



HUMBOLDT COUNTY SHERIFF'S OFFICE
INTER-OFFICE MEMORANDUM

DATE: 4/12/2020
TO: Lt. Musson *[Handwritten signature and date: 4-17-2020]*
FROM: Sgt. Diemer
SUBJECT: Use of Force / 20201718

On 04/04/2020 I was the shift supervisor, assigned to MSP. At about 0245 hrs., I saw on RIMS that CHP was in pursuit of a vehicle traveling n/b on US 101 near Phillipsville. At first CHP was not asking for assistance but at about 0255 hrs., CHP asked for HCSO assistance. Units responded to assist CHP as they were to spike strip the suspect vehicle. The final stop of CHP's pursuit was n/b US 101 near Shively Road.

The following is a synopsis of my interview with Deputy Soeth:

CHP Officer Evans and Officer Maldonado pulled behind the suspect vehicle and Deputy Soeth pulled in at an angle to the suspect vehicle. CHP shouted orders to the suspect at gunpoint. The suspect made non-sensical comments and failed to comply with instructions. Due to the length of pursuit, stopping twice during the pursuit and fleeing again, the unknown of weapons, and the failure to follow instructions, Deputy Soeth gave commands to Yahtzee to jump into the suspect vehicle (jeep with soft-top), and bite the suspect. Yahtzee ran towards the jeep, while on long-line and jumped towards the open window but he did not bite the suspect.

Deputy Soeth pulled Yahtzee back towards himself as the suspect, later identified as [REDACTED] w/DOB [REDACTED] began exiting the vehicle. Deputy Soeth gave commands to [REDACTED] to get on the ground or she would be bit. [REDACTED] failed to follow commands. Deputy Soeth commanded Yahtzee to apprehend [REDACTED]. Yahtzee ran towards [REDACTED] but she began acting friendly and talking softly towards Yahtzee while trying to pet him. Unknown what [REDACTED] may do if she were to grasp Yahtzee, Deputy Soeth pulled Yahtzee back towards himself and approached [REDACTED] and pushed her to the ground. [REDACTED] was face down on the ground and had her arms placed under her torso and she began flailing her legs, preventing Deputy Soeth from handcuffing her. Deputy Soeth commanded Yahtzee to bite [REDACTED] so she would release her arms for handcuffing. Yahtzee approached [REDACTED] and bit and held her right elbow.

[REDACTED] continued to resist by flailing her legs about, but as her level of resistance lowered, officers were able to place handcuffs on [REDACTED] at which time Deputy Soeth commanded Yahtzee to release his bite on [REDACTED]. CHP placed [REDACTED] into their patrol vehicle and medical was summoned. While waiting, Deputy Soeth asked [REDACTED] several questions regarding the use of Yahtzee. The questions and non-sensical answers/statements were recorded and saved.

Ambulance arrived on-scene, but [REDACTED] refused medical treatment. CHP transported [REDACTED] to Redwood Memorial Hospital, [RMH]. While at RMH, Deputy Soeth photographed [REDACTED]'s injuries. Deputy Soeth indicated [REDACTED] continued to make non-sensical statements and was belligerent towards officers and hospital staff and would not make any statements except how she liked K-9 Yahtzee.

The following is a synopsis of my interview with Deputy Brown on 4/5/2020 at about 1810 hours:

Deputy Brown said after CHP's pursuit concluded, CHP Officer Evans and Officer Maldonado exited their patrol vehicle and put [REDACTED] at gunpoint while giving verbal commands to show hands, etc. This was happening as Deputy Soeth first, then Deputy Brown arrived and exited their patrol vehicles to assist. Deputy Soeth was preparing Yahtzee and Deputy Brown moved to cover at Deputy Soeth's passenger door. [REDACTED] exited the vehicle but would not comply with verbal commands. [REDACTED] was saying, 'come here puppy.' Failing to comply with commands, Deputy Soeth deployed Yahtzee to apprehend [REDACTED]. Because of [REDACTED]'s friendliness towards Yahtzee, and Yahtzee's appearance of being confused, Deputy Soeth commanded Yahtzee back to his side.

