up. Deputy [REDACTED] was on [REDACTED] right side and Deputy Green was on his left side. Sgt. [REDACTED] did not see [REDACTED] hands once he went to the ground. [REDACTED] appeared to be actively resisting by "thrashing around". The fact Sgt. [REDACTED] could not see [REDACTED] hands is why he wanted to report the use of force to Undersheriff Evans. Sgt. [REDACTED] could not remember hearing commands made to [REDACTED] Sgt. [REDACTED] saw Deputy Green strike [REDACTED] and said, "Which given his level of resistance was definitely possible." Sgt. [REDACTED] felt the first strike was within reason. Deputy Green gave another strike and Sgt. [REDACTED] gave the command for him to stop striking [REDACTED] Deputy Green Struck [REDACTED] again, and Sgt. [REDACTED] gave another command for Deputy Green to stop striking him. Deputy Green struck [REDACTED] again and stopped after this strike. Sgt. [REDACTED] thought Deputy Green heard him and that is why he stopped. Sgt. [REDACTED] gave two total commands. The strike target area appeared to be in the area of [REDACTED] head. Sgt. [REDACTED] saw a total of 5 strikes from Deputy Green. He did not see any other deputies strike [REDACTED]

Sgt. [REDACTED] felt the first strike was "within reason". Lt. Vasquez asked Sgt. [REDACTED] why he told Deputy Green to stop. Sgt. [REDACTED] said, "I told him to stop on the second one. And because the totality, the amount of deputies and was trying to prevent this, obviously (referring to the IA process). I feel as a supervisor it is my job to prevent things. The second one was where it entered the gray area, but I couldn't see everything, so I don't know for sure what's going on. But that's why I gave the command cause from presence it appeared."

Sgt. [REDACTED] did not see Deputy [REDACTED] controlling [REDACTED] right arm as he was focused on Deputy Green. Lt. Vasquez asked Sgt. [REDACTED] if he would be concerned if there was a different strike location. Sgt. [REDACTED] said he would have had the same amount of concern if [REDACTED] was struck anywhere else. The location changes the severity of the force for the potential of injury. Sgt. [REDACTED] said the same would apply for a fist to the face. Sgt. [REDACTED] explained a distractionary strike. He could not recall being taught to strike in the face as a distractionary strike. Lt. Vasquez asked, "Where ideally would you strike based off your training and experience?" Sgt. [REDACTED] said, "So, in my 13 years I have never actually struck anybody with a fist. Um, so I, if you're asking me what I would do in the scenario, I would not have struck him. I would have tried something else. But just because I wouldn't do it does not mean that it is not allowed. So, that would be my answer, I would not have strike him. Not to say that situations wouldn't arise."

Sgt. [REDACTED] could not remember hearing if anyone else told Deputy Green to stop striking [REDACTED]. Sobering Cell 4 is used for persons under the influence and as a cell to hold inmates depending on classification. Once [REDACTED] was handcuffed and leg shackled, Sgt. [REDACTED] believed [REDACTED] was conscious and thinks [REDACTED] may have yelled something but was not for sure. The plan was to put [REDACTED] into Safety Cell 3. [REDACTED] was carried to the cell. Deputies took the leg shackles off with the plan to remove the handcuffs through the food port. Deputies tried to get [REDACTED] to the door to remove the handcuffs, but he did not get up. He was lying on the ground and breathing. Medical was told to wait due to the level of resistance from [REDACTED]. Deputies later went into the cell and Deputy [REDACTED] gave him a sternum rub. [REDACTED] did not respond that Sgt. [REDACTED] could remember. Deputies placed [REDACTED] against the wall. The nurse went in and [REDACTED] was not opening his eyes for the nurse. The nurse cleared him to remain in custody. Sgt. [REDACTED] told Cpl. [REDACTED] to leave the handcuffs on.

After the incident, Sgt. [REDACTED] told deputies to not talk about the incident knowing the incident would be sent "upstairs" (IA). Sgt. [REDACTED] heard from Cpl. [REDACTED] that Deputy Green was going to Prompt Care. There was no debrief of the incident. Sgt. [REDACTED] was not aware of any conversations between deputies or if Deputy Green said anything.

Sgt. [REDACTED] watched the video after he notified Undersheriff Evans, maybe 20-30 minutes after the incident. Sgt. [REDACTED] told Undersheriff Evans there was a questionable use of force. Undersheriff Evans told Sgt. [REDACTED] to stop talking and to write a memo and send it to Lt. Vasquez. Sgt. [REDACTED] spoke to Cpl. [REDACTED] about the incident whether it was excessive or not. There was no opinion reached at the time.

Sgt. [REDACTED] has never struck someone in his career. He has never been in a position to where he felt like he had to. He has seen inmates being struck in the face before for the purpose of trying to gain control of the person.

One of Sgt. [REDACTED] tasks is to review uses of force and if it is questionable, he needed to send it to IA which is what he did. Sgt. [REDACTED] knew there was questions related to the force and he could not ask based off POBAR.

Lt. Vasquez asked, "Based on everything you have seen you believe it is excessive force." Sgt. [REDACTED] said, "I didn't say that. I said it is definitely questionable." Lt. Vasquez said, "I'm asking you." Sgt. [REDACTED] said, "Oh sorry, Okay sorry. That's a tough one. Um, I don't know I'm still stuck in the I don't know. I wanted to prevent it from becoming excessive force." Lt. Vasquez asked, "Did you tell him to stop striking?" Sgt. [REDACTED] said, "Yes." Lt. Vasquez asked why? Sgt. [REDACTED] said, "Because I wanted to prevent it from becoming excessive force." Lt. Vasquez asked, "You told him that after the first strike?" Sgt. [REDACTED] said, "I thought it was the second strike but somewhere in there, yes." Lt. Vasquez asked, "You observed a total of 5 strikes? Sgt. [REDACTED] said, "5 strikes, yes." Lt. Vasquez said, "So, if you told him after the second strike, assumingly, correct? Sgt. [REDACTED] replied, "Right". Lt. Vasquez said, "Then that would mean you wanted to prevent it from going further correct?" Sgt. [REDACTED] said, "Correct."

Lt. Vasquez asked, "Did it go further? Sgt. [REDACTED] replied, "Yes." Lt. Vasquez asked, "So do you feel it was excessive force?" Sgt. [REDACTED] said, "Um, I don't have enough information. I don't know what the hands were doing. That kind of where I am at with it. That's why I sent it upstairs. I mean had I said its absolutely excessive force I still would have sent it upstairs, but I would have said its absolutely in my opinion excessive force. Lt. Vasquez said there were two strikes and the commands were given to stop striking him then an additional three strikes. Lt. Vasquez asked, "It's your statement that you do not believe it is excessive force or that you are unsure?" Sgt. [REDACTED] said, "Is unsure not that it was not. There were questions that needed to be answered before a determination can be made." Lt. Vasquez then asked for Sgt. [REDACTED] opinion on whether it was excessive force. Sgt. [REDACTED] said, "So, I don't know is my opinion. I don't know without asking specific questions." Lt. Vasquez clarified when Sgt. [REDACTED] told Deputy Green to stop striking [REDACTED] Sgt. [REDACTED] said, "Two strikes and we wouldn't be having this conversation if that is what you're asking?" Lt. Vasquez asked, "Everything after that you thought was extra?" Sgt. [REDACTED] said, "Definitely the gray area rather, so, my hanging point is what else was going on. Cause I wasn't physically in there, what I couldn't see. That is my hanging point in this whole thing."

There was not a criminal complaint. There was no push by a deputy to write criminal report. Typically, deputies would need to have an injury before any charges would be filed. Sgt. [REDACTED] saw the picture of [REDACTED] injury within 20 minutes of the incident taking place. He said the injury looked "minor".

Sgt. [REDACTED] felt one or two strikes were "okay". I asked based off what he saw with all the circumstances surrounding the incident. Sgt. [REDACTED] still could not give an opinion without questions being answered.

Sgt. [REDACTED] was asked what the protocol is for a 5150W&I suspect that is brought into custody for a warrant. He said the suspect would be brought into custody. The inmate would be asked more questions to determine where the inmate would be placed. Sgt. [REDACTED] would need to know why the suspect is 5150W&I. The inmate may end up in a "smock" and placed into a safety cell. Mental Health would only be contacted if the suspect is suicidal.

Jail Tech [REDACTED] Interview Summary

On 12-15-20, at about 1300 hours, Deputy [REDACTED] and I interviewed Jail Tech [REDACTED] regarding her involvement with Inmate [REDACTED] on 11-9-20. Jail Tech [REDACTED] told us the following in summary.

Jail Tech [REDACTED] has been a Jail Tech with TCSO for 16 years. She was working on the day of 11-9-20 as a Jail Tech and she had a new hire Jail Tech she was training, [REDACTED]. [REDACTED] remembered [REDACTED] came in for a misdemeanor warrant. There was a booking opened for him, but he was not booked that day. When [REDACTED] came in, he seemed agitated and the arresting officers said he was uncooperative in the field. She could not remember who the arresting deputies were. [REDACTED] never booked [REDACTED] because he was uncooperative.

██████████ was put into Sobering Cell 4. Sobering cell 4 is used for people under the influence or for people who could damage jail property. She was not sure why ██████████ was placed in Sobering Cell 4. She had a conversation with the arresting deputies about ██████████ but could not remember what was said or if they said he was uncooperative. Jail Tech ██████████ believed ██████████ was possibly under the influence of something because he was moving a lot and just "kind of scattered looking". ██████████ did not seem relaxed. She could see the way ██████████ was interacting with deputies. ██████████ could not recall if she asked the intake deputy if ██████████ was bookable, but he was not booked.

At one point after the use of force incident, ██████████ sister called the jail and said ██████████ had been causing an issue at her house and he was arrested. Jail Tech ██████████ could not remember if the sister called that day or the next day. The sister said ██████████ had mental health issues and that may have been why she called if Jail Tech ██████████ remembered correctly. Jail Tech ██████████ said if there was any new information it would have been passed on to the sergeant, however, she could not remember what if anything was passed on.

Jail Tech ██████████ looks at the camera system often but does not constantly look at them. Jail Tech ██████████ watched the camera during the use of force incident. Jail Tech ██████████ logged the radio traffic into the jail system. Sometimes jail techs will log things that they see happening. She did not enlarge the video of the Sobering Cell 4 and watched about a 3" by 4" screen of the cell. Jail Tech ██████████ watched ██████████ jump at deputies. It looked like ██████████ jumped on Deputy ██████████ and maybe a couple other deputies. Everyone went down to the corner and ██████████ "legs were going everywhere". Jail Tech ██████████ saw Deputy Green strike ██████████. She could not remember how many times Deputy Green struck ██████████. She thought it was only one time. She watched the video of the incident right after but has not since.

After the incident, Deputy Green came into the control room and said he was kicked in the cheek and had "something going on with his eye". Jail Tech ██████████ said Deputy Green's cheek was red and his eye was watery. Deputy Green went to Prompt Care. Deputy Green said that he hit ██████████ but did not say how many times. Jail Tech ██████████ could not remember who else was in the control room at the time except maybe the new hire. Deputy Green did not say anything about contacting an attorney and Jail Tech ██████████ was not sure if he made any phone calls.

Jail Tech ██████████ documented the nurse coming to the intake area and the fact ██████████ was moved to Safety Cell 3. Jail Tech ██████████ remembered Deputies ██████████ Green and ██████████ going into the cell. She could not remember what if anything she heard prior and during the incident. Jail Tech ██████████ did not hear Sgt. ██████████ tell anyone to stop striking ██████████. Someone would have to yell very loud for someone in the control room to hear what they are saying.

Jail Tech ██████████ logged that ██████████ was moved to Safety Cell 3. Jail Tech ██████████ did not know if ██████████ was conscious and does not know how ██████████ he was in there before the nurse saw him, however, the nurse was called quickly to check on ██████████.

Jail Tech ██████████ is not trained on cell extractions but would classify the incident as one. She has seen "in the hundreds probably" of cell extractions where inmates are moved from cell to cell.

I asked Jail Tech [REDACTED] her opinion about the use of force and whether it was excessive. She said, "I don't know, I am not a deputy". She said she did not want to make an opinion because she is not trained like a deputy. [REDACTED] "put up a pretty good fight with how many deputies were there." [REDACTED] has never seen an inmate jump off the half wall at deputies.

Deputy [REDACTED] Interview Summary:

On 12-15-20, at about 1342 hours, Deputy [REDACTED] and I interviewed Deputy [REDACTED] regarding her involvement with Inmate [REDACTED] on 11-9-20. Deputy [REDACTED] was read her Administrative Admonishments verbatim from the Tuolumne County Sheriff's Office form. Deputy [REDACTED] told us the following in summary.

Deputy [REDACTED] is a TCSO Jail Deputy and has been for 14.5 years. She has not had any other collateral or special assignments. She attended CORE academy. She learned about use of force and defensive tactics. She has had additional defensive tactics training with the agency with the last training being over a year ago. Deputy [REDACTED] is familiar with use of force and TCSO policy covering it. She is also familiar with the totality of circumstances. She explained it as the whole situation or the whole incident. I gave her some examples of it as well including the size of subject or deputy and the number of deputies. Deputy [REDACTED] takes into consideration the totality of circumstances prior to using force. She explained defensive tactics were control holds or the best way for someone to control the situation or protect themselves. It also included takedowns, punches, kicks, knees, and elbow strikes. She is also familiar with de-escalation and has been taught it. She explained it as talking to someone and was not sure if it was in our policy.

On 11-9-20, Deputy [REDACTED] was working the J2 or J3 post which is the second floor of the jail. She knows of [REDACTED] but does not know him. She was not present when he went through the intake process. The first time she saw him was when he was in Sobering Cell 4. Deputy [REDACTED] regularly assists with the intake process as a J2 or J3 Post deputy.

She has attended in-house cell extraction training. It consisted of scenarios to include de-escalation and use of force. She could remember trying to talk an inmate down as a scenario.

Deputy [REDACTED] came to the intake area after hearing about an inmate refusing to get off the half wall. Deputy [REDACTED] heard [REDACTED] cursing and deputies telling him to get down. [REDACTED] had his shirt off. She was concerned he could use it to wrap it around his neck. She could not remember if he mentioned anything about doing that. She could not remember if there was a plan made prior to going into the cell. She remembered the shield being discussed. Sgt. [REDACTED] told the deputies they were going to remove [REDACTED] from the wall and place him in Safety Cell 3.

Sobering Cell 4 is used for intoxicated persons or just a holding cell. She could remember there was a safety log on [REDACTED] hanging on the wall or door. Sgt. [REDACTED] was the acting lieutenant at the time. There was talk about bringing [REDACTED] down from the wall. [REDACTED] was pointing at Deputy [REDACTED] and she took it as aggressive and "I want you". The deputies present were Deputies [REDACTED] [REDACTED] Green, [REDACTED] [REDACTED] Cpl. [REDACTED] and Sgt. [REDACTED]. Sgt. [REDACTED] brought up the shield and the deputies agreed it was not a good idea. There were no specific assignments made for the deputies.

Deputy [REDACTED] would consider this incident a cell extraction and she has been involved in about 10. As the deputies lined up to go in, Deputy [REDACTED] was the 4-5 deputy back. When the door opened, [REDACTED] jumped toward deputies and deputies put him on the ground and attempted to restrain him. [REDACTED] landed on his back.

Deputy [REDACTED] was on [REDACTED] right side. Deputy Green was on his left side. Deputy [REDACTED] had [REDACTED] back. Deputy [REDACTED] or [REDACTED] was toward his feet. [REDACTED] was screaming and cussing. She could not recall exactly what he said. Deputy [REDACTED] believed all the deputies were giving commands for [REDACTED] to stop. She said the cell was loud. She recalls [REDACTED] kicking and pushing. He appeared he had strength and power to get deputies off him. She could feel [REDACTED] moving his legs and waist. She could not see [REDACTED] hands. Deputy [REDACTED] saw Deputy Green strike [REDACTED] 2-3 times in the area of his head. She still could not see [REDACTED] hands. Deputy [REDACTED] heard Sgt. [REDACTED] tell Deputy Green to "Stop hitting him". She did not hear any other deputies tell Deputy Green to stop striking [REDACTED]. She believed Deputy Green stopped after he was told by Sgt. [REDACTED]. [REDACTED] did not stop resisting until after the strikes from Deputy Green, however, within a couple of seconds [REDACTED] may have stopped. Deputy [REDACTED] placed leg shackles on [REDACTED] who was conscious. Deputy [REDACTED] said [REDACTED] was still moving at the time he was being carried. She could not recall if he was saying anything. [REDACTED] was taken to Safety cell 3. Once in Safety Cell 3, Deputy [REDACTED] believed she removed the leg shackles from [REDACTED]. The handcuffs remained on which is "not normal", however, the handcuffs could be taken off through the food port. Medical aid was summoned for [REDACTED]. Deputy [REDACTED] said Deputy Green had said he was struck in the face, but she could not recall seeing any injuries that stood out.

There was no debrief of what had just taken place but there was "talk". Deputy [REDACTED] thought it was in the intake area or breakroom area. She heard Deputy Green say he was concerned for the force he had just used and may have gone too far. She thinks Deputy Green went to Sgt. [REDACTED] and they spoke to Lt. [REDACTED] who believed Deputy Green would be okay. Deputy [REDACTED] believed Deputy Green said something about contacting the attorney within forty-five minutes after the incident. Deputy [REDACTED] could not remember who else was in the area when he expressed this, but Cpl. [REDACTED] and Deputy [REDACTED] could have been there. She believes there was a few deputies there when Deputy Green said it. Deputy [REDACTED] went back to her post which was upstairs.

Deputy [REDACTED] saw a photo of [REDACTED] a couple days later. He saw he had a black eye and described it as "looked pretty bad". Deputy [REDACTED] did not have any other contact with [REDACTED].

Deputy [REDACTED] watched the video and thinks she was alone when she did. She thinks there was a criminal report taken on the incident for charges on [REDACTED]. It would be a common practice for jail deputies to write them.

I told Deputy [REDACTED] about all her training and experience and asked her if the use of force used by Deputy Green was reasonable. Deputy [REDACTED] said, "I don't believe so". I asked what she was basing it off of? Deputy [REDACTED] said, "The amount of us, the sizes of some of us even though Mr. [REDACTED] although he to me, is tall, is big sized person, and ah." I asked if the strikes were unnecessary and she said, "Yes".

Deputy [REDACTED] believed [REDACTED] could have been under the influence based off his aggressive manner. [REDACTED] seemed a "little erratic".

The totality of circumstances constantly changes as the circumstances evolve. Deputy [REDACTED] believed [REDACTED] was attempting to strike deputies. Deputy [REDACTED] knew what a distractionary strike was and did explain it as putting the focus on something else to gain control. She was asked where she would use a distractionary strike if she was trying to gain compliance of an arm. She would strike in the torso, legs, arm, and the face if needed.

Undersheriff Evans Interview Summary:

On 12-17-20, at 1445 hours, I met with Undersheriff Evans and told him he was a witness to an Internal Affairs investigation regarding [REDACTED]. Specifically, US Evans received a phone call from Sgt. [REDACTED] regarding a use of force that occurred on 11-9-20. US Evans told me the following in summary.

US Evans received a phone call from Sgt. [REDACTED] on 11-9-20. Sgt. [REDACTED] called him and said he felt like he just viewed excessive force. Sgt. [REDACTED] witnessed a use of force where an inmate was standing on a half wall and refused to get down. Sgt. [REDACTED] assembled a team to take the inmate down. When the deputies entered the cell, the inmate jumped down and Deputy Green was kicked in the face at some point. Deputy Green punched the inmate in the face. At one-point, Sgt. [REDACTED] told Deputy Green to stop.

US Evans assumed Sgt. [REDACTED] had watched a video. Once he realized Sgt. [REDACTED] was actually there, US Evans told Sgt. [REDACTED] to stop talking to him about the incident for his own protection. US Evans told him to write up the incident and send it to Lt. Vasquez for IA review. I asked US Evans if he was certain if the words "excessive force" were used and he confirmed it was.

Deputy [REDACTED] Interview Summary:

On 12-21-20, at about 0958 hours, Lieutenant Vasquez and I interviewed Deputy [REDACTED] regarding his involvement with Inmate [REDACTED] on 11-9-20. Deputy [REDACTED] was represented by his legal counsel, Jason Jasmine. Deputy [REDACTED] was read his Administrative Admonishments verbatim from the Tuolumne County Sheriff's Office form. Deputy [REDACTED] told us the following in summary.

Deputy [REDACTED] has been a deputy for 3.5 years. He is currently a Field Training Officer and has been for about 6 months. He has trained about 5 new hire deputies. Deputy [REDACTED] attended an academy in 2017. He was trained on mental health awareness. He could remember the 5150 portion. 5150 is a section in the Welfare Institutions code that gives peace officers authority to detain a person for being a danger to themselves, others, or gravely disabled. Other than the academy, Deputy [REDACTED] has not received any other training that he could recall. He also had training on persons under the influence of drugs and alcohol. Since the academy, Deputy [REDACTED] has had additional training on such topics during briefing. Deputy [REDACTED] has made no less than 100 arrests for persons under the influence. Deputy [REDACTED] has also been involved in around 100 cases for persons who were detained for 5150 W&I. Deputy [REDACTED] attended a field training officer course in April of 2020 in Merced, CA.

Deputy [REDACTED] is aware of the policy and procedures. He would intervene with a new hire deputy when it becomes a safety concern, a policy violation or a violation of law.

Deputy [REDACTED] was working 11-9-20. He was training Deputy [REDACTED] this day. I asked Deputy [REDACTED] about the early morning incident when [REDACTED] called from [REDACTED]. Deputy [REDACTED] could not remember that call in detail. I asked if he remembered the call [REDACTED] made to dispatch about [REDACTED]. Deputy [REDACTED] was shown the two incidents.

Deputy [REDACTED] did not remember the first incident but remembered seeing an incident involving [REDACTED]. The second incident, I read to Deputy [REDACTED]. Deputy [REDACTED] responded to the incident. He could not remember if any additional investigation was conducted while in route. He remembered a records check being done. There was a misdemeanor warrant for [REDACTED]. Deputy [REDACTED] had forgotten he was given the information about [REDACTED] possibly being [REDACTED].

When Deputies [REDACTED] and [REDACTED] arrived, they were directed to the back room. [REDACTED] came out while mopping the floor. [REDACTED] was wearing pajama pants and no shoes. He could not remember if he had a shirt. He remembered [REDACTED] saying there was people growing marijuana on roof and marijuana residue was on the floor. He did not say if he had mental health issues or was under the influence. Deputy [REDACTED] thought maybe [REDACTED] had mental health issues or substance abuse issues. For clarity, deputy [REDACTED] thought both would have fit the parameters with mental or substance abuse issues. Deputy [REDACTED] spoke with [REDACTED] for a little while. [REDACTED] was holding a mop and was asked to set it down. [REDACTED] wanted to show the deputies something in the backroom. They continued to speak with him. Deputy [REDACTED] had [REDACTED] turn around. [REDACTED] was "agitated and mildly noncompliant." [REDACTED] began speaking loudly and rapidly. Deputy [REDACTED] calmed [REDACTED] down and told him he had a misdemeanor warrant. The handcuffs went on. Deputy [REDACTED] could not remember if any questions were asked about whether he was danger to himself or others. Deputy [REDACTED] did not believe there was any reason to believe they needed to ask those questions [REDACTED]. [REDACTED] sister was never spoken to. [REDACTED] never asked to go to the hospital.

██████ demeanor was "kind of a manic wave". He was pleasant at times and at other times, he said he would strangle Deputy ██████ with his handcuffs. The deputies were able to keep ██████ calm. On the way to the jail, ██████ was "up and down waves". He could not recall what he was saying.

Deputy ██████ could not remember if he told Deputy ██████ how to handle the call. While at the jail, he did not ask for jail deputy assistance. They pulled into the sally port and turned ██████ over to the jail staff. Deputy ██████ could not remember saying anything to jail staff about ██████ mental state. As Deputy ██████ was walking to the booking office, he remembered saying something to Cpl. ██████ about a clinician to speak to ██████ if there was one there. Cpl. ██████ said something like the clinician was not in. There was nothing further about ██████ mental state spoken about.

Deputy ██████ could not remember if he authored a report. The new hire would write the report and Deputy ██████ would review it. Deputy ██████ reviewed Deputy ██████ report. He knew ██████ sister was not on scene and could not remember why he knew that. He remembered it being 3rd hand information. I asked why the basic 5150 questions were not asked. Deputy ██████ felt like at the time there was no relevance.

Deputy ██████ explained the Daily Observation Report for a new hire trainee. He could not remember if 5150 was on the training program list of tasks for a new hire. Deputy ██████ could not remember if there was any discussion about taking ██████ 5150W&I.

Lt. Vasquez asked, "Based on the decision to take him to jail, was it your training and experience that it was more likely that ██████ should be taken to jail rather than to the hospital?" Deputy ██████ said, "Yes, absolutely."

Deputy ██████ Interview Summary:

On 12-21-20, at about 1100 hours, Lieutenant Vasquez and I interviewed Deputy ██████ regarding his involvement with Inmate ██████ on 11-9-20. Deputy ██████ was represented by his legal counsel, Jason Jasmine. Deputy ██████ was read his Administrative Admonishments verbatim from the Tuolumne County Sheriff's Office form. Deputy ██████ told us the following in summary.

Deputy ██████ has been a deputy for 8 months which includes his academy time in Stanislaus. He is currently on the training program. While in the academy there was training on mental health awareness. The training consisted of scenarios along with lecture. Once at the sheriff's office, there were one or two briefing trainings where mental health was spoken about. Deputy ██████ explained 5150 W&I, danger to self, danger to others, or gravely disabled. He also had training in the academy with persons being under the influence of drugs or alcohol which included scenarios and lecture.

As a deputy trainee new hire, the field training officer is responsible for the new deputy.

Deputy [REDACTED] reviewed the two incidents involving [REDACTED]. Deputy [REDACTED] did not recall the first incident. Deputy [REDACTED] remembered the second incident which was when [REDACTED] sister called in. He could not remember any additional investigation done by him, Deputy [REDACTED] or dispatch. When they arrived, they were directed to the back room. [REDACTED] was mopping the floor wearing pajama pants and no shoes. He was mopping the floor because there was "pot" on the floor due to people living in the ceiling. Deputy [REDACTED] asked [REDACTED] to put the mop down. [REDACTED] walked the deputies back to show them more "pot" on the floor. Deputy [REDACTED] told [REDACTED] to turn around and to put his hands behind his back. [REDACTED] replied what for. Deputy [REDACTED] told him he had a warrant for his arrest. [REDACTED] complied. [REDACTED] was walked out to the car and began yelling at Deputy [REDACTED]. He could not remember what he was yelling other than just not happy about going to jail. He told Deputy [REDACTED] he had fake teeth and they were probably knocked out because "I sucked dick".

The first time Deputy [REDACTED] contacted [REDACTED] he thought he was "[REDACTED]" because what he was saying about the floors. He did not suspect he was under the influence but could have been. He thought he was just a mentally challenged person. Deputy [REDACTED] could not remember if he asked any questions regarding 5150. Deputy [REDACTED] could not remember if the question had been asked. He did say if the question were asked it would have been in the report. Deputy [REDACTED] described "mentally challenged" as there are a lot people not a danger to themselves, but they are "just not all there." Deputy [REDACTED] did not feel [REDACTED] met the criteria for 5150 W&I. Deputy [REDACTED] discussed with Deputy [REDACTED] why [REDACTED] was arrested on a misdemeanor warrant when everyone had been getting cited. Deputy [REDACTED] cited policy about 148PC being a must arrest crime. Deputy [REDACTED] did not think the reporting party on the call was contacted.

Once at the jail, the jail deputies met them in the basement without being asked. [REDACTED] was turned over to jail staff. Deputy [REDACTED] does not think he said anything to jail staff about [REDACTED] demeanor or mental state.

Deputy [REDACTED] reviewed the report prior to Deputy [REDACTED] turning it in.

Interview Summary:

On 2-12-21, at 0815 hours, I called [REDACTED] who was described as [REDACTED] in an incident when she called dispatch on 11-9-20. I told [REDACTED] why I was calling and how I was investigating a use of force incident regarding her brother. [REDACTED] told me the following in summary.

[REDACTED] is [REDACTED] sister in law. [REDACTED] is still married to [REDACTED] brother, but they have been estranged for 11 years but share children in common and still regularly communicate. [REDACTED] comes around every once in a while. I read [REDACTED] the incident when she called in. She said that was the conversation she had with dispatch and there was nothing further. She said it was a short conversation to obtain a welfare check on [REDACTED].

On the morning of 11-9-20, [REDACTED] received a call from either her estranged husband or the owner of [REDACTED] about [REDACTED] acting strange in [REDACTED]. She was unsure why she was called. [REDACTED] was at [REDACTED] mopping and had no shoes on. He was talking about cleaning a crime scene. Dispatch called back later and asked if he lived in Texas.

[REDACTED] called the jail the following day because [REDACTED] had called and said his ankle was broken. She called the jail and wanted to confirm if [REDACTED] did have an injured ankle. She does not believe much of what [REDACTED] says. She knew [REDACTED] may have fallen down his stairs and hurt his ankle. She wanted to confirm if [REDACTED] was in fact injured. [REDACTED] may have said something about [REDACTED] mental health.

[REDACTED] picked [REDACTED] up from the jail on 11-10-20. [REDACTED] had a severe black eye. She took [REDACTED] to the ER. [REDACTED] had a "broken face, a cheek bone" and a sprained ankle. She did not know what bone exactly. [REDACTED] went into the hospital with [REDACTED]. She does not know where the discharge paperwork is at. [REDACTED] was told to see a "bone doctor." She believed [REDACTED] did see another doctor through Veteran's Affairs. She said [REDACTED] said he was beat up by the guards at the jail. [REDACTED] did not say what the circumstances were. [REDACTED] did not ask him any questions related to the incident. She did believe [REDACTED] was truthful about being beat up. She thought there would be some sort of investigation if he pursued it.

[REDACTED] served in the Army. She could not remember for what years or how [REDACTED] and believed he was medically discharged. She believed [REDACTED] did some sort of body cleaning up in Army. She had not seen [REDACTED] for about a month. [REDACTED] lived with her estranged husband and would see [REDACTED] on occasion. After [REDACTED] was released from jail on 11-10-20, he stayed with her for a few days. She took him to the VA transport bus. [REDACTED] was homeless in Modesto and then before Christmas showed up at [REDACTED] home and he stayed for a few days. [REDACTED] was taken to LA and stayed in the VA tent camp; she thinks he was waiting placement in a treatment facility where he is currently at. [REDACTED] does not have a phone at this time. She said his previous phone was "thrown in the trees".

I told [REDACTED] I want to speak with [REDACTED]. [REDACTED] called me back and said [REDACTED] was at VA Westwood in Los Angeles. She stated she was wanting to get conservatorship over [REDACTED]. I emailed [REDACTED] and asked her to try to seek [REDACTED] medical records.

INVESTIGATION Continued:

[REDACTED] currently has a misdemeanor warrant for 148PC.

On 2-12-21, I spoke with Adventist Health Sonora after I heard [REDACTED] was seen there for his ankle injury and the facial injury. I was asked to send an email which I did requesting [REDACTED] medical record for the day of 11-10-20. On 2-16-21, I sent the authorization for medical records to AHS.

On 2-17-21, I sent [REDACTED] [REDACTED] estranged sister in law, an email asking if she had any further information about [REDACTED]. She sated [REDACTED] was released from the hospital and there is no way to contact him until he calls them. At this time, [REDACTED] is unreachable. I did try the number we had listed in RIMS for [REDACTED]. The call went straight to voicemail and the mailbox was not set up.

Medical Record Summary for 11-10-20:

On 2-17-21, I received 18 pages of a [REDACTED] medical record from his ER visit on 11-10-20. The triage notes said the following on page 6.

“pt states fell downstairs chasing trespasser out of house, then went to jail and had “mutual combat” with officers. here for left ankle pain. pt also has blackeye. Friend states pt w/mental health issues off meds and delusional.”

Also, on page 6 were notes from [REDACTED]. the following is what he said.

“The patient presents following history of [REDACTED] [REDACTED] presents today with symptoms of ankle pain in left side after he tripped and she seems some people out of his house and down the stairs. Patient is currently living with his sister who was concerned the patient was delusional as there was no people in the house and call the cops for her safety. Ultimately he was taking jail as he had a were not for his arrest, did get into altercation while in jail with police reporting it as mutual combat and sustained black eye. Denies visual changes. He’s got multiple abrasions about his arms and legs he reports is from fall, he does admit to having delusional symptoms of crime and is currently investigating these himself as he studied this in school. He denies any auditory hallucinations, denies any thoughts of wanting to harm himself or anyone else, denies confusion, headache, chest pain or shortness of breath, no abdominal pain. No numbness or tingling in his extremities. Limited ability to walk on the left ankle as it hurts. Admits to marijuana, hasn’t drank alcohol for several weeks, denies other drugs..”

[REDACTED] had blood work done and he tested positive for amphetamines and cannabinoids.

He has x-rays and scans done on his ankle and face. He had a sprained left ankle. On page 10 the report showed [REDACTED] had a depressed left zygomatic arch. The report said the following.

“There is depressed fracture in the midportion of the left zygomatic arch. Segmental fracture seen anterior mid and posterior aspect. Addended report discussed with ordering provider on 11/10/2020 11:01 AM.”

[REDACTED] was asked to follow up with doctors within a week for the facial fracture.

FINAL SUMMARY

On 11-9-20, at 0506 hours, [REDACTED] called on 911 saying there was blood and hair on the cleaning brushes. [REDACTED] refused to give further information about himself and was standing by at [REDACTED] mini mart. Deputies arrived and were unable to locate [REDACTED] and could not get a hold of him on the phone. On 11-9-20, at 0824 hours, [REDACTED] called in to dispatch stating her brother, [REDACTED] was talking crazy and was in the backroom of [REDACTED] where he worked. She stated [REDACTED] was [REDACTED] and off his medications. TCSO Deputies [REDACTED] and [REDACTED] arrived at [REDACTED]. At the time Deputy [REDACTED] was an 8-month field training officer who had trained about 5 new deputies. At the time, Deputy [REDACTED] was on the field training program and had been for about 3 months. They located [REDACTED] in the backroom. He was mopping the floor with no shoes on and in pajama pants. [REDACTED] said there was marijuana dripping from the ceiling from the people who were living in there. Deputies [REDACTED] and [REDACTED] did not remember asking any questions related to [REDACTED] mental state. Instead, they arrested [REDACTED] on a misdemeanor warrant for 148(a)(1) PC, resisting, delaying or obstructing justice. According to Deputy [REDACTED] this was appropriate based off his training and experience. [REDACTED] was transported to the jail.

While in route to the jail, [REDACTED] would be pleasant and then disrespectful. Deputy [REDACTED] questioned Deputy [REDACTED] about why [REDACTED] was going to jail and not cited like they had been doing with misdemeanor warrants. Deputy [REDACTED] told him it was a must arrest warrant per policy. [REDACTED] was taken the jail. He was turned over to jail staff in the basement. Cpl. [REDACTED] said at one point, Deputy [REDACTED] made a statement about [REDACTED] was going to go for 5150W&I but was taken to jail instead. Cpl. [REDACTED] did not ask Deputies [REDACTED] or [REDACTED] any questions related to [REDACTED] mental state. [REDACTED] was difficult to get through the intake process. At times he would not answer questions or would refuse. The jail deputies were able to get him through to see the nurse who cleared him for custody. Deputy [REDACTED] noted on the intake form that [REDACTED] was [REDACTED]. He could not remember who said that word, but he would not have written it if that was not said. [REDACTED] was cleared by the nursing staff and placed into Sobering Cell 4. Nurse [REDACTED] thought [REDACTED] could have been under the influence of methamphetamine and she could not tell if he had mental health condition. Deputy [REDACTED] completed a report documenting the arrest. He noted what [REDACTED] sister had said about him being off his [REDACTED] medications and there was nothing noted about [REDACTED] being a danger to himself, others, or gravely disabled. Deputy [REDACTED] reviewed the report and it was later approved by a sergeant.

Around 1040 hours, [REDACTED] sat on the half wall in Sobering Cell 4. He was told by jail deputies to get off the wall. At one point, [REDACTED] did get off the wall. He got back on the wall and sat there. He stood on the wall with his shirt off. He spun his shirt in the air and motioned to deputies to come in. Sgt. [REDACTED] ordered the deputies to remove [REDACTED] from Sobering Cell 4 for his safety and to place him in Safety Cell 3. Sgt. [REDACTED] did not have any interaction with [REDACTED] at any point of the day prior to ordering deputies to remove him from the half wall. Sgt. [REDACTED] did not seek any further information about [REDACTED] or why he was originally brought in. Deputies [REDACTED] Green, [REDACTED] [REDACTED] and [REDACTED] entered the cell. [REDACTED] jumped off toward Deputy [REDACTED] with arms and legs extended. Deputy [REDACTED] deflected [REDACTED] as he stepped back. Deputy [REDACTED] thought he may have been struck by [REDACTED] in the moment. [REDACTED] ended up on his back and rolled up on his neck.

His knees appeared to be close to his face. Deputy Green came down on top of [REDACTED] Deputy Green believed he was kicked in the face by [REDACTED] on purpose as he came down on top of him. Deputy [REDACTED] thought [REDACTED] foot "contacted" Deputy Green's face and later said it was a "deliberate kick".