[REDACTED] began walking and approaching Deputy Soeth. Deputy Soeth tackled [REDACTED] to the ground and then CHP officers and Deputy Brown jumped on top to assist. [REDACTED] would not follow commands, kept her hands under her torso, and shook her head side to side. Deputy Brown attempted several control-holds and 'wrenched' on [REDACTED]'s right arm but was unable to free it. Deputy Brown noticed that CHP had finally placed a handcuff on [REDACTED]'s left arm. [REDACTED] then slowly released her right arm after Deputy Brown noticed that Yahtzee had her right elbow in a bite hold. Deputy Soeth gave Yahtzee a command and he [Yahtzee] released his hold on [REDACTED]. Officers stood [REDACTED] to her feet and placed her in the CHP patrol unit. Deputy Brown indicated that [REDACTED] made numerous non-sensical statements the entire time such as, "I'm CIA, I need to speak to agent 6. I'm one of you guys."

Because the involved units were on-scene on Shively Rd. and then RMH, coupled with the time units arrived at RMH and I was the only unit available at MSP, I requested Sgt. Allen to follow-up with and interview [REDACTED] at RMH during his shift. The following is Sgt. Allen's in-person interview with [REDACTED] at RMH:

On 04-04-20, at 1745 hrs, I responded to Redwood Memorial Hospital to get a statement from [REDACTED]. Once I arrived, I was directed to one of the beds in the emergency room where [REDACTED] was asleep. I noticed he had scratches on his face, his right elbow was wrapped, and he had minor bruising on his left arm. The nurse called his name several times before he eventually awoke.

I introduced myself and advised him that I was there to get a statement from him only regarding his injuries. [REDACTED] did not appear lucid and rambled undiscernible words. I asked him to confirm his last name. He stated he was going to the moon. I asked him if he knew his date of birth. He rambled off [REDACTED]. I asked him if he could tell me about how he received his injuries. He stated, "the dog did an admirable job."

I asked him if he remembered if the dog bit him or not. He continued to ramble on nonsensically about going to the moon and that he was a good guy.

Based on his current condition and conversation, I did not believe continuing the conversation would be fruitful at that point. I advised that if he needed to speak with me at a later time, he could contact the Humboldt County Sheriff's Office and I ended the interview.

The following is a synopsis of my interview with CHP Officer Evans on 4/10/20 at about 2015 hours:

After the pursuit terminated, Officer Evans and Officer Maldonado placed [REDACTED] at gunpoint while she was seated in her vehicle. They were both giving commands to [REDACTED] to turn off the vehicle and exit. Deputy Soeth and Deputy Brown arrived on-scene and Deputy Soeth put Yahtzee on a long-line and approached the suspect vehicle. When Yahtzee got to the driver side window, he jumped up against the door, but he is not sure if Yahtzee bit [REDACTED]. Yahtzee moved away from the door and began walking towards the rear of the vehicle and towards the passenger door.

As this was occurring, [REDACTED] exited the vehicle and began walking towards Officer Maldonado and Officer Evans. Yahtzee turned, approached and jumped towards [REDACTED]. Officer Evans does not think Yahtzee bit [REDACTED] as she reached out towards Yahtzee, as if she wanted to pet him and Yahtzee appeared confused and he [Officer Evans], is not sure Yahtzee wanted to bite him at that point. Yahtzee backed off and walked back towards Deputy Soeth.

[REDACTED] then went to one knee, at the command of CHP and, at that point, Deputy Soeth took [REDACTED] to the ground. All other involved L.E. personnel followed suit and struggled for about 20-30 seconds before being able to place [REDACTED] into handcuffs. During the struggle, Yahtzee jumped in and he [Officer Evans], heard [REDACTED] screaming. As soon as [REDACTED] was handcuffed, Deputy Soeth grabbed Yahtzee and took him back to the patrol vehicle.

I asked Officer Evans if he believed Deputy Soeth had Yahtzee in control. Officer Evans could not say either yes or no as he is not familiar with K9 tactics/deployment. Officer Evans said when Deputy Soeth took [REDACTED] to the ground, Yahtzee was on his own and only became involved when the struggle ensued. Officer Evans is not sure what commands were given to Yahtzee by Deputy Soeth.

I asked Officer Evans if he believed the Use of Force was justified. Officer Evans said "yes, I think so," it was justified as they just pursued [REDACTED] for about 40 miles and he and Officer Maldonado were not sure what [REDACTED] was capable of and if she had any weapons.

The following is a synopsis of my interview with CHP Officer Maldonado on 4/11 at about 0005 hrs:

Both CHP Officer Maldonado and Officer Evans placed [REDACTED] at gunpoint while giving verbal commands at the termination of the pursuit. Deputy Soeth and Deputy Brown arrived on-scene at about the same time and Deputy Soeth deployed Yahtzee on a long line. They both approached [REDACTED]'s vehicle and Yahtzee jumped up on the driver side door but then moved away and walked towards the rear of the vehicle, and around towards the passenger side. [REDACTED] then opened the door, exited and began walking towards Officer Maldonado and Officer Evans. Deputy Soeth and Yahtzee both turned, and Yahtzee jumped towards [REDACTED]. Yahtzee appeared confused because [REDACTED] reached down towards Yahtzee, like she was going to pet him. Yahtzee then retreated back to Deputy Soeth.