The 6 deputies were trying to subdue [REDACTED] Deputies [REDACTED] [REDACTED] and [REDACTED] were all trying to gain control of [REDACTED] torso and legs. Deputy [REDACTED] had [REDACTED] right arm. Deputy Green continued to struggle to gain control of [REDACTED] left arm. Deputy Green thought [REDACTED] was going to strike him. He could see and feel [REDACTED] flailing his left arm. Deputy Green punched [REDACTED] in the face one time. Within seconds, Deputy Green delivered 4 more strikes. A couple more seconds went by and Deputy Green delivered 2 more strikes. Deputy Green struck [REDACTED] 7 times over a 12 second period. Sgt. [REDACTED] yelled at Deputy Green to stop striking [REDACTED] at least one time which was heard by a couple deputies. Deputy Green did not hear Sgt. [REDACTED] Sgt. [REDACTED] believed there were a total of 5 strikes delivered by Deputy Green while Cpl. [REDACTED] did not see any strikes.

[REDACTED] was placed into handcuffs and leg shackles. [REDACTED] was carried to Safety Cell 3 where he was left in handcuffs. Deputies tried to get [REDACTED] to come to the door's food port to have the handcuffs removed due to his combative state. After several minutes, [REDACTED] was still not moving, however, deputies could see him breathing. Deputies went into the cell and Deputy [REDACTED] gave [REDACTED] a sternum rub. Deputy [REDACTED] believed [REDACTED] responded to the sternum rub by opening his eyes. Deputies sat [REDACTED] against the wall for the nurse to look at him. Nurse [REDACTED] checked [REDACTED] vital signs and cleared him to remain in custody. [REDACTED] sustained a black and blue left eye that was swollen. Cpl. [REDACTED] told deputies to leave the handcuffs on [REDACTED] Deputies again tried to get [REDACTED] to come to the door's food port to have the handcuffs removed. [REDACTED] remained laying on the ground. After several minutes, Deputies went back into the cell and removed the handcuffs.

Deputy Green showed concern to other deputies and made a statement about contacting legal representation. Some deputies watched the video footage of the incident.

The following are parts of statements regarding the use of force.

Deputy [REDACTED] was asked about the use of force used by Deputy Green. Based off of Deputy [REDACTED] training and experience, he believed a couple punches could have "maybe" been justified, but "6-7 were a little, little much". There are times when situations may have been. Based off the position Deputy [REDACTED] was in, he would not have used the same force.

Lt. Vasquez asked Deputy [REDACTED] what he thought about the strikes delivered to [REDACTED] Deputy [REDACTED] stated he could not answer the question. Deputy [REDACTED] said if he was getting hit that might warrant striking the subject back. One strike might be possible, and two may be possible. Deputy [REDACTED] did not experience any situation where any strikes were necessary in this situation. He said if he was struck then he would strike back.

I asked Deputy [REDACTED] "Based on your training and experience, was the force Deputy Green used reasonable or necessary?" Deputy [REDACTED] said, "Uhm, I would say for me, no." I asked him why he believed that. He said, "Because there was 5 of us, 6 of us, 7 of us, 8 of us, I don't know. So, I have been in that position before, and it has not occurred to me to strike someone like that." Deputy [REDACTED] then said, "In my opinion I probably would not have done that."

I asked Deputy [REDACTED] his opinion on Deputy Green's use of force. Deputy [REDACTED] paused, "I kind of feel and this is my opinion and if you are going to be hitting in the face, it would be for survival reasons. That's my opinion."

I asked Deputy [REDACTED] based off all his training and experience what he thought about the strikes by Deputy Green. He said, "I was a little surprised by that." He knows distractionary blows can be necessary and he did not believe they were necessary. He felt one or two strikes may have been justified depending on the level of [REDACTED] being combative. I asked him about 3 strikes, and he said depending on the circumstances. He said 4 strikes and above would all be too much force.

I told Deputy Green about all of his qualifications and experience and asked, "Given the totality of circumstances was this use of force reasonable?" Deputy Green answered. "Yes". I asked Deputy Green what he was basing his answer on. He said, "Basing it on my perspective cause I was there. Whether it be you were saying punching in the thigh or face, at that point that is all I had. I couldn't hit him the body. I couldn't do nothing. I am a big guy. I can't, you know, the wall is right there. I believe because every time I accounted for those strikes, I hit him twice and he was still fighting... I believe."

Lt. Vasquez asked Deputy [REDACTED] if he had saw a total of 7 strikes to [REDACTED] face would his opinion be the same about the use of force used on [REDACTED] Deputy [REDACTED] said, "I would say no." Lt. Vasquez asked why? Deputy [REDACTED] said, "Because just a few would probably gain compliance and each hit would be a separate use of force, I would say." Deputy [REDACTED] said 7 strikes could be reasonable depending on circumstances of whether the person was still resisting.

I told Cpl. [REDACTED] about all her training and experience and the fact she is a defensive tactics instructor and asked her if the force used by Deputy Green was reasonable. Cpl. [REDACTED] remained quiet for a moment and said, "I believe, so, it overcame resistance. The force used was overcoming resistance. Right? So, the number of deputies and the behavior and then him jumping at the deputies." I asked if it was reasonable. Cpl. [REDACTED] said, "Do I believe that the force was reasonable?" I told her it was tough question. She said, "I get it, that's hard." I told her again, based off her experience and watching the video was the force used reasonable? "I have never been in a situation like that, so I have never been the people specially on top of a

person who is actively fighting.” I told her I understood but again told her of her training, rank, and defensive instructor status and asked if the force was reasonable? She said, “I wouldn’t have done it the same.” I asked her what she would have done. Cpl. [REDACTED] said, “I would, I would have, I don’t know, just used, I don’t know, I don’t know what I would have done actually cause I wasn’t in there but I don’t feel like me as that person I wouldn’t have. It depends on where you’re at. I don’t know. I am answering this question horribly wrong.” Lt. Vasquez reminded her that she is a supervisor and explained part of her responsibilities was to evaluate. Cpl. [REDACTED] was asked to articulate her answer. Cpl. [REDACTED] said, “So part of, part of it was reasonable yes. Part of it was reasonable force. Um the striking specifically, I probably, I don’t feel like the number of strikes, probably but the overcoming of resistance and the utilization of the number of deputies based on the amount of resistance given.”

Lt. Vasquez asked Sgt. [REDACTED] “Based on everything you have seen you believe it is excessive force.” Sgt. [REDACTED] said, “I didn’t say that. I said it is definitely questionable.” Lt. Vasquez said, “I’m asking you.” Sgt. [REDACTED] said, “Oh sorry, Okay sorry. That’s a tough one. I don’t know I’m still stuck in the I don’t know.” “I wanted to prevent it from becoming excessive force.” Sgt. [REDACTED] could not come to a determination if the force was excessive. He was not sure because he does not have all the facts. He wanted more information and questions answered before he could formulate an opinion. He felt two strikes and “we wouldn’t be having this conversation.”

I told Deputy [REDACTED] about all her training and experience and asked her if the use of force used by Deputy Green was reasonable. Deputy [REDACTED] said, “I don’t believe so”. I asked what she was basing it off of? Deputy [REDACTED] said, “The amount of us, the sizes of some of us even though Mr. [REDACTED] although he to me, is tall, is big sized person, and ah.” I asked if the strikes were unnecessary and she said, “Yes”.

After receiving medical records for [REDACTED] it was confirmed that he suffers from [REDACTED]. On 11-10-21, [REDACTED] went to the ER. [REDACTED] urinalysis showed he tested positive for amphetamines and cannabinoids on this day. He had several tests and x-rays done. He had a sprained ankle and a fracture to his left zygomatic arch (left eye area).

CONCLUSION

As a result of this investigation, I believe a finding of **SUSTAINED** is warranted due to the following policies being violated.

Tuolumne County Sheriff’s Office Policies:

TCSO Policy 201.2 Authority, Ranking Officers

The ranking officer shall exercise the authority of his/her position under all conditions which require that he/she use such authority in the best interests of the Department.

Ranking officers have the authority to enforce policy and give orders to Department members inside or outside their chain of command. Authority outside the chain of command should be exercised only in circumstances which, by their nature, require immediate action and in the absence of a ranking officer in that chain of command. Ranking officers acting outside their chain of command should not vary from established policy unless:

- c. There is agreement from the affected supervisor or**
- d. Emergency conditions necessitate the deviation.**

Sgt. [REDACTED] Corporal [REDACTED] and Deputy [REDACTED]

Sgt. [REDACTED] arrived in the intake area after [REDACTED] had been standing on the half wall. He did not ask any questions about [REDACTED] nor did he research any information about [REDACTED]. He ordered the deputies to remove [REDACTED] from the half wall and place him into the Safety Cell 3. There was no real plan on how the deputies were going to execute the order. Additionally, during the interview with Sgt. [REDACTED] he could not make a determination on whether the use of force was necessary. He stated it was "gray".

Corporal [REDACTED] was OIC on the day [REDACTED] came in. There was a comment made by Deputy [REDACTED] about [REDACTED] going to AHS for 5150 W&I. Cpl. [REDACTED] did not ask any questions of Deputy [REDACTED]. During the interview, she stated, "Like I said, I think he was acting erratic, but I don't specifically, I don't ask the patrol deputies specific details. It's not my job. I just make sure he's good in custody." Cpl. [REDACTED] had a difficult time articulating on whether the use of force was reasonable or not.

Deputy [REDACTED] was a FTO on the day he and a new hire, Deputy [REDACTED] contacted [REDACTED]. They were aware [REDACTED] had mental health issues according to the incident details. Deputy [REDACTED] did not ask any questions of [REDACTED] and his mental health status nor did he have Deputy [REDACTED] ask. Additionally, minimal information was passed to the jail OIC, Cpl. [REDACTED].

TCSO Policy 300.3 Use of Force

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

Deputy Green

Deputy Green was part of a 6-deputy team to remove [REDACTED] from the half wall of Sobering Cell 4. Once [REDACTED] was on the ground, there were 6 deputies attempting to gain control of him. [REDACTED] was moving under the 6 deputies. Deputy Green was on [REDACTED] left side. He stated he was trying to gain control of [REDACTED] left arm. Deputy Green struck [REDACTED] 7 times in the face fracturing his left zygomatic arch (left eye area) to gain control of his left arm.

TCSO Policy 340.3.1 Ethics

- (a) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.**
(g) Any other failure to abide by the standards of ethical conduct.

Deputy Green

Deputy Green was part of a 6-deputy team to remove [REDACTED] from the half wall of Sobering Cell 4. Once [REDACTED] was on the ground, there were 6 deputies attempting to gain control of him. [REDACTED] was moving under the 6 deputies. Deputy Green was on [REDACTED] left side. He stated he was trying to gain control of [REDACTED] left arm. Deputy Green struck [REDACTED] 7 times in the face fracturing his left zygomatic arch (left eye area) to gain control of his left arm.

TCSO Policy 340.3.6 Efficiency

- (a) Neglect of duty.**

Sgt. [REDACTED] Cpl. [REDACTED] and Deputy [REDACTED]

Sgt. [REDACTED] arrived in the intake area after [REDACTED] had been standing on the half wall. He did not ask any questions about [REDACTED] nor did he research any information about [REDACTED]. He ordered the deputies to remove [REDACTED] from the half wall and place him into the Safety Cell 3. There was no real plan on how the deputies were going to execute the order. Additionally, during the interview with Sgt. [REDACTED] he could not make a determination on whether the use of force was necessary. He stated it was "gray".

Corporal [REDACTED] was OIC on the day [REDACTED] came in. There was a comment made by Deputy [REDACTED] about [REDACTED] going to AHS for 5150 W&I. Cpl. [REDACTED] did not ask any questions of Deputy [REDACTED]. During the interview, she stated, "Like I said, I think he was acting erratic, but I don't specifically, I don't ask the patrol deputies specific details. It's not my job. I just make sure he's good in custody." Cpl. [REDACTED] had a difficult time articulating on whether the use of force was reasonable or not.

Deputy [REDACTED] was a FTO on the day he and a new hire, Deputy [REDACTED] contacted [REDACTED]. They were aware [REDACTED] had mental health issues according to the incident details. Deputy [REDACTED] did not ask any questions of [REDACTED] and his mental health status nor did he have Deputy [REDACTED] ask. Additionally, minimal information was passed to the jail OIC, Cpl. [REDACTED].

- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.**

Sgt. [REDACTED], Cpl. [REDACTED] Deputy Green, and Deputy [REDACTED]

Sgt. [REDACTED] arrived in the intake area after [REDACTED] had been standing on the half wall. He did not ask any questions about [REDACTED] nor did he research any information about [REDACTED]. He ordered the deputies to remove [REDACTED] from the half wall and place him into the Safety Cell 3. There was no real plan on how the deputies were going to execute the order. Additionally, during the interview with Sgt. [REDACTED] he could not make a determination on whether the use of force was necessary. He stated it was "gray".

Corporal [REDACTED] was OIC on the day [REDACTED] came in. There was a comment made by Deputy [REDACTED] about [REDACTED] going to AHS for 5150 W&I. Cpl. [REDACTED] did not ask any questions of Deputy [REDACTED]. During the interview, she stated, "Like I said, I think he was acting erratic, but I don't specifically, I don't ask the patrol deputies specific details. It's not my job. I just make sure he's good in custody." Cpl. [REDACTED] had a difficult time articulating on whether the use of force was reasonable or not.

Deputy [REDACTED] was a FTO on the day he and a new hire, Deputy [REDACTED] contacted [REDACTED]. They were aware [REDACTED] had mental health issues according to the incident details. Deputy [REDACTED] did not ask any questions of [REDACTED] and his mental health status nor did he have Deputy [REDACTED] ask. Additionally, minimal information was passed to the jail OIC, Cpl. [REDACTED].

Deputy Green was part of a 6-deputy team to remove [REDACTED] from the half wall of Sobering Cell 4. Once [REDACTED] was on the ground, there were 6 deputies attempting to gain control of him. [REDACTED] was moving under the 6 deputies. Deputy Green was on [REDACTED] left side. He stated he was trying to gain control of [REDACTED] left arm. Deputy Green struck [REDACTED] 7 times in the face fracturing his left zygomatic arch (left eye area) to gain control of his left arm.

TCSO Policy 340.3.7 Performance

(i) Any act on- or off-duty that brings discredit to this office.

Deputy Green

Deputy Green was part of a 6-deputy team to remove [REDACTED] from the half wall of Sobering Cell 4. Once [REDACTED] was on the ground, there were 6 deputies attempting to gain control of him. [REDACTED] was moving under the 6 deputies. Deputy Green was on [REDACTED] left side. He stated he was trying to gain control of [REDACTED] left arm. Deputy Green struck [REDACTED] 7 times in the face fracturing his left zygomatic arch (left eye area) to gain control of his left arm.

TCSO Policy 340.3.8 Conduct

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.**
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.**
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the county.**
- (m) Any other on- or off duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.**

Deputy Green

Deputy Green was part of a 6-deputy team to remove [REDACTED] from the half wall of Sobering Cell 4. Once [REDACTED] was on the ground, there were 6 deputies attempting to gain control of him. [REDACTED] was moving under the 6 deputies. Deputy Green was on [REDACTED] left side. He stated he was trying to gain control of [REDACTED] left arm. Deputy Green struck [REDACTED] 7 times in the face fracturing his left zygomatic arch (left eye area) to gain control of his left arm.

TCSO Policy 343.1.1 Report Preparation

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

Deputy [REDACTED]

Deputy [REDACTED] completed a report documenting the arrest. He noted what [REDACTED] sister had said about him being off his [REDACTED] and there was nothing noted about [REDACTED] being a danger to himself, others, or gravely disabled. Deputy [REDACTED] reviewed the report and it was later approved by a sergeant.

Tuolumne County Sheriff's Office Custody Policies:

TCSO Custody Policy 6.41 Conduct in Dealing with Inmates Procedures

D. OFFICER DEMEANOR

- 1. Jail deputies shall maintain proper demeanor with all inmates in custody and shall perform their duties in a mature, professional manner.**
- 3. Jail deputies shall be alert, courteous and professional in their dealings with inmates, fellow employees, visitors and members of the public.**

Deputy Green

Deputy Green was part of a 6-deputy team to remove [REDACTED] from the half wall of Sobering Cell 4. Once [REDACTED] was on the ground, there were 6 deputies attempting to gain control of him. [REDACTED] was moving under the 6 deputies. Deputy Green was on [REDACTED] left side. He stated he was trying to gain control of [REDACTED] left arm. Deputy Green struck [REDACTED] 7 times in the face fracturing his left zygomatic arch (left eye area) to gain control of his left arm.

County of Tuolumne Personnel Rules and Regulations:

TC PR&R Rule 9, Disciplinary Action, Section B. Cause(s) of Action

(4) Willful or negligent disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order.

Sgt. [REDACTED] Cpl. [REDACTED] Deputy [REDACTED] and Deputy Green

Sgt. [REDACTED] arrived in the intake area after [REDACTED] had been standing on the half wall. He did not ask any questions about [REDACTED] nor did he research any information about [REDACTED]. He ordered the deputies to remove [REDACTED] from the half wall and place him into the Safety Cell 3. There was no real plan on how the deputies were going to execute the order. Additionally, during the interview with Sgt. [REDACTED], he could not make a determination on whether the use of force was necessary. He stated it was "gray".

Corporal [REDACTED] was OIC on the day [REDACTED] came in. There was a comment made by Deputy [REDACTED] about [REDACTED] going to AHS for 5150 W&I. Cpl. [REDACTED] did not ask any questions of Deputy [REDACTED]. During the interview, she stated, "Like I said, I think he was acting erratic, but I don't specifically, I don't ask the patrol deputies specific details. It's not my job. I just make sure he's good in custody." Cpl. [REDACTED] had a difficult time articulating on whether the use of force was reasonable or not.

Deputy [REDACTED] was a FTO on the day he and a new hire, Deputy [REDACTED] contacted [REDACTED]. They were aware [REDACTED] had mental health issues according to the incident details. Deputy [REDACTED] did not ask any questions of [REDACTED] and his mental health status nor did he have Deputy [REDACTED] ask. Additionally, minimal information was passed to the jail OIC, Cpl. [REDACTED]. Deputy [REDACTED] completed a report documenting the arrest. He noted what [REDACTED] sister had said about him being off his [REDACTED] and there was nothing noted about [REDACTED] being a danger to himself, others, or gravely disabled. Deputy [REDACTED] reviewed the report and it was later approved by a sergeant.

Deputy Green was part of a 6-deputy team to remove [REDACTED] from the half wall of Sobering Cell 4. Once [REDACTED] was on the ground, there were 6 deputies attempting to gain control of him. [REDACTED] was moving under the 6 deputies. Deputy Green was on [REDACTED] left side. He stated he was trying to gain control of [REDACTED] left arm. Deputy Green struck [REDACTED] 7 times in the face fracturing his left zygomatic arch (left eye area) to gain control of his left arm.

(6) Inefficiency

Sgt. [REDACTED] Cpl. [REDACTED] Deputy [REDACTED] and Deputy Green

Sgt. [REDACTED] arrived in the intake area after [REDACTED] had been standing on the half wall. He did not ask any questions about [REDACTED] nor did he research any information about [REDACTED]. He ordered the deputies to remove [REDACTED] from the half wall and place him into the Safety Cell 3. There was no real plan on how the deputies were going to execute the order. Additionally, during the interview with Sgt. [REDACTED], he could not make a determination on whether the use of force was necessary. He stated it was "gray".

Corporal [REDACTED] was OIC on the day [REDACTED] came in. There was a comment made by Deputy [REDACTED] about [REDACTED] going to AHS for 5150 W&I. Cpl. [REDACTED] did not ask any questions of Deputy [REDACTED]. During the interview, she stated, "Like I said, I think he was acting erratic, but I don't specifically, I don't ask the patrol deputies specific details. It's not my job. I just make sure he's good in custody." Cpl. [REDACTED] had a difficult time articulating on whether the use of force was reasonable or not.

Deputy [REDACTED] was a FTO on the day he and a new hire, Deputy [REDACTED] contacted [REDACTED]. They were aware [REDACTED] had mental health issues according to the incident details. Deputy [REDACTED] did not ask any questions of [REDACTED] and his mental health status nor did he have Deputy [REDACTED] ask. Additionally, minimal information was passed to the jail OIC, Cpl. [REDACTED]. Deputy [REDACTED] completed a report documenting the arrest. He noted what [REDACTED] sister had said about him being off his schizophrenic medications and there was nothing noted about [REDACTED] being a danger to himself, others, or gravely disabled. Deputy [REDACTED] reviewed the report and it was later approved by a sergeant.

Deputy Green was part of a 6-deputy team to remove [REDACTED] from the half wall of Sobering Cell 4. Once [REDACTED] was on the ground, there were 6 deputies attempting to gain control of him. [REDACTED] was moving under the 6 deputies. Deputy Green was on [REDACTED] left side. He stated he was trying to gain control of [REDACTED] left arm. Deputy Green struck [REDACTED] 7 times in the face fracturing his left zygomatic arch (left eye area) to gain control of his left arm.

(13) Discourteous treatment of the public or other employees.

Deputy Green

Deputy Green was part of a 6-deputy team to remove [REDACTED] from the half wall of Sobering Cell 4. Once [REDACTED] was on the ground, there were 6 deputies attempting to gain control of him. [REDACTED] was moving under the 6 deputies. Deputy Green was on [REDACTED] left side. He stated he was trying to gain control of [REDACTED] left arm. Deputy Green struck [REDACTED] 7 times in the face fracturing his left zygomatic arch (left eye area) to gain control of his left arm.

(16) Violation of a department rule.

Sgt. [REDACTED] Cpl. [REDACTED] Deputy [REDACTED] and Deputy Green

Sgt. [REDACTED] arrived in the intake area after [REDACTED] had been standing on the half wall. He did not ask any questions about [REDACTED] nor did he research any information about [REDACTED]. He ordered the deputies to remove [REDACTED] from the half wall and place him into the Safety Cell 3. There was no real plan on how the deputies were going to execute the order. Additionally, during the interview with Sgt. [REDACTED] he could not make a determination on whether the use of force was necessary. He stated it was "gray".

Corporal [REDACTED] was OIC on the day [REDACTED] came in. There was a comment made by Deputy [REDACTED] about [REDACTED] going to AHS for 5150 W&I. Cpl. [REDACTED] did not ask any questions of Deputy [REDACTED]. During the interview, she stated, "Like I said, I think he was acting erratic, but I don't specifically, I don't ask the patrol deputies specific details. It's not my job. I just make sure he's good in custody." Cpl. [REDACTED] had a difficult time articulating on whether the use of force was reasonable or not.

Deputy [REDACTED] was a FTO on the day he and a new hire, Deputy [REDACTED], contacted [REDACTED]. They were aware [REDACTED] had mental health issues according to the incident details. Deputy [REDACTED] did not ask any questions of [REDACTED] and his mental health status nor did he have Deputy [REDACTED] ask. Additionally, minimal information was passed to the jail OIC, Cpl. [REDACTED]. Deputy [REDACTED] completed a report documenting the arrest. He noted what [REDACTED] sister had said about him being off his [REDACTED] medications and there was nothing noted about [REDACTED] being a danger to himself, others, or gravely disabled. Deputy [REDACTED] reviewed the report and it was later approved by a sergeant.

Deputy Green was part of a 6-deputy team to remove [REDACTED] from the half wall of Sobering Cell 4. Once [REDACTED] was on the ground, there were 6 deputies attempting to gain control of him. [REDACTED] was moving under the 6 deputies. Deputy Green was on [REDACTED] left side. He stated he was trying to gain control of [REDACTED] left arm. Deputy Green struck [REDACTED] 7 times in the face fracturing his left zygomatic arch (left eye area) to gain control of his left arm.

Tuolumne County DSA Memorandum of Understanding:

DSA MOU Article 16, Section C. Cause(s) of Action

(3) Willful disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order;

Deputy Green

Deputy Green was part of a 6-deputy team to remove [REDACTED] from the half wall of Sobering Cell 4. Once [REDACTED] was on the ground, there were 6 deputies attempting to gain control of him. [REDACTED] was moving under the 6 deputies. Deputy Green was on [REDACTED] left side. He stated he was trying to gain control of [REDACTED] left arm. Deputy Green struck [REDACTED] 7 times in the face fracturing his left zygomatic arch (left eye area) to gain control of his left arm.

(5) Inefficiency

Sgt. [REDACTED] Cpl. [REDACTED] Deputy [REDACTED] and Deputy Green

Sgt. [REDACTED] arrived in the intake area after [REDACTED] had been standing on the half wall. He did not ask any questions about [REDACTED] nor did he research any information about [REDACTED]. He ordered the deputies to remove [REDACTED] from the half wall and place him into the Safety Cell 3. There was no real plan on how the deputies were going to execute the order. Additionally, during the interview with Sgt. [REDACTED] he could not make a determination on whether the use of force was necessary. He stated it was "gray".

Corporal [REDACTED] was OIC on the day [REDACTED] came in. There was a comment made by Deputy [REDACTED] about [REDACTED] going to AHS for 5150 W&I. Cpl. [REDACTED] did not ask any questions of Deputy [REDACTED]. During the interview, she stated, "Like I said, I think he was acting erratic, but I don't specifically, I don't ask the patrol deputies specific details. It's not my job. I just make sure he's good in custody." Cpl. [REDACTED] had a difficult time articulating on whether the use of force was reasonable or not.

Deputy [REDACTED] was a FTO on the day he and a new hire, Deputy [REDACTED] contacted [REDACTED]. They were aware [REDACTED] had mental health issues according to the incident details. Deputy [REDACTED] did not ask any questions of [REDACTED] and his mental health status nor did he have Deputy [REDACTED] ask. Additionally, minimal information was passed to the jail OIC, Cpl. [REDACTED]. Deputy [REDACTED] completed a report documenting the arrest. He noted what [REDACTED] sister had said about him being off his [REDACTED] medications and there was nothing noted about [REDACTED] being a danger to himself, others, or gravely disabled. Deputy [REDACTED] reviewed the report and it was later approved by a sergeant.

Deputy Green was part of a 6-deputy team to remove [REDACTED] from the half wall of Sobering Cell 4. Once [REDACTED] was on the ground, there were 6 deputies attempting to gain control of him. [REDACTED] was moving under the 6 deputies. Deputy Green was on [REDACTED] left side. He stated he was trying to gain control of [REDACTED] left arm. Deputy Green struck [REDACTED] 7 times in the face fracturing his left zygomatic arch (left eye area) to gain control of his left arm.

(12) Discourteous treatment of the public or other employees.

Deputy Green

Deputy Green was part of a 6-deputy team to remove [REDACTED] from the half wall of Sobering Cell 4. Once [REDACTED] was on the ground, there were 6 deputies attempting to gain control of him. [REDACTED] was moving under the 6 deputies. Deputy Green was on [REDACTED] left side. He stated he was trying to gain control of [REDACTED] left arm. Deputy Green struck [REDACTED] 7 times in the face fracturing his left zygomatic arch (left eye area) to gain control of his left arm.

(16) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the county.

Deputy Green

Deputy Green was part of a 6-deputy team to remove [REDACTED] from the half wall of Sobering Cell 4. Once [REDACTED] was on the ground, there were 6 deputies attempting to gain control of him. [REDACTED] was moving under the 6 deputies. Deputy Green was on [REDACTED] left side. He stated he was trying to gain control of [REDACTED] left arm. Deputy Green struck [REDACTED] 7 times in the face fracturing his left zygomatic arch (left eye area) to gain control of his left arm.

ATTACHMENTS/EXHIBITS

- [REDACTED] Timeline
- Jail incident reports
- [REDACTED] inmate file
- [REDACTED] RIMS person page
- TCSO case 20-3447
- TCSO incidents 2011090019 and 2011090027
- Thumb drive of video surveillance
- CD of video surveillance
- Thumb drive of recorded interviews
- Deputy Green's CA POST Record
- AHS Medical Record for [REDACTED]

Video Review of Incident Summary

I reviewed the jail video surveillance for 11-9-20. The following are what is viewed on the Jail basement video. The times were recorded by the camera system:

Jail Basement Camera

- 0911:57 TCSO patrol deputies, [REDACTED] and [REDACTED] pull into jail basement with [REDACTED]
- 0911:57 TCSO deputies get [REDACTED] out of patrol car. He appeared to be limping. He walked to the entry way table and was screened for Covid-19. Jail Deputies present were, Cpl. [REDACTED] Deputies [REDACTED] [REDACTED] and Green.

Video times and incidences are taken from four different cameras; Intake, Booking, Sobering Cell 4, and Safety Cell 3.

- 0915:15 hours, [REDACTED] was walked into the jail by Deputy [REDACTED] and Deputy [REDACTED]. Deputy Green and Cpl. [REDACTED] were standing by. Deputy [REDACTED] joined moments later.
- 0917:35 hours, Deputy [REDACTED] removed the handcuffs from [REDACTED]. [REDACTED] appeared to remain calm for the intake process.
- 0928:32 hours, Nurse [REDACTED] came downstairs and checked [REDACTED] to include his left ankle.
- 0933:26 hours, Nurse [REDACTED] completed her check of [REDACTED] and he was cleared for the holding cell. He was placed into Sobering Cell 4 where he laid down on the floor.
- 1038:50 hours, [REDACTED] sat up on the half wall, took off his shirt and crossed his arms.
- 1040:05 hours, Deputy [REDACTED] came to door and appeared to motion for [REDACTED] to get down. [REDACTED] remained on the wall and Deputy [REDACTED] walked off.
- 1040:45 hours, Deputy [REDACTED] came to the door and appeared to motion to [REDACTED] to get off the wall.
- 1041:09 hours, Deputy [REDACTED] opened the door to Sobering Cell 4 while Deputies [REDACTED] Green, [REDACTED] and [REDACTED] stood by. [REDACTED] remained on the wall and did not get down. The five deputies named went to the table and retrieved gloves.
- 1041:55 hours, Deputy [REDACTED] went to the Acting Jail Commander's office at the end of the hall where the holding cells are.
- 1043:12 hours, [REDACTED] stood up on the half wall and motioned toward the deputies. He also swung his shirt around in front of him.
- 1043:28 hours, Sgt. [REDACTED] can be seen signaling for [REDACTED] to get off the wall. Sgt. [REDACTED] remained at the window to Sobering Cell 4 for the duration of the incident.
- 1043:34 hours, Deputies [REDACTED] Green, [REDACTED] [REDACTED] [REDACTED] Cpl. [REDACTED] and Sgt. [REDACTED] can be seen standing by.
- 1043:37 hours, deputies entered the cell led by Deputy [REDACTED] followed by Deputies Green, [REDACTED] [REDACTED] [REDACTED] and [REDACTED]

- 1043:38 hours, [REDACTED] jumped off the wall toward Deputy [REDACTED] with both arms extended toward him. [REDACTED] had his shirt in his right hand and hits Deputy [REDACTED] with it. Deputy [REDACTED] extended his arms and stepped back. It appeared Deputy [REDACTED] was struck in the left side of his face by [REDACTED] right hand. [REDACTED] landed on both feet and rocked back to his back on the ground. [REDACTED] pulled his feet back to his body. [REDACTED] foot can be seen next to the front of Deputy Green's face. Deputy Green's face appears to have snapped back as if he as struck. Deputy [REDACTED] came in with Deputy [REDACTED] Deputy [REDACTED] Deputy [REDACTED] and lastly Cpl. [REDACTED] stood in the doorway. Deputy [REDACTED] was positioned to the side of [REDACTED] Deputies [REDACTED] [REDACTED] and [REDACTED] were trying to gain control of [REDACTED] legs. It appeared as if the deputies were able to get [REDACTED] legs extended. Deputy Green appeared to be on top of and to [REDACTED] left side while Deputy [REDACTED] was to [REDACTED] right side.
- 1043:43 hours, Deputy Green delivered a punch to [REDACTED] facial area. Cpl. [REDACTED] ran to the break room area.
- 1043:50 hours, Cpl. [REDACTED] gets a set of leg restraints.
- 1043:50 hours, Deputy Green delivered what appeared to be a punch followed with three hammer fist strikes to [REDACTED] facial area. It appeared as if the deputies were still struggling to gain control of [REDACTED]
- 1043:55 hours, Deputy Green delivered two more hammer strikes to [REDACTED] facial area. It appeared [REDACTED] hands were still in front of him and the deputies were still trying to gain control of him.
- 1043:59 hours, Cpl. [REDACTED] returned with leg restraints. Deputies [REDACTED] [REDACTED] [REDACTED] and [REDACTED] appear to have control of [REDACTED] lower portion of his body. Deputy Green appeared to have had his left elbow across [REDACTED] chest.
- 1044:02 hours, Deputy [REDACTED] pulled [REDACTED] shirt away and threw it behind him. Deputy [REDACTED] walked to the Sobering Cell 4 doorway.
- 1044:05 hours, Deputy [REDACTED] took the leg restraints from Cpl. [REDACTED]
- 1044:13 hours, Deputy [REDACTED] handed Cpl. [REDACTED] his glasses. Deputies were still trying to gain control of [REDACTED]
- 1044:40 hours, Deputy [REDACTED] disengaged from [REDACTED]
- 1045:11 hours, the deputies turned [REDACTED] over to his stomach and Deputy Green disengaged and stood up.
- 1045:54 hours, deputies were still gaining control of [REDACTED] Deputy Green dabbed his left eye with the back of his hand.
- 1046:02 hours, Nurse [REDACTED] came downstairs.
- 1046:09 hours, Deputy Green left the holding cell.
- 1046:13 hours, Deputies [REDACTED] [REDACTED] and [REDACTED] carried [REDACTED] to Safety Cell 3.
- 1046:23 hours, Deputy Green dabbed his left eye.
- 1046:30 hours, Deputy Green dabbed his left eye.
- 1046:42 hours, Deputy Green dabbed his left eye twice.
- 1047:57 hours, Deputies [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] left Safety Cell 3 after the leg restraints were taken off [REDACTED] The handcuffs were left on [REDACTED] laid there face down. He moved his legs and can be seen breathing.
- 1048:14 hours, the food port was opened to Safety Cell 3 and closed at 1048:26.

- 1048:25 hours, Deputy Green dabbed his left eye.
- 1048:32 hours, Deputy [REDACTED] appeared to be checking his left elbow/arm for injuries. Cpl. [REDACTED] also looked at his arm.
- 1103:45 hours, the food port was opened to Safety Cell 3 and closed at 1103:55.
- 1108:57 hours, Deputies [REDACTED] [REDACTED] Green, [REDACTED] [REDACTED] and Nurse [REDACTED] entered Safety Cell 3. Sgt. [REDACTED] and Cpl. [REDACTED] looked on. Deputy Green placed [REDACTED] in a "leg lock" while Deputy [REDACTED] and [REDACTED] controlled [REDACTED] handcuffed arms. Deputy [REDACTED] gave [REDACTED] a sternum rub. Deputy [REDACTED] placed leg shackles on [REDACTED]. The deputies rolled [REDACTED] over and sat him up against the wall. Nurse [REDACTED] came in and checked [REDACTED] for 2 minutes and 10 seconds. Deputy [REDACTED] took a photo and handed the camera off to Sgt. [REDACTED] [REDACTED] was rolled over to his stomach and the leg shackles were taken off.
- 1113:40 hours, all the deputies left the cell. The food port opened and closed seconds later.
- 1130:52 hours, the food port opened and remained open for about 30 seconds. [REDACTED] continuously moved around for the next 20 minutes.
- 1159:48 hours, Deputies [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] entered the cell. They placed [REDACTED] face down and removed his handcuffs. Cpl. [REDACTED] and Sgt. [REDACTED] looked on. [REDACTED] remained on the ground and continued to move his legs and arms around.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 1/27/2021

CONFIDENTIAL**Name:** GREEN, MARCUS**POST ID:** B65-T14**Agency:** TUOLUMNE CO SD**AKA:** NO ALTERNATE NAMES ON FILE**Certificates**

No Certificates Issued.

Employment

Hired From	To	R	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas.
11/19/2006			JDEP	11/19/2006	55000	TUOLUMNE CO SD	F	P	

R = Reason for Separation: 1 = Resignation, 2 = Discharge, 3 = Retirement, 4 = Death, 5 = Felony, 6 = Other, 7 = Promotion/Demotion

Training

Comp Date	Cat	CCN	Hrs	Rmb	Comp	Agency	School	*	Course Name
06/05/2004	O	1920-80100-03-007	24	X	Y	60000	MODESTO TC		FIREARMS COMPONENT
06/28/2004	O	1920-80100-03-008	38	X	Y	60000	MODESTO TC		ARREST COMPONENT
02/17/2010	K	2860-29503-09-002	8	-	Y	55000	TUOL CO.	*	ARSTCTL(PSP)
06/16/2011	K	2310-30771-10-002	8	-	Y	55000	SACTO SO		CELL EXTRACTION TRAINING
03/07/2012	K	1073-28000-11-001	23	X	Y	55013	CENTRLCOAS		TRAINING CONFERENCE
01/15/2016	K	2970-21635-15-002	80	R	Y	55000	SRPSC		DEFENSIVE TACTICS INSTRUCTOR
03/18/2016	K	2970-21265-15-002	80	R	Y	55000	SRPSC		BATON/IMPACT WEAPONS INSTRUCTOR
12/08/2017	K	2970-21295-17-002	16	X	Y	55000	SRPSC		BATON/IMPACT WPN INSTR UPD
03/02/2018	K	2310-31725-17-005	40	X	Y	55000	SACTO SO		FIELD TRAINING OFFICER

* Meets Perishable Skills

Footnotes

No Footnote on file.

Tuolumne County Jail

Jail Incident Report

Informational Only

Inmate Name: [REDACTED]

Date of Incident: 11/09/2020

Reporting Person: Deputy [REDACTED]

Narrative:

On 11/09/2020, I was the J1 Post Deputy at the Tuolumne County Jail. At approximately 0925 hours, Patrol Deputy [REDACTED] brought in arrestee [REDACTED] for a misdemeanor warrant. (CRM 49747, PC148 (A)(1) resisting arrest). [REDACTED] refused to answer the Coronavirus screening questions while in the Jail garage. [REDACTED] said that he is not going to answer any of our questions. Deputy [REDACTED] and I escorted [REDACTED] into the Jail. Deputy [REDACTED] was able to complete the coronavirus screening and the medical questionnaire without issue. Nurse [REDACTED] evaluated [REDACTED] and determined he was not under the influence and was cleared to remain in custody. Deputy [REDACTED] escorted [REDACTED] into Sobering Cell #4 without issue.

At approximately 1054 hours, [REDACTED] was sitting on the half wall of Sobering Cell #4. I opened the door to the cell and told [REDACTED] to get down. [REDACTED] said that he won't get down and that we will have to make him get down. I shut the door and walked away from the door. [REDACTED] then got down.

At approximately 1055 hours, [REDACTED] again sat on the half wall. I ordered [REDACTED] to get down again. [REDACTED] said we will have to make him get down. I contacted Cpl. [REDACTED] and informed her of what was happening. Sgt. [REDACTED] arrived, and I informed him of what happened. [REDACTED] was standing on the half wall and was waving his shirt in his right hand. Deputies [REDACTED] Green, [REDACTED] [REDACTED] and [REDACTED] were standing in the intake area. Cpl. [REDACTED] arrived at intake. Sgt. [REDACTED] ordered us to move [REDACTED] into Safety Cell #3 for his own safety.

At approximately 1056 hours, I opened the door to Sobering Cell #4. I entered the cell first and Deputy Green was behind me. I entered the cell and [REDACTED] jumped off the half wall directly at me. [REDACTED] had his arms out and attempted to grab me. I was able to push [REDACTED] back and force him to the right side of the cell. [REDACTED] fell onto his back and put his legs up in the air. Deputy Green and I got on top of [REDACTED] and attempted to gain control of his arms and upper body. [REDACTED] kicked Deputy Green in the face as Green got on top of [REDACTED] I was able to gain control of

Tuolumne County Jail

Jail Incident Report

Informational Only

█████ right arm. Deputy Green attempted to gain control of █████ left arm. Deputy Green tried to grab █████ left arm, but he was uncooperative and resistive. I told █████ to stop resisting and to give us his hands. █████ appeared to be trying to grab Deputy Green. Deputy Green had his left forearm on █████ left shoulder. Deputy Green then delivered approximately 3 closed fists strikes to the left side of █████ face. Deputy Green was then able to gain control of █████ left arm. Deputies █████ and █████ gained control of █████ legs. Deputy █████ applied leg shackles to █████ legs. We then flipped █████ on to his stomach so that we could place handcuffs onto him. I took control of █████ left arm and placed it behind his back. Deputy █████ took control of █████ right arm and placed it behind his back. I applied handcuffs to █████ double checked them for tightness, and then double locked them.

At approximately 1058 hours, Sgt. █████ told us to carry █████ to Safety Cell #3. Deputies █████ and I carried █████ into the Safety Cell. We placed him face down in the back-left corner of the cell. Deputies █████ and █████ removed his leg shackles and maintained control of his legs. Cpl. █████ told us to leave his handcuffs on and remove them through the food port of the safety cell door. All deputies exited the cell without issue. I shut and locked the safety cell door. I opened the food port and told █████ to place his hands through the food port. █████ was laying face down in the middle of the cell and did not move or respond to my commands. █████ back was rising and falling indicating that he was breathing. I told █████ 3 times to come to the door so that I could remove his handcuffs. I then shut the food port and would try to remove the handcuffs later. I placed a safety sheet on the safety cell door.

At approximately 1112 hours, I performed a visual check of █████ again had no response but appeared to be breathing.

At approximately 1121 hours, I performed a visual check of █████ again had no response but appeared to be breathing.

I informed Cpl. █████ that █████ appeared to be breathing but had not given me any responses during my last 2 visual checks. Cpl. █████ called Nurse █████ and asked her to evaluate █████

At approximately 1125 hours, Nurse █████ arrived at intake. Deputies █████ Green, █████ and I entered the safety cell. █████ and I turned █████ on his side so we could wake him up. █████ did not

Tuolumne County Jail
Jail Incident Report
Informational Only

wake up when we turned him on his side. I performed a sternum rub on his chest. [REDACTED] woke up and looked at us. [REDACTED] left eye and cheek was swollen and bruised. Nurse [REDACTED] told us to sit him up against a wall so that she could check his vital signs. [REDACTED] and I placed [REDACTED] against the wall with out issue. Nurse [REDACTED] checked his left eye and then took his vital signs. Nurse [REDACTED] cleared him for further custody. Cpl. [REDACTED] advised that she wanted us to remove his handcuffs through the food port again due to him being combative. All deputies exited the cell. I locked the door and opened the food port. [REDACTED] again refused to come to the door so that I could remove the handcuffs.

I opened the food port and tried to get [REDACTED] to uncuff at 1135, 1145, and 1200 hours.

At approximately 1214 hours, Cpl. [REDACTED] advised that she wanted us to remove the handcuffs from [REDACTED]. Deputies [REDACTED] [REDACTED] [REDACTED] and I entered the safety cell and placed [REDACTED] face down. I removed the handcuffs from [REDACTED] and all Deputies exited the cell without issue.

A video recording and use of force form was completed.

Approved By: Sgt. [REDACTED]

At approximately 0345 hours, [REDACTED] agreed to cooperate and go through the booking process. [REDACTED] completed the booking process and was fingerprinted without incident. I cleared [REDACTED] to be cleared from the safety cell and took updated pictures of [REDACTED] injuries.

-Sgt. [REDACTED]



TUOLUMNE COUNTY SHERIFF'S OFFICE

REPORT OF USE OF FORCE

Case# 0011148 Date: 11/09/2020 Time: 10:42 Deputy: [REDACTED] ID# [REDACTED]

Location: 175 Yaney ave Sonora ca 95370 Sobering Cell #4

Address

City

Zip

Did the incident happen on a k-12 campus? No

Subject: [REDACTED] DOB: [REDACTED] Age: [REDACTED] CDL: [REDACTED]

Last, First MI

Race: [REDACTED] Gender: Male Height: [REDACTED] Weight: [REDACTED]

Describe Subjects clothing: black pants, black t shirt

Observed Subjects Behavior: erratic behavior ☒ yes ☐ no (check all that apply)

- ☒ Signs of mental disability ☐ Signs of developmental disability
☐ Signs of physical disability ☐ Signs of drug impairment ☐ Signs of alcohol impairment

Primary Reason for Contact: In Custody Event

Nature of Incident: Other

In custody event options: Awaiting Booking

Underlying Incident Resulted in Arrest? No

Other (explain):

Other (explain):

If yes, Offense Code:

Subjects who assaulted Deputy(s): 1

Subjects who experienced use of force: 1

Deputy(s) who used force: 5

Deputy(s) assaulted: 2

Deputy(s) present on Scene: 9

Subjects Level of Resistance Assaultive

if selected, was there an attempt to disarm? No

Subject Confirmed Armed With: None

Subject Perceived Armed: None

Subjects Injury Severity: Injury

If death selected, indicate whether it occurred as a result of force/shooting: No

Type of force used by Deputy(check all that apply):

- ☒ Deputy Physical contact ☐ Deputy Vehicle contact ☐ Taser : Choose one
☐ Blunt/Impact Weapon ☐ Chemical Spray
☐ Impact projectile ☐ Knife, Blade or stabbing instrument
☐ Discharge of firearm Firearm Type: N/A
☐ Other dangerous weapon ☐ K-9 contact

Deputy Injury Severity: Minor Injury

If death selected, indicate whether it occurred as a result of force/shooting: No

Type of force used by Civilian (check all that apply):

- ☒ Subject Physical contact ☐ Subject Vehicle contact
☐ Blunt/Impact Weapon ☐ Chemical Spray
☐ Impact projectile ☐ Knife, Blade or stabbing instrument
☐ Discharge of firearm Firearm Type: N/A
☐ Other dangerous weapon ☐ K-9 contact

Subject**Location(s) of Force Used (Check all that apply)**

- ☒ Head (Front)
- ☐ Head (Side)
- ☐ Head (Rear)
- ☐ Neck/Throat
- ☒ Front upper torso/chest
- ☐ Rear upper torso/back
- ☐ Front lower torso/abdomen
- ☐ Rear lower torso/back
- ☐ Front below waist/groin area
- ☐ Rear below waist/buttocks
- ☒ Arms/hands
- ☒ Front legs/feet
- ☒ Rear legs

Subject Injury type (Check all that apply)

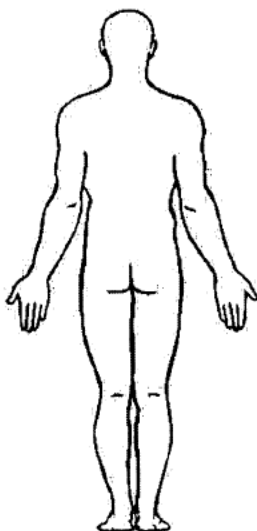
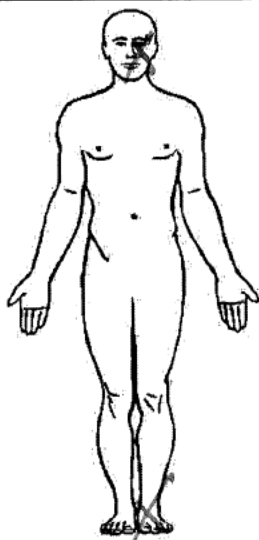
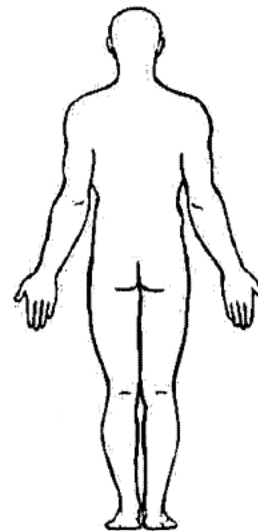
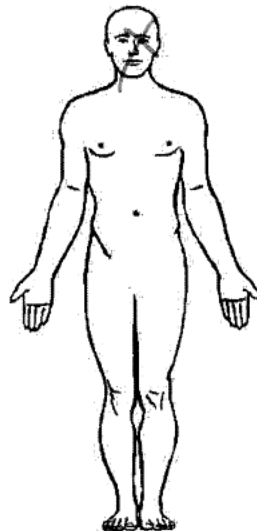
- ☐ Unconsciousness
- ☐ Concussion
- ☐ Bone Fracture
- ☒ Internal Injury
- ☐ Abrasion/laceration
- ☐ Obvious disfigurement
- ☐ Gunshot wound
- ☐ Stabbing wound

Medical Aid: Treat at scene**Deputy****Location(s) of Force Used (Check all that apply)**

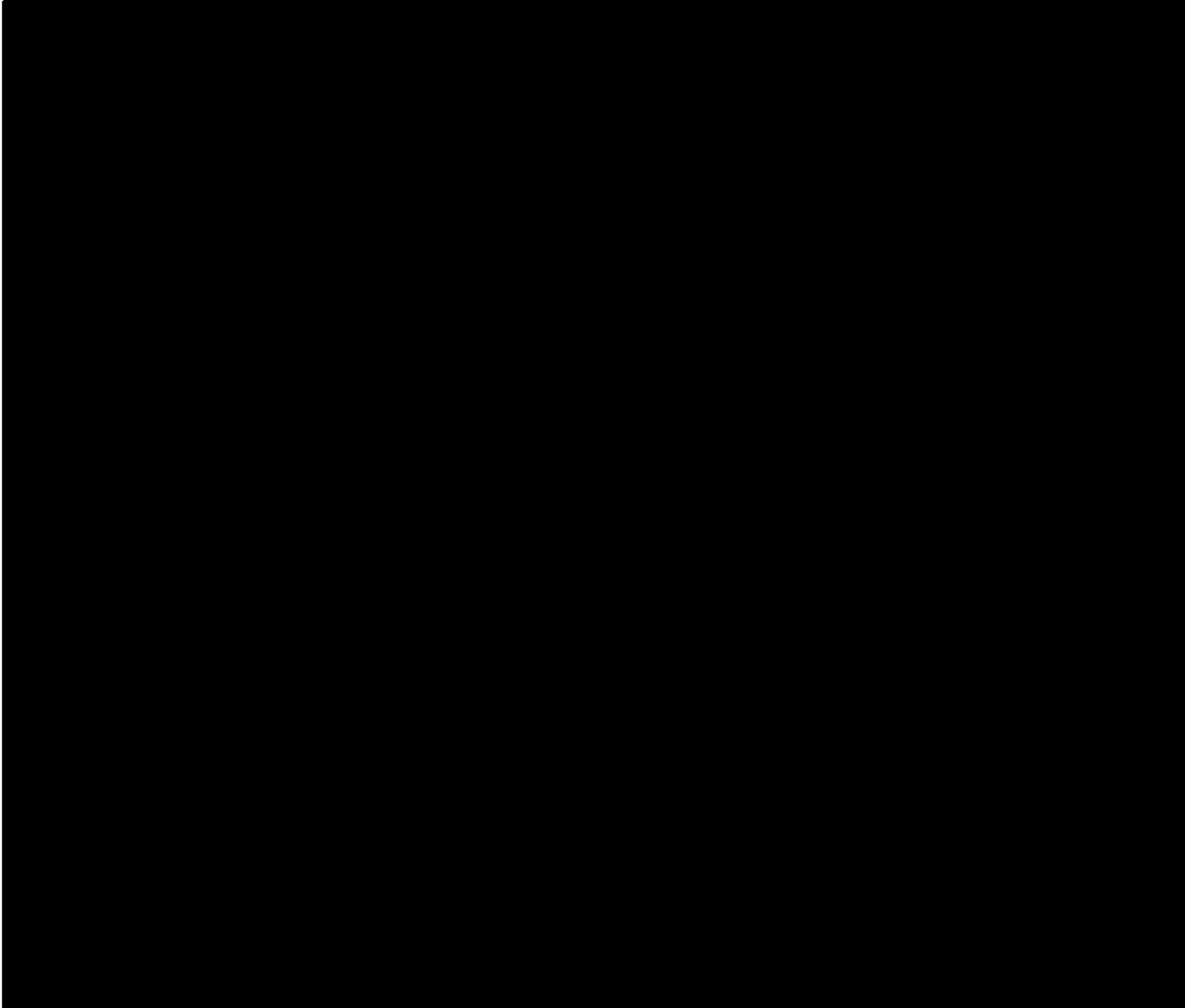
- ☐ Head (Front)
- ☒ Head (Side)
- ☐ Head (Rear)
- ☐ Neck/Throat
- ☐ Front upper torso/chest
- ☐ Rear upper torso/back
- ☐ Front lower torso/abdomen
- ☐ Rear lower torso/back
- ☐ Front below waist/groin area
- ☐ Rear below waist/buttocks
- ☐ Arms/hands
- ☐ Front legs/feet
- ☐ Rear legs

Deputy Injury type (Check all that apply)

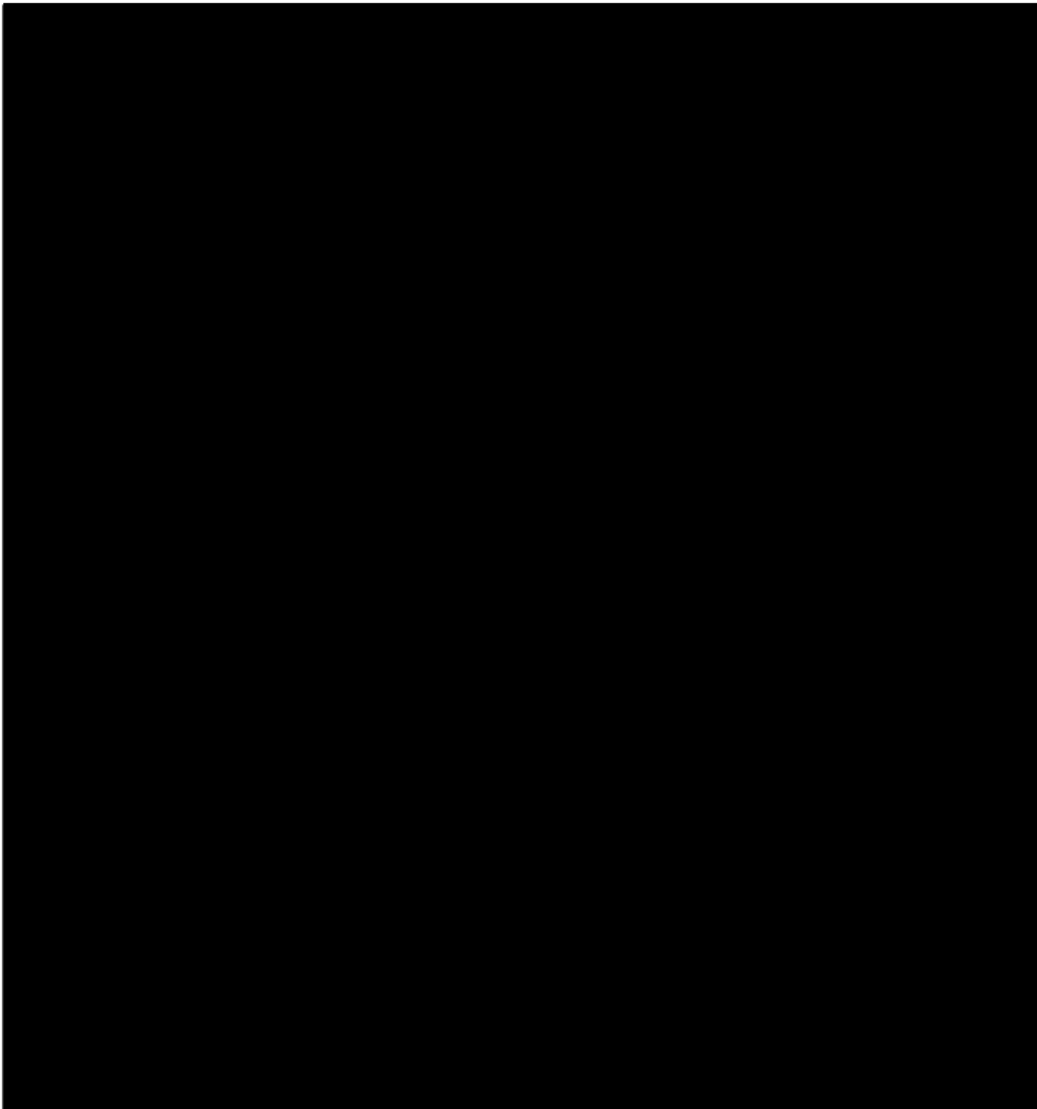
- ☐ Unconsciousness
- ☐ Concussion
- ☐ Bone Fracture
- ☒ Internal Injury
- ☐ Abrasion/laceration
- ☐ Obvious disfigurement
- ☐ Gunshot wound
- ☐ Stabbing wound

Medical Aid: Treat at hospital & cleared**On the diagram above indicate all marks/injuries for the subject****On the diagram above indicate all marks/injuries for the Deputy****Deputy Demographics:** (Required by DOJ)**Gender** Male**Race** White**Age:** ■**Duty** (on or off): On Duty**Dress:** Patrol Uniform

**Tuolumne County Jail
Jail Incident Report
Informational Only**



**Tuolumne County Jail
Jail Incident Report
Informational Only**



Tuolumne County Jail
Jail Incident Report
Informational Only

Inmate Name: [REDACTED]
Date of Incident: 11/9/20
Reporting Person: Dep. Green #1549

Narrative:

On 11/9/20 at approximately 1053 hours, I was in the breakroom when I heard Dep. [REDACTED] yell "Get down from the wall!" Dep. [REDACTED] and I walked out of the breakroom and noticed Inmate [REDACTED] sitting on the half wall in Sobering Cell #4. [REDACTED] opened the door to SC#4 and told [REDACTED] to get off the wall. [REDACTED] said, "Your going to have to get me down." [REDACTED] closed the door and radioed for Cpl. [REDACTED]. At that time [REDACTED] jumped down from the wall and ran over to the door yelling obscenities. Sgt. [REDACTED] walked out of his office and noticed [REDACTED] was back on the wall. Sgt. [REDACTED] ordered us to place him into Safety Cell #3 for his safety. Sgt. [REDACTED] Cpl. [REDACTED] and Deputies [REDACTED] [REDACTED] [REDACTED] [REDACTED] and I were present before entering SC#4.

At 1056 hours, Dep. [REDACTED] opened SC#4 door and entered the cell first while I entered behind him. [REDACTED] jumped off the half wall towards [REDACTED] deflected [REDACTED] in my direction. [REDACTED] fell to his back. As [REDACTED] went to the ground [REDACTED] and I moved to gain control of him. As I got close to [REDACTED] he delivered a push kick with his left leg hitting me on the left side of my face. I then fell on top of him trying to gain control of his left arm. [REDACTED] kept swinging his left arm towards me. [REDACTED] gave numerous commands to [REDACTED] to stop fighting. [REDACTED] continued fighting from his back. I then delivered seven strikes to the left side of [REDACTED] head to gain compliance. After the strikes were applied, I was able to gain control of his left arm. I had to lay my body over his arm to maintain control due to being disoriented and unable see from my left eye. Dep. [REDACTED] then took control of [REDACTED] left arm. I stood up and waited for an opening to exit the cell. Once I exited the cell Deputies [REDACTED] [REDACTED] and [REDACTED] carried [REDACTED] to Safety Cell #3.

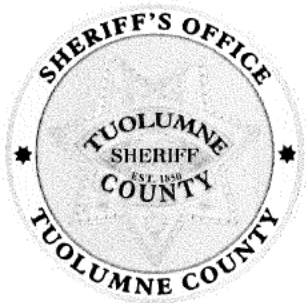
At 1059 hours, once in Safety Cell #3 deputies were able to remove the leg restraints. [REDACTED] refused to comply to remove the handcuffs.

Tuolumne County Jail
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Deputies [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] exited the Safety Cell.

At 1125 hours, Nurse [REDACTED] came downstairs to evaluate [REDACTED] Deputies, [REDACTED] [REDACTED] [REDACTED] and I entered the Safety Cell. [REDACTED] was still handcuffed; [REDACTED] took control of his left upper torso and [REDACTED] took control of his right upper torso. I took control of his legs. [REDACTED] and [REDACTED] sat [REDACTED] up in the seated position. Per Sgt. [REDACTED] leg restraints were placed on [REDACTED] by Deputy [REDACTED] Nurse [REDACTED] took [REDACTED] vitals and cleared him to remain in custody. While in the Safety Cell [REDACTED] took photographs of [REDACTED] injury. I stood by while [REDACTED] removed the leg restraints, I then exited the cell without further incident.

Approved by Cpl. [REDACTED]



TUOLUMNE COUNTY SHERIFF'S OFFICE

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Bill Pooley
Sheriff-Coroner

Jail General Incident Report

Housing Unit/Location: Intake

Date of Incident: 11-9-20

Reporting Person: [REDACTED]

SUMMARY:

On 11/9/20 at approximately 1055 hours, I ordered Inmate [REDACTED] be moved from Sobering Cell 4 to Safety Cell 3 for his safety. See Report #0011148. Present during this incident was Cpl. [REDACTED] Deputies [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED]

I observed the following from outside of Sobering Cell #4. As the deputies entered Sobering Cell #4 [REDACTED] jumped off the half wall towards Dep. [REDACTED]. It appeared that [REDACTED] made contact with Deputy [REDACTED] [REDACTED] then landed on his back and it appeared that [REDACTED] foot hit Dep. Green. Deputies attempted to gain control of [REDACTED] appeared to be actively resisting the deputies. Dep. Green appeared to strike [REDACTED] three times in a row. I order Dep. Green to stop striking him. It's unknown if it was heard. A short time passes, and Dep. Green strikes [REDACTED] two more times. I yelled stop hitting him. Dep. Green stopped. I witnessed no other strikes. [REDACTED] continued to resist and was eventually handcuffed. [REDACTED] was moved to Safety Cell #3. Due to [REDACTED] combative state and still being uncooperative [REDACTED] was not seen by medical at that time and his handcuffs were not removed inside the cell. [REDACTED] was instructed to put his hands through the food port because he didn't comply.

At approximately 1125 hours, [REDACTED] had not moved from the position we left him in. Deputies entered the cell and sat [REDACTED] up. I had Dep. [REDACTED] take a picture of [REDACTED] face. Medical evaluated and cleared [REDACTED] for custody. [REDACTED] was still non-compliant with jail staff. I have not attempted a supervisor interview at this time and have instructed Cpl. [REDACTED] to attempt to complete one when [REDACTED] becomes compliant.

Tuolumne County Jail
Jail Incident Report
Informational Only

Inmate Name: [REDACTED]

Date of Incident: 11/09/2020

Reporting Person: Deputy [REDACTED]

Supplemental Report

On 11/09/2020, at approximately 1054 Hours, I was working at the Tuolumne County Jail as a transportation Deputy. I was about to exit the Jail with Deputy [REDACTED] when we realized inmate [REDACTED] sitting on the half wall in sobering cell 4. Both Deputy [REDACTED] and I, instructed [REDACTED] to get off the half wall and he refused to do so. By this time multiple Deputies arrived at the intake area. Again, [REDACTED] was instructed to get off the half wall and refused to do so.

Sgt. [REDACTED] instructed us to place [REDACTED] in the safety cell for his own protection. Deputies [REDACTED] Green, [REDACTED] [REDACTED] and I entered the cell. Upon entering the sobering cell 4 [REDACTED] decided to jump off the half wall at Deputies [REDACTED] and Green. By the time I entered the cell [REDACTED] was on the ground fighting and disobeying orders being given by deputies. I grabbed [REDACTED] feet to try to control them and to stop him from kicking other deputies. Deputy [REDACTED] and I got his feet pinned against the floor. Deputy [REDACTED] grabbed the leg shackles and applied them. Once the leg shackles were applied Deputy [REDACTED] and I applied a figure four until [REDACTED] could be handcuffed.

After [REDACTED] was handcuffed Deputies [REDACTED] [REDACTED] and I then picked [REDACTED] up off the ground. When we picked [REDACTED] up he continued to resist us and yell at us. [REDACTED] was and placed inside the safety cell face down. Deputy [REDACTED] took off the leg shackles then exited the safety cell. Once the leg shackles were removed, I exited the cell without further incident.

Approved by Cpl. [REDACTED]

Tuolumne County Jail
Jail Incident Report
Informational Only

Inmate Name: [REDACTED]

Date of Incident: 11/9/2020

Reporting Person: Deputy [REDACTED]

Narrative:

On 11/9/2020, at approximately 1054 hours, I was working as a Transportation Deputy. Deputy [REDACTED] and I were about to exit the facility when we noticed Inmate [REDACTED] sitting on the half wall of sobering cell 4. Deputy [REDACTED] and I both instructed [REDACTED] to come down off the half wall. [REDACTED] refused to do so. A few moments later multiple deputies responded and ordered [REDACTED] to get off the wall. [REDACTED] still refused to get down off the wall.

After multiple attempts to order [REDACTED] to get off the wall Sgt. [REDACTED] instructed us to place [REDACTED] in the safety cell for his own safety. Deputies [REDACTED] [REDACTED] Green, [REDACTED] and myself entered sobering cell 4. As we entered the cell [REDACTED] jumped off the half wall at Deputies Green and [REDACTED]. At this time [REDACTED] was on the floor actively resisting. I tried numerous times to gain control of [REDACTED] right arm. After several attempts I was able to grab [REDACTED] right arm. Along with Deputy [REDACTED] we were able to get [REDACTED] handcuffed. Deputy [REDACTED] was able to place legs shackles on [REDACTED]. Deputies [REDACTED] [REDACTED] and [REDACTED] picked up [REDACTED] and escorted him to the safety cell. I exited sobering cell 4 without further incident.

Approved by Cpl. [REDACTED]

Tuolumne County Jail

Jail Incident Report

Informational Only

Inmate Name: [REDACTED]

Date of Incident: 11/9/2020

Reporting Person: Deputy [REDACTED]

Narrative:

On 11/9/2020, I was working as the Classification Deputy at the Tuolumne County Jail. At approximately 1054 hours, I was sitting at the classification desk when I heard Deputies [REDACTED] [REDACTED] and [REDACTED] yelling at an inmate in Sobering Cell 4(SC4).

I responded to SC4 to assist. [REDACTED] was attempting to speak with inmate [REDACTED] [REDACTED] was sitting on the privacy wall and was refusing to get down. [REDACTED] told us that we were going to have to come in the cell and make him get down. [REDACTED] then stood up on top of the wall. Sgt. [REDACTED] ordered that [REDACTED] be moved to Safety Cell 3(SC3) for his own safety.

[REDACTED] and Deputy Green entered SC4 first. [REDACTED] immediately jumped off the half wall and attempted to grab [REDACTED] face. [REDACTED] and Green tackled [REDACTED] to the ground. [REDACTED] and I attempted to gain control of [REDACTED] legs. [REDACTED] kicked Green in the face. [REDACTED] refused to listen to any of our commands and was extremely combative. Green struck [REDACTED] in the face approximately three times with a right close fist. I was able to gain control of [REDACTED] legs. Deputy [REDACTED] placed leg restraints on [REDACTED] and double locked them. I placed [REDACTED] legs in a figure 4 leg lock. [REDACTED] and Green were able to gain control of [REDACTED] arms. [REDACTED] placed handcuffs on [REDACTED] and double locked them. [REDACTED] [REDACTED] and I picked up [REDACTED] and carried him to SC3.

We entered SC3 carrying [REDACTED] I had control of [REDACTED] right arm, [REDACTED] had control of [REDACTED] left arm and [REDACTED] had control of his legs. We placed [REDACTED] on the ground. [REDACTED] was yelling at us and still appeared to be combative. [REDACTED] removed the leg shackles and exited the cell. [REDACTED] placed [REDACTED] in a figure 4 leg lock. Due to [REDACTED] being combative, Cpl. [REDACTED] determined we remove [REDACTED]

Tuolumne County Jail

Jail Incident Report

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handcuffs through the food port. [REDACTED] [REDACTED] and I exited SC3 without incident. The SC3 door was secured.

[REDACTED] opened the SC3 food port to remove [REDACTED] handcuffs. [REDACTED] refused to move and would not speak to us. [REDACTED] shut the food port. Approximately 10 minutes later [REDACTED] attempted to remove the handcuffs again. [REDACTED] did not respond and was not moving. [REDACTED] and I visually confirmed that [REDACTED] was breathing. Cpl. [REDACTED] determined that Nurse [REDACTED] would need to evaluate [REDACTED]

Approximately 3 minutes later, [REDACTED] arrived at SC3. [REDACTED] still had not moved. [REDACTED] Green, and I entered SC3. We attempted to wake [REDACTED] was breathing very heavy. [REDACTED] was opening his eyes and looking at us, but not speaking. We placed [REDACTED] against the wall in a sitting position for [REDACTED] to check his vitals. [REDACTED] entered SC3. [REDACTED] took [REDACTED] vitals and cleared him to remain in custody. [REDACTED] exited SC3. [REDACTED] and [REDACTED] placed [REDACTED] face down on the floor to remove his handcuffs. [REDACTED] started to yell and refused to co-operate with our commands again. We exited SC3 without removing [REDACTED] handcuffs.

Approximately 10 minutes later, Cpl. [REDACTED] determined we would need to remove [REDACTED] handcuffs. Deputies [REDACTED] [REDACTED] [REDACTED] and I entered SC3. I grabbed [REDACTED] right arm and proned him out on the floor. [REDACTED] placed [REDACTED] in a figure 4 leg lock. [REDACTED] began to yell at us. I told [REDACTED] that we were going to remove the handcuffs. [REDACTED] stopped resisting and relaxed. [REDACTED] removed [REDACTED] handcuffs. We exited SC3 without incident.

Approved by Cpl. [REDACTED]



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill Pooley
Sheriff-Coroner

To: Sgt. [REDACTED]

From: Sgt. [REDACTED]

Date: 11/10/2020

Subject: Use of Force [REDACTED]

On 11/10/2020, at approximately 0400 hours, I spoke with inmate [REDACTED] about the use of force incident involving him on 11/09/2020 at 1042 hours. I asked [REDACTED] if he remember what had happened? He told me that he was sitting on the wall in the cell due to an injured ankle he stated he had prior to coming into the jail. [REDACTED] stated he refused and when the deputies came in, he jumped off the wall, but not toward the deputies. He was taken to the ground and that was when he told me he received "this" and pointed to his left eye that was bruised and swollen. [REDACTED] then went on to say that his eye was the only injury he received excepted maybe further injuring his ankle. I took pictures of his left eye and left ankle. He also had scrapes to both forearms that he stated happened prior to his arrest.

-Sgt. [REDACTED]



SONORA POLICE DEPARTMENT

100 S GREEN ST SONORA, CA 95370 532-8143
MISDEMEANOR ARREST REPORT

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Case
16-378

OFFENSES

Offenses	Description	Fel/Misd	Date Occurred	Time Occurred	Incident #
242 P.C	Battery On Person	Misd	03/05/2016	0211	1603050007
148(A)(1) PC	Obstruct Public Officer	Misd	Date Reported	Time Reported	
243(B) PC	Batt on PO/Emergency Personnel	Misd	03/05/2016	0148	
Related Cases					
Date Printed		Time Printed		Printed By	
03/06/2016		15:20:10		RK1	
Latitude		Longitude			
Location		Beat	Area	Disposition	Dispo Date
Location Type	Location of Entry	Method of Entry	Point of Entry	Alarm System	Means of Attack (Robbery)
House					

Victim	Drivers License	Cell Phone	Email			
Residence Address	Notified of Victim Rights	Residence Phone	DOB	Age	Sex	Race
	Yes					
Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
Assistance Rendered/Victim Disposition	Transporting Agency	Means of Attack (Assaults)				
Refused Aid		Simple, Not Aggravated Assault				
Description of Injuries	Other Information					
Apparent Minor Injury						

Reporting Party	Drivers License	Cell Phone	Email			
Residence Address		Residence Phone	DOB	Age	Sex	Race
Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
Suspect Arrested	Action Taken	Charges				
	BOOKING	148(A)(1) PC, 243(B) PC, 242 P.C				
Residence Address	Residence Phone	DOB	Age	Sex	Race	
Business Name and Address	Business Phone					
Identifying Features	Cell Phone	Drivers License	Arrest Number			
Aliases						

VEHICLES

Status	Vehicle Make and Model	License/State	Vehicle Type

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OFFICERS

Prepared By	Date	Assisted By	Appr
	03/05/2016		
Routed To	Date	Routed To	Date
DA	3/6/16		
Notes			

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SONORA POLICE DEPARTMENT

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Victim [REDACTED]	Drivers License	Cell Phone	Email			
Residence Address C/O SPD, Sonora, CA 95370	Notified of Victim Rights Yes	Residence Phone	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
Business Name and Address		Business Phone	Height [REDACTED]	Wt [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]
Assistance Rendered/Victim Disposition Other		Transporting Agency	Means of Attack (Assaults) Simple, Not Aggravated Assault			
Description of Injuries None		Other Information				

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NARRATIVE

SYNOPSIS

On 03/05/16, Officer [REDACTED] and I arrested [REDACTED] for battery on a person (242 PC) and resisting arrest (148 (a)(1)) PC.

NARRATIVE

On 03/05/16, at approximately 0211 hours, Officer [REDACTED] and I were on patrol in a fully marked patrol vehicle and in full uniform. Officer [REDACTED] and I were dispatched to 701 Sanguinetti Rd. for a report of two brothers fighting and that one was trying to choke the other. Upon arrival to the residence, the reporting party (who was later identified as [REDACTED]) told Officer [REDACTED] and I that the two brothers were fighting in the residence.

Officer [REDACTED] and I entered the residence and saw that a white male adult (later identified as [REDACTED]) was holding another white male adult (later identified as [REDACTED]) down on the bed in one of the rooms. [REDACTED] told Officer [REDACTED] that [REDACTED] was the victim. Officer [REDACTED] told [REDACTED] and [REDACTED] to stop fighting. [REDACTED] complied and stepped away from [REDACTED]. Officer [REDACTED] ordered [REDACTED] to leave the room and to stand by with me.

When I started to speak with [REDACTED] I could see that he had vomit all over the front of his shirt and that there were red marks on his face and neck. [REDACTED] informed me that he was a convicted felon and a registered 290 for child molesting. I searched [REDACTED] for weapons and contraband and he was clear of both. I asked [REDACTED] to tell me what happened. [REDACTED] told me that they were at Applebee's drinking alcoholic beverages. [REDACTED] said that after they got home from Applebee's, [REDACTED] had vomited all over himself while in bed. [REDACTED] asked [REDACTED] to get up and wash the vomit off of himself in the shower. [REDACTED] proceeded to yell at [REDACTED] that he was a child molester. [REDACTED] then grabbed [REDACTED] around his neck and started choking him. [REDACTED] hit [REDACTED] with a closed fist several times on the face. [REDACTED] said that he was able to get [REDACTED] off of him by punching him on the body with a closed fist. [REDACTED] got on top of [REDACTED] and held him down until we arrived. Officer [REDACTED] asked [REDACTED] if he wanted to pursue charges against [REDACTED] for battery and he said "Yes". [REDACTED] later signed a Private Person's Arrest form.

Officer [REDACTED] asked me to get a statement from [REDACTED] stated that [REDACTED] attacked him and that he needs to go to jail. I asked [REDACTED] what started the fight and he said drinking too much.