Officer Maldonado and Officer Evans gave verbal instructions to [REDACTED] to go to the ground. As [REDACTED] was going to one knee, Deputy Soeth tackled her to the ground. All involved L.E. personnel jumped on top of [REDACTED]. Yahtzee took hold of [REDACTED]'s right arm; ultimately the result being [REDACTED] being successfully handcuffed. Officer Maldonado believed the grappling on the ground was about 20-30 seconds long. After [REDACTED] was handcuffed, Deputy Soeth took Yahtzee back to his patrol vehicle.

I asked Officer Maldonado if he believed Deputy Soeth had Yahtzee in control. Officer Maldonado said he was not sure as he does not have any experience with police K9 operations, and this is the first time he has been involved in an incident involving a police K9. Officer Maldonado said Deputy Soeth gave Yahtzee verbal commands during the incident and he [Yahtzee] appeared to obey them. Officer Maldonado does not know what commands were given because of the different language.

I asked Officer Maldonado if he believed the Use of Force was justified. Officer Maldonado said yes, it was justified because of the length of the pursuit, [REDACTED]'s demeanor and it was unknown if the suspect had any weapons.

On 4/12/2020 at about 1915 hrs., I spoke with Deputy Soeth and asked him if during the incident, Yahtzee was always under his control and if he believed the Use of Force was justified. Deputy Soeth told me the following:

Deputy Soeth indicated that Yahtzee was, at all times, under his control and, at all times, on a long line. Deputy Soeth indicated that the Use of Force (dog bite), was justified as [REDACTED] was not following commands, talking nonsensically, resisting being placed into handcuffs, and it was unknown if she had any weapons.

On 4/12/2020 at about 2345 hrs., I spoke with CHP Officer Johnson and Officer Will. Officer Johnson and Officer Will told me the following:

Officer Johnson and Officer Will were doubled up in a CHP unit. They arrived just a few moments after Deputy Soeth and Deputy Brown arrived. They positioned their patrol vehicle to the left of Deputy Soeth's patrol vehicle. Officer Evans and Officer Maldonado had [REDACTED] at gunpoint while Deputy Soeth gave [REDACTED] commands to exit the vehicle.

[REDACTED] failed to exit the vehicle but unzipped the left front driver-side soft-top window. Deputy Soeth again gave commands for [REDACTED] to exit the vehicle but she failed to comply. Deputy Soeth gave notice that he would send Yahtzee through the open window if she did not comply with commands. [REDACTED] still failed to exit the vehicle; Deputy Soeth gave a command to Yahtzee and he jumped and put his paws onto the left front door window. [REDACTED] put both hands out of the window like she wanted to "pet" Yahtzee. Officer Johnson said it looked like Yahtzee may have "licked" [REDACTED]'s hands. Yahtzee jumped back down when Deputy Soeth gave him several commands in another language. Yahtzee appeared confused and began running back and forth from the front of the vehicle to the rear of the vehicle. Yahtzee then rounded the rear of the vehicle and started towards the right front door.

As this was happening, [REDACTED] exited the vehicle; Deputy Soeth turned back towards [REDACTED] and they were now somewhat "face to face." Deputy Soeth commanded [REDACTED] to the ground as she was walking towards him. Yahtzee came back around from the right side of the vehicle and approached [REDACTED]. [REDACTED] put her hands out and appeared to have "pet Yahtzee on the head." Yahtzee turned and ran back towards the rear of [REDACTED]'s vehicle. Deputy Soeth and other officers/deputies continued giving [REDACTED] commands to get on the ground. Yahtzee appeared to be confused and was running in circles. [REDACTED] approached Deputy Soeth as the CHP officers were giving her commands to get on the ground. As [REDACTED] started to kneel on one knee, Deputy Soeth tackled her to the ground.

The above involved officers "jumped" into the struggle attempting to place her into handcuffs. Yahtzee was still running around, appearing confused and did not appear to be under control of

Deputy Soeth. Officer Johnson does not remember Deputy Soeth giving any commands to Yahtzee as he was focused on the struggle with [REDACTED] Deputy Brown and Officer Johnson placed a handcuff on [REDACTED]'s left wrist and Deputy Soeth and Officer Will attempted to place the other handcuff on [REDACTED]'s right wrist, but she resisted and brought her arm underneath her torso. It was during this process that Yahtzee moved in and took hold of [REDACTED]'s right elbow in his mouth. Offer Johnson does not know/remember hearing Deputy Soeth giving commands to Yahtzee.

Officer Will remembers when [REDACTED] was on the ground, she was on her back, but they were able to turn her onto her stomach. [REDACTED] brought her arms underneath her torso. Deputy Soeth was giving [REDACTED] commands to remove her arms from underneath and delivered a few blows with his fist to her side to gain compliance. [REDACTED] still would not comply, but Deputy Brown and Officer Johnson were able to place a handcuff on the suspect's left wrist. Officer Will remembered hearing [REDACTED] screaming as they were removing her right arm from underneath her torso. It was at this time that Officer Will saw that Yahtzee had [REDACTED]'s right elbow in his mouth. Officer Will did not remember Deputy Soeth giving commands to Yahtzee.

Once [REDACTED] was in handcuffs, Deputy Soeth had to pull hard on Yahtzee up into the air to remove his grasp from [REDACTED]. Officer Will said [REDACTED] was coming up off the ground while Yahtzee still had her right elbow in his mouth. It appeared to Officer Will that Yahtzee was not letting go of [REDACTED]. When Deputy Soeth was able to free Yahtzee from [REDACTED] he carried Yahtzee back to his patrol vehicle and placed him inside.

Officer Will said [REDACTED] was belligerent, used derogatory language towards the officers and deputies, and she told the officers to "shoot medical personnel in the head." Medical arrived shortly afterwards to render medical aid to the [REDACTED].

Officer Johnson said he is not experienced in K9 operations and this is the first time he was involved in an incident that involved a K9. Officer Johnson said he believed Yahtzee was "out of control and just bit."

Officer Will also said he is not experienced in K9 operations but did not believe a K9 was needed as there were numerous law enforcement officers. Officer Will did not believe that Deputy Soeth had Yahtzee under control.

It should be noted the commands were not understood by involved officers as Yahtzee has been trained to follow commands in the German language. It should also be noted that [REDACTED] is in [REDACTED]. Several officers/deputies either referred to [REDACTED] as "He" or "She." [REDACTED] s described as 6'1", 175.

Respectfully Submitted,

 0942

Sgt. Diemer

HUMBOLDT COUNTY SHERIFF'S OFFICE
PERSONNEL REPORT

Date 5-13-2020

INFORMATION (please print)

Employee Name Maxwell Soeth

PIN# 2065

Present Position/Assignment Patrol Operations/K9

AWARDS:

Certificate for:

Letter of Appreciation:

Other:

INCIDENT:

Case# 202001718

On 4-04-2020 you were dispatched to assist the C.H.P. with a pursuit on US 101 near Phillipsville. The vehicle was eventually stopped by C.H.P at Stafford on US 101. During the subsequent traffic stop the subject was uncooperative and K9 Yahtzee was deployed. Eventually you, Deputy Brown and C.H.P. Officers went hands on with the driver while also having Yahtzee on the leash, who then delivered a bite on the suspect. There were multiple C.H.P. Officers and Deputy Brown on scene who were in a better position to go hands on, allowing you to be in a better position to maintain control of K9 Yahtzee. You and I discussed how being the K9 Deputy was a serious responsibility and had a huge amount of liability attached to it. You stated that you now realize better tactics could have been used and will be utilized in the future.

TYPE OF ACTION TAKEN:

NOTICE DATE OF PROPOSED ACTION

- | | | | |
|-------------------------------------|----------------|-------------------------|--------------------|
| <input checked="" type="checkbox"/> | Counseling | Date and Time 4-08-2020 | By Whom Lt. Musson |
| <input type="checkbox"/> | Oral Reprimand | Date and Time | By Whom |
| <input type="checkbox"/> | Memo Submitted | Date and Time | By Whom |

Has similar conduct occurred in the past with adequate opportunity for improvement?

- Counseling Training Safety Measures
 Other:

This report is to be removed from the working file upon completing of EACH annual performance appraisal. My signature acknowledges receipt of this award/evaluation.