I asked [REDACTED] what happened. [REDACTED] told me that he fell asleep watching television when he woke up to [REDACTED] telling [REDACTED] to get up and clean up his vomit. [REDACTED] stated that [REDACTED] asked him to help him get [REDACTED] up to wash himself off. [REDACTED] and [REDACTED] tried to get [REDACTED] up, so he could wash off the vomit. [REDACTED] started to resist them and pulled away. [REDACTED] stated that [REDACTED] refused to leave the room. [REDACTED] went to his knees and then to his butt. [REDACTED] and [REDACTED] were trying to take [REDACTED] shoes off when [REDACTED] swung his arm back trying to

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Date:

03/05/2016

Appr:

Date:

3/6/16



NARRATIVE

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go get his phone. When [REDACTED] left the room to get the phone, [REDACTED] pushed [REDACTED] [REDACTED] saw [REDACTED] put his arm around [REDACTED] and try to wrestle him to the ground. [REDACTED] stated that [REDACTED] and [REDACTED] fell on the bed. [REDACTED] walked away to call 911 when he heard [REDACTED] yelling for help and "He is choking me". [REDACTED] stated he went back in the room and grabbed [REDACTED] shirt to pull him away from [REDACTED]. He was able to pull [REDACTED] away and stop him from choking [REDACTED]. [REDACTED] stated that he went back on the phone with Dispatch when [REDACTED] got on top of [REDACTED] and started to punch him. [REDACTED] stated that [REDACTED] was able get [REDACTED] off of him and hold him down. [REDACTED] also stated the he did not see [REDACTED] hit [REDACTED].

[REDACTED] advised Officer [REDACTED] that his spine was injured. Officer [REDACTED] called Dispatch for medical personnel. When medical personnel arrived, [REDACTED] refused medical attention. [REDACTED] said that they were not qualified to help him. Officer [REDACTED] advised [REDACTED] that he was under arrest for battery. Officer [REDACTED] told [REDACTED] to get up off of the bed and he refused. Officer [REDACTED] went to grab [REDACTED] left arm. [REDACTED] grabbed his shirt with his left hand. Officer [REDACTED] grabbed his left arm and told [REDACTED] several times to stop resisting. [REDACTED] tensed up and would not let go. I grabbed [REDACTED] right arm and he tensed up and made a fist. I was able to bring [REDACTED] arm around to the middle of his back by using a control hold. I handcuffed [REDACTED] right wrist. Officer [REDACTED] was able to break [REDACTED] left arm free from his shirt and pull it around to his back. I immediately grabbed [REDACTED] left arm and handcuffed his wrist.

Officer [REDACTED] told [REDACTED] to get up several times and he refused. Officer [REDACTED] and I tried to pick [REDACTED] up and he started to rotate his hips and move his legs around. Officer [REDACTED] asked me to go to the patrol car and get the hobble restraint, so we could restrain [REDACTED] legs. Shortly after, I returned to Officer [REDACTED] and gave him the hobble restraint. It should be noted that while I was out of the room, [REDACTED] kicked Officer [REDACTED] Viewu and tie off of his uniform. Officer [REDACTED] applied the hobble restraint to [REDACTED] legs. After [REDACTED] was restrained properly, Officer [REDACTED] Medical personnel and I carried [REDACTED] out of the residence and placed him into the back seat of the patrol car. Officer [REDACTED] arrived shortly after to assist. Officer [REDACTED] watched over [REDACTED] while Officer [REDACTED] and I went back to the house to have [REDACTED] sign the Private Person's Arrest form. I then photographed the injuries on [REDACTED]s face, neck and arms. I later booked the photographs into evidence. I later mailed a Marsy's Card to [REDACTED]

Officer [REDACTED] and I transported [REDACTED] to the Sonora Regional Medical Center (1000 Greenley Rd.) to be medically cleared. [REDACTED] refused to get out of the patrol car. Officer [REDACTED] Officer [REDACTED] medical personnel and I had to physically remove [REDACTED] from the car and place him on a gurney. The doctor on duty medically cleared [REDACTED] and signed the release form. [REDACTED] refused to get back in the patrol car. Officer [REDACTED] medical personnel and I had to pick [REDACTED] up off the gurney and place him back in the car. Officer [REDACTED] and I then transported [REDACTED] to the Tuolumne County Jail and booked him for battery and resisting arrest. It should be noted that when we arrived at the jail the jail

Prepared By:

Date:

03/05/2016

App



NARRATIVE

staff was able to talk [REDACTED] out of the car. [REDACTED] walked through the sally port and into the jail, under his own power.

RECOMMENDATIONS

Forward to the Tuolumne County District Attorney's Office for prosecution against [REDACTED]
[REDACTED] for the following charges:

- 1) <Misd> 242 PC-Battery against a person
- 2) <Misd> 148(a)(1) PC- Resisting/Obstructing a Peace Officer

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**SONORA POLICE DEPARTMENT**

100 S GREEN ST SONORA, CA 95370 532-8143

SUPPLEMENT 1

Page 1

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ADDITIONAL PERSONS

Victim - [REDACTED] DOB: [REDACTED]
Sex: [REDACTED], Race: [REDACTED] Height: [REDACTED], Weight [REDACTED], Hair: [REDACTED], Eyes: [REDACTED]
Address: C/O SPD, Sonora, CA 95370
Assistance Rendered / Victim Disposition: Other
Transport Agency:
Injuries: None Other Info:

ADDITIONAL OFFENSES

Offense #3 added: 243(B) PC

Synopsis:

This is a supplemental report to SPD case number # 16-378.

Narrative:

On 3/5/16, at approximately 0149 hours, Officer [REDACTED] and I were dispatched to 701 Sanguinetti Rd. for a report of two brothers fighting and that one was trying to choke the other. We responded and arrived on scene at approximately 0151 hours. When we arrived on scene, the reporting party ([REDACTED]) advised us that the two brothers (later identified as [REDACTED] and [REDACTED]) were still fighting in the bedroom. I immediately ran in the bedroom and saw [REDACTED] down on the bed. [REDACTED] advised us that [REDACTED] was the aggressor. I immediately ordered [REDACTED] to get off of [REDACTED] and pulled him off of [REDACTED]. I had Officer [REDACTED] watch after [REDACTED] while I contacted [REDACTED].

[REDACTED] was lying with his back on the bed. I told [REDACTED] to sit up multiple times and he refused. While speaking with [REDACTED] I noticed his eyes were bloodshot, red and watery. [REDACTED] speech was slurred and I could smell a strong odor of an alcoholic beverage emitting from his breath and person. It should be noted that [REDACTED] was covered up with his own vomit and he was incoherent. I asked [REDACTED] if he was injured and he advised me that his spine was injured. I immediately had Dispatch start a medical unit. I allowed [REDACTED] to rest on the bed, while I contacted [REDACTED] and [REDACTED] with Officer [REDACTED].

Officer [REDACTED] obtained a statement from [REDACTED] and [REDACTED] on what had happened. [REDACTED] advised Officer [REDACTED] and I that he wanted to pursue charges against [REDACTED] for battery. At approximately 0205 hours, medical units arrived on scene. I advised medical personnel of my findings. [REDACTED] would not allow medical personnel to treat him and was incoherent. Medical personnel [REDACTED].

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Date:

03/06/2016

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advised me that [REDACTED] refused medical treatment.

I re-contacted [REDACTED] and asked him multiple times if he wanted medical units to examine his spine. [REDACTED] was being incoherent and told me, "No I don't, cause I don't think any of them know what a C12 and a L12 is."

I waited until Officer [REDACTED] finished taking a statement from [REDACTED] and advised him of the situation. Officer [REDACTED] and I entered the bedroom and I asked [REDACTED] to give me his left hand. [REDACTED] began tensing his arms and brought his left hand towards the center of his body. I told [REDACTED] "You don't want to do this" multiple times. I attempted to grab a hold of [REDACTED] left arm and he pulled away from me. I pulled [REDACTED] off the bed and told him that he was under arrest for battery against [REDACTED]. I told [REDACTED] to "Stop resisting" multiple times and he continued to tense up his arms and pull away from me. [REDACTED] grabbed his t-shirt with his left hand and refused to let go. Officer [REDACTED] grabbed a hold of [REDACTED] right arm and was able to force it towards the back of his body. Officer [REDACTED] handcuffed [REDACTED] right hand and assisted me in forcing [REDACTED] left arm to his back and placing him in handcuffs. Officer [REDACTED] and I struggled with [REDACTED] for approximately 50 seconds before we could place him in handcuffs. After [REDACTED] was handcuffed, he refused to get up off the ground. Officer [REDACTED] and I attempted to grab [REDACTED] by his arms and sit him up. [REDACTED] pulled away from us by twisting his lower body. I told Officer [REDACTED] to go get the hobble restraint from my vehicle. While Officer [REDACTED] was gone, I stood by with [REDACTED]. [REDACTED] said "I'll kick your ass in the nuts, but I'm a nice motherfucker spare you the pain to just watch your ass swarm and jump." [REDACTED] then asked me, "What's in my right pocket, right here?" in attempt to lure me closer to him. I did not advance towards [REDACTED]. [REDACTED] later tried to get up and I told him to "Stay down" and took a step towards him. Shortly after, [REDACTED] lunged towards me and kicked at the center of my chest. [REDACTED] kicked my Viewu camera and tie off of my body but did not injure me.

When Officer [REDACTED] returned, I advised him of [REDACTED] actions. Officer [REDACTED] and I hobbled [REDACTED] legs and with the help of medical personnel we lifted him up off the ground and took him to my patrol vehicle. [REDACTED] refused to get into my patrol vehicle. I had to go to the other side of my patrol vehicle and pull on Alexander's shirt while Officer [REDACTED] and medical personnel pushed [REDACTED].

Officer [REDACTED] and I later transported [REDACTED] to the Sonora Regional Medical Center (1000 Greenley Rd.) for a medical clearance. Officer [REDACTED] arrived on scene to assist. [REDACTED] refused to get out of my patrol vehicle and stated that his back was injured. In order to get [REDACTED] out of my patrol vehicle, Officer [REDACTED] Officer [REDACTED] and medical staff pulled on [REDACTED] while I pushed on the other side. After [REDACTED] was medically cleared, he refused to get back into my patrol vehicle. In order to get [REDACTED] back into my patrol vehicle, Officer [REDACTED] and medical staff pushed him, while I pull on him from the other side.

Prepared By:

Date:

03/06/2016

Approved:

SONORA POLICE DEPARTMENT
CONTROLLED DOCUMENT
DUPLICATION PROHIBITED
RELEASED TO: [REDACTED]



Officer [REDACTED] and I transported [REDACTED] to the Tuolumne County Jail and [REDACTED] refused to get out of my patrol vehicle. I requested assistance from the jail staff. The jail deputies were able to convince [REDACTED] to willfully sit up and step out of my patrol vehicle. I saw that [REDACTED] was able to stand with his own power and walk without assistance.

Recommendations:

Attach to original report

Forward to the Tuolumne District Attorney's Office, I am requesting a complaint against [REDACTED] for the following:

M- 243(b) PC - Battery on a Peace Officer.

CONTROLLED DOCUMENT: DUPLICATION PROHIBITED

SONORA POLICE DEPARTMENT
CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW
RELEASED TO
DA PROB

Prepared By:

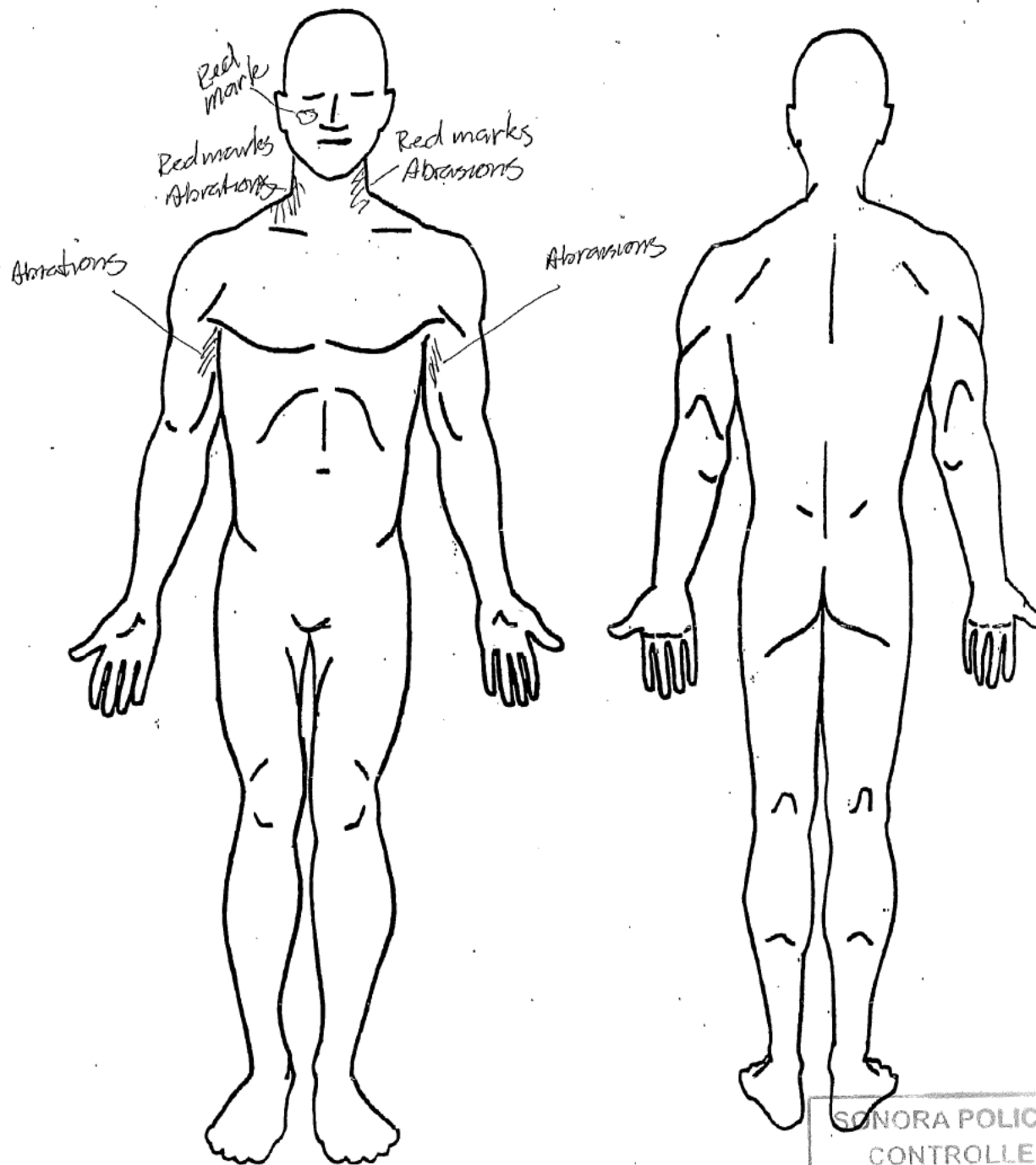
Date:

03/06/2016

Appro

SONORA POLICE DEPARTMENT

INJURY DIAGRAM



SONORA POLICE DEPARTMENT
CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW
RELEASED TO

Victim: [REDACTED]

Case Number: 16-378 PROB

Suspect: [REDACTED]

Date: 03/16/15 DATE 12/1/20

Officer: [REDACTED] ID# [REDACTED] Date: 03/22/16 Approval: [REDACTED]



Sonora Police Department
100 S. Green Street
Sonora, CA 95370

Mark Stinson, *Chief of Police*

SONORA POLICE DEPARTMENT **PRIVATE PERSON'S ARREST FORM**

I, the undersigned, hereby arrest _____
on the charge(s) of 242 PC
and the request that a police officer take this person into custody. I agree to appear as directed
and sign a complaint against the person I have arrested. I further agree to appear in court to offer
testimony regarding this offense upon request.

I understand that having stared these proceedings, I must follow through as above stated;
and if I do not, I will be brought into court by subpoena so that the case may be properly
disposed of.

I hereby certify, under the penalty of perjury, that the information given to the recording
officer is true and accurate.

Private Person's Signature

3-5-16
Date

Private Person's Address

Contact Number

Officer accepting arrest

SONORA POLICE DEPARTMENT
CONTROLLED DOCUMENT
3/5/16
Date
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW
RELEASED TO

Address [REDACTED]			Mailing Address				
ID 127131	Phone [REDACTED]	Cell Phone	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Height [REDACTED]	Weight [REDACTED]
Race [REDACTED]			Hair [REDACTED]		Eyes [REDACTED]		
Drivers License [REDACTED]		CII [REDACTED]	Vehicle License		FBI # [REDACTED]		
Business Name UNEMPLOYED		Address		City & State			
Business Phone	Email				Arrest ID 23253		
Next of Kin/Parent/Guardian		Address			Phone		
Occupation [REDACTED]		Gang Affiliation			School ID		
Complexion [REDACTED]	Build [REDACTED]	Hairstyle [REDACTED]		Facial Hair [REDACTED]		Speech [REDACTED]	Glasses [REDACTED]
Scars				Tattoos [REDACTED]			
Officer Safety				Note			
Other Considerations							
Aliases							
DATE	NATURE	AGENCY	EVENT DESCRIPTION			CASE #/FI	INC/CITE
08/13/2014	INC	TCSD	SUSC, Dispo LN			20003447	1408130085
04/04/2016	WARR	SPD	CRM49747: 148(A)(1) PC SUPERIOR/\$10,000.00				2011090019
11/09/2020	RP	TCSD	SUSC, Dispo LN (209-206-8836)				
11/09/2020	WARR	TCSD	Warrant CRM49747: ARRESTED				
11/09/2020	INC	TCSD	5150, Dispo AR				
11/09/2020	SA	TCSD	O/W MISD				
ASSOCIATED PERSON			DATE	NATURE	EVENT NO.	RELATIONSHIP	
[REDACTED]			[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	



TUOLUMNE COUNTY SHERIFF

Page 1

28 N LOWER SUNSET DR SONORA, CA 95370 209-533-5815
WARRANT REPORTCase
20003447

OFFENSES	Offenses	Description	Fel/Misd	Date Occurred	Time Occurred	Incident #			
	O/W MISD	Outside Agency Wrnt	Misd	11/09/2020	0830 - 0952	2011090027			
				Date Reported	Time Reported				
				11/09/2020	0830				
				Related Cases					
RP				Date Printed	Time Printed	Printed By			
				11/11/2020	08:15:32	1486			
				Latitude	Longitude				
Location			Beat	Area	Disposition			Dispo Date	
					Cldred By Adult Arrest			11/09/2020	
Location Type		Location of Entry	Method of Entry	Point of Entry	Alarm System		Means of Attack (Robbery)		
RP	Reporting Party			Drivers License	Cell Phone	Email			
	Residence Address			Notified of Victim Rights	Residence Phone	DOB	Age	Sex	Race
	Business Name and Address				Business Phone	Height	Wt	Hair	Eyes
Assistance Rendered/Victim Disposition			Transporting Agency		Means of Attack (Assaults)				
Description of Injuries			Other Information						
	Name			Drivers License	Cell Phone	Email			
	Residence Address				Residence Phone	DOB	Age	Sex	Race
Business Name and Address				Business Phone	Height	Wt	Hair	Eyes	
ARRESTED	Suspect Arrested			Action Taken	Charges				
				BOOKING	O/W MISD				
	Residence Address			Residence Phone	DOB	Age	Sex	Race	
	Business Name and Address			Business Phone	Height	Wt	Hair	Eyes	
Identifying Features			Cell Phone	Drivers License	Arrest Number				
Speech: Build: Complexion: Facial Hair:					23253				
Aliases									
VEHICLES	Status			Vehicle Make and Model		License/State		VIN	
DEPUTIES	Prepared By		Date	Assisted By		Approved By		Date	
			11/09/2020					11/10/2020	
Routed To		Date	Routed To		Date	Notes			



NARRATIVE

Summary:

██████████ was arrested and booked into Tuolumne County Jail for a misdemeanor warrant.

Investigation:

On 11/8/2020, at approximately 0835 hours, Deputy ██████████ and I were dispatched to a report of ██████████ talking crazy in the back room of ██████████. We were advised ██████████ is ██████████. While responding to ██████████ dispatch advised us ██████████ had a confirmed misdemeanor warrant.

When we arrived I contacted a store employee inside the business. The employee said ██████████ was in the back room acting very strange. We contacted ██████████ in the back room ██████████ was mopping the floor wearing pajama pants and no shoes. ██████████ had multiple fresh scratches on both of his arms.

██████████ stated that there was marijuana residue on the floors, because there was people growing marijuana on the roof of the business. ██████████ said he thinks the people that are growing the marijuana are living in the ceiling of the ██████████

I confirmed ██████████ date of birth with dispatch. I advised ██████████ he had a warrant. ██████████ was placed in properly fit and double locked handcuffs. I transported ██████████ to Tuolumne County Jail without incident. He was booked on his warrant.

Prepared By:

██████████

Date:

11/09/2020

Approved By:

██████████

Date:

11/10/2020



TUOLUMNE COUNTY SHERIFF

Page 1

CAD INCIDENT REPORT

2011090027

11/11/2020

CONTROLLED DOCUMENT DO NOT DUPLICATE

Location [REDACTED]				Cross Streets [REDACTED]			City [REDACTED]												
Incident Type 5150 - SUICIDAL OR MENTAL SUBJECT				Call Taker [REDACTED]			Dispatcher [REDACTED]												
Date 11/09/2020	Priority 1	Primary Unit D4	Beat	Fire Zone	Area 05120	Map TCA02	Source TELEPHONE CALL												
Caller Name [REDACTED]			Caller Address [REDACTED]				Caller Phone [REDACTED]												
Dispositions Arrest Made				Weapon		Alm Level		Case Number 20003447											
Vehicles				Associated Incidents															
Incident Times		Special Circumstances																	
Received 08:24:04		<table border="1"><thead><tr><th>Persons</th><th>Sex</th><th>DOB</th><th>Race</th><th>DL</th></tr></thead><tbody><tr><td>[REDACTED]</td><td>[REDACTED]</td><td>[REDACTED]</td><td>[REDACTED]</td><td>[REDACTED]</td></tr></tbody></table>								Persons	Sex	DOB	Race	DL	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Persons	Sex									DOB	Race	DL							
[REDACTED]	[REDACTED]									[REDACTED]	[REDACTED]	[REDACTED]							
Created 08:30:47																			
Dispatched 08:35:54																			
En Route																			
On Scene 08:57:21																			
Closed 09:52:39																			
Rcvd-Closed 1:28:35																			
Unit Times		Deputies	Dispatched	Enroute	On Scene	Clear	Disp-On Scene	Enrt-On Scene	On Scene-Clear	Disp-Clear									
D4		[REDACTED]	08:35:54		08:57:21	09:52:39	21:27	N/A	55:18	1:16:45									
D3		[REDACTED]	08:51:11		09:04:27	09:07:43	13:16	N/A	03:16	16:32									
Incident Comments																			
cross refer I 2011090019....[rpts her [REDACTED] is talking crazy and is currently at [REDACTED] in the back room where he works...subject is [REDACTED]																			
TIME	#	EVENT								BY									
08:30:47	1	Incident initiated at [REDACTED]								[REDACTED]									
08:35:54	2	D4 DISP. [REDACTED]																	
08:51:11	3	D3 DISP. [REDACTED]																	
08:57:21	4	D4 1097.																	
09:02:42	5	D4 CODE4.																	
09:02:45	6	D4 1015.																	
09:03:34	7	D4 [REDACTED] added to																	
	8	incident																	
09:03:34	9	D4 10-27: [REDACTED]																	
09:03:35	10	D4 Wanted Check: [REDACTED]																	
09:03:35	11	D4 Missing Persons Check: [REDACTED]																	
09:03:35	12	D4 APPS: [REDACTED]																	
09:04:27	13	D3 [REDACTED]																	
09:07:43	14	D3 108.																	
09:07:43	15	D3 108.																	
09:07:48	16	D4 1019, 10-15																	
09:24:24	17	D4 JAIL.																	
09:30:31	18	D4 Case number 20003447 assigned to 2011090027																	
09:52:39	19	D4 108.																	
09:52:39	20	D4 Closed - Disposition AR																	
15:51:57	21	D4 Summary: I responded to [REDACTED] in Twain Harte for reports of [REDACTED]																	
	22	[REDACTED] talking crazy in the back room of the business. A records check of																	
	23	[REDACTED] came back with a misdemeanor warrant for resisting. I made contact																	
	24	with [REDACTED] and arrested [REDACTED] for his misdemeanor warrant and booked																	
	25	him into jail.																	



TUOLUMNE COUNTY SHERIFF

Page 1

CAD INCIDENT REPORT
2011090019

11/11/2020

CONTROLLED DOCUMENT DO NOT DUPLICATE

Location				Cross Streets			City		
Incident Type SUSC - SUSPICIOUS CIRC				Call Taker			Dispatcher		
Date 11/09/2020	Priority 2	Primary Unit	Beat	Fire Zone	Area	Map	Source W		
Caller Name			Caller Address				Caller Phone		
Dispositions Log Note, Log Note				Weapon		Alm Level		Case Number	
Vehicles				Associated Incidents					
Incident Times		Special Circumstances							
Received 05:06:43		Persons Sex DOB Race DL							
Created 05:08:35									
Dispatched 05:13:30									
En Route									
On Scene 05:30:12									
Closed 05:37:54									
Rcvd-Closed 31:11									
Unit Times	Deputies	Dispatched	Enroute	On Scene	Clear	Disp-On Scene	Enrt-On Scene	On Scene-Clear	Disp-Clear
N4		05:13:30		05:30:12	05:37:54	16:42	N/A	07:42	24:24
N3		05:15:36		05:30:12	05:37:54	14:36	N/A	07:42	22:18
Incident Comments									
susc [rp is stating that there is blood and hair on the cleaning brushes, and that there is chemicals out to clean it// rp disconnected refusing to give more info about himself, stated he is standing by at the business									
TIME	#	EVENT							BY
05:08:35	1	Incident initiated at							
05:10:07	2	Incident type changed from CDF to SUSC							
05:13:30	3	N4 DISP.							
05:15:36	4	N3 DISP.							
05:30:12	5	N3 1097.							
05:30:12	6	N4 1097.							
05:33:16	7	no answer on 10-21, cannot leave VM							
05:36:07	8	N3 CODE4.							
05:36:07	9	N4 CODE4.							
05:36:13	10	N4 RP IS NOT ON SCENE							
05:37:54	11	N3 108. . Disposition LN							
05:37:54	12	N4 108.							
05:37:54	13	N4 Closed - Disposition LN							
07:15:49	14	N4 Summary: Deputies went to regarding a susc. When we							
	15	arrived, RP was not inside the store and was no where to be found. Dispatched							
	16	attempted to contact RP via 10-21 but was unsuccessful and was unable to leave							
	17	him a VM. I contacted the who stated she did not see any blood or							
	18	anything suspicious inside the store except it was "a mess". I then walked around							
	19	the perimeter of and I did not notice anything suspicious. At this time, there							
	20	were no factual evidences that indicate a crime had took place. NFA at this time.							

Robert Nikiforuk

From: [REDACTED]
Sent: Wednesday, February 17, 2021 10:47 AM
To: Robert Nikiforuk
Subject: RE: medical records

Good morning,

[REDACTED] told me he was released yesterday from the hospital, but we do not have a way to get ahold of him unless he calls us. I have let his brother know that you are trying to contact [REDACTED]. If I do get a number or address for him, I'll be sure to let you know.

Thank you,

Hailey

From: Robert Nikiforuk <RNikiforuk@co.tuolumne.ca.us>
Sent: Wednesday, February 17, 2021 9:21 AM
To: [REDACTED]
Subject: RE: medical records

Good morning,

I was checking to see if you had any new information or contact information for [REDACTED]? Thank you.

Robert Nikiforuk

Sergeant Robert Nikiforuk #1486
Tuolumne County Sheriff's Office
Professional Standards Division
28 N. Lower Sunset Ave.
Sonora, CA 95370
(209)533-5815 Dispatch
(209)533-5839 Desk



From: [REDACTED]
Sent: Friday, February 12, 2021 1:26 PM
To: Robert Nikiforuk <RNikiforuk@co.tuolumne.ca.us>
Subject: RE: medical records

Good afternoon,

I do not have access to those since I don't have POA.

[REDACTED]

From: Robert Nikiforuk <RNikiforuk@co.tuolumne.ca.us>
Sent: Friday, February 12, 2021 10:15 AM
To: [REDACTED]
Subject: medical records

Hi [REDACTED],

We spoke this morning about [REDACTED] Is there anyway you could obtain his medical records for the visit to the ER about his ankle and broken cheek bone? Please let me know. Thank you.

Robert Nikiforuk

Sergeant Robert Nikiforuk #1486
Tuolumne County Sheriff's Office
Professional Standards Division
28 N. Lower Sunset Ave.
Sonora, CA 95370
(209)533-5815 Dispatch
(209)533-5839 Desk



Authorization to Release Medical Information

Completion of this document authorizes the disclosure and use of health information about you. Failure to provide all information requested may invalidate this authorization.

Patient Name: [REDACTED] Medical Record #: _____

Mailing Address: TRANSIENT Date of Birth: 12/24/82

City/State/Zip: LOS ANGELES, CA Phone: NONE

Please **OBTAIN** my medical information **FROM**:

AHS
Name of Provider/Organization
1000 GREENLEY RD.
Street Address
SONORA, CA 95370
City/State/Zip
209-536-3310
Telephone Number
209-536-3514
Fax Number

Please **SEND** my medical information **TO**:

SERGEANT ROBERT NIKIFORUK
Name
28 N. LOWER SUNSET AVE.
Street Address
SONORA, CA 95370
City/State/Zip
209-533-5815
Telephone Number
209-533-5872
Fax Number

☐ CD ☐ Paper Copy ☒ E-mail (encrypted) RNIKIFORUK@CO.TULUMNE.CA.US

I authorize the following information to be released:

a. ☒ The following records or types of health information (including any dates):

ER VISIT ON OR AROUND 11-10-20 INJURY TO EYE/FACE

b. I specifically authorize release of the following information (check as appropriate):

- ☐ Mental Health Treatment Information _____ (initial)
☐ HIV Test Results _____ (initial)
☐ Alcohol/Drug Treatment Information _____ (initial)

Note: A separate authorization is required to authorize the disclosure or use of psychotherapy notes, as defined in the federal regulations implementing the Health Insurance Portability and Accountability Act.

(Continued on page 2)



Authorization to Release Medical Info

Adventist Health Sonora; Sonora, CA

**AUTHORIZATION TO RELEASE
MEDICAL INFORMATION**

177902 AHSR Rev. 07/2017 Page 1 of 2

PATIENT LABEL

For the Purpose of: ☐ Patient Request ☒ Other LAW ENFORCEMENT INTERNAL AFFAIRS

Limitations, if any: _____

Duration: This authorization shall begin immediately and expires on (date): _____

- I may refuse to sign this authorization. My refusal will not affect my ability to obtain treatment or payment or eligibility for benefits.
- I may inspect or obtain a copy of the health information that I am being asked to allow the use or disclosure of.
- I may revoke this authorization at any time, but I must do so in writing and submit it to the following address: Adventist Health Sonora, Health Information Management, 1000 Greenley Road, Sonora, CA 95370.
- My revocation will take effect upon receipt, except to the extent that others have acted in reliance upon this authorization.
- I have a right to receive a copy of this authorization.
- Information disclosed pursuant to this authorization could be redisclosed by the recipient. Such re-disclosure is in some cases not prohibited by California law and may no longer be protected by federal confidentiality law (HIPAA). However, California law prohibits the person receiving my health information from making further disclosure of it unless another authorization for such disclosure is obtained from me or unless such disclosure is specifically required or permitted by law.

Signature: _____

(_____
dian)

2/14/21

Date

0915

Time

If signed by other than patient, indicate relationship: LAW ENFORCEMENT FOR PURPOSE OF INTERNAL AFFAIRS INVESTIGATION

I authorize SGT. ROBERT NIKIFORUK to pick up my medical records. _____ (Initial to approve)

FOR OFFICE USE ONLY

☐ REQUEST COMPLETED - DATE: _____ PREPARED BY: _____ PAGE COUNT: _____

☐ IDENTITY OF INDIVIDUAL AND/OR LEGAL REPRESENTATIVE VERIFIED - STAFF INITIALS: _____

Notes: _____

Adventist Health Sonora; Sonora, CA

**AUTHORIZATION TO RELEASE
MEDICAL INFORMATION**

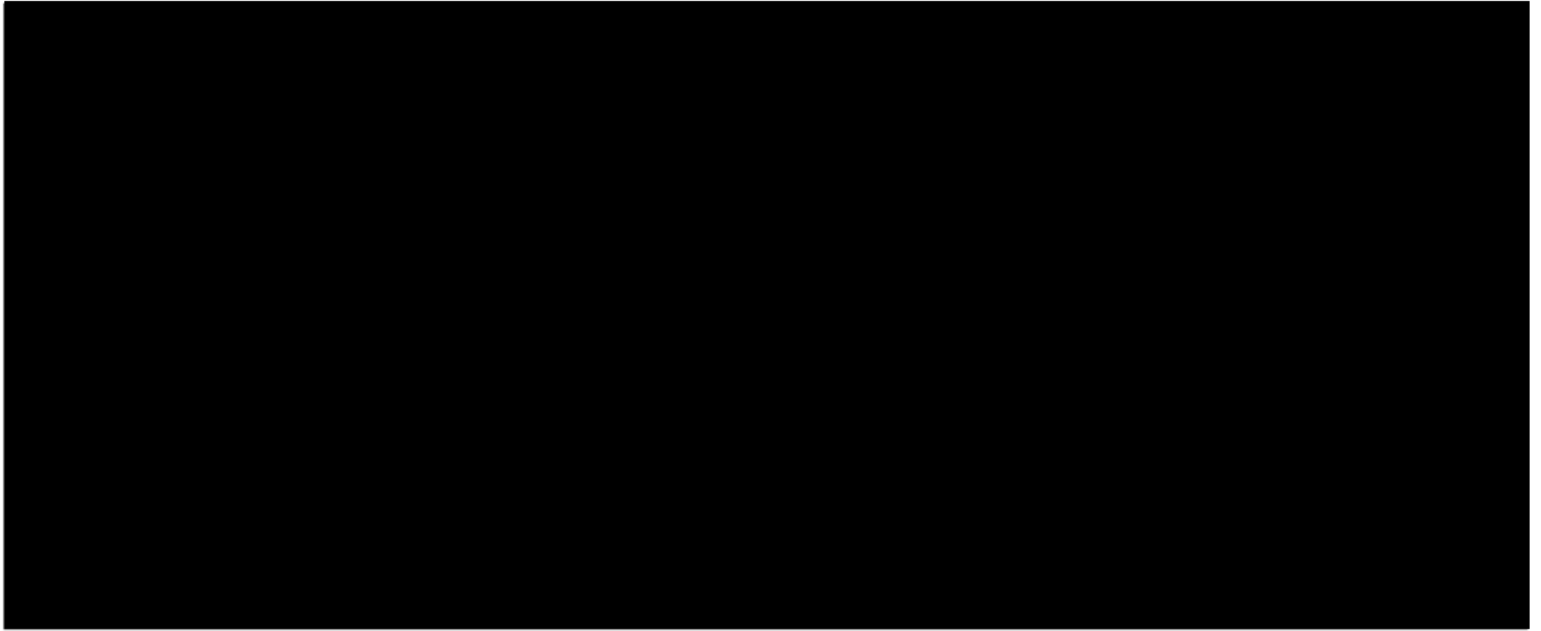
PATIENT LABEL

Allergy List

Reaction Status	Substance	Reaction Symptom	Allergy Type	Updated Date/Time
Active	ibuprofen		Allergy	3/5/2016 02:54 PST



Problems



Emergency Department Reports

DOCUMENT NAME:
RESULT DATE/TIME:
RESULT STATUS:
PERFORM INFORMATION:
SIGN INFORMATION:

ED Depart Summary
11/11/2020 14:42 PST
Auth (Verified)

ED Depart Summary

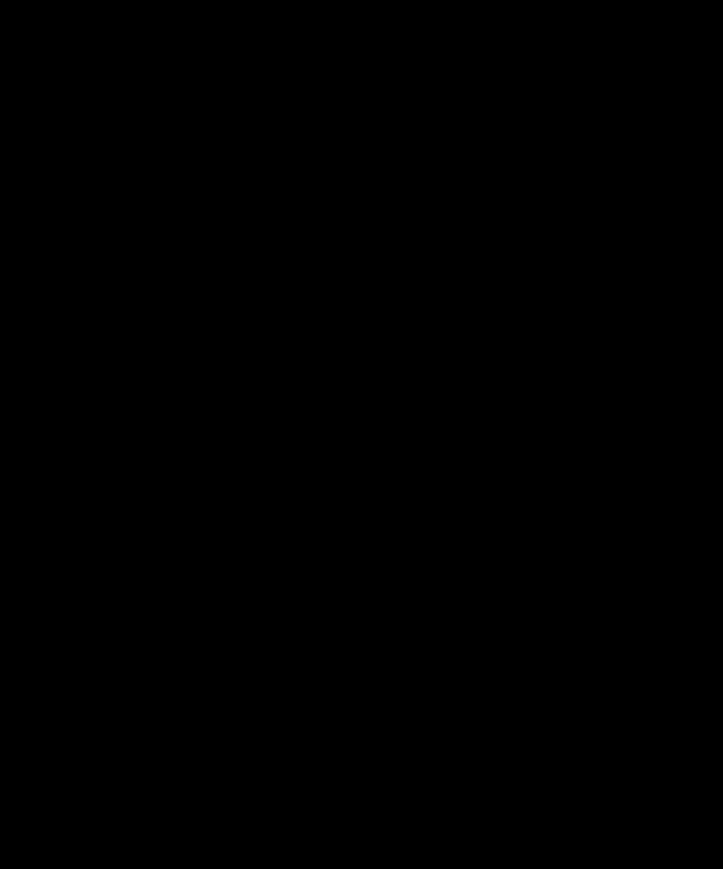
Adventist Health Sonora Emergency Department Depart Summary

PERSON INFORMATION

Name [REDACTED] Age [REDACTED]
Sex [REDACTED] Language [REDACTED]
Marital Status [REDACTED] Phone [REDACTED]
MRN [REDACTED] Visit Id [REDACTED]
Visit Reason Ankle pain-swelling; ANKLE Specialty
INJURY AND FACIAL INJURY
Enc Type Emergency Med Service Emergency Medicine
Track Group 65 ED Tracking Group Discharge 11/11/2020 13:45:00
Tracking Id [REDACTED] Checkout 11/11/2020 13:45:00
Arrival 11/10/2020 08:18:00 Acuity 3-Urgent
Reg Status Complete

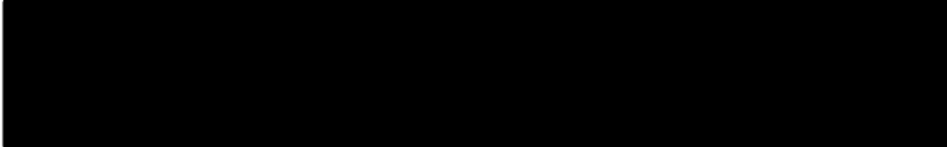
DOB [REDACTED]
PCP [REDACTED]
[REDACTED]
[REDACTED]
Arrival Mode Walk-In
Dispo Type [REDACTED]
LOS [REDACTED]

Address:



VITALS INFORMATION

Vital Sign Triage Latest



EVENTS INFORMATION

Event Name	Event Status	Request Date/Time	Start Date/Time	Complete Date/Time
MSEI MD/PA/NP	Complete	11/10/2020 08:25:58	11/10/2020 08:25:58	11/10/2020 08:40:57
Arrive	Complete	11/10/2020 08:18:00	11/10/2020 08:18:00	11/10/2020 08:18:00
Bands/Labels	Complete	11/10/2020 08:18:00	11/10/2020 08:20:41	11/10/2020 08:20:41
FCT	Complete	11/10/2020 08:18:00	11/11/2020 14:32:48	11/11/2020 14:32:48
MSE Needed	Complete	11/10/2020 08:18:00	11/10/2020 08:40:57	11/10/2020 08:40:57
To ED Bed	Complete	11/10/2020 08:18:00	11/10/2020 08:37:43	11/10/2020 08:37:43
Triage	Complete	11/10/2020 08:18:00	11/10/2020 08:45:30	11/10/2020 08:45:30
Rad	Complete	11/10/2020 08:55:47	11/10/2020 08:58:59	11/10/2020 09:17:56
Lab	Complete	11/10/2020 08:40:24		11/10/2020 10:16:13
Rad	Complete	11/10/2020 08:40:24	11/10/2020 08:51:59	11/10/2020 09:07:32
Lab Draw	Request	11/10/2020 08:40:25		
Fin Reg	Complete	11/10/2020 08:40:57	11/10/2020 08:48:47	11/10/2020 10:08:26
Proxy One	Complete	11/10/2020 08:40:57	11/10/2020 08:40:57	11/10/2020 08:40:57
Lab	Complete	11/10/2020 09:36:53	11/10/2020 09:36:53	11/10/2020 09:37:00
Lab	Complete	11/10/2020 09:34:50	11/10/2020 09:34:50	11/10/2020 09:42:34
Lab	Complete	11/10/2020 09:42:36	11/10/2020 09:42:36	11/10/2020 09:42:36
Rad	Cancel	11/10/2020 10:27:28	11/10/2020 10:43:33	11/10/2020 10:56:05
Rad	Complete	11/10/2020 11:12:31	11/10/2020 11:14:01	11/10/2020 11:26:22
Lab	Complete	11/10/2020 13:49:23		11/10/2020 21:23:03
Lab	Complete	11/10/2020 21:23:04	11/10/2020 21:23:04	11/10/2020 21:23:04
Safety Alert	Request	11/11/2020 10:08:15		
Rad	Complete	11/11/2020 13:23:43	11/11/2020 13:31:50	11/11/2020 13:39:44

LOCATION INFORMATION

Arrival	Nurse Unit	Room	Bed
11/10/2020 08:18:00	ER-SR	WR	
11/10/2020 08:37:43	ER-SR	13	A
11/10/2020 15:15:38	ER-SR	HW09	A
11/11/2020 07:05:21	ER-SR	HW06	A
11/11/2020 14:26:40	ER-SR	RME	1
11/11/2020 14:26:43	ER-SR	OOD	A
11/11/2020 13:45:00	ER-SR	Depart Pts	

ORDERS INFORMATION**MEDICAL INFORMATION**

Allergy Info:

ibuprofen

Medications

New Medications

None

Medications to Continue Taking That Have Changed

None

Medications to Continue with No Changes

[REDACTED]

No Longer Take the Following Medications

None

Contact Your Physician Prior to Taking the Following Medications

None

DISCHARGE INFORMATION

Discharge Disposition: [REDACTED]

Discharge Location: [REDACTED]

PATIENT EDUCATION INFORMATION

Instructions:

[REDACTED] Facial Fracture; [REDACTED] Ankle Sprain (Adult)

Follow up:

With:

Address:

When:

[REDACTED]

Comments:

follow up with your facial fracture within 1 week. return sooner if you have any worsening or have trouble getting in. use ibuprofen or tylenol as needed for pain relief.