Employee Signature _____

PIN#

Date

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2
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4
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6
7 **INTERVIEW WITH JULIA FOX AND DEPUTY MAX SOETH**

8 **Q=Sheriff William Honsal**

9 **A=Julia Fox**

10 **A2=Deputy Max Soeth**

11
12
13 Q: Okay. It is Friday, June 4th, at approximately 2:20 in the afternoon. I'm here
14 with Julia Fox and Max Soeth. We're here to talk about [REDACTED], IA
15 Number, uh, 2 - 2020-007 and [REDACTED]. And, um, again, this is a Skelly
16 hearing. This is your opportunity to provide some, um, you know, statement
17 evidence, that kind of stuff, for me to consider before my final discipline.
18 Um, and again, I have an open mind and willing to - to consider everything
19 here. So please, you know, take this opportunity. And if you have questions,
20 I'll be more than happy to answer those that -that I can. So I'll turn it over to
21 you, Miss Fox.

22
23 A: Okay. Thank you, Sheriff. And - and I know, uh, from past experience that
24 you do have an open mind as you sit here. I know that that's your MO and I'm
25 appreciative of it. Um, and candidly, I certainly wanna capitalize on it.
26 Parsing these out, I'll start with the dog case.

27
28 Q: Sure.

29
30 A: I think we all know what I'm talking about when I say the dog case. And I
31 have to tell you candidly, Sheriff, not being cute, I really don't know why
32 we're here on that case.

33
34 Q: Okay.

35
36 A: And I only say that because it seems as though at every turn we really have
37 folks in the know, members of your executive team...

38
39 Q: Mm-hm.

40
41 A: ...saying this is on the up and up when it comes to policy. Um, and if it's not
42 100% foolproof in terms of tactics, it's still not a departure from the

43 expectations of policy. Um, and I'll get to, you know - Undersheriff Braud
44 makes some really significant and profound statements in his executive review
45 write-up. Um, that I think, frankly, were this to go to arbitration, I - I would
46 probably just plagiarize a lot of the points that he made. He - he teed up the
47 argument for me.

48

49 Q: Mm-hm.

50

51 A: But his position was only re - reinforced and reaffirmed again and again by
52 Sergeant (Deemer), who said that the use of force is within policy. Um,
53 Lieutenant Musson...

54

55 Q: Mm-hm.

56

57 A: I don't know if I mispronounced his name.

58

59 Q: Yeah.

60

61 A: ...said that it was a training issue and Captain Quenell said that there shouldn't
62 be any discipline at all. When I looked at the subject matter experts report, I
63 believe his last name is (Tawny), um, it looks as though he was a bit
64 equivocal. You know, that everything looked okay unless X happened, but I
65 can't really tell if X happened. If it did and then - then this would be out of
66 policy. To me, that doesn't pass muster for - by a preponderance. So it seems
67 as though at every turn folks, uh, who have weighed in and given you their
68 opinion with regard to this case and the use of force and whether or not this
69 was a deviation from policy, all of these folks seem to resoundingly and
70 consistently say that no, there is no deviation from policy. So obviously, 40
71 hours is a big chunk of time for something that, as I've said now a few times at
72 every turn, seems to be at - for conduct that seems to be, uh, subscribed to,
73 endorsed and - and signed off on by your command staff. It's as high up as
74 the Undersheriff.

75

76 Q: Mm-hm.

77

78 A: And I wanna again say that I'm capitalizing on the breadth of experience
79 you're Undersheriff has in that he notes that he's a Use of Force Instructor. So
80 he's a Use of Force instructor who is given, I mean, he was really eloquent and
81 - and incredibly thorough in his write-up here. Um, and he's exonerated and
82 unfounded and not sustained every allegation related to this incident. So, you
83 know, I know you know that when I come into these Skelly hearings, it's one
84 of two ways, right?

85

86 Q: Mm-hm.

87

88 A: It's either there's insufficient proof, so there shouldn't be any discipline levied.

89

90 Q: Mm-hm.

91

92 A: Um, and frankly, I - I don't find myself in that position that often. Or, there is
93 sufficient proof but the discipline is too heavy-handed and here are some
94 factors in mitigation. And I really, as I go through these materials and I look
95 at the opinions of the experts, or certainly the opinions of folks who have
96 greater knowledge of this subject than I - I - I think that we fall in the first
97 camp, Sheriff. I don't think that there's sufficient proof to warrant sustained
98 findings, certainly not to warrant discipline and definitely not discipline to the
99 tune of 40 hours. So take all of that in conjunction with, uh, Deputy Soeth's
100 disciplinary history, which from what I read, is nonexistent.