With:

Address:

When:

[REDACTED]

Emergency Department Reports

DOCUMENT NAME:
RESULT DATE/TIME:
RESULT STATUS:
PERFORM INFORMATION:
SIGN INFORMATION:

ED Physician Notes
11/10/2020 08:26 PST
Modified

Fall *ED

Patient: [REDACTED] FIN: [REDACTED]
Age: [REDACTED] Sex: [REDACTED] DOB: [REDACTED]
Author: [REDACTED]
Associated Diagnosis: Fracture of left zygomatic arch; Sprain of ankle, left; [REDACTED]

Basic Information

Additional information: Chief Complaint from Nursing Triage Note : Reason for visit history

11/10/2020 08:41 PST pt states fell down staairs chasing trespasser out of house, then went to jail and had "mutual combat" with officers. here for left ankle pain. pt also has black eye. friend states pt w/ [REDACTED]

History of Present Illness

The patient presents following History of [REDACTED] with symptoms of ankle pain in the left side after he tripped and she seems some people out of his house and down the stairs. Patient is currently living with [REDACTED] who was concerned the patient was [REDACTED] as there was no people in the house and call the cops for [REDACTED] safety. Ultimately [REDACTED] was taking jail as he had a were not for his arrest, did get into an altercation while in jail with police reporting it was mutual combat and sustained a black eye. Denies visual changes. He's got multiple abrasions about his arms and legs he reports is from the fall, he does admit to having [REDACTED] and is currently [REDACTED]. He denies any [REDACTED], denies any thoughts of wanting to harm himself or anyone else, denies confusion, headache, chest pain or shortness of breath, no abdominal pain. No numbness or tingling in his extremities. Limited ability to walk on the left ankle as it hurts. Admits to marijuana, hasn't drank alcohol for several weeks, denies other drugs..

Review of Systems

Health Status

Past Medical/ Family/ Social History

Social history:

Social and Psychosocial Habits

Abuse/Intent to Harm

Abuse screen, adult/elderly/domestic: No signs of abuse

Are you thinking of harming or killing anyone else? [REDACTED]

CSSRS Risk Level: [REDACTED]

CSSRS Suicide screening ED: [REDACTED]

*Alcohol Screen

*How often do you have a drink containing alcohol? [REDACTED]

*Home/Environment Screen

*Living situation: [REDACTED]

*Substance Abuse Screen

What types of substances or drugs do you use? [REDACTED]

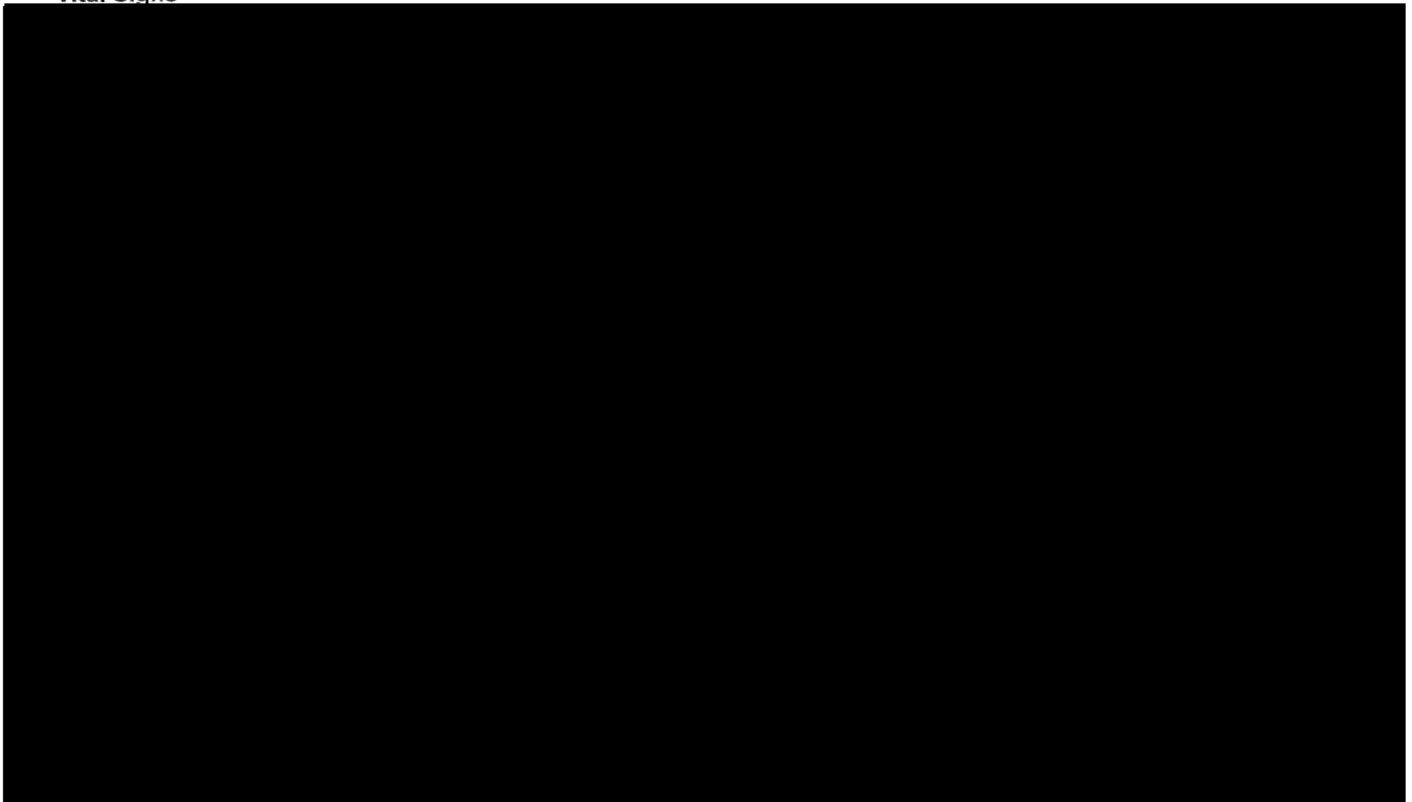
*Tobacco Use Screen

Is there a smoker in the household? [REDACTED]

*Over the past 30 days, what and how much have you smoked? [REDACTED]

Physical Examination

Vital Signs



General: [REDACTED]

Skin: [REDACTED]

Head: Normocephalic, periorbital hematoma, eyelid) able to open the eye. Subconjunctival hemorrhage lateral conjunctiva. Anterior chamber clear, no hyphema. Pupils Perl. Multiple superficial abrasions over the arms.

Neck: [REDACTED]

Eye: [REDACTED]

Ears, nose, mouth and throat: [REDACTED]

Emergency Department Reports

Cardiovascular: [REDACTED]

Respiratory: [REDACTED]

Gastrointestinal: [REDACTED]

Back: [REDACTED]

Musculoskeletal: [REDACTED], Tender to palpation about the ankle medial and lateral soft tissue swelling. Decreased range of motion secondary to pain. The tenderness over the heel or foot, DP, PT pulses intact, sensation intact. No tenderness over the head of the fibula, remainder leg nontender, remainder of extremities nontender..

Neurological: [REDACTED]

Psychiatric: [REDACTED]

Medical Decision Making

Differential Diagnosis: [REDACTED] ankle fracture, orbital fracture, head injury, [REDACTED]

Documents reviewed: [REDACTED]

Orders [REDACTED]

Results review: [REDACTED]

11/10/2020 09:30 PST

Normal

Head Computed Tomography: Computerized Tomography

Result Type: CT Brain WO Contrast

Result Date: November 10, 2020 09:17 PST

Reason For Exam: Trauma

REPORT: ***** ADDENDUM #1 *****Addendum:11/10/2020 11:01 AMThere is depressed fracture in the midportion of the left zygomatic arch. Segmental fracture seen anterior mid and posterior aspect.Addended report discussed with ordering provider on 11/10/2020 11:01 AM.

Signed by: [REDACTED]

PA-CHISTORY: Left periorbital contusion after fight, evaluate for intracranial bleed orbital fractureTECHNIQUE: 2.5 mm thick axial images were obtained of the head with coronal and sagittal reformats. Images are displayed at soft tissue and bone settings. No IV contrast was utilized.ESTIMATED CT EXAM DOSE(Dose-Length Product, DLP) 1170.80CTDI (Vol) : 60.40.COMPARISON: NoneRADIATION DOSE: This scan is performed using automatic exposure control, radiation dose reduction algorithms, in order to maintain diagnostic quality images, while using lowest possible, patient dose techniques.

FINDINGS: [REDACTED]

[REDACTED] There is preseptal soft tissue swelling and bruising. No retro-orbital hematoma is identified. The orbital floor is not satisfactorily visualized.Cranium appears intact.IMPRESSON 1. No acute intracranial injury.2. Limited detail of the orbits; orbital floor is not included. No orbital hematoma is seen.

Signed by: [REDACTED]

Result Type: CT Facial Bones WO Contrast

Result Date: November 10, 2020 11:26 PST

Reason For Exam: Trauma

REPORT: ***** ADDENDUM #1 *****Addendum: There is a fracture of the left zygomatic arch with overlying soft tissue swelling and mild depression.

FINDINGS: There is slight anterior bowing of the left orbital floor, see series 601 image 22, likely related to an old lower out fracture. No definite acute sinus wall fractures evident. There is no hemorrhage, fluid or significant mucosal thickening in the maxillary sinuses. There is mild mucosal thickening in the anterior ethmoid air cells. The remainder of the orbital walls are intact. Orbital contents are intact. There is left periorbital and malar soft tissue swelling and hematoma. No nasal bone fracture. TMJs are intact.

IMPRESSON: 1. Left periorbital and malar soft tissue swelling and hematoma.2. No acute facial fracture seen. There is inferior bowing of the left orbital floor, which is likely related to a remote blowout fracture.

Emergency Department Reports

Result Date: November 10, 2020 09:07 PST

Reason For Exam: Trauma

REPORT: Ankle Lt Comp Min 3 Vw 11/10/2020 8:51 [REDACTED]

INDICATION: Fell down stairs, medial ankle pain **COMPARISON:** No relevant prior examination is available for comparison.

FINDINGS: The left ankle mortise appears to be maintained. No acute fracture or bony destruction is seen. The visualized hindfoot appears intact. Prominent medial soft tissue swelling is present.

IMPRESSION: 1. No fracture or dislocation seen at the left ankle.

Signed by [REDACTED]

Reexamination/ Reevaluation

[REDACTED]
He ultimately went to jail, did injure his ankle primarily but also reports getting do it into a scuffle at the jail with law enforcement sustained a large bruise to the eye and facial pain on that side. X-rays reviewed did show a zygomatic arch fracture as noted above,

[REDACTED]
Ankle does not appear fractured and do suspect sprain at this time, Ace wrap was provided, offered crutches.

Vital signs
results in [REDACTED]

Impression and Plan

Diagnosis

Fracture of left zygomatic arch

Sprain of ankle, left

Emergency Department Reports

Plan

Condition: Stable.

Disposition: Discharged.

Patient was given the following educational materials: Facial Fracture,
Ankle Sprain (Adult).

Follow up with:

Counseled: Patient, Regarding diagnosis, Regarding diagnostic results, Regarding treatment plan, Regarding prescription,
Precautions emphasized, Patient indicated understanding of instructions.

Notes:

Computed Tomography

Procedure Accession Number
CT Facial Bones WO Contrast 65-CT-20-0240465

Exam Date/Time
11/10/2020 11:26 PST

Ordering Physician
[REDACTED]

Reason For Exam

(CT Facial Bones WO Contrast) Trauma

Report

***** ADDENDUM #1 *****

Addendum: There is a fracture of the left zygomatic arch with overlying soft tissue swelling and mild depression.

Signed by: [REDACTED]
Workstation ID: [REDACTED]

***** ORIGINAL REPORT *****

CT Facial Bones WO Contrast: 11/10/2020 11:14 AM

ORDERING PROVIDER: [REDACTED]

CLINICAL INDICATION: Trauma. trauma, eval for additional fx, patient agrees to proceed.

COMPARISON: No relevant comparison imaging available.

ESTIMATED CT EXAM DOSE(Dose-Length Product, DLP) 214.10 CTDI (Vol) : [REDACTED]
[REDACTED]
Sagittal and coronal reconstructions were performed and reviewed.

FINDINGS: [REDACTED]
[REDACTED]
[REDACTED] There is left periorbital and malar soft tissue swelling and hematoma. No nasal bone fracture. TMJs are intact.

IMPRESSION:

1. Left periorbital and malar soft tissue swelling and hematoma.
2. No acute facial fracture seen. There is inferior bowing of the left orbital floor, which is likely related to a remote blowout fracture.

Signed by: [REDACTED]
Workstation ID: [REDACTED]

*** Final ***

Electronically Signed By: [REDACTED]

on 11/10/2020 12:27
Report last revised on 11/10/2020 12:27 PST [REDACTED]

Computed Tomography

Procedure
CT Brain WO Contrast

Accession Number
65-CT-20-0240330

Exam Date/Time
11/10/2020 09:17 PST

Ordering Physician
[REDACTED]

Reason For Exam

(CT Brain WO Contrast) Trauma

Report

***** ADDENDUM #1 *****

Addendum:

11/10/2020 11:01 AM

There is depressed fracture in the midportion of the left zygomatic arch. Segmental fracture seen anterior mid and posterior aspect.

Addendum report discussed with ordering provider on 11/10/2020 11:01 AM.

Signed by: [REDACTED]

Workstation ID: [REDACTED]

***** ORIGINAL REPORT *****

CT Brain WO Contrast: 11/10/2020 8:58 AM

ORDERING PROVIDER: [REDACTED]

HISTORY: Left periorbital contusion after fight, evaluate for intracranial bleed orbital fracture

TECHNIQUE: 2.5 mm thick axial images were obtained of the head with coronal and sagittal reformats. Images are displayed at soft tissue and bone settings. No IV contrast was utilized.

ESTIMATED CT EXAM DOSE(Dose-Length Product, DLP) [REDACTED]

CTDI (Vol) : [REDACTED]

COMPARISON: None

RADIATION DOSE: This scan is performed using automatic exposure control, radiation dose reduction algorithms, in order to maintain diagnostic quality images, while using lowest possible, patient dose techniques.

FINDINGS:

[REDACTED]

IMPRESSION

[REDACTED]

Signed by: [REDACTED]

Workstation ID [REDACTED]

Report

*** Final ***

Electronically Signed By: [REDACTED]

on 11/10/2020 11:02

Report last revised on 11/10/2020 11:02 PST by [REDACTED]

General Diagnostic

Procedure
Foot Lt Comp Min 3 Vw

Accession Number

Exam Date/Time
11/11/2020 13:39 PST

Ordering Physician

Reason For Exam

(Foot Lt Comp Min 3 Vw) Trauma

Report

Foot Lt Comp Min 3 Vw
11/11/2020 1:31 PM

ORDERING PROVIDER:

CLINICAL INDICATION: Trauma left foot, evaluate for fracture

COMPARISON: No relevant prior examination is available for comparison.

FINDINGS:

The bones of the left foot are intact without evidence of fracture or focal destruction.
The joint spaces are maintained.
Soft tissues are normal.

IMPRESSION:

1. No acute fracture or dislocation seen in the left foot.

Signed by:

Workstation ID:

*** Final ***

Electronically Signed By:

on 11/11/2020 13:46

General Diagnostic

Procedure
Ankle Lt Comp Min 3 Vw

Accession Number

Exam Date/Time
11/10/2020 09:07 PST

Ordering Physician

Reason For Exam

(Ankle Lt Comp Min 3 Vw) Trauma

Report

Ankle Lt Comp Min 3 Vw
11/10/2020 8:51 AM

ORDERING PROVIDER:

CLINICAL INDICATION: Fell down stairs, medial ankle pain

COMPARISON: No relevant prior examination is available for comparison.

FINDINGS:

The left ankle mortise appears to be maintained. No acute fracture or bony destruction is seen. The visualized hindfoot appears intact.

Prominent medial soft tissue swelling is present.

IMPRESSION:

1. No fracture or dislocation seen at the left ankle.

Signed by:

Workstation ID:

*** Final ***

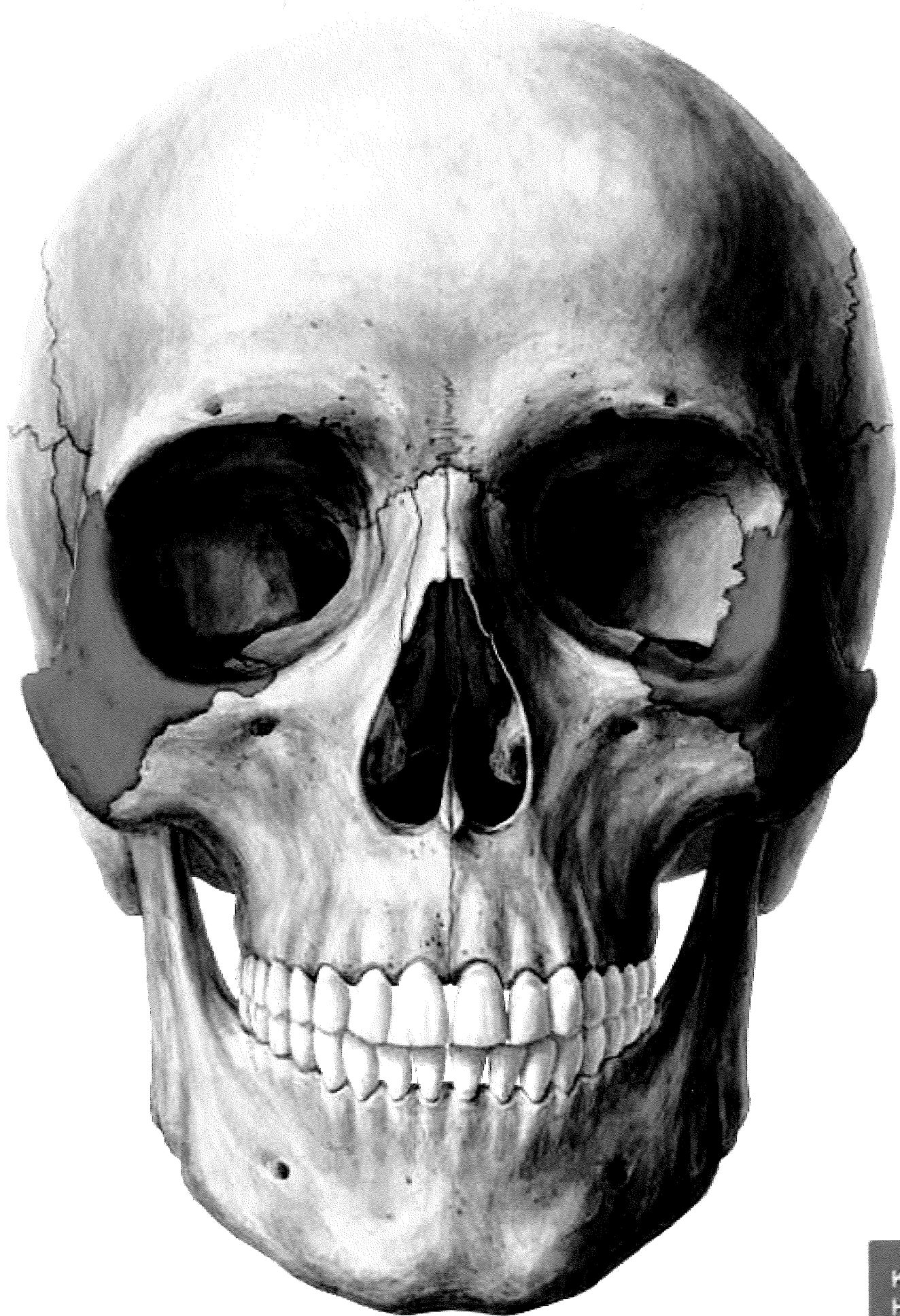
Electronically Signed By:

on 11/10/2020 09:12

ORDERS - Medication

Documented medications

Inpatient Medications



Robert Nikiforuk

From: [REDACTED]
Sent: Friday, November 13, 2020 11:28 AM
To: Robert Nikiforuk
Subject: Witnesses

On Duty:

Sgt. [REDACTED]
Cpl. [REDACTED]
Dep. Green
Dep. [REDACTED]
Dep. [REDACTED]
Dep. [REDACTED]
Dep. [REDACTED]
Dep. [REDACTED]
Dep. [REDACTED]
Dep. [REDACTED]
Dep. [REDACTED]
Dep. [REDACTED]
Dep. [REDACTED]
Dep. [REDACTED]
Kitchen [REDACTED]
Kitchen [REDACTED]
Kitchen [REDACTED]
Nurse [REDACTED]
Nurse [REDACTED]
CST. [REDACTED]
CST. [REDACTED]
[REDACTED]

Sobering Cell #4 at Use of Force.

Sgt. [REDACTED]
Cpl. [REDACTED]
Dep. [REDACTED]
Dep. [REDACTED]
Dep. [REDACTED]
Dep. [REDACTED]
Dep. [REDACTED]
Dep. [REDACTED]
Dep. [REDACTED]

CTS. [REDACTED] and CTS. [REDACTED] were in the control room at the time and potentially could be witnesses.

Nurse [REDACTED] arrives afterwards.

Sgt. [REDACTED]
Tuolumne County Sheriff's Office
Custody Division
175 Yaney Avenue
Sonora, Ca. 95370
Office 209-533-5845
Desk 209-533-6321
Fax 209-533-5852

TUOLUMNE COUNTY JAIL

11/10/2020 4:01:07AM

Inmate #: [REDACTED]

Person

Inmate Name		DOB	Age	Gender	Race	Marital Status	[REDACTED]
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
Hair	Eyes	Height	Weight	DL#			
[REDACTED]	BROWN	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		
Tattoos		Other Char			Classification		
[REDACTED]							
Site Inmate #	FBI Number	CH	Housing	Bin #	Place of Birth	Illegal Alien	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		
Home Address		Home Phone		Business Address		Business Phone	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
Employer			Occupation				
[REDACTED]			[REDACTED]				

Booking #: B0119667 - unsentenced

Booking

Booking Type	Booking Date/Time	Booking Officer	Booking Agency
WARRANT	11/09/2020 10:19:45	[REDACTED]	TUOLUMNE COUNTY JAIL
MISDEMEANOR	Arrest Date/Time	Arresting Officer	Arresting Agency
	11/09/2020 09:07:00	[REDACTED]	TUOLUMNE COUNTY SHERIFF DEPT
Location	Case # / Site Booking #	Billing Agency	
[REDACTED]	20-3447	TUOLUMNE COUNTY JAIL	
CRM49747	Court	TUOLUMNE SUPERIOR DEPT 1	
	01/13/2021		

Warrant

Warrant Type	Warrant Number	Warrant Description	Bail Type	Bail	County	Log Num.
BENCH	CRM49747	FTA / RESISTING	BONDABLE	\$10,000.00	TUOLUMNE COUNTY JAIL	2020001216
Charge Type	Charge Section/Subsection	Charge Description	Counts			
M	148(A)(1) PC	RESIST/DELAY/OBSTRUCT POLICE/PUBLIC OFFICER/EMERGE	1			
M	1320 (A) PC	FAILURE TO APPEAR ON MISDEMEANOR CHARGE	1			

Bail Summary for Active Bookings

<i>Warrant Bail SubTotal</i>	<i>Charge Bail SubTotal</i>	<i>Total [Warrants +Charges]</i>
BONDABLE: \$10,000.00 CASH ONLY: \$0.00 TOTAL WARRANT BAIL: \$10,000.00	BONDABLE: \$0.00 CASH ONLY: \$0.00 TOTAL CHARGE BAIL: \$0.00	TOTAL BONDABLE: \$10,000.00 TOTAL CASH ONLY: \$0.00 TOTAL BAIL: \$10,000.00

Inmate's Signature: _____ Date: _____

Officer's Signature: _____ Date: _____

TUOLUMNE COUNTY JAIL

**175 YANEY AVENUE
SONORA CA 95370**

TUOLUMNE SUPERIOR DEPT 1

**41 WEST YANEY AVENUE
SONORA CA 95370**

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

[REDACTED]

Defendant

Warrant #: CRM49747

Booking #: B0119667

**AGREEMENT TO APPEAR ON RELEASE OF
DEFENDANT ON OWN RECOGNIZANCE
(PC.1318)**

In consideration of being release on my own recognizance, I the Undersigned, promise and agree that:

1. I will appear in person at all times and places ordered by the Court or Magistrate releasing me and at such other times as the Court or Magistrate thereafter shall direct.
2. I will not depart the State of California, without the prior leave of the Court.
3. If I fail to appear as required and am apprehended outside the State of California, I will and do hereby waive all rights to extradition and any proceedings for me.
4. I will obey all reasonable conditions imposed outside by the Court or Magistrate, Namely;

Released per: 853.6 PC TO APPEAR 01/13/2021 AT 8:30 am ON CHARGE OF:
148(A)(1) PC RESIST/DELAY/OBSTRUCT POLICE/PUBLIC OFFICER/EMERGENCY TECH
1320 (A) PC FAILURE TO APPEAR ON MISDEMEANOR CHARGE

I am aware that the court may at any time at its descretion revoke the order for release; that a willful failure to appear at such time or times as directed by the Court or Magistrate is punishable as a separate offense. That is, if I am charged with a FELONY, a willful failure to appear is punishable as a felony including a fine; or if I am charged with a MISDEMEANOR, the willful failure to appear is punishable as a misdemeanor including a fine.

Dated : 11/10/2020

DL Number : [REDACTED]

[REDACTED] Signature of Defendant

Physical Description:

Sex: M Race: O DOB: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]

Residence Address: [REDACTED]

Employer: [REDACTED]

Contacts: [REDACTED]

Executed in presence of [REDACTED]

Addr:

Race:

Sex:

DOB:

DL#:

Ht:

Wt:

Eyes:

Hair:

Issued To: Sonora Police Department

SUPERIOR COURT OF CALIFORNIA, COUNTY OF TUOLUMNE
60 North Washington Street, Sonora CA 95370

People vs. [REDACTED]

CASE NUMBER CRM49747

BENCH WARRANT

The People of the State of California, to any Peace Officer of this State:

The defendant [REDACTED] is charged of the following crimes in this Court

Misdemeanor: PC148(A)(1)

Misdemeanor: PC1320(A)

and having failed to appear at a regularly scheduled calling of this proceeding you are therefore ordered to arrest the defendant forthwith and bring him/her before this court for judgment and/or further proceedings.

ENDORSEMENT FOR NIGHT SERVICE

For good cause shown, I direct that this warrant be served at any hour of the day or night

(Judge's Endorsement)

Bail is fixed in the total sum of \$ 10,000.00.

Dated: APR 04 2016

Kevin Seibert



RETURN OF PEACE OFFICER

I certify that I received the above warrant and that I served the same by arresting the defendant on

11/9/20 and
(Date)

(Check by
Applicable
Box)

☐ bringing him before a judge of the _____ District, County of _____

_____, on _____ Date)

☒ booking him at the TUOLUMNE COUNTY Jail, County of TUOLUMNE

on 11/9/20
(Date)

Dated 11/9/20

By [REDACTED]
Officer/Deputy

BENCH WARRANT

TUOLUMNE COUNTY JAIL

PROPERTY RECEIPT IN STORAGE

INMATE NAME: [REDACTED]

INMATE NUMBER: [REDACTED]

BIN#: TEMP

QTY	ARTICLES	COLOR	DESCRIPTION
1	SHIRT	BLACK	
1	PANTS/SLACKS	GREEN	

CLAIM AND RELEASE

The above is correct inventory of personal property in my possession at time of admission.

DATE

WITNESSING OFFICER

11/09/2020

h was given to me upon my release from this institution.

TUOLUMNE COUNTY JAIL

PROPERTY INTAKE FORM

SECTION #1

NAME OF INMATE- LAST FIRST MI:	SOCIAL SECURITY NUMBER:	DRIVERS LICENSE #:
DATE: 11/9/20	DOB: MO - DAY - YEAR	Searching Deputy #
		Inventory Deputy #

SECTION #2

CASH TAKEN AND DROPPED IN SAFE (MORE THAN \$3.00)	\$	5
---	----	---

SECTION #3

PERSONAL PROPERTY INVENTORY LIST (LIST WITH DESCRIPTION AND COLOR BELOW) ***** DO NOT LEAVE ANY BLANKS *****
--

LARGE BAG CONTENTS LIST BELOW	SMALL BAG CONTENTS LIST BELOW
-------------------------------	-------------------------------

CLOTHING BEING WORN BY PERSON	EXTRA CLOTHING-NOT WORN	CASH IN PROP-\$3.00 OR LESS	WALLET
Black Shirt	SUIT	PURSE	WATCH
Green pants	JACKET	KNIVES/SHARPS	JEWELRY
	SHIRT/BLOUSE	EYE/SUN-GLASSES	
FOOTWEAR WORN BY PERSON	PANTS	KEYS/SETS	
	SWEATER	BELT	
	SKIRT	LIGHTER/MATCHES	
OTHER FOOTWEAR IN PROP	DRESS	CIGARETTES/TOBACCO	Prescription Medications ☐ Bottle/s ☐ Other
	UNDERGARMENTS	COMB/BRUSH	OTHER ITEM-LIST
BACKPACK	HAT	TOOLS	
	CANE, CRUTCHES	MISC PAPERS	
	PURSE	CELL PHONE	

UPDATED: 07/03/13

 Arresting Deputy/Officer Signature

NAME: [REDACTED] [REDACTED] [REDACTED] DATE OF BIRTH: [REDACTED] [REDACTED] [REDACTED]
LAST FIRST MIDDLE

ARRESTING OFFICER: [REDACTED] TRANSPORTING OFFICER [REDACTED]

LOCATION OF ARREST: [REDACTED] [REDACTED] [REDACTED] [REDACTED]

VEHICLE: ~~(X)~~ NONE () PARKED AT SCENE OR LOCATION: _____

() TOWED BY: _____ () RELEASED TO: _____

Fresh Charges	
CHARGES: (INCLUDE SUB-SECTIONS)	FEL/MISD
1.	
2.	
3.	
4.	
5.	
6.	

[illegible]

() CHEMICAL TEST: () BLOOD () URINE () BREATH RESULTS: _____
 () CITIZEN=S ARREST ? NAME: _____
 () MEDICAL PROBLEMS () NONE KNOWN () _____
 () MEDICALLY CLEARED ? BY WHOM: _____
 () SUICIDE RISK ? EXPLAIN: _____
 () SECURITY RISK ? EXPLAIN: _____
 () MACE USED ? () TASER USED ? () CAROTID USED ? TIME APPLIED _____
 () PROPERTY HELD ? _____
 () OTHER INFORMATION: _____

TUOLUMNE COUNTY JAIL INTAKE MEDICAL SCREENING

DATE/TIME: 11-08-20

1. Do you have any illnesses or injuries now?..... Yes No
2. Have you seen a doctor in the last 24 hours?..... Yes No
3. Do you have any chronic health problems?..... Yes No
(Diabetes, seizures, heart or breathing problems)
4. Have you had a cough for 3 weeks or more? Yes No
5. Have you been coughing up bloody sputum?..... Yes No
6. Have you had unexpected weight loss, night sweats and/or fatigue? ... Yes No
7. Do you have or have you had TB, STD, Hepatitis, Aids or other contagious diseases?..... Yes No
8. Do you have any physical handicaps or disabilities?..... Yes No
9. Do you wear glasses?..... Yes No With you? Good condition?
Hearing Aid(S)?..... Yes No With you? Good condition?
Dentures?..... Yes No With you? Good condition?
Prosthesis?..... Yes No With you? Good condition?
10. Do you have any allergies? (Foods or medications)..... Yes No
11. When was the last time you drank alcohol? Doesn't drink How much? _____ How often? _____
12. When was the last time you used street drugs? NONE What used? _____
How much? _____ How often? _____
13. Do you have withdrawal problems from either? Yes No
14. Have you ever been hospitalized or treated for a mental illness? Yes No
When? _____ Why? _____
15. Have you ever attempted suicide? Yes No
When? _____ How? _____
16. Do you feel suicidal now? Yes No PAS #3 / #4 Results: 11/08/20
Time: 0930
17. Is there any reason why you should not be housed in general population? (Enemies, Gang Affiliation, Charges etc.)..... Yes No Deputy Name: [REDACTED]
18. Are you taking any prescription medicines? Yes No
If yes, what are they? _____
19. Can you read and write English? Yes No
20. Are you the custodial parent of a minor?..... Yes No

If yes, read below admonishment:

You are entitled to, and may request to, make two additional telephone calls at no expense if the telephone calls are completed to telephone numbers within the local calling area, or at your own expense if outside the local calling area, to a relative or other person for the purpose of arranging for the care of the minor child or children in your absence.

21. Do you have any legal cases pending or have you been OR'd on any pending cases? Yes No
22. Have you ever failed while participating in an electronic monitoring program? Yes No

For Female Only:

1. Are you or do you think you might be pregnant?..... Yes No
2. Have you given birth in the past year? Yes No
3. Are you taking birth control pills? Yes No
If Yes: Are they with you? Yes No

Medical Admonishment:

If you need medical services any time while you are in custody, you need to ask a deputy for a medical request slip.

I have answered all questions and would like to know how to obtain medical services.

Inmate signature

Date: 11-09-20

DEPUTY and MEDICAL USE ONLY:

Observations of Interviewer (Mark with an X):

Mental Status:

☒ Alert
☐ Confused
☐ Sleepy
☐ Disorientated
☐ Incoherent
☐ Depressed
☐ Slowness
☐ Developmental Disability

Gait:

☒ Normal
☐ Limping
☐ Staggering
☐ Unable to stand

Gender:

☒ Male
☐ Female

Behavior:

☐ Cooperative
☒ Uncooperative
☐ Angry
☐ Combative
☐ Bizarre
☐ Withdrawn
☐ Fearful
☐ Appears to be in pain
☐ Scratching
☐ Excessive talking

☐ Other _____

Physical Appearance:

☒ Relaxed
☐ Dirty
☐ Odor of alcoholic beverage
☐ Shaking
☐ Sweating
☐ Bloodshot eyes
☐ Jaundice
☐ Visible rash
☐ Visible wounds, bruises
☐ Visible needle marks

Build:

☐ Small
☒ Medium
☐ Large
☐ Muscular

Height:

☐ Short
☒ Average
☐ Tall

Did arresting officer indicate medical or mental health concerns? NO CRAZY

Was Inmate treated medically immediately prior to coming to Jail? NO

Deputy Name: _____

If any underlined questions are marked YES, advise Medical:

Medscrn4.wpd 05/17

Medical

Disposition: (Circle 1 or 2)

1 Routine Classification

2 Sobering cell () Safety Cell () Medical Eval

Medical Disposition

Nurses Signature _____

Recommended Housing Unit:

Refe _____

ER: _____

11-9-2020



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill Pooley
Sheriff-Coroner

CORONA VIRUS SCREENING

Inmate Name



11/4/20

Time: 0930

TRAVEL HISTORY

1. In the past 30 days, have you traveled outside of the United states?
a. When _____ Where _____
2. Have you ever traveled to or from Europe or Asia?
a. When _____ Where _____

Yes ☒ No

Yes ☒ No

Det. [Signature]

CONTACT HISTORY

3. In the past 30 days, have you had close contact with anyone known to have traveled to Europe or Asia?
4. Have you or anyone you've been in contact with had laboratory confirmed Coronavirus?
5. Do you have a fever, cough, shortness of breath, or other symptoms of lower respiratory illness?

Yes ☒ No

Yes ☒ No

Yes ☒ No

Deputy: _____

ID#: _____

Date: 11-09-20

If the inmate answers "YES" to questions 2, 3 or 4 above, immediately place a mask on the inmate and escort to a isolated holding cell. Notify the nurse and he/she will complete an evaluation of the inmate. The nurse will document the findings below:

TEMP: 97.5

RESPIRATIONS: _____ BP: _____

O2SAT: _____

SHORTNESS OF BREATH: Yes or No

COUGH: Yes or No

If yes, is the cough productive: Yes or No

Nurse: _____

Date: _____

Time: _____

Sergeant : _____

Date: _____

Time: _____

**California Forensic Medical Group
Aftercare Instructions**

- While incarcerated you may have been receiving medical and/or psychiatric care. Upon your release from custody you should follow up with your medical provider, hospital, clinic, mental health program and/or public health department.
- To provide continuity of care, your jail medical program will forward any pertinent information, including your medical records if you so authorize, to your health care provider.
- While incarcerated you may have been detoxed or withdrawn under medical supervision from prescription drugs, illegal drugs, and/or alcohol. We encourage you to continue with your sobriety and seek supportive resources within your community. **Do not resume prior substance** use as it may result in a medical emergency including death.
- If you were prescribed and taking essential medications while incarcerated, upon release from custody limited supply of these essential medications may be called into the pharmacy of your choice,
- Listed below are the numbers for local resources, clinics and crisis hotline.

Behavioral Health	209-533-7000
Public Health	209-533-7400
Adventist Health Sonora	209-536-5000
Forest Road Clinic	209-536-5130
Interfaith	209-532-0905

- For further information and assistance with continuity of care upon release from custody contact:

Tuolumne County Jail
Medical Department
175 Yaney Ave
Sonora CA 95370
209-533-5844

INMATE SIGNATURE

DATE

11/10/20

PRINT NAME

DISTRIBUTION:
ORIGINAL-INMATE BOOKING FILE
COPY-INMATE MEDICAL FILE
COPY-INMATE

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/10/2020 - Page 1 of 1

Received on 11/10/2020 at 04:13 by User [REDACTED]
1CNDJ.TCJO.TCJO
CPPROD

* * * * *
LIVE SCAN TRANSACTION AGENCY NOTIFICATION
* * * * *

THE FOLLOWING INFORMATION IS IN RESPONSE TO YOUR LIVE SCAN TRANSMISSION
REGARDING SUBJECT [REDACTED] DOB [REDACTED],
BOOKING AGENCY/CA0550000, BOOKING NUMBER/B0119667, MAIN NUMBER/0023253,
SCN [REDACTED]

YOUR SUBJECT HAS BEEN IDENTIFIED BY FINGERPRINTS AS NAM/[REDACTED]
DOB/[REDACTED] CII [REDACTED].

** DO NOT COLL:SAMPL TYPE-FNGPRT NOT VERIFY
** PALM PRINTS AVAILABLE
** III MULTIPLE SOURCE RECORD

FBI [REDACTED]
CII [REDACTED]
DOB [REDACTED] SEX [REDACTED] RAC [REDACTED]
HGT [REDACTED] WGT [REDACTED] EYE [REDACTED] HAI [REDACTED] POB [REDACTED]
NAM/01 [REDACTED]
AKA/02 [REDACTED]
AKA/03 [REDACTED]
CDL [REDACTED]
SOC [REDACTED]

* * * * * END OF DOJ MESSAGE * * * * *

BT

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/10/2020 - Page 1 of 1

Received on 11/10/2020 at 04:24 by User 
1CNDJ.TCJO.TCJO
STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
Bureau of Criminal Identification and Information
P.O. Box 903417
Sacramento, CA 94203-4170

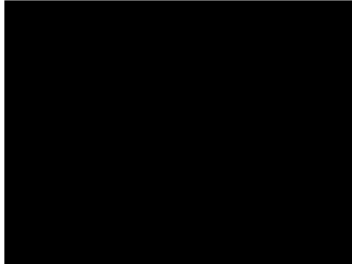
DATE: 11/10/2020

Agency:
CA0550000

RE: FINGERPRINTS SUBMITTED TO THE FBI

A fingerprint search of the records contained in FBI files found a match
for the following subject. An electronic RAP sheet was not returned.

NAME:
OCA:
FBI:
SID:
DATE SUBMITTED:
SCN #:

A handwritten signature in the bottom right corner of the page.

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/10/2020 - Page 1 of 2

Received on 11/10/2020 at 04:26 by User RSS
1CNDJ.TCJO.TCJO
STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
Bureau of Criminal Identification and Information
P.O. Box 903417
Sacramento, CA 94203-4170

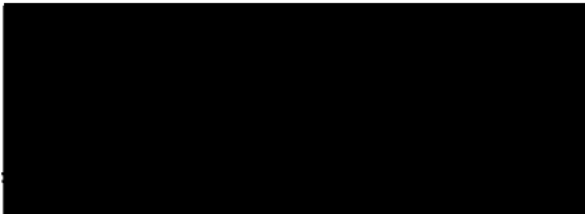
DATE: 11/10/2020

Agency:
CA0550000

RE: FINGERPRINTS SUBMITTED TO THE DEPARTMENT OF HOMELAND SECURITY

A fingerprint search of the records contained in Department of Homeland Security files reflected no further information on the following subject:

NAME:
OCA:
FBI:
SID:
CRI:
DATE SUBMITTED:
SCN #:



This record is being sent for identification purposes only. It does not convey the individual's immigration status and is not an immigration detainer.

Statement on Disclosure of Visa Records

According to the Immigration and Nationality Act, section 222(f): The records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States.

The attached visa record may only be used for the purposes for which it is being shared. Information in this record may not under any circumstances be disclosed to any entity other than the receiving agency, including the general public, without the express written consent of the Department of State (DOS). Any questions concerning the interpretation of DOS visa records or the parameters for disclosure of such records under INA section 222(f) must be addressed by the DOS. However, should access to DOS visa records generate inquiries by receiving agencies about a person's legal status in the United States, such inquiries should be directed to the Department of Homeland Security (DHS), which has jurisdiction over questions of legal status in the United States.

A handwritten signature in the bottom right corner of the page.

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/10/2020 - Page 2 of 2

----- NO MATCH -----

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/09/2020 - Page 1 of 1

Received on 11/09/2020 at 10:05 by User [REDACTED]
Requested by [REDACTED]
4TCJ0084332.ID

DATE:11-09-20*TIME:10:05*

DMV RECORD FOR LAW ENFORCEMENT USE ONLY

DL/NO:D2209953*B/D:[REDACTED]*NAME:[REDACTED]
MAIL ADDR AS OF 11-26-18 [REDACTED]
RES/ADDR:[REDACTED]
OTH/ADDR AS OF 02-10-[REDACTED]

IDENTIFYING INFORMATION:

SEX:[REDACTED]*HAIR:[REDACTED]*EYES:[REDACTED]*HT:[REDACTED]*WT:[REDACTED]*

ID CARD MLD:[REDACTED]*EXPIRES:[REDACTED]*BATES:[REDACTED]*

LIC/ISS:[REDACTED]*EXPIRES:[REDACTED]*RBM1*CLASS:[REDACTED]*
ENDORSEMENTS:[REDACTED]*
ORIGINAL [REDACTED]

LATEST APP:

DL TYPE:[REDACTED] CARD*ISS/DATE:[REDACTED]*OFFICE:[REDACTED]*
RESTR [REDACTED]

LICENSE STATUS:

[REDACTED]
SURRENDERED BY SUBJECT TO:[REDACTED]

DEPARTMENTAL ACTIONS:

NONE

CONVICTIONS:
NONE

FAILURES TO APPEAR:
NONE

ACCIDENTS:
NONE

END

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/09/2020 - Page 1 of 1

Received on 11/09/2020 at 10:05 by User [REDACTED]

Requested by [REDACTED]

4TCJ0084335.IY

RE: QYP.CA0550003.NAM [REDACTED]. DOB [REDACTED]

RESPONSE TO QYP INQUIRY

DATA IN APPS.

***** NO HITS FOUND *****

END APPS RESPONSE.

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/09/2020 - Page 1 of 1

Received on 11/09/2020 at 10:05 by User [REDACTED]

Requested by [REDACTED]

4TCJ0084334.IM

MPS INQUIRY

MISSING PERSON

DATE:2020-11-09 TIME:10:05:08

RE:QM.CA0550003 [REDACTED] DOI [REDACTED]

*** NO MATCH ON NAM FIELD ***

*** CHECKING NCIC ***

***** END OF MPS MESSAGE *****

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/09/2020 - Page 1 of 1

Received on 11/09/2020 at 10:05 by User [REDACTED]

Requested by [REDACTED]

4TCJ0084333.IE

CA0550003 RE: GPW.CA0550003.NAM [REDACTED] DOB [REDACTED]

*** INQUIRIES MADE TO ***
AUTOMATED FIREARMS SYSTEM
SUPERVISED RELEASED SYSTEM
WANTED PERSONS SYSTEM
RESTRAINING ORDER SYSTEM
CSAR SYSTEM
AUTOMATED PROPERTY SYSTEM
END RESPONSE.

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/09/2020 - Page 1 of 1

Received on 11/09/2020 at 10:05 by User [REDACTED]

Requested by [REDACTED]

4TCJ0084334.IJ

CA0550003

NO NCIC WANT NAM [REDACTED] SEX [REDACTED]

***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/09/2020 - Page 1 of 1

Received on 11/09/2020 at 10:05 by User [REDACTED]

Requested by [REDACTED]

4TCJ0084333.IP

APS INQUIRY NAM/[REDACTED]

RESPONSE TO QAN INQUIRY

NO DATA ON APS FILE

END OF APS RESPONSE

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/09/2020 - Page 1 of 1

Received on 11/09/2020 at 10:05 by User [REDACTED]

Requested by [REDACTED]

4TCJ0084333.IJ

CA0550003

NO NCIC WANT NAM/[REDACTED] DOB/[REDACTED] SEX/[REDACTED]

***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/09/2020 - Page 1 of 1

Received on 11/09/2020 at 10:05 by User [REDACTED]

Requested by [REDACTED]

4TCJ0084333.IG

CA0550003 RE: QGH.CA0550003.NAM [REDACTED] DOB [REDACTED]

RESPONSE TO QGH INQUIRY

DATA IN AFS.

END AFS RESPONSE.

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/09/2020 - Page 1 of 1

Received on 11/09/2020 at 10:05 by User [REDACTED]

Requested by [REDACTED]

4TCJ0084333.IW

CA0550003 RE: [REDACTED]

NO MATCH NAM FIELD

NO WANTS

***** END OF WPS MESSAGE *****

A large, stylized handwritten signature in black ink, located in the lower right quadrant of the page. The signature is cursive and appears to be a combination of initials and a surname.

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/09/2020 - Page 1 of 2

Received on 11/09/2020 at 10:05 by User [REDACTED]

Requested by [REDACTED]

4TCJ0084333.IB

8AYX.CA0550003

RE: [REDACTED]

MATCH MADE ON

NAM/[REDACTED]

CARPOS HIT # 001

HIT MADE ON

NAM/[REDACTED]

FCN/[REDACTED]

ORI/[REDACTED]

NIC [REDACTED]

*** SERVED CRIMINAL PROTECTIVE ORDER ***

DO NOT ARREST OR DETAIN BASED SOLELY ON THIS RESPONSE

THIS RESTRAINING ORDER RESPONSE MAY BE THE SAME AS:

* * * * * RESTRAINED PERSON INFORMATION * * * * *

NAM/[REDACTED]

SCRS/MKS/TIT [REDACTED]

OLN/[REDACTED]

* * * * * PROTECTED PERSON INFORMATION * * * * *

PROTECTED PERSON NAME [REDACTED]

PROTECTED PERSON SEX [REDACTED]

PROTECTED PERSON DOB [REDACTED]

* * * * * COURT INFORMATION * * * * *

RESTRAINED PERSON PRESENT IN COURT/YES

COURT NAME/SAN BERNARDINO COUNTY SUPERIOR - DESERT DIST (VICTORVILLE)

COURT PHONE NUMBER/(760) 269-4803

COURT CASE NUMBER [REDACTED]

ISSUE DATE/20180112 EXPIRATION DATE/20210112

CONTACT PROTECTED PERSON/NO - THE RESTRAINED PERSON SHALL NOT ANNOY,

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/09/2020 - Page 2 of 2

HARASS, THREATEN, DISTURB THE PEACE, CONTACT, TELEPHONE, WRITE, CONTACT THROUGH THIRD PARTY, EXCEPT ATTORNEY OF RECORD, ATTEMPT OR ACTUALLY PREVENT, OR DISSUADE THE PROTECTED PERSON FROM ATTENDING A HEARING OR TESTIFYING OR MAKING A REPORT TO ANY LAW ENFORCEMENT AGENCY OR PERSON

FIREARM PROVISIONS/CANNOT POSSESS, PURCHASE, OR RECEIVE FIREARMS OR AMMO, MUST SURRENDER ALL FIREARMS TO LEA OR SELL OR STORE WITH LICENSED GUN DEALER, MUST SHOW PROOF OF SURRENDER TO COURT

STAY AWAY FROM/PROTECTED PERSON
STAY AWAY/0100 YARDS

OTHER ORDERS/RP MUST NOT STRK ASSLT SEX OR FLW STALK MLST DEST OR DMG PERS OR REAL PROP KEEP UNDER SURV OR BLOCK MVMT OF PP,RP MUST NOT OWN POSS BUY RECV FIREARM OR AMMO AND SURR ANY WPN WITHIN 24 HRS OF ORDER,RP MUST TAKE NO ACTION TO OBT ADDR OR LOC OF PP OR FAM MBR CARE TAKER, PP MAY RECORD ANY PROHIBITED COMMUNICATIONS MADE BY RP IMMEDIATELY CONFIRM WITH CA036313J SAN BERNARDINO CO SUP COURT DCFK TELEPHONE 760 269-4803 IF NO ANSWER CALL TELEPHONE 909 387-3695

***** VIOLATION MESSAGE *****

NUMBER OF PRIOR VIOLATION MSG/000

***** END OF CARPOS MESSAGE *****

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/09/2020 - Page 1 of 2

Received on 11/09/2020 at 10:05 by User [REDACTED]
Requested by [REDACTED]
4TCJ0084333.IX

[REDACTED]
MATCH MADE ON NAME, [REDACTED]
NAME FIELD SEARCH REVEALS:

*

HIT #01 OF 03 FCN/[REDACTED]
** SEX REGISTRANT **
** MAY BE REQUIRED TO REGISTER **
** MAY NOT BE IN COMPLIANCE WITH REGISTRATION REQUIREMENTS **
** MAY NOT BE IN COMPLIANCE WITH ANNUAL REG UPDATE **
** DOJ FP CARD NOT REQUIRED **
** DO NOT ARREST OR DETAIN BASED SOLELY ON THIS RESPONSE **
*

** OWNING ORI **
ORI/CA0192200 EL MONTE PD
CONTACT NAM/Rodriguez, Jack AGENCY/EL MONTE PD
PHONE/6265802110 MNE/ELMO
*

** PERSONAL DESCRIPTOR **
[REDACTED]
*

** REGISTERED ADDRESS **
[REDACTED]
[REDACTED]
[REDACTED]
*

MIS/REGISTERED BY [REDACTED]. ENTERED INTO CSAR BY [REDACTED]
[REDACTED] ON 10-23/2017.
*

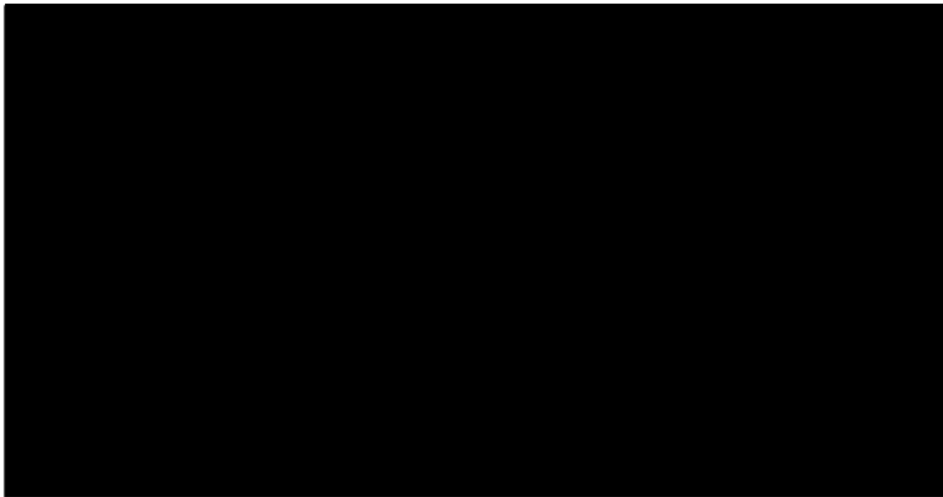
END OF FCN/[REDACTED]
*

HIT #02 OF 03 FCN/[REDACTED]
** SEX REGISTRANT **
** DOJ FP CARD NOT REQUIRED **
** DO NOT ARREST OR DETAIN BASED SOLELY ON THIS RESPONSE **
*

** OWNING ORI **

ORI [REDACTED]
*

** PERSONAL DESCRIPTOR **



HIT #03 OF 03 FCN/ [REDACTED]

** DECEASED SEX REGISTRANT **

** DO NOT ARREST OR DETAIN BASED SOLELY ON THIS RESPONSE **

*

** PERSONAL DESCRIPTOR **

NAM/ [REDACTED]

DOB/ [REDACTED]

END OF FCN/ [REDACTED]

[REDACTED] CSAR MESSAGE *****

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/09/2020 - Page 1 of 3

Received on 11/09/2020 at 10:05 by User [REDACTED]

Requested by [REDACTED]
4TCJ0084333.IR

RE: [REDACTED]
MATCH MADE ON NAM/[REDACTED]
NAME FIELD SEARCH REVEALS:
SRF HIT # 001

HIT MADE ON NAM/[REDACTED]
** NOT A WARRANT** PRCS COMMUNITY SUPERVISION RECORD **NOT A WARRANT **
** DO NOT ARREST OR DETAIN BASED SOLELY ON THIS RESPONSE **
ENT/1

[REDACTED]
RESIDENCE [REDACTED]

*****PRCS COMMUNITY SUPERVISION INFORMATION*****

PRIMARY OFFENSE/459PC
BEGIN SUPERVISION/20191119 DISCHARGE DATE/20221118
AGENCY/SAN FRANCISCO CO. ADULT PROB ORI/CA038013G
CONTACT/[REDACTED]
PHONE/[REDACTED]
MISC/NOT A WARRANT* DO NOT ARREST, DETAIN, SEARCH, OR TAKE LE ACTION BASED
SOLELY ON THIS RECORD* CONFIRM INFO, SUPERVISION STATUS VIA PO* IF NO
RESPONSE, CONTACT SF ADULT PROBATION DEPT 415-553-1706* BUSINESS HRS
8AM-5PM, M-F, WEEKENDS AND HOLIDAYS CALL 415 307 2438*NOTE: EXPIRATION
DATE OF 12-12-2099 MAY INDICATE WARRANT, REVOCATION, OR OTHER SUSPENDED
STATUS* OTHER CONVICTIONS: 459

*****CONTACT MESSAGE*****

NUMBER OF PRIOR CONTACT MSGS/ 2
SEND CONTACT MESSAGE IDENTIFYING CLETS MNE/XMKO
RECORD TYPE/PRC AND IDN/S652176-2515819 , OR ONLY FCN/7131932600341

CONTACT #01
NOTICE OF PRCS COMMUNITY SUPERVISION CONTACT
TIME/223303 DATE/20200726
ORI/CA0210000 MARIN CO SO
IDN/[REDACTED] STATUS/ROUTINE STOP
OFFICER'S NAME/[REDACTED] NO CALL BACK REQUESTED
CHARGE(S)/NONE

[REDACTED]
SEARCHED AND COOPERATIVE NO CONTACT NEEDED

CONTACT #02
NOTICE OF PRCS COMMUNITY SUPERVISION CONTACT
[REDACTED]

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY

Printed on 11/09/2020 - Page 2 of 3

[REDACTED] NO CALL BACK REQUESTED

CHARGE(S)/11377 & 11364
[REDACTED]

COMMENTS/SUBJECT COOPERATIVE - DID ADVISE OF PROBATION STATUS - CITED
AND RELEASED

SRF HIT # 002

HIT MADE ON [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

*****COUNTY PROBATION INFORMATION*****

PRIMARY OFFENSE/211PC

BEGIN PROBATION/20161116 DISCHARGE DATE/20210109
[REDACTED]

MISC/NOT A WARRANT* DO NOT ARREST, DETAIN, SEARCH, OR TAKE LE ACTION
BASED SOLELY ON THIS RECORD* CONFIRM INFO VIA PO* IF NO
RESPONSE, CONTACT SF ADULT PROBATION DEPT 415-553-1706* BUSINESS HRS
8AM-5PM, M-F ONLY* NOTE: EXPIRATION DATE OF 12-12-2099 MAY INDICATE
WARRANT, REVOCATION, OR OTHER SUSPENDED STATUS* OTHER CONVICTIONS: 211

*****CONTACT MESSAGE*****

NUMBER OF PRIOR CONTACT MSGS/ 6

SEND CONTACT MESSAGE IDENTIFYING CLETS MNE/XMK0

RECORD TYPE/PRO AND [REDACTED]

CONTACT #01

NOTICE OF COUNTY PROBATION CONTACT

TIME/223233 DATE/20200726

ORI/CA0210000 MARIN CO SO

IDN/S652176-16012623 STATUS/ROUTINE STOP
[REDACTED]

CHARGE(S)/NONE
[REDACTED]
[REDACTED]

COMMENTS/SUBJ SEARCHED AND COOPERATIVE NO CONTACT NEEDED

CONTACT #02

NOTICE OF COUNTY PROBATION CONTACT

TIME/223550 DATE/20200709
[REDACTED]
[REDACTED]

TUOLUMNE COUNTY SHERIFF
LAW ENFORCEMENT PURPOSES ONLY
Printed on 11/09/2020 - Page 3 of 3

[REDACTED]
CHARGE(S)/11377 & 11364
[REDACTED]
[REDACTED]

COMMENTS/SUBJECT COOPERATIVE - DID ADVISE OF PROBATION STATUS - CITED
AND RELEASED

CONTACT #03
NOTICE OF COUNTY PROBATION CONTACT
TIME/233604 DATE/20180821
[REDACTED] [REDACTED]

IDN/S652176-16012623 STATUS/BOOKED
[REDACTED]
[REDACTED]

CHARGE(S)/HS11350A
COMMENTS/18NM005019A HS11350A

CHECKING NCIC
***** END OF SUPERVISED RELEASE FILE MESSAGE *****



To hope and healing.

Receiving Screening

Name: [REDACTED]	ID#: [REDACTED]
Date/Time: 11-9-2020 @ 0945	[REDACTED]

Admissions/Screening	
Arrest Date: 11-9-2020	Prior Incarceration? ☐ No ☒ Yes- when/where:
Translation need and provided? ☐ Yes ☒ No If yes, language: ☐ Spanish ☐ Sign Language ☐ _____	
If yes, language line used? ☐ Yes ☐ No	
Emergency Contact/Next of Kin (name/relationship/address/phone):	
☐ Patient refused admission until medically cleared Reason: _____	
☐ Patient refused screening *if patient refused screening, refer to "refusal monitoring process" *	
Do you currently have health insurance? ☐ Yes ☐ No ☐ Medicare ☐ Medicaid ☐ V/A Benefits	
☐ Private Policy Info:	

Level of Consciousness - AVPU (Select the most appropriate for patient)	
☒ Alert	☐ Responds to Voice ☐ Responds to Pain* ☐ Unresponsive*
*If responds to pain only, or is unresponsive notify health care provider and/or activate EMS	

Vital Signs - If contact health care provider vital signs are outside of parameters							
R/B	Pulse	Resp	Temp	O2 Sat	Height	Weight	Blood Sugar
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
*SBP ≥ 180 or ≤ 90	*remains ≥ 110 or ≤ 60	*persistently ≤ 10 or ≥ 20	* $> 101^\circ\text{F}$	* $< 90\%$	☐ Reported ☐ Actual	☐ Reported ☐ Actual	* if indicated
*DBP ≥ 110 or ≤ 60							

Observation	
Appearance:	☒ Unremarkable ☐ Dirty/Disheveled ☐ Sweating ☐ Tremors ☐ Other:
Movement:	☐ Unremarkable ☒ Unsteady gait ☐ Deformity ☐ Other:
	☐ Cast/Splint- location: ☐ Arm ☐ Back ☒ Leg and L ☐ Neck
Respirations:	☒ Unremarkable ☐ Persistent cough ☐ Shortness of breath
	☐ Rapid deep breaths/hyperventilation ☐ Other:
Skin:	☐ Unremarkable ☐ Bruises ☐ Redness ☐ Edema ☐ Scars
	☐ Rash ☐ Lice/Scabies ☐ Jaundice ☐ Needle marks ☐ Recent Tattoo
	☒ Lesions- Describe: Abrasions to both palms ☐ Other:
Behavior:	☒ Appropriate ☐ Inappropriate ☐ Uncooperative ☐ Insensible ☐ Other:
	☐ Appears under the influence/intoxicated/withdrawing from substance
Speech:	☒ Clear/coherent ☐ Rapid/Pressured ☐ Slurred ☐ Incoherent ☐ Other:
Mood:	☒ Unremarkable ☐ Anxious ☐ Angry ☐ Visibly Depressed
	☐ Euthymic ☐ Tearful ☐ Other:

Comments and Additional Observations:
Nas in Texas last heart stopped, scrapes to both palms

Past or Present Medical Problems- Patient Questionnaire			
	Yes	No	Explain.
Can you explain why you are in this building?			
Were you treated at ED, hospital, or refused medical care in last 3 days?		☒	When: _____ Where: _____
Have you attempted suicide in the past?		☒	Reason: _____
If yes- refer to MH urgently			How: ☐ OD ☐ Hang ☐ Jump ☐ Firearm
			☐ Cut/Stabbing ☐ Starvation
			☐ MVA ☐ Other: _____
			When: ☐ < 1 year ☐ 1-5 years ☐ > 5 years

Form Folder and Number: Intake #N14.0	Form Owner: [REDACTED]	Accreditation: ALL	Active / Last Revision Date: ACTIVE 10/2/2019
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Receiving Screening

Name:	DOB:	ID#:
Date/Time:	Allergies:	Gender:

Do you have, or have you ever had...	Yes	No	Explain:	Current Medications*
Diabetes		☒	☐ IDDM ☐ NIDDM Diet: Last Meal:	
High Blood Pressure		☒		
Heart Condition		☒	List: Where and how treated?	
Asthma	☒	☐	Peak Flow: Last rescue inhaler use:	<i>10 meds</i>
COPD		☒	Peak Flow:	
Kidney Disease		☒	Dialysis? ☐ Yes ☐ No Last Treatment: Dialysis facility:	
Traumatic Brain Injury/ Head Injury		☒	When/Residual disability? ☐ None ☐ Headache ☐ Dizziness ☐ Anxiety ☐ Blurry vision ☐ Seizures ☐ Easily upset ☐ Speaking ☐ Light/sound sensitivity ☐ Slurred speech	
Seizure Disorder		☒	Type: Last Seizure: Aura?:	
Developmental Disability (have an individual education plan, or attend special education classes?)		☒	Caseworker/caregiver? ☐ Yes ☐ No Name/Contact info:	
Any Assistive Devices?		☒	☐ Glasses ☐ Contacts ☐ Braces ☐ Hearing Aid ☐ Prosthesis ☐ Crutches ☐ Cane ☐ Wheelchair ☐ Walker ☐ Other:	
Any medical, mental health, other conditions that require special accommodations?		☒	☐ Seeing ☐ Hearing ☐ Walking/Standing ☐ Eating ☐ Sleeping ☐ Thinking ☐ Communicating ☐ Other:	
Any Medication Allergies		☒	Medication(s): Reaction:	
Other serious, life-threatening allergies?		☒	Allergen(s): Reaction:	
On a current prescribed diet?		☒	☐ Heart healthy/Cardiac ☐ Diabetic ☐ Renal ☐ Coumadin ☐ Other:	

Any other past or present conditions like *high cholesterol/triglycerides, bleeding disorders, blood clots, thyroid disease, cancer, organ transplant or any other condition we should be aware of?* ☐ Yes ☒ No
If Yes- list and explain:

* Include Medication name, dosage, last dose taken, who prescribed medication, the pharmacy, and verification status

Form Folder and Number:		ALL	ACTIVE 10/2/2019
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Receiving Screening

Name:	DOB:	ID#:
Date/Time:	Allergies:	Gender:

Infectious Disease and Tuberculosis Screening			
Do you have, or have you ever had...	Yes	No	Explain:
HIV/AIDS		☒	
Hepatitis			Type: ☐ A ☐ B ☐ C Current Tx? ☐ Yes ☐ No
Positive test for Tuberculosis (TB)?			When? Where? Last CXR: When? Where?
Sexually Transmitted Infection			☐ Chlamydia ☐ Herpes ☐ Gonorrhea ☐ Syphilis
Recent known exposure to infectious disease?			Disease: When:

* Include Medication name, dosage, last dose taken, who prescribed medication, the pharmacy, and verification status

Currently experiencing any of the following symptoms?				☒ Denies all
☐ Chronic/persistent cough	☐ Coughing up blood	☐ Fatigue / weakness	☐ Fever / chills	
☐ Unexplained weight loss	☐ Night sweats	☐ Short of breath	☐ Loss of appetite	
☐ Vomiting	☐ Diarrhea	☐ Clay Colored Stool	☐ Tea Colored Urine	
☐ Lower abdominal pain	☐ Discharge from penis/vagina			
☐ Unexplained rash on large area of the body			☐ Genital sores, blisters, ulcers	
☐ Unprotected sex with more than 2 people in last 3 months			☐ IV drug use ☐ Currently homeless	

Additional Comments:

If positive symptom of airborne communicable disease/TB place in respiratory isolation and/or refer to ED for evaluation/rule out TB, if positive symptom/risk for STI, HAV or other symptoms call or refer to provider

Additional Medications Not Listed Above						
Are you taking, or supposed to be taking, any other medications or treatments prescribed by a health care provider including chemotherapy, radiation, clinical trials, psychotropic or other medications? ☐ Yes ☐ No						
Medication Name	Dosage / Frequency / Route	Last Dose	Reason for taking	Prescriber	Pharmacy	Verified
						☐ Yes ☐ No
						☐ Yes ☐ No
						☐ Yes ☐ No

Dental Screening			
Do you have ...	Yes	No	Explain:
Painful dental condition/complaint(s)?			☐ Decay ☐ Abscess ☐ Gum Disease Describe:
Dentures?			☐ Partial ☐ Upper ☐ Lower ☐ Upper & Lower
Special diet due to dental condition?			

Receiving Screening

Name:	DOB:	ID#:
Date/Time:	Allergies:	Gender:

Female Specific Screening			
Urine Pregnancy Test	☐ Negative ☐ Positive ☐ Refused test	LMP (date):	
Are you/Have you...	Yes	No	Explain:
Pregnant?			☐ Recent opiate use ☐ Fetal movement ☐ Headache ☐ Weight loss ☐ Blurred vision ☐ Nausea/vomiting ☐ Swelling Prenatal care? ☐ Yes ☐ No Last exam: _____ Physician/clinic: _____
If current substance abuse and pregnant- notify medical provider			
Recently delivered, breastfeeding, had a miscarriage, had an abortion?			☐ Delivered: Breastfeeding? ☐ Yes ☐ No ☐ Miscarriage ☐ Abortion; when/date: _____ Charged with crime against child? ☐ Yes* ☐ No
On birth Control?			☐ Condoms ☐ Birth control pills ☐ IUD ☐ Depo-Provera shot: _____ ☐ Other- _____
Had unprotected sex in last 3 days or were recent victim of sexual assault?			Type: _____ When (date/time): _____ Do you want Emergency Contraception? ☐ Yes ☐ No If yes, contact provider for orders
Any other past or present Gynecological problems like PCOS, endometriosis, abnormal PAP, abnormal bleeding, or other condition we should be aware of? ☐ Yes ☐ No			
If Yes- list and explain:			
*If delivery, miscarriage, or abortion within the last year and is charged with a crime against a child refer to MH for evaluation for post-partum psychosis/depression.			

Juvenile Specific Screening			
Do you...	Yes	No	Explain:
Have learning difficulties, have an individual education plan, or attend special education classes?			If yes: notify case manager / local regional center and refer to mental health for further evaluation
Have children under your care?			
Are you sexually active?			Type: _____ Last (date/time): _____ Contraception used? ☐ Yes ☐ No Type: _____

Substance Use/Abuse			
Have you ingested or placed any medications/drugs into a body cavity? ☐ Yes ☐ No			
Do you use...	Yes	No	
Alcohol			Type: _____ Amount: _____ Last Used: _____ Frequency: ☐ rarely ☐ 1-3 days a month ☐ 1-5 days a week ☐ daily Duration: ☐ <1 month ☐ 2-6 months ☐ 6-12 months ☐ >1 year Prior withdrawal: ☐ None ☐ Tremors ☐ Seizures ☐ DTs Last withdrawal (date): _____ Currently withdrawing? ☐ Yes ☐ No

Receiving Screening

Name:	DOB:	ID#:
Date/Time:	Allergies:	Gender:

Substance Use/Abuse Continued		
Drugs		Type: ☐ Benzodiazepines ☐ Opiates ☐ Synthetics ☐ Methamphetamines ☐ Cannabis Route: ☐ Oral ☐ IV ☐ Inhaled ☐ Snorted Amount: _____ Last Used: _____ Frequency: ☐ rarely ☐ 1-3 days a month ☐ 1-5 days a week ☐ daily Duration: ☐ <1 month ☐ 2-6 months ☐ 6-12 months ☐ >1 year Prior w/d: ☐ None ☐ Describe: _____ Last withdrawal (date): _____ Currently withdrawing? ☐ Yes ☐ No
Do you take Medication Assisted Treatment (MAT) for Opiate Dependence?		☐ Methadone ☐ Buprenorphine ☐ Vivitrol ☐ _____ Dosage/Frequency/Route: _____ Last Dose: _____ Clinic Name/Location/Phone: _____ Verified? ☐ Yes ☐ No
☐ Tobacco Products		Last Used: _____ Route: ☐ Oral/Chew ☐ Inhaled/Smoke/Vape Pack(s) Per Day: _____ Duration: _____
If yes to any of the above (except for Cannabis and Tobacco) complete blood sugar finger stick		
If yes to any of the above and female- complete pregnancy test and notify health care provider if positive		
Additional Comments:		

Mental Health and Suicide Risk Screening			
Patient Questions			
Do you, or Are you...	Yes	No	Explain:
1. Current or past mental health diagnosis?		☒	Describe/list:
2. Currently taking, supposed to take or ever been prescribed any medication by a physician for any emotional or mental health problems?		☒	☐ Inactive ☐ Active- include on med list above Reason for taking: Current MH provider:
3. Current or past outpatient treatment for mental health or psychiatric issues?		☒	Reason for treatment: When/Where:
4. Ever been in a hospital for emotional, mental health and/or psychiatric problems?		☒	Reason for hospitalization: When/Where: _____ Duration:
5. Are you a veteran?		☒	
6. Hear or see things others don't or believe someone can control your mind?		☒	
7. Have concerns about losing a job, spouse, significant other, custody of children, or housing due to arrest?		☒	
8. Have family or friends who have attempted suicide or died from suicide?		☒	

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Receiving Screening

Name:	DOB:	ID#:
Date/Time:	Allergies:	Gender:

9. Have concerns about ability to cope emotionally/manage stress?		X	
♦ 10. Have feelings that there is nothing to look forward to or feel hopelessness/helpless?		X	
Columbia Suicide Severity Rating Scale - Screen Version			
Ask the Questions:	Yes	No	Explain:
♦ 11. Have you wished you were dead or wished you could go to sleep and not wake up?			
♦ 12. Have you had any actual thoughts of killing yourself?			
If yes to question #12, ask 13, 14, 15, & 16. If no to question #12, go directly to question 16.			
♦ 13. Have you been thinking about how you might kill yourself?			
♦ 14. Have you had these thoughts and had some intention of acting on them?			
♦ 15. Have you started to work out or worked out the details of how to kill yourself? Do you intend to carry out this plan?			
♦ 16. Have you ever done anything, started to do anything, or prepared to do anything to end your life?			How long ago did you do any of these? ☐ 0-3 months ☐ 3-12 months ☐ 1-5 years ☐ > 5 years
Mental Health and Suicide Risk Screening - Additional Screening			
Does/is the patient...	Yes	No	Explain:
♦ 17. Have any visible signs of recent self-harm?			☐ cuts ☐ Oligature marks ☐ other: _____
♦ 18. Has the transporting/arresting officer or family/friends communicated that the patient may be a suicide risk?			
♦ 19. Hold a position of respect in community AND/OR crime is shocking in nature?			
♦ 20. Acting or talking in a strange manner and/or appears to be responding to voices?			
21. Current charges include murder, kidnapping, robbery, or domestic violence?			
♦ STAT: A "YES" response to any Questions 10, 13, 14, 15, 17, 18: place on suicide watch & STAT referral to MHP			
♦ Urgent Referral: A "YES" response to any Question 11, 12, 16, 19, 20: refer to Mental health urgently			
Routine Referral: A "YES" response for to any Question 1-9, 21: referral to Mental Health			
Additional Comments:			

Receiving Screening

Name:	DOB:	ID#:
Date/Time:	Allergies:	Gender:

PREA Screening			
Question:	Yes	No	Explain:
1. Have you been a victim of sexual abuse?			
2. Have you sexually abused or assaulted someone?			
3. Have you ever been arrested for a sex offense?			
4. Is this the patient's first arrest?			
5. Does the patient appear to have a mental or developmental disability?			ADA needs?
6. Does patient identify or present as transgender, intersex, or gender non-conforming?			☐ Transgender ☐ Intersex ☐ Gender Non-Conforming
7. Does patient identify or present as Lesbian, Gay or Bisexual?			☐ Lesbian ☐ Gay ☐ Bisexual
8. Do you feel vulnerable in terms of personal safety?			
9. Is the patient of small stature/physical build?			
10. Is the patient detained solely for civil immigration purposes?			
If any 'yes' response notify classification. If 'yes' to question 1-6 refer to MH to be seen within 7 days.			
Additional Comments:			

Patient Education			
Education Provided...	Yes	No	If no- explain:
Is patient able to read/write? ☒ English ☐ Spanish			
Informed how to access medical, mental, and dental care, and where to find written instructions on how to access care			
Instructed on Grievance process			
Informed of sexual assault awareness and where to find written information			
Informed where to find information about Opioid Overdose			
Informed where to find information about how to cope in facility			
Informed where to find information on birth control options and how to obtain birth control (females)			☐ Not Applicable
Provided health information and rights for pregnant woman			☐ Not Applicable
Instructed on safe use of tampons (juvenile females)			☐ Not Applicable
Other:			

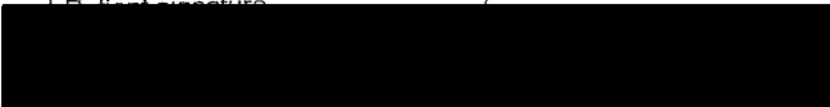
Release of Information			
Form	Yes	No	If no-explain:
Authorization for Use or Disclosure of Protected Information / Release of Information Signed and Faxed?			
Correctional Institution Request for Records for Provision of Health Care Faxed?			

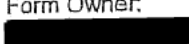
Form Folder and Number: Intake #IN14.0	Form Owner: [REDACTED]	Accreditation: ALL	Active / Last Revision Date: ACTIVE 10/2/2019
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Receiving Screening

Name:	DOB:	ID#:
Date/Time:	Allergies:	Gender:

Disposition	
Monitoring:	☐ CIWA ☐ COWS ☐ CIWA & COWS ☐ Synthetics ☐ Suicide Watch ☐ Intake Refusal Monitoring ☐ Other:
Placement / Housing Recommendation:	☐ Emergency Room for evaluation/treatment ☒ General Population (GP) ☐ Custody for ADA needs ☐ Classification for PREA concerns ☐ Medical Observation Housing ☐ Out Patient Housing Unit/Infirmary ☐ Medical Isolation (negative pressure) ☐ Mental Health Housing (if Mental Health not on-site) ☐ STAT placement on Suicide Precautions ☐ Other:
Does patient need a referral?	☒ Yes ☐ No
Medical:	☐ Emergent ☐ Urgent ☒ Routine Mental Health: ☐ Emergent ☐ Urgent ☐ Routine Chronic Care: ☐ Emergent ☐ Urgent ☒ Routine Dental: ☐ Emergent ☐ Urgent ☐ Routine Other: <i>VB daily + 3 days. Keep abrasions clean & soap + water</i>

Acknowledgment & Signatures		
☒ I have answered all questions fully. ☒ I have been told how to obtain/access medical, mental health, and dental services. ☒ I have been told about the grievance process. ☒ I have been told about sexual assault awareness. ☒ I understand that Medical/Mental Health Staff are mandated reporters and are required to report immediately any knowledge, suspicion, or information pertaining to an incident of sexual abuse or sexual harassment that occurred within the facility; and with my consent any victimization that occurred in the community, unless I am a minor and then health staff are mandated reporters regardless of location. ☒ I have been told about opioid overdose and where to find additional information. ☒ I have been told about coping resources. ☒ I have been told about obtaining/starting birth control and where to find additional information. ☒ If I am pregnant I have been informed and received information about my rights while in custody. ☒ I hereby authorize Wellpath to administer medical examinations, tests, and/or treatment as necessary. ☒ I understand and authorize that photographs may be taken and placed in my medical record for future reference, treatment, or training purposes.		
_____ Patient signature 	_____ Date/Time <i>11-9-2020 @ 0945</i> _____ Date/Time	
_____ Healthcare signature/title _____ Mental Health signature/title	_____ Printed name _____ Printed name	_____ Date/Time _____ Date/Time

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On-Site Emergency Response Record - CMG

F

LE Number:
Approval:

Pending

Interviewer:

ChargeRN

Subjective

Nature of emergency:	☐ pain ☐ abnormal behavior ☐ suicide attempt ☐ trauma ☐ loss of consciousness ☐ bleeding ☐ chest pain ☐ tazed ☒ other:	Became combative with custody staff. Pt placed in safety cell.
Onset:	☒ sudden ☐ gradual	
Duration:		
Pain scale (1-10):		
Description (of problem or situation):	Per Corp. pt became combative prior to nurse arrival on scene. Pt was hand cuffed and placed in safety cell.	
First aid rendered (type and by whom):		

Past Medical History

Similar problems in past? (If yes, describe):	☒ Yes ☐ No	Unknown
Chronic diseases:		
Drug use? (If yes, type and last taken):		
Alcohol use? (If yes, type and last ingestion):		
Current medications (Rx and OTC):	Denies	

Objective

Appearance:	☒ alert ☐ listless	
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	☒ lethargic ☐ curled up in pain ☐ laying flat ☐ posturing	
Airway and respirations:	☒ regular rate and rhythm ☐ irregular ☐ shallow ☐ deep	
Mouth and throat:	☒ N/A ☐ presence of blood ☐ presence of chemical burn ☐ presence of chemical residue	
Skin:	☒ dry ☐ moist ☐ diaphoretic ☒ pink ☒ normal ☐ pallor ☐ jaundiced ☐ decreased turgor	
Left eye (list pupil mm):	☒ equal ☒ round ☐ reactive ☐ light accommodation ☐ not equal ☐ not round ☐ unreactive	Pt would not open his eyes, in fact he clinched them shut at first. As this nurse started to walk away he opened his eyes and directed a question to the custody staff. Pt uncooperative with pupil check.
Right eye (list pupil mm):	☒ equal ☒ round ☐ reactive ☐ light accommodation ☐ not equal ☐ not round ☐ unreactive	This nurse able to note size and shape of pupils but pt uncooperative with light accommodation and reactivity.
*Starred items below are considered high risk findings and require further evaluation.		
Time:	Blood Pressure	

***Re-assess vital signs every 10-15 minutes, or more frequently if needed, until paramedics arrive or patient is stable and/or other orders are received.**

Additional notes:

Assessment

	☐ Altered thought processes as evidenced by/related to: ☐ Altered tissue perfusion: cerebral related to interruption in blood flow ☐ Decreased cardiac output related to dysrhythmias ☐ High risk for injury related to: ☐ Risk for ineffective breathing patterns as evidenced by/related to: ☐ Risk for ineffective tissue perfusion related to drug overdose ☐ Other:	
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Disposition:

	☐ Patient to remain in cell ☐ Refer to Sick Call ☐ Refer to Mental Health ☐ F/U PRN ☐ Other (specify) ☐ Outpatient Housing Unit ☐ Medical Observation ☐ Medical Shelter Housing ☐ Suicide Watch ☐ Mental Health Obs	
Referred to ER	☒ Yes ☐ No	
*If yes, you must enter date and time of referral (below)		
Date and Time referred to ER:		
Ambulance called date and time:		
Ambulance arrived date and time:		
On-call medical provider call date and time:		
Specify which Provider contacted:		
Report called to ED date and time:		
Responders (Name/Classification):		
Signature:		11/09/2020



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism a

Bill Pooley
Sheriff-Coroner

May 10, 2021



Re: Notice of Proposed Discipline

Corporal [REDACTED]

Under Rule 9 of the County of Tuolumne ("County") Personnel Rules and Regulations and Article 16 of the Memorandum of Understanding between the County of Tuolumne and the Tuolumne County Deputy Sheriffs' Association ("DSA MOU"), I am proposing to give you a letter of reprimand to remain in your personnel file for 5 years and require you to take a California POST certified Assertive Supervision course within one year of the date of this letter. If my recommendation remains unchanged following completion of any pre-disciplinary review in this matter, your discipline will be effective on the above date of this letter.

AUTHORITIES UPON WHICH MY RECOMMENDATION IS BASED

I am recommending your discipline based on your violation of the following rules, regulations, orders, and policies. A violation of any one of the sections below is sufficient to support a letter of reprimand and the decision need not be based on a finding that you violated each policy set forth below.

A. CAUSES FOR PROPOSED DISCIPLINARY ACTION

The Department has completed an internal affairs investigation into the following allegations made against you:

Tuolumne County Sheriff's Office Policies:

TCSO Policy 201.2 Authority, Rankin Officers

The ranking officer shall exercise the authority of his/her position under all conditions which require that he/she use such authority in the best interests of the Department.

Ranking officers have the authority to enforce policy and give orders to Department members inside or outside their chain of command. Authority outside the chain of command should be exercised only in circumstances which, by their nature, require immediate action and in the absence of a ranking officer in that chain of command. Ranking officers acting outside their chain of command should not vary from established policy unless:

- a. There is agreement from the affected supervisor or*
- b. Emergency conditions necessitate the deviation.*

TCSO Policy 340.3.6 Efficiency

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

County of Tuolumne Personnel Rules and Regulations:

TC PR&R Rule 9, Disciplinary Action, Section B. Cause(s) of Action

(4) Willful or negligent disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order.

(6) Inefficiency

(16) Violation of a department rule.

Tuolumne County DSA Memorandum of Understanding:

DSA MOU Article 16, Section C. Cause(s) of Action

(5) Inefficiency

(5) Inefficiency

(15) Violation of a department rule

THE COMPLAINT OF EXCESSIVE FORCE

On November 9, 2020, you were working as the Officer in Charge of the shift. You were present at about 0924 hours, when Tuolumne County Patrol Deputies brought [REDACTED] to the Tuolumne County Jail located at 175 Yaney Ave, Sonora.

At about 1040 hours, [REDACTED] was sitting on the half wall of holding cell number 3 and would not comply with orders by Deputies to get off. [REDACTED] was removed from Cell

3 for his safety by six deputies who extracted him by force. You were present during the cell extraction of [REDACTED]. An Internal Affairs ("IA") Investigation was opened into the use of force during the cell extraction.

THE CELL EXTRACTION ON NOVEMBER 9, 2020

On November 9, 2020, at approximately 8:24 a.m., [REDACTED] [REDACTED] called the Department stating that her brother, [REDACTED] [REDACTED] was "talking crazy" and was in the back room of [REDACTED] where he works. [REDACTED] also told the Department that [REDACTED] is [REDACTED]. Deputies were dispatched to the [REDACTED] where [REDACTED] was working and [REDACTED] was arrested on a misdemeanor warrant for violating Penal Code section 148(a)(1) – resisting, delaying, or obstructing justice.

[REDACTED] was transported to the jail where he was booked, cleared by the nursing staff, and placed into Sobering Cell 4. You were present for the booking process of [REDACTED]. At approximately 10:40 a.m., [REDACTED] sat on the half wall in Cell 4. He was told by jail deputies to get off the wall, but quickly returned to sitting on the wall. [REDACTED] then stood on top of the wall with his shirt off and began spinning his shirt in the air and motioning to the deputies.

Acting Jail Commander [REDACTED] had several deputies gather outside the cell. The six deputies entered Cell 4 to extract [REDACTED] so he could be placed in Safety Cell 3. [REDACTED] jumped off the half wall. You were present during the cell extraction of [REDACTED]. During the extraction, Deputy Green delivered a combination of seven punches and "hammer" punches to the left side of [REDACTED] face over a roughly 12-second period. Due to the punches, [REDACTED] sustained a black and blue left eye and a fracture to his left zygomatic arch.

THE PSD INVESTIGATION OF THE CELL EXTRACTION

Review of surveillance videos of the jail and cell extraction

A review of the surveillance footage indicates that at approximately 10:54 a.m., [REDACTED] was sitting on the half wall in Cell 4. Deputy [REDACTED] opens the door to Cell 4 and appears to tell [REDACTED] to get down from the wall. Deputy [REDACTED] shuts the door and [REDACTED] gets down from the wall. At about 10:55 a.m., [REDACTED] gets back on the half wall and then stands on the wall waving his shirt around with his right hand. Shortly thereafter, Deputies [REDACTED] Green, [REDACTED] [REDACTED] [REDACTED] and [REDACTED] enter Cell 4 to remove [REDACTED] and take him to Safety Cell 3.

As the deputies enter Cell 4, [REDACTED] jumps off the wall towards Green and the other deputies. [REDACTED] is knocked onto his back with Green and the other deputies struggling with him and attempting to restrain him. While attempting to restrain [REDACTED] Green is almost on top of him on his left side near his head. The surveillance video of the cell extraction shows Green punching [REDACTED] in his face near his left eye approximately seven times with a closed fist during a roughly 12-second period. [REDACTED] was then

subdued, placed into handcuffs and leg shackles, and placed in Safety Cell 3. [REDACTED] suffered a black and blue left eye, a sprained ankle, and a fracture to his left zygomatic arch, which required [REDACTED] to receive medical treatment at an emergency room.

Interviews of jail deputies and staff

Nurse [REDACTED] was interviewed regarding her involvement in evaluating [REDACTED] after the cell extraction. She stated that he had a "huge black eye." [REDACTED] also indicated that she was informed that Deputy Green had been kicked in the head by [REDACTED] but nothing indicated he had been injured. When asked her professional opinion regarding [REDACTED] injuries, [REDACTED] stated that it appeared that he had been hit "pretty hard in the eye" and that the bone around [REDACTED] eye was probably broken. A fracture to the left zygomatic arch was confirmed by further medical evaluation.

Deputies who either saw the incident or watched the video were also interviewed as part of the Investigation. Most of the Deputies interviewed indicated that seven strikes was excessive force due to the number of deputies used to restrain [REDACTED] and the totality of the circumstances. For example, Deputy [REDACTED] stated that based on his training and experience, he believed a couple punches could have "maybe" been justified, but "6-7 were a little, little much." Deputy [REDACTED] said that he would not have used the same amount of force in restraining [REDACTED]

Deputy [REDACTED] also indicated that Deputy Green's use of force was unreasonable due to the number of deputies involved. He said "So, I have been in that position before, and it has not occurred to me to strike someone like that." Deputy [REDACTED] then said, "In my opinion I probably would not have done that."

Deputy [REDACTED] stated he was "a little surprised" by Deputy Green's actions during the extraction. Deputy [REDACTED] acknowledged that distracting blows can be necessary, but he did not believe they were necessary in this situation. Deputy [REDACTED] indicated that one or two strikes might have been justified depending on the level of [REDACTED] combativeness. However, when asked if four strikes were warranted in restraining [REDACTED] Deputy [REDACTED] stated that four strikes and above would be too much force.

Deputies [REDACTED] and [REDACTED] also indicated that the strikes were not necessary in this situation. Corporal [REDACTED] who is a defensive tactics instructor, was also interviewed as part of the IA Investigation. She stated that based on her training and experience, some strikes to [REDACTED] might have been justified. However, based on the circumstances and the number of Deputies restraining [REDACTED] the amount of strikes Deputy Green made to [REDACTED] face was not warranted.

Your interview as part of the IA Investigation

The PSD interviewed you on December 10, 2020. Prior to your interview, you received a *Miranda* warning, a *Lybarger* admonition, and you were ordered to tell the truth. During this interview, you stated that you have been with the Tuolumne County Sheriff's Office for 3 years and been a Corporal for one year. You have been to Supervisors school and Field Training Officer School. You have specialized training in Cell Extractions, training in Defensive Tactics and are a department instructor in Defensive Tactics.

On 11-09-2020, at about 0924 hours, Tuolumne County Patrol Deputies brought [REDACTED] to the Tuolumne County Jail located at 175 Yaney Ave, Sonora, on a misdemeanor warrant for 148(a)(1) PC, (resisting, delaying or obstructing justice). You were present during the intake process. While in the basement, you observed [REDACTED] being noncompliant. [REDACTED] was loud and not answering questions. [REDACTED] was moving and shifting around a lot. You were aware [REDACTED] had told the nurse his ankle was hurting.

You were told by Deputy [REDACTED] that he was going to put [REDACTED] on a 5150 W&I hold but he decided to take him to jail instead. He told you that [REDACTED] behavior had been "erratic." You were asked by the PSD if you tried to get any additional information from the deputies that brought in [REDACTED]. You stated that you didn't ask the Deputies for additional information concerning the status of incoming inmates by saying, "I don't ask the patrol deputies specific details. It's not my job. I just make sure he's good in custody."

[REDACTED] was cleared by the nurse for custody. You stated that [REDACTED] was placed in Sobering Cell 4 "due to his behavior and him being passively resisting." You also stated that, "Sobering Cell 4 is used for intoxicated persons, possibly a harm to oneself, or just to separate inmates".

At about 1055 hours, Acting Jail Commander [REDACTED] ordered Jail Deputies to remove [REDACTED] and place him in a safety cell for his safety. You responded to the intake area where there were 6 other Deputies lined up in front of cell #4. The Deputies entered the cell and [REDACTED] jumped off the wall towards deputy [REDACTED]. [REDACTED] ended up on his back while the deputies were trying to restrain him. You admitted to being present when the Deputies went into the cell to remove [REDACTED] and witnessing the incident. You left at some point to get leg shackles and never saw Deputy Green strike [REDACTED]. You later saw on video Deputy Green strike [REDACTED] in the face several times. You heard Acting Jail Commander tell Deputy Green to stop hitting [REDACTED] on two separate occasions. [REDACTED] was placed into handcuffs and leg shackles. [REDACTED] was carried to Safety Cell #3 where he was left. [REDACTED] sustained a black and blue left eye and a fracture to his left Zygomatic Arch.

You had the nurse go into cell #3 along with two deputies to treat [REDACTED] for his injuries. You saw [REDACTED] face and saw he had a swollen bruised eye. You thought the eye looked "bad". When the nurse and deputies left cell #3 [REDACTED] refused to come to the door to have his handcuffs removed. Awhile later, deputies went in and unhandcuffed [REDACTED].

You and Acting Jail Commander [REDACTED] watched the video of the cell extraction. You had a discussion with him about Deputy Green striking [REDACTED] in the face. [REDACTED] asked you your opinion on if Deputy Green used excessive force or not and you told him "I don't know".

You stated you were familiar with the concept of use of force, being up to date with California's new changes to Use of Force and TCSO's Use of Force Policy 300. You stated you understood the concept of "totality of the circumstance" and were given viable examples in which you stated that you understood. You stated you received specialized training in becoming an instructor of Defensive Tactics and teaching classes to other Deputies.

You said that you understood what de-escalation tactics are and that it is covered in TCSO policy 300 Use of Force. You stated that you have received specialized training in cell extractions and that you have participated in several cell extractions.

You stated that when you run a cell extraction that you "make a plan". When asked in your interview, with all of your training and experience in use of force, if excessive force was used by Jail Deputy Green, you were either unable to make that deamination or unwilling to.

ANALYSIS

In *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, the California Supreme Court stated that the "overriding consideration" when addressing whether a public employer has imposed an appropriate level of discipline is "the extent to which the employee's conduct resulted in, or if repeated, is likely to result in, 'harm to the public service.'" (*Id.* at 218.) "Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence." (*Id.*)

Your conduct in this case unquestionably harms the public service and your actions violated the policies identified above under Section I. The evidence supports the conclusion that your lack of supervisory control over the intake booking process of [REDACTED] contributed to the excessive force incident and the injuries [REDACTED] sustained.

Your failure to ask deputies who brought [REDACTED] in and were present during the intake process to gather information about the status of [REDACTED] mental health, physical health, and his actions while in their custody led to poor decision making. The information potentially gathered may have altered Acting Jail Commander [REDACTED] decision to use force to remove [REDACTED] which led to the excessive force and severe injuries to [REDACTED]. Your attitude of "It's not my job" in regard to questioning arresting officers to gain important information concerning the health and welfare of their arrestee is unacceptable.

Your failure to notify Nurse [REDACTED] of [REDACTED] potential mental health issues violates Tuolumne County Sheriff Department Procedure 6.13 Mentally Disordered Inmates. Nurse [REDACTED] stated in her interview that she was "unaware of, nor could she tell if [REDACTED] had any mental health issues." If this information was known by Nurse [REDACTED] it potentially could have flagged [REDACTED] as a danger to himself or others by placing a 15-minute security check sheet on Cell #3. If Acting Jail Commander would have had this information, he may not have made the decision to use force to remove [REDACTED] which led to the excessive force and severe injuries to [REDACTED].

Peace officers must uphold the highest standards of conduct. (*See Ackerman v. State Personnel Board* (1983) 145 Cal.App.3d 395, 400.) I expect all of the Department's deputies to follow the Department's policy regarding use of force. This particular incident is especially concerning because an inmate was seriously injured.

Your conduct leading up to the cell extraction and your lack of definitive answers in your interview were especially concerning because of your training and experience as a supervisor, and your status as the Officer in Charge.

Your behavior brought mistrust and discredit to the Department. These actions violated Tuolumne County Sheriff's Policy, County Rules and Regulations, and the Deputy Sheriff's Association MOU.

Your conduct during this incident demonstrates your unwillingness to conform to department rules, policies, and orders. Those requirements exist for the safety of the public and personnel, as well as ensure the Department's operations do not violate the rights of citizens.

Your conduct also severely compromised your credibility as a Jail Deputy Corporal in the eyes of your co-workers, the public, and this Department. The Tuolumne County Sheriff's Office cannot tolerate or condone the behavior you have demonstrated toward inmates. Your conduct has exposed the Sheriff's Office to potential liability for the injuries sustained by [REDACTED]. It leaves the Department with little choice other than to propose disciplinary action. For these reasons, I am proposing to serve you with a written letter of reprimand to remain in your personnel file for five years from the date of this letter and require you to take a California POST certified Assertive Supervision course within one year of the date of final disposition of this action.

NOTICE OF PRE-DISCIPLINARY RIGHTS

Pursuant to *Skelly* and Article 16, Section (F) of the DSA MOU, you have the right to appeal this action to Sheriff Bill J. Pooley, either verbally or in writing within seven (7) calendar days after service of this notice. Although the pre-disciplinary conference is not designed to be a formal evidentiary hearing, you may be represented by legal counsel or another individual of your choice. Your failure to provide a written response or to request a pre-disciplinary conference will constitute a waiver of your right to provide a response. Accordingly, the Sheriff's decision to either sustain, modify, or reject this recommendation will be based upon a review of this Notice of Intent and its attachments.

In arriving at this preliminary determination, I have reviewed and considered your entire personnel file. Although your file is not attached to this Notice of Intent, you may contact [REDACTED] the Assistant to the Sheriff to schedule an appointment for you and/or your representative to examine or copy your Personnel File during business hours.

WARNING AGAINST RETALIATION

This provision is to notify you it is illegal and inappropriate to retaliate against any person who has participated in complaining or providing information regarding the allegations against you as set forth above and in the attached Internal Affairs Investigation.

ATTACHMENTS

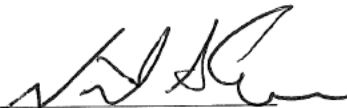
All documents comprising this investigation are attached.

Attachment 1: Report of Internal Affairs Investigation 20-006 (Including Summary of Investigation, [REDACTED] Timeline, Jail Incident Reports, [REDACTED] Inmate File, [REDACTED] RIMS person page, TCSO case 20-3447, TCSO incidents 2011090019 and 2011090027, thumb drive of video surveillance, CD of video surveillance, thumb drive of recorded interviews.

Attachment 2: Relevant Sections of Tuolumne County Sheriff's Office Policy Manual

Attachment 3: Relevant Personnel Rules and Regulations of the County of Tuolumne

Attachment 4: Relevant portions of Tuolumne County DSA MOU


Undersheriff Neil Evans

Acknowledgement of Receipt

[REDACTED]

5/21/21



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Integrity"

Bill Pooley
Sheriff-Coroner

May 4, 2021

Marcus Green
[REDACTED]

Re: Notice of Proposed Disciplinary Action

Deputy Marcus Green:

Under Rule 9 of the County of Tuolumne ("County") Personnel Rules and Regulations and Article 16 of the Memorandum of Understanding between the County of Tuolumne and the Tuolumne County Deputy Sheriffs' Association ("DSA MOU"), I am proposing to terminate your employment as a Jail Deputy Sheriff with the Tuolumne County Sheriff's Department ("Department"). If my recommendation remains unchanged following completion of any pre-disciplinary review in this matter, your termination will be effective following final written notice of your termination.

AUTHORITIES UPON WHICH MY RECOMMENDATION IS BASED

I am recommending your termination based on your violation of the following rules, regulations, orders, and policies. A violation of any one of the sections below is sufficient to support your termination from employment and the decision need not be based on a finding that you violated each policy set forth below.

Tuolumne County Sheriff's Office Policies:

TCSO Policy 300.3 Use of Force

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances 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.

TCSO Policy 340.3.6 Efficiency

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

TCSO Policy 340.3.7 Performance

(i) Any act on- or off-duty that brings discredit to this office.

TCSO Policy 340.3.8 Conduct

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the county.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

Tuolumne County Sheriff's Office Custody Policies:

TCSO Custody Policy 6.41 Conduct in Dealing with Inmates

Procedures

D. OFFICER DEMEANOR

1. Jail deputies shall maintain proper demeanor with all inmates in custody and shall perform their duties in a mature, professional manner.

3. Jail deputies shall be alert, courteous and professional in their dealings with inmates, fellow employees, visitors and members of the public.

County of Tuolumne Personnel Rules and Regulations:

TC PR&R Rule 9, Disciplinary Action, Section B. Cause(s) of Action

(4) Willful or negligent disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order.

(6) *Inefficiency*

(13) *Discourteous treatment of the public or other employees.*

(16) *Violation of a department rule.*

Tuolumne County DSA Memorandum of Understanding:

DSA MOU Article 16, Section C. Cause(s) of Action

(3) *Willful disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order;*

(5) *Inefficiency*

(12) *Discourteous treatment of the public or other employees.*

(16) *Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the County.*

FACTS SUPPORTING THE CHARGES

The following is a summary of the facts supporting my recommendation to terminate your employment.

THE COMPLAINT OF EXCESSIVE FORCE

On November 9, 2020, Acting Jail Commander Sergeant [REDACTED] called Undersheriff Evans to report that he had just witnessed a "questionable" use of force incident during a cell extraction. Undersheriff Evans directed Sergeant [REDACTED] to report the incident to the Professional Standards Division ("PSD"). On November 10, 2020, Sergeant [REDACTED] brought the incident reports and video footage of the cell extraction to PSD. An Internal Affairs ("IA") Investigation was opened into the use of force during the cell extraction.

THE CELL EXTRACTION ON NOVEMBER 9, 2020

On November 9, 2020, at approximately 8:24 a.m., [REDACTED] (" [REDACTED] ") called the Department stating that her brother, [REDACTED] (" [REDACTED] ") was "talking crazy" and was in the back room of [REDACTED] where he works. [REDACTED] also told the Department that [REDACTED] is [REDACTED]. Deputies were dispatched to the [REDACTED] where [REDACTED] was working and [REDACTED] was arrested on a misdemeanor warrant for violating Penal Code section 148(a)(1) – resisting, delaying, or obstructing justice.

[REDACTED] was transported to the jail where he was booked, cleared by the nursing staff, and placed into Sobering Cell 4. At approximately 10:40 a.m., [REDACTED] sat on the half wall in Cell 4. He was told by jail deputies to get off the wall, but quickly returned to sitting on the wall. [REDACTED] then stood on top of the wall with his shirt off and began spinning his shirt in the air and motioning to the deputies. You and several other deputies

gathered outside the cell. You and five other deputies entered Cell 4 to extract [REDACTED] so he could be placed in Safety Cell 3. [REDACTED] jumped off the half wall. During the extraction, you delivered a combination of seven punches and "hammer" punches to the left side of [REDACTED] face over a roughly 12-second period. Due to the punches, [REDACTED] sustained a black and blue left eye and a fracture to his left zygomatic arch.

THE PSD INVESTIGATION OF THE CELL EXTRACTION

Review of surveillance videos of the jail and cell extraction

A review of the surveillance footage indicates that at approximately 10:54 a.m., [REDACTED] was sitting on the half wall in Cell 4. Deputy [REDACTED] opens the door to Cell 4 and appears to tell [REDACTED] to get down from the wall. Deputy [REDACTED] shuts the door and [REDACTED] gets down from the wall. At about 10:55 a.m., [REDACTED] gets back on the half wall and then stands on the wall waving his shirt around with his right hand. Shortly thereafter, you, Deputies [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] enter Cell 4 to remove [REDACTED] and take him to Safety Cell 3.

As you and the other deputies enter Cell 4, [REDACTED] jumps off the wall towards you and the other deputies. [REDACTED] is knocked onto his back with you and the other deputies struggling with him and attempting to restrain him. While attempting to restrain [REDACTED] you were almost on top of him on his left side near his head. The surveillance video of the cell extraction shows you punching [REDACTED] in his face near his left eye approximately seven times with a closed fist during a roughly 12-second period. [REDACTED] was then subdued, placed into handcuffs and leg shackles, and placed in Safety Cell 3. [REDACTED] suffered a black and blue left eye, a sprained ankle, and a fracture to his left zygomatic arch, which required [REDACTED] to receive medical treatment at an emergency room.

Review of the incident reports regarding [REDACTED] cell extraction

Your incident report states that when [REDACTED] jumped off the half wall towards Deputy [REDACTED] Deputy [REDACTED] "deflected" [REDACTED] towards you. Your report indicated that as you and Deputy [REDACTED] were moving to gain control of [REDACTED] delivered a "push kick" with his left leg that hit you in the left side of your face. You then indicate that you landed on top of [REDACTED] and tried to gain control of his left arm. You reported delivering "seven strikes to the left side of [REDACTED] head to gain compliance." In your report, you stated that you evaluated [REDACTED] between each set of two strikes to his head.

Sergeant [REDACTED] report indicated that it appeared to him that [REDACTED] foot hit you as he fell back and that [REDACTED] was actively resisting being restrained. [REDACTED] notes that he observed you hit [REDACTED] three times in a row and that he ordered you to stop striking [REDACTED] [REDACTED] then writes in his report that you then struck [REDACTED] two more times. [REDACTED] again ordered you to stop striking [REDACTED] and you stopped.

Interviews of jail deputies and staff

Nurse [REDACTED] was interviewed regarding her involvement in evaluating [REDACTED] after the cell extraction. She stated that he had a "huge black eye." [REDACTED] also indicated that she was informed you had been kicked in the head by [REDACTED] but nothing indicated you had been injured. When asked her professional opinion regarding [REDACTED] injuries, [REDACTED] stated that it appeared that he had been hit "pretty hard in the eye" and that the bone around [REDACTED] eye was probably broken. A fracture to the left zygomatic arch was confirmed by further medical evaluation.

Deputies who either saw the incident or watched the video were also interviewed as part of the Investigation. Most of the Deputies interviewed indicated that seven strikes was excessive force due to the number of deputies used to restrain [REDACTED] and the totality of the circumstances. For example, Deputy [REDACTED] stated that based on his training and experience, he believed a couple punches could have "maybe" been justified, but "6-7 were a little, little much." Deputy [REDACTED] said that he would not have used the same amount of force in restraining [REDACTED]

Deputy [REDACTED] also indicated that your use of force was unreasonable due to the number of deputies involved. He said "So, I have been in that position before, and it has not occurred to me to strike someone like that." Deputy [REDACTED] then said, "In my opinion I probably would not have done that."

Deputy [REDACTED] stated he was "a little surprised" by your actions during the extraction. Deputy [REDACTED] acknowledged that distracting blows can be necessary, but he did not believe they were necessary in this situation. Deputy [REDACTED] indicated that one or two strikes might have been justified depending on the level of [REDACTED] combativeness. However, when asked if four strikes were warranted in restraining [REDACTED] Deputy [REDACTED] stated that four strikes and above would be too much force.

Deputies [REDACTED] and [REDACTED] also indicated that the strikes were not necessary in this situation. Corporal [REDACTED] who is a defensive tactics instructor, was also interviewed as part of the IA Investigation. She stated that based on her training and experience, some strikes to [REDACTED] might have been justified. However, based on the circumstances and the number of Deputies restraining [REDACTED] the amount of strikes you made to [REDACTED] face was not warranted.

Your interview as part of the IA Investigation

The PSD interviewed you on December 10, 2020. Prior to your interview, you received a *Miranda* warning, a *Lybarger* admonition, and you were ordered to tell the truth. During this interview, you admitted you are familiar with the concept of use of force, California law regarding the use of force by law enforcement officers, and the Department's Use of Force Policy. You also acknowledged your specialized training in use of force, arrest and control, impact weapons training, and defensive tactics, which included "hundreds and thousands" of control holds, escapes from chokes, punches, kicks, hostage situations, and weapon takeaways. In addition, you acknowledged your specialized training as an

instructor of defensive tactics, de-escalation tactics, and the use of impact weapons. Finally, you acknowledged that you have received specialized training in cell extractions and have participated in several cell extractions as well.

With respect to the extraction itself, you acknowledged that you entered the cell to extract [REDACTED] with the assistance of five other deputies. You admitted to striking [REDACTED] in the same area of the face with a closed fist seven times and that a fist can be considered an impact weapon. You also acknowledged that strikes to the face may be deadly or cause great bodily injury. Finally, you admitted that [REDACTED] never punched or grabbed you during the cell extraction.

REVIEW OF YOUR PERSONNEL FILE

On October 18, 2018, when you held the rank of Corporal, you brought inmate [REDACTED] ("[REDACTED]") into the jail library after learning he referred to you as a "bitch ass" in an outgoing message from the jail. There were no other deputies present with you and [REDACTED] in the library. You engaged [REDACTED] with unprofessional and confrontational demeanor, which directly contributed to escalating [REDACTED] into a state of agitation. Your actions did not reflect your level of training and experience during the contact. Your demeanor and actions created an environment that was confrontational in nature, in direct violation of your training and experience. Your actions created an unnecessarily volatile situation evidencing poor judgment. At the end of the conversation, you initiated the use of physical force in an attempt to place [REDACTED] into handcuffs and re-house [REDACTED]. [REDACTED] resisted, and you used force to overcome his resistance. On February 19, 2019, as a result of this incident, you were demoted from Corporal to Deputy.

You have specialized training in the following areas: 8 hours in Cell Extractions, 46 hours in Arrest and Control, 40 hours as a Field Training Officer, 96 hours as an Impact Weapons instructor, and 80 hours as a Defensive Tactics instructor. In each of these courses you were taught a component on the use of force to include reasonable force and de-escalation techniques.

ANALYSIS

In *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, the California Supreme Court stated that the "overriding consideration" when addressing whether a public employer has imposed an appropriate level of discipline is "the extent to which the employee's conduct resulted in, or if repeated, is likely to result in, 'harm to the public service.'" (*Id.* at 218.) "Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence." (*Id.*)

Your conduct in this case unquestionably harms the public service and reveals that you are unfit to serve as a Deputy in this Department. Your actions violated the policies identified above under Section I.

The evidence supports the conclusion that your use of force against [REDACTED] on November 9, 2020, was excessive and unwarranted. The IA Investigation revealed that you were the only deputy to strike [REDACTED]. Not only did you strike [REDACTED] seven

times with a closed fist, you delivered those punches all within a roughly 12-second period to the same part of his face. While you claimed in your report that you evaluated [REDACTED] between each set of two punches, the video demonstrates that you punched [REDACTED] in the face one time. Then, within seconds, you delivered four more punches. A few seconds later, you punched [REDACTED] two more times. The video contradicts your statement that you were delivering the punches to [REDACTED] in a controlled manner and indicates that you did not have enough time to "evaluate" the situation as you describe in your report. [REDACTED] also suffered significant injury due to your strikes. The strikes resulted in [REDACTED] suffering bruising to his eye and a fractured left zygomatic arch. While you claim that you were disoriented and unable to see because of [REDACTED] push kick that landed on your face, Nurse [REDACTED] examined you after the cell extraction and could find no evidence that you were injured.

None of the other deputies who participated in the extraction felt the need to punch [REDACTED]. You were twice ordered by Sergeant [REDACTED] to stop punching [REDACTED] during the extraction before you stopped hitting him. All of your blows to [REDACTED] face occurred as he was lying face up on the floor with six deputies on top of him. While [REDACTED] was struggling and resisting against the deputies, there was no indication that seven forcible blows to his left eye were necessary or reasonable under the circumstance.

Based on the totality of the circumstances, which included the reason for removal from the cell, [REDACTED] size, the level of resistance, the size and number of deputies who were restraining him, and your training, you used excessive force when you punched [REDACTED] in the face seven times and caused a fracture to his left zygomatic arch.

As outlined above, in 2019 you were demoted due to inappropriate and unprofessional conduct towards and inmate. I find it significant that just two years after your demotion from Corporal to Deputy, you are once again involved in an incident where you failed to de-escalate. It appears your previous demotion did not effectively address your inappropriate conduct towards inmates. Indeed, your misconduct appears to be escalating.

Peace officers must uphold the highest standards of conduct. (*See Ackerman v. State Personnel Board* (1983) 145 Cal.App.3d 395, 400.) I expect all of the Department's deputies to follow the Department's policy regarding use of force. This particular incident is especially concerning because you seriously injured an inmate. While [REDACTED] resisted the cell extraction, there were five other deputies assisting you and all of the deputies were either on top of [REDACTED] or securing his limbs when you hit him seven times in the face. In addition, you stated in your interview that [REDACTED] arm was unsecured, and he was actively resisting your efforts to gain control of his arm. However, [REDACTED] did not strike you or grab you at any time. When you punched him, [REDACTED] body was restrained by the other five deputies. In addition to the deputies involved in physically restraining [REDACTED] there were several officers standing by who could have provided further assistance, if necessary.

Your conduct during the cell extraction was especially concerning because of your training and expertise in defensive tactics, de-escalation techniques, and your status as an

instructor in teaching the appropriate methods for using force when interacting with violent or potentially violent members of the public. Based on the totality of the circumstances, it is my conclusion that you used excessive force gaining the compliance of [REDACTED] in the cell extraction.

Your behavior brought mistrust and discredit to the Department. It also disrupted the efficiency of the Department. These actions violated Tuolumne County Sheriff's Policy, County Rules and Regulations, and the Deputy Sheriff's Association MOU.

Your conduct during this incident and the incident leading to your demotion documented above, demonstrates your unwillingness to conform to department rules, policies and orders. Those requirements exist for the safety of the public and personnel, as well as ensure the Department's operations do not violate the rights of citizens.

Your conduct also severely compromised your credibility as a Jail Deputy Sheriff in the eyes of your co-workers, the public, and this Department. The Tuolumne County Sheriff's Office cannot tolerate or condone the behavior you have demonstrated toward inmates. Your conduct has exposed the Sheriff's Office to potential liability for the injuries sustained by [REDACTED]. The Department cannot continue to employ you when you have engaged in such egregious and irresponsible action. It leaves the Department with little choice other than to propose termination of your employment. For these reasons, I am proposing to terminate your employment as a Tuolumne County Jail Deputy Sheriff.

NOTICE OF PRE-DISCIPLINARY RIGHTS

Pursuant to *Skelly* and Article 16, Section (F) of the DSA MOU, you have the right to appeal this action to Sheriff Bill J. Pooley, either verbally or in writing within seven (7) calendar days after service of this notice. Although the pre-disciplinary conference is not designed to be a formal evidentiary hearing, you may be represented by legal counsel or another individual of your choice. Your failure to provide a written response or to request a pre-disciplinary conference will constitute a waiver of your right to provide a response. Accordingly, the Sheriff's decision to either sustain, modify, or reject this recommendation will be based upon a review of this Notice of Intent and its attachments.

In arriving at this preliminary determination, I have reviewed and considered your entire personnel file. Although your file is not attached to this Notice of Intent, you may contact [REDACTED] in the Personnel Division to schedule an appointment for you and/or your representative to examine or copy your Personnel File during business hours.

WARNING AGAINST RETALIATION

This provision is to notify you it is illegal and inappropriate to retaliate against any person who has participated in complaining or providing information regarding the allegations against you as set forth above and in the attached Internal Affairs Investigation.

ATTACHMENTS

All documents comprising this investigation are attached.

Attachment 1: Report of Internal Affairs Investigation 20-006 (Including Summary of Investigation, [REDACTED] Timeline, Jail Incident Reports, [REDACTED] Inmate File, [REDACTED] RIMS person page, TCSO case 20-3447, TCSO incidents 2011090019 and 2011090027, thumb drive of video surveillance, CD of video surveillance, thumb drive of recorded interviews, Deputy Green's CA POST Record and AHS Medical Record for [REDACTED])

Attachment 2: Relevant Sections of Tuolumne County Sheriff's Office Policy Manual

Attachment 3: Relevant Personnel Rules and Regulations of the County of Tuolumne

Attachment 4: Relevant portions of Tuolumne County DSA MOU



Undersheriff Neil Evans

Acknowledgement of Receipt

Marcus Green, Jail Deputy Sheriff, 

Date: 5-10-21



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill Pooley
Sheriff-Coroner

May 10, 2021

[REDACTED]
[REDACTED]
[REDACTED]

Re: Notice of Proposed Disciplinary Action

Sergeant [REDACTED]

Under Rule 9 of the County of Tuolumne ("County") Personnel Rules and Regulations and Article 16 of the Memorandum of Understanding between the County of Tuolumne and the Tuolumne County Deputy Sheriffs' Association ("DSA MOU"), I am proposing a 40 hours suspension and require you to take a California POST certified Assertive Supervision course within one year of the date of final disposition of this action. If my recommendation remains unchanged following completion of any pre-disciplinary review in this matter, your discipline will be effective following final written notice of disposition of this action.

AUTHORITIES UPON WHICH MY RECOMMENDATION IS BASED

I am recommending your discipline based on your violation of the following rules, regulations, orders, and policies. A violation of any one of the sections below is sufficient to support your discipline and the decision need not be based on a finding that you violated each policy set forth below.

Tuolumne County Sheriff's Office Policies:

TCSO Policy 201.2 Authority, Rankin Officers

The ranking officer shall exercise the authority of his/her position under all conditions which require that he/she use such authority in the best interests of the Department.

Ranking officers have the authority to enforce policy and give orders to Department members inside or outside their chain of command. Authority outside the chain of command should be exercised only in circumstances which, by their nature, require immediate action and in the absence of a ranking officer in that chain of command. Ranking officers acting outside their chain of command should not vary from established policy unless:

- a. There is agreement from the affected supervisor or*
- b. Emergency conditions necessitate the deviation.*

TCSO Policy 340.3.6 Efficiency

- (a) Neglect of duty.*
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.*

County of Tuolumne Personnel Rules and Regulations:

TC PR&R Rule 9, Disciplinary Action, Section B. Cause(s) of Action

- (4) Willful or negligent disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order.*
- (6) Inefficiency*
- (16) Violation of a department rule.*

Tuolumne County DSA Memorandum of Understanding:

DSA MOU Article 16, Section C. Cause(s) of Action

- (3) Willful disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order.*
- (5) Inefficiency*
- (15) Violation of a department rule*

FACTS SUPPORTING THE CHARGES

The following is a summary of the facts supporting my recommendation to 40 hours suspension and require you to take a California POST certified Assertive Supervision course.

THE COMPLAINT OF EXCESSIVE FORCE

On November 9, 2020, you were working as the Acting Jail Commander. You called Undersheriff Evans to report that you had just witnessed a "questionable" use of force incident during a cell extraction. Undersheriff Evans directed you to report the incident to the Professional Standards Division ("PSD"). On November 10, 2020, you brought the

incident reports and video footage of the cell extraction to PSD. An Internal Affairs ("IA") Investigation was opened into the use of force during the cell extraction.

THE CELL EXTRACTION ON NOVEMBER 9, 2020

On November 9, 2020, at approximately 8:24 a.m., [REDACTED] called the Department stating that her brother, [REDACTED] was "talking crazy" and was in the back room of 7-11 where he works. [REDACTED] also told the Department that [REDACTED] is [REDACTED] and was off his medications. Deputies were dispatched to the 7-11 where [REDACTED] was working and [REDACTED] was arrested on a misdemeanor warrant for violating Penal Code section 148(a)(1) – resisting, delaying, or obstructing justice.

[REDACTED] was transported to the jail where he was booked, cleared by the nursing staff, and placed into Sobering Cell 4. At approximately 10:40 a.m., [REDACTED] sat on the half wall in Cell 4. He was told by jail deputies to get off the wall, but quickly returned to sitting on the wall. [REDACTED] then stood on top of the wall with his shirt off and began spinning his shirt in the air and motioning to the deputies.

You had several deputies gather outside the cell. You had six deputies enter Cell 4 to extract [REDACTED] so he could be placed in Safety Cell 3. [REDACTED] jumped off the half wall. During the extraction, Deputy Green delivered a combination of seven punches and "hammer" punches to the left side of [REDACTED] face over a roughly 12-second period. Due to the punches, [REDACTED] sustained a black and blue left eye and a fracture to his left zygomatic arch.

THE PSD INVESTIGATION OF THE CELL EXTRACTION

Review of surveillance videos of the jail and cell extraction

A review of the surveillance footage indicates that at approximately 10:54 a.m., [REDACTED] was sitting on the half wall in Cell 4. Deputy [REDACTED] opens the door to Cell 4 and appears to tell [REDACTED] to get down from the wall. Deputy [REDACTED] shuts the door and [REDACTED] gets down from the wall. At about 10:55 a.m., [REDACTED] gets back on the half wall and then stands on the wall waving his shirt around with his right hand. Shortly thereafter, you had, Deputies [REDACTED] Green, [REDACTED] [REDACTED] and [REDACTED] enter Cell 4 to remove [REDACTED] and take him to Safety Cell 3.

As the deputies enter Cell 4, [REDACTED] jumps off the wall towards Green and the other deputies. [REDACTED] is knocked onto his back with Green and the other deputies struggling with him and attempting to restrain him. While attempting to restrain [REDACTED] Green is almost on top of him on his left side near his head. The surveillance video of the cell extraction shows Green punching [REDACTED] in his face near his left eye approximately seven times with a closed fist during a roughly 12-second period. [REDACTED] was then subdued, placed into handcuffs and leg shackles, and placed in Safety Cell 3. [REDACTED]

suffered a black and blue left eye, a sprained ankle, and a fracture to his left zygomatic arch, which required [REDACTED] to receive medical treatment at an emergency room.

Review of the incident reports regarding [REDACTED] cell extraction

Your incident report states that you ordered [REDACTED] to be removed from Sobering Cell 4 to Safety Cell 3 for his safety.

You observed the cell extraction and noted that as the deputies entered the cell, [REDACTED] jumped off the half wall toward Dep. [REDACTED]. It appeared that [REDACTED] made contact with [REDACTED]. You noted that it appeared to you that [REDACTED] foot hit Green in the face as he fell back, and that Robinson was actively resisting being restrained. You noted that you observed Green hit [REDACTED] three times in a row and that you ordered Green to stop striking [REDACTED]. You then write in your report that Green then struck [REDACTED] two more times. You again ordered Green to stop striking [REDACTED] and Green stopped.

Interviews of jail deputies and staff

Nurse [REDACTED] was interviewed regarding her involvement in evaluating [REDACTED] after the cell extraction. She stated that he had a "huge black eye." [REDACTED] also indicated that she was informed that Deputy Green had been kicked in the head by [REDACTED] but nothing indicated he had been injured. When asked her professional opinion regarding [REDACTED] injuries, [REDACTED] stated that it appeared that he had been hit "pretty hard in the eye" and that the bone around [REDACTED] eye was probably broken. A fracture to the left zygomatic arch was confirmed by further medical evaluation.

Deputies who either saw the incident or watched the video were also interviewed as part of the Investigation. Most of the Deputies interviewed indicated that seven strikes was excessive force due to the number of deputies used to restrain [REDACTED] and the totality of the circumstances. For example, Deputy [REDACTED] stated that based on his training and experience, he believed a couple punches could have "maybe" been justified, but "6-7 were a little, little much." Deputy [REDACTED] said that he would not have used the same amount of force in restraining [REDACTED].

Deputy [REDACTED] also indicated that Deputy Green's use of force was unreasonable due to the number of deputies involved. He said "So, I have been in that position before, and it has not occurred to me to strike someone like that." Deputy [REDACTED] then said, "In my opinion I probably would not have done that."

Deputy [REDACTED] stated he was "a little surprised" by Deputy Green's actions during the extraction. Deputy [REDACTED] acknowledged that distracting blows can be necessary, but he did not believe they were necessary in this situation. Deputy [REDACTED] indicated that one or

two strikes might have been justified depending on the level of [REDACTED] combativeness. However, when asked if four strikes were warranted in restraining [REDACTED] Deputy [REDACTED] stated that four strikes and above would be too much force.

Deputies [REDACTED] [REDACTED] and [REDACTED] also indicated that the strikes were not necessary in this situation. Corporal [REDACTED] who is a defensive tactics instructor, was also interviewed as part of the IA Investigation. She stated that based on her training and experience, some strikes to [REDACTED] might have been justified. However, based on the circumstances and the number of Deputies restraining [REDACTED] the amount of strikes Deputy Green made to [REDACTED] face was not warranted.

Your interview as part of the IA Investigation

The PSD interviewed you on December 10, 2020. Prior to your interview, you received a *Miranda* warning, a *Lybarger* admonition, and you were ordered to tell the truth. During this interview, you admitted you have been with the Tuolumne County Sheriff's Office for 13 years and been a Sergeant for three years. You were the acting Jail Commander at the time of this incident. you are familiar with the concept of use of force, California law regarding the use of force by law enforcement officers, and the Department's Use of Force Policy. You acknowledged that you have received in-house training in cell extractions and have participated in several cell extractions as well.

With respect to the extraction itself, you acknowledged that there was no plan made before the cell extraction. There was no discussion on [REDACTED] mental health status. There was no discussion on whether [REDACTED] was under the influence or not. There was no discussion on his current physical health or if he had any current injuries. There were very little attempts at de-escalating [REDACTED] or attempts to have a conversation with him to get him to comply before he was extracted.

You acknowledged that you ordered six jail deputies into the cell to extract [REDACTED]. You said that it appeared that Dep. [REDACTED] was struck by [REDACTED] when he jumped off the wall at him. You said that when [REDACTED] jumped off of the wall it appeared that he went down to the ground that "It looked like he got knocked back and his foot came up striking Deputy Green." You admitted to viewing Green striking [REDACTED] in the same area of the face with a closed fist seven times. You admitted that you told him to "stop hitting him" twice during this incident.

When asked for your opinion on whether or not Deputy Green used excessive force, you were unable to, or unwilling to give a definitive answer. The question of "was Deputy Green's seven strikes to [REDACTED] face excessive force" was asked repeatedly to you in several different ways. You gave several non-committal answers such as: "That's a tough one. Um, I don't know. I'm still stuck in the I don't know". "So, I don't know, is my opinion. I don't know without asking specific questions."

ANALYSIS

In *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, the California Supreme Court stated that the “overriding consideration” when addressing whether a public employer has imposed an appropriate level of discipline is “the extent to which the employee’s conduct resulted in, or if repeated, is likely to result in, ‘harm to the public service.’” (*Id.* at 218.) “Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence.” (*Id.*)

Your conduct in this case unquestionably harms the public service and your actions violated the policies identified above under Section I. The evidence supports the conclusion that your lack of supervisory control over the situation contributed to the excessive force incident and the injuries [REDACTED] sustained.

Your failure to ask deputies who were present during the intake process and gather information about the status of [REDACTED] mental health, physical health, his actions while in our custody led to poor decision making. The information potentially gathered may have altered your quick decision to use force to remove [REDACTED] which led to the excessive force and severe injuries to [REDACTED]. Your failure to spend more time attempting to de-escalate the situation before ordering the cell extraction also contributed to the outcome. Your failure to organize the responding deputies, make a plan on how the response would take place and to brief them on all of the available information that was available to you contributed to the excessive force used in this incident and the injuries [REDACTED] sustained.

Peace officers must uphold the highest standards of conduct. (*See Ackerman v. State Personnel Board* (1983) 145 Cal.App.3d 395, 400.) I expect all of the Department’s deputies to follow the Department’s policy regarding use of force. This particular incident is especially concerning because an inmate was seriously injured.

Your conduct leading up to the cell extraction and your lack of definitive answers in your interview were especially concerning because of your training and experience as a supervisor, and your status as the Acting Jail Commander.

Taking into consideration that you viewed the incident and then watched it several more times on video afterwards, you had enough information to make an opinion and answer the question of “Did Deputy Green use excessive force on [REDACTED]” The expectation of the Tuolumne County Sheriff’s Office is for its supervisors and command staff to be able to take all of the available information they have at the time of the interview and give an opinion based on their training and experience. All of the Jail Deputy Sheriff’s interviewed in this case were able to give an opinion when asked if they thought Deputy Green used excessive force.

Your behavior brought mistrust and discredit to the Department. These actions violated Tuolumne County Sheriff’s Policy, County Rules and Regulations, and the Deputy Sheriff’s Association MOU.

Your conduct during this incident demonstrates your unwillingness to conform to department rules, policies, and orders. Those requirements exist for the safety of the public and personnel, as well as ensure the Department's operations do not violate the rights of citizens.

Your conduct also severely compromised your credibility as a Jail Deputy Sheriff Sergeant in the eyes of your co-workers, the public, and this Department. The Tuolumne County Sheriff's Office cannot tolerate or condone the behavior you have demonstrated toward inmates. Your conduct has exposed the Sheriff's Office to potential liability for the injuries sustained by [REDACTED]. It leaves the Department with little choice other than to propose disciplinary action. For these reasons, I am proposing to suspend you for 40 hours and require you to take a California POST certified Assertive Supervision course within one year of the date of final disposition of this action.

NOTICE OF PRE-DISCIPLINARY RIGHTS

Pursuant to *Skelly* and Article 16, Section (F) of the DSA MOU, you have the right to appeal this action to Sheriff Bill J. Pooley, either verbally or in writing within seven (7) calendar days after service of this notice. Although the pre-disciplinary conference is not designed to be a formal evidentiary hearing, you may be represented by legal counsel or another individual of your choice. Your failure to provide a written response or to request a pre-disciplinary conference will constitute a waiver of your right to provide a response. Accordingly, the Sheriff's decision to either sustain, modify, or reject this recommendation will be based upon a review of this Notice of Intent and its attachments.

In arriving at this preliminary determination, I have reviewed and considered your entire personnel file. Although your file is not attached to this Notice of Intent, you may contact [REDACTED] the Assistant to the Sheriff to schedule an appointment for you and/or your representative to examine or copy your Personnel File during business hours.

WARNING AGAINST RETALIATION

This provision is to notify you it is illegal and inappropriate to retaliate against any person who has participated in complaining or providing information regarding the allegations against you as set forth above and in the attached Internal Affairs Investigation.

ATTACHMENTS

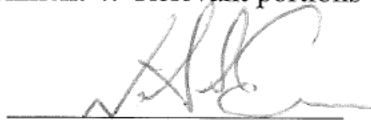
All documents comprising this investigation are attached.

Attachment 1: Report of Internal Affairs Investigation 20-006 (Including Summary of Investigation, [REDACTED] Timeline, Jail Incident Reports, [REDACTED] Inmate File, [REDACTED] RIMS person page, TCSO case 20-3447, TCSO incidents 2011090019 and 2011090027, thumb drive of video surveillance, CD of video surveillance, thumb drive of recorded interviews, Deputy Green's CA POST Record.

Attachment 2: Relevant Sections of Tuolumne County Sheriff's Office Policy Manual

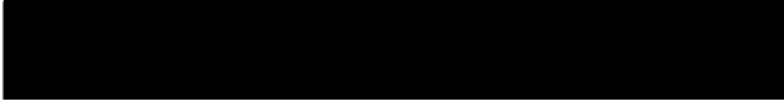
Attachment 3: Relevant Personnel Rules and Regulations of the County of Tuolumne

Attachment 4: Relevant portions of Tuolumne County DSA MOU



Undersheriff Neil Evans

Acknowledgement of Receipt



Date: 5/18/21



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill Pooley
Sheriff-Coroner

9/15/2021

Marcus Green
[REDACTED]

Re: Order of Final Disciplinary Action

Deputy Marcus Green:

As noted in the May 4, 2021 Notice of Proposed Disciplinary action, the Sheriff's Office has completed an internal affairs investigation into the following allegations made against you:

On November 9, 2020, Acting Jail Commander Sergeant [REDACTED] called Undersheriff Evans to report that he had just witnessed a "questionable" use of force incident during a cell extraction. Undersheriff Evans directed Sergeant [REDACTED] to report the incident to the Professional Standards Division ("PSD"). On November 10, 2020, Sergeant [REDACTED] brought the incident reports and video footage of the cell extraction to PSD. An Internal Affairs ("IA") Investigation was opened into the use of force during the cell extraction.

Upon review of the investigation, Undersheriff Neil Evans proposed the following disciplinary action in the May 4, 2021 Notice of Proposed Disciplinary Action:

1. You were to be terminated from your employment as a Jail Deputy Sheriff with the Tuolumne County Sheriff's Department ("Department").

In accordance with Office policy, the Memorandum of Understanding between the Tuolumne County Deputy Sheriff's Association and the County of Tuolumne, and as provided in the Notice of Proposed Disciplinary Action, you requested a "Skelly" pre-disciplinary conference to respond to this proposed disciplinary action. On June 17, 2021, I met with you and your representative Jason Jasmine for that purpose.

After careful consideration of all the information presented by you and your representative at the Skelly pre-disciplinary conference and upon further review of all the information relied upon and previously provided to you as part of the Notice of Proposed Disciplinary Action, I am willing to modify your proposed disciplinary action as follows. Instead of termination, you are being suspended for 160 working hours which shall be served between October 1, 2021 and February 28, 2022 in the following manner. You shall take one unpaid workweek (Sunday through Saturday) per month.

A. CAUSES FOR FINAL DISCIPLINARY ACTION

This disciplinary action is being taken based upon the following SUSTAINED violations:

Tuolumne County Sheriff's Office Policies:

TCSO Policy 300.3 Use of Force

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances 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.

TCSO Policy 340.3.6 Efficiency

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

TCSO Policy 340.3.7 Performance

(i) Any act on- or off-duty that brings discredit to this office.

TCSO Policy 340.3.8 Conduct

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the county.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

Tuolumne County Sheriff's Office Custody Policies:

TCSO Custody Policy 6.41 Conduct in Dealing with Inmates

Procedures

D. OFFICER DEMEANOR

1. Jail deputies shall maintain proper demeanor with all inmates in custody and shall perform their duties in a mature, professional manner.

3. Jail deputies shall be alert, courteous and professional in their dealings with inmates, fellow employees, visitors and members of the public.

County of Tuolumne Personnel Rules and Regulations:

TC PR&R Rule 9, Disciplinary Action, Section B. Cause(s) of Action

(4) Willful or negligent disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order.

(6) Inefficiency

(13) Discourteous treatment of the public or other employees.

(16) Violation of a department rule.

Tuolumne County DSA Memorandum of Understanding:

DSA MOU Article 16, Section C. Cause(s) of Action

(3) Willful disobedience of any job-related law, ordinance, County rule, or departmental regulation or any superior's lawful order;

(5) Inefficiency

(12) Discourteous treatment of the public or other employees.

(16) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the County.

B. ACTS OR OMISSIONS LEADING TO THE FINAL DISCIPLINARY ACTION

The above policy violations are based on your sustained commissions of the following conduct as identified during the internal affairs investigation of the underlying allegations (Internal Affairs Investigation #19-002). A copy of the investigation report has previously been provided to you as part of the Notice of Proposed Disciplinary Action.

Please note that any of these acts alone, constitute a sufficient basis to impose the disciplinary action.

A summary of the internal affairs investigation findings are as follows.

FACTS SUPPORTING THE CHARGES

The following is a summary of the facts supporting my recommendation to terminate your employment.

THE COMPLAINT OF EXCESSIVE FORCE

On November 9, 2020, Acting Jail Commander Sergeant [REDACTED] called Undersheriff Evans to report that he had just witnessed a “questionable” use of force incident during a cell extraction. Undersheriff Evans directed Sergeant [REDACTED] to report the incident to the Professional Standards Division (“PSD”). On November 10, 2020, Sergeant [REDACTED] brought the incident reports and video footage of the cell extraction to PSD. An Internal Affairs (“IA”) Investigation was opened into the use of force during the cell extraction.

THE CELL EXTRACTION ON NOVEMBER 9, 2020

On November 9, 2020, at approximately 8:24 a.m., [REDACTED] called the Department stating that her brother, [REDACTED] (“[REDACTED]”) was “talking crazy” and was in the back room of 7-11 where he works. [REDACTED] also told the Department that [REDACTED] is [REDACTED] and was off his medications. Deputies were dispatched to the 7-11 where [REDACTED] was working and [REDACTED] was arrested on a misdemeanor warrant for violating Penal Code section 148(a)(1) – resisting, delaying, or obstructing justice.

[REDACTED] was transported to the jail where he was booked, cleared by the nursing staff, and placed into Sobering Cell 4. At approximately 10:40 a.m., [REDACTED] sat on the half wall in Cell 4. He was told by jail deputies to get off the wall, but quickly returned to sitting on the wall. [REDACTED] then stood on top of the wall with his shirt off and began spinning his shirt in the air and motioning to the deputies. You and several other deputies gathered outside the cell. You and five other deputies entered Cell 4 to extract [REDACTED] so he could be placed in Safety Cell 3. [REDACTED] jumped off the half wall. During the extraction, you delivered a combination of seven punches and “hammer” punches to the left side of [REDACTED] face over a roughly 12-second period. Due to the punches, [REDACTED] sustained a black and blue left eye and a fracture to his left zygomatic arch.

THE PSD INVESTIGATION OF THE CELL EXTRACTION

Review of surveillance videos of the jail and cell extraction

A review of the surveillance footage indicates that at approximately 10:54 a.m., [REDACTED] was sitting on the half wall in Cell 4. Deputy [REDACTED] opens the door to Cell 4 and appears to tell [REDACTED] to get down from the wall. Deputy [REDACTED] shuts the door and [REDACTED] gets down from the wall. At about 10:55 a.m., [REDACTED] gets back on the half wall and then stands on the wall waving his shirt around with his right hand. Shortly thereafter, you, Deputies [REDACTED] [REDACTED] [REDACTED] and [REDACTED] enter Cell 4 to remove [REDACTED] and take him to Safety Cell 3.

As you and the other deputies enter Cell 4, [REDACTED] jumps off the wall towards you and the other deputies. [REDACTED] is knocked onto his back with you and the other deputies struggling with him and attempting to restrain him. While attempting to restrain [REDACTED] you were almost on top of him on his left side near his head. The surveillance video of the cell extraction shows you punching [REDACTED] in his face near his left eye approximately seven times with a closed fist during a roughly 12-second period. [REDACTED] was then subdued, placed into handcuffs and leg shackles, and placed in Safety Cell 3. [REDACTED] suffered a black and blue left eye, a sprained ankle, and a fracture to his left zygomatic arch, which required [REDACTED] to receive medical treatment at an emergency room.

Review of the incident reports regarding [REDACTED] cell extraction

Your incident report states that when [REDACTED] jumped off the half wall towards Deputy [REDACTED] Deputy [REDACTED] "deflected" [REDACTED] towards you. Your report indicated that as you and Deputy [REDACTED] were moving to gain control of [REDACTED] delivered a "push kick" with his left leg that hit you in the left side of your face. You then indicate that you landed on top of [REDACTED] and tried to gain control of his left arm. You reported delivering "seven strikes to the left side of [REDACTED] head to gain compliance." In your report, you stated that you evaluated [REDACTED] between each set of two strikes to his head.

Sergeant [REDACTED] report indicated that it appeared to him that [REDACTED] foot hit you as he fell back and that [REDACTED] was actively resisting being restrained. [REDACTED] notes that he observed you hit [REDACTED] three times in a row and that he ordered you to stop striking [REDACTED] then writes in his report that you then struck [REDACTED] two more times. [REDACTED] again ordered you to stop striking [REDACTED] and you stopped.

Interviews of jail deputies and staff

Nurse [REDACTED] was interviewed regarding her involvement in evaluating [REDACTED] after the cell extraction. She stated that he had a "huge black eye." [REDACTED] also indicated that she was informed you had been kicked in the head by [REDACTED] but nothing indicated you had been injured. When asked her professional opinion regarding [REDACTED] injuries, [REDACTED] stated that it appeared that he had been hit "pretty hard in

the eye” and that the bone around [REDACTED] eye was probably broken. A fracture to the left zygomatic arch was confirmed by further medical evaluation.

Deputies who either saw the incident or watched the video were also interviewed as part of the Investigation. Most of the Deputies interviewed indicated that seven strikes was excessive force due to the number of deputies used to restrain [REDACTED] and the totality of the circumstances. For example, Deputy [REDACTED] stated that based on his training and experience, he believed a couple punches could have “maybe” been justified, but “6-7 were a little, little much.” Deputy [REDACTED] said that he would not have used the same amount of force in restraining [REDACTED]

Deputy [REDACTED] also indicated that your use of force was unreasonable due to the number of deputies involved. He said “So, I have been in that position before, and it has not occurred to me to strike someone like that.” Deputy [REDACTED] then said, “In my opinion I probably would not have done that.”

Deputy [REDACTED] stated he was “a little surprised” by your actions during the extraction. Deputy [REDACTED] acknowledged that distracting blows can be necessary, but he did not believe they were necessary in this situation. Deputy [REDACTED] indicated that one or two strikes might have been justified depending on the level of [REDACTED] combativeness. However, when asked if four strikes were warranted in restraining [REDACTED], Deputy [REDACTED] stated that four strikes and above would be too much force.

Deputies [REDACTED] and [REDACTED] also indicated that the strikes were not necessary in this situation. Corporal [REDACTED] who is a defensive tactics instructor, was also interviewed as part of the IA Investigation. She stated that based on her training and experience, some strikes to [REDACTED] might have been justified. However, based on the circumstances and the number of Deputies restraining [REDACTED] the amount of strikes you made to [REDACTED] face was not warranted.

Your interview as part of the IA Investigation

The PSD interviewed you on December 10, 2020. Prior to your interview, you received a *Miranda* warning, a *Lybarger* admonition, and you were ordered to tell the truth. During this interview, you admitted you are familiar with the concept of use of force, California law regarding the use of force by law enforcement officers, and the Department’s Use of Force Policy. You also acknowledged your specialized training in use of force, arrest and control, impact weapons training, and defensive tactics, which included “hundreds and thousands” of control holds, escapes from chokes, punches, kicks, hostage situations, and weapon takeaways. In addition, you acknowledged your specialized training as an instructor of defensive tactics, de-escalation tactics, and the use of impact weapons. Finally, you acknowledged that you have received specialized training in cell extractions and have participated in several cell extractions as well.

With respect to the extraction itself, you acknowledged that you entered the cell to extract [REDACTED] with the assistance of five other deputies. You admitted to striking [REDACTED] in the same area of the face with a closed fist seven times and that a fist can be considered an impact weapon. You also acknowledged that strikes to the face may be

deadly or cause great bodily injury. Finally, you admitted that [REDACTED] never punched or grabbed you during the cell extraction.

REVIEW OF YOUR PERSONNEL FILE

On October 18, 2018, when you held the rank of Corporal, you brought inmate [REDACTED] (" [REDACTED] ") into the jail library after learning he referred to you as a "bitch ass" in an outgoing message from the jail. There were no other deputies present with you and [REDACTED] in the library. You engaged [REDACTED] with unprofessional and confrontational demeanor, which directly contributed to escalating [REDACTED] into a state of agitation. Your actions did not reflect your level of training and experience during the contact. Your demeanor and actions created an environment that was confrontational in nature, in direct violation of your training and experience. Your actions created an unnecessarily volatile situation evidencing poor judgment. At the end of the conversation, you initiated the use of physical force in an attempt to place [REDACTED] into handcuffs and re-house [REDACTED]. [REDACTED] resisted, and you used force to overcome his resistance. On February 19, 2019, as a result of this incident, you were released from probation as a Corporal..

You have specialized training in the following areas: 8 hours in Cell Extractions, 46 hours in Arrest and Control, 40 hours as a Field Training Officer, 96 hours as an Impact Weapons instructor, and 80 hours as a Defensive Tactics instructor. In each of these courses you were taught a component on the use of force to include reasonable force and de-escalation techniques.

CONCLUSION

In *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, the California Supreme Court stated that the "overriding consideration" when addressing whether a public employer has imposed an appropriate level of discipline is "the extent to which the employee's conduct resulted in, or if repeated, is likely to result in, 'harm to the public service.'" (*Id.* at 218.) "Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence." (*Id.*)

Your actions violated the policies identified above under Section I.

The evidence supports the conclusion that your use of force against [REDACTED] on November 9, 2020, was excessive and unwarranted. The IA Investigation revealed that you were the only deputy to strike [REDACTED]. Not only did you strike [REDACTED] seven times with a closed fist, you delivered those punches all within a roughly 12-second period to the same part of his face. While you claimed in your report that you evaluated [REDACTED] between each set of two punches, the video demonstrates that you punched [REDACTED] in the face one time. Then, within seconds, you delivered four more punches. A few seconds later, you punched [REDACTED] two more times. [REDACTED] also suffered significant injury due to your strikes. The strikes resulted in [REDACTED] suffering bruising to his eye and a fractured left zygomatic arch. While you claim that you were disoriented and unable to see because of [REDACTED] push kick that landed on your face, Nurse

█████ examined you after the cell extraction and could find no evidence that you were injured.

None of the other deputies who participated in the extraction felt the need to punch █████. You were twice ordered by Sergeant █████ to stop punching █████ during the extraction before you stopped hitting him. All of your blows to █████ face occurred as he was lying face up on the floor with six deputies on top of him. While █████ was struggling and resisting against the deputies, there was no indication that seven forcible blows to his left eye were necessary or reasonable under the circumstance.

Based on the totality of the circumstances, which included the reason for removal from the cell, █████ size, the level of resistance, the size and number of deputies who were restraining him, and your training, you used excessive force when you punched █████ in the face seven times and caused a fracture to his left zygomatic arch.

As outlined above, in 2019 you were released from probation as a Corporal due to inappropriate and unprofessional conduct towards and inmate. I find it significant that just two years after your release from probation from Corporal to Deputy, you are once again involved in an incident where you failed to de-escalate. It appears your previous demotion did not effectively address your inappropriate conduct towards inmates.

Peace officers must uphold the highest standards of conduct. (*See Ackerman v. State Personnel Board* (1983) 145 Cal.App.3d 395, 400.) I expect all of the Department's deputies to follow the Department's policy regarding use of force. This particular incident is especially concerning because you seriously injured an inmate. While █████ resisted the cell extraction, there were five other deputies assisting you and all of the deputies were either on top of █████ or securing his limbs when you hit him seven times in the face. In addition, you stated in your interview that █████ arm was unsecured, and he was actively resisting your efforts to gain control of his arm. However, █████ did not strike you or grab you at any time. When you punched him, █████ body was restrained by the other five deputies. In addition to the deputies involved in physically restraining █████ there were several officers standing by who could have provided further assistance, if necessary.

Your conduct during the cell extraction was especially concerning because of your training and expertise in defensive tactics, de-escalation techniques, and your status as an instructor in teaching the appropriate methods for using force when interacting with violent or potentially violent members of the public. Based on the totality of the circumstances, it is my conclusion that you used excessive force gaining the compliance of █████ in the cell extraction.

Your behavior brought discredit to the Department. It also disrupted the efficiency of the Department. These actions violated Tuolumne County Sheriff's Policy, County Rules and Regulations, and the Deputy Sheriff's Association MOU.

. Your conduct has exposed the Sheriff's Office to potential liability for the injuries sustained by █████. During the Skelly hearing you were remorseful and apologetic for

the incident and assured me that nothing like this would happen again. You have a solid work history and in keeping line with progressive discipline, I have reduced your termination to a 160 hour suspension.

ATTACHMENTS

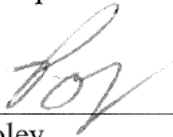
All documents comprising this investigation are attached.

Attachment 1: Report of Internal Affairs Investigation 20-006 (Including Summary of Investigation, [REDACTED] Timeline, Jail Incident Reports, [REDACTED] Inmate File, [REDACTED] RIMS person page, TCSO case 20-3447, TCSO incidents 2011090019 and 2011090027, thumb drive of video surveillance, CD of video surveillance, thumb drive of recorded interviews, Deputy Green's CA POST Record and AHS Medical Record for [REDACTED])

Attachment 2: Relevant Sections of Tuolumne County Sheriff's Office Policy Manual

Attachment 3: Relevant Personnel Rules and Regulations of the County of Tuolumne

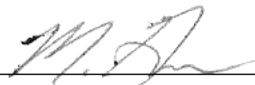
Attachment 4: Relevant portions of Tuolumne County DSA MOU



Sheriff Bill Pooley

Date: 9-15-21

Acknowledgement of Receipt

Marcus Green, Jail Deputy Sheriff, 

Date: 9-16-21