101

102 Q: Mm-hm.

103

104 A: Not only is his disciplinary history a non-issue but his evaluations have been
105 meets or exceeds standards. So I - I'm a bit befuddled as to how we're at 40
106 hours and, you know, whether or not you want to weigh in on that. I - I hope
107 that you will just take away that - that our position collectively is that there
108 shouldn't be any discipline given the proof here and - and the actions of
109 Deputy Soeth.

110

111 Q: Okay.

112

113 A: So barring any questions on that one, I'll move on to...

114

115 Q: [REDACTED]

116

[REDACTED] A: [REDACTED]
[REDACTED] [REDACTED]
119 [REDACTED]

120

121 Q: [REDACTED]

122

[REDACTED] A: [REDACTED]
[REDACTED] [REDACTED]
125 [REDACTED]

127 [REDACTED]
128 [REDACTED]

129 Q: [REDACTED]

130 [REDACTED]
131 A: [REDACTED]

133 [REDACTED]

134 [REDACTED]
135 A: [REDACTED]
136 [REDACTED]
137 [REDACTED]
138 [REDACTED]
139 [REDACTED]
140 [REDACTED]
141 [REDACTED]
142 [REDACTED]
143 [REDACTED]
144 [REDACTED]
145 [REDACTED]
146 [REDACTED]
147 [REDACTED]

148 [REDACTED]

149 [REDACTED]

150 Q: [REDACTED]

151 [REDACTED]
152 A: [REDACTED]
153 [REDACTED]
154 [REDACTED]
155 [REDACTED]
156 [REDACTED]
157 [REDACTED]
158 [REDACTED]
159 [REDACTED]
160 [REDACTED]
161 [REDACTED]

162 [REDACTED]

163 [REDACTED]

164 Q: [REDACTED]

165 [REDACTED]
166 A: [REDACTED]

167 [REDACTED]

168

169 Q:

170

171 A:

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177 Q:

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195 A2:

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197 Q:

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200 A2:

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202 Q:

203

204 A2:

205

206

207

208

209

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I don't have a whole heck of a lot to add to hers on the dog one, um, other than, I mean, I - I would agree that the - what - with what Musson said on the, you know, the training, the enhanced training. And, um, someone said in there, I don't remember - recall who, it's been a minute since I've read all of that paper but...

210 Q: Yeah.
211
212 A2: Uh, I think actually - I think it was you maybe that said it, that, you know, a -a
213 discussion could have been made between myself and the other Officers from
214 the other agency prior to the deployment. And I think, I mean, I think, you
215 know, as well as I know, as any street cop knows, that, like, that situation, that
216 tense, that location, that doesn't happen. You know, it doesn't happen a lot of
217 times, whether there's a dog involved or not. You know, it's...
218
219 Q: Mm-hm.
220
221 A2: ..."Hey, I have this." "Okay. Sounds good. Let's do it." You know, it's - so
222 to have that, "Hey, what - what crime do you have? Do you have a felony
223 pursuit," you know, like, to get those facts prior to the deployment was, in - in
224 my opinion, impossible and improbable and very unsafe. Um, so I - I just - I
225 just wanted to comment on that. I don't - and I could be wrong if I - if you're
226 the one that said it. I just recall somebody saying, like, "You could have
227 gotten the information," but I - I just don't feel like that was - that - that - that
228 that's true. Um...
229
230 Q: Okay. With that, can I just ask you a question? As - as far as, um, you know,
231 you having hindsight...
232
233 A2: Mm-hm.
234
235 Q: ...you know, was there anything that you would change about anything that
236 you did or any questions you would have asked? Or, you know, all the way
237 from the moment you got the call all the way to the end?
238
239 A2: I've had a lot of time to think about this.
240
241 Q: Yeah. I'm sure.
242
243 A2: Um, well, first off, you know, their terminology is just totally different.
244
245 Q: Yeah.
246
247 A2: And I honestly believed I was going to a felony evading 2800.2.
248
249 Q: Yeah.
250

251 A2: I saw a couple of minor violations in my short stint of being in it. Um, so
252 learning that terminology. Yeah, I would've stayed in the car. I mean, a
253 failure to yield is not a pursuit, as we would call it. You know? Um, yeah. I -
254 I - I - I - I still back my decisions to do wh - the - the things that I did.
255
256 Q: Yeah.
257
258 A2: But. like, you said, hindsight's 2020.
259
260 Q: Sure.
261
262 A2: Um, I don't trust the highway patrol. Um, from that, I've learned a lot about
263 that Lieutenant that put words into those guys' mouth.
264
265 Q: Mm-hm.
266
267 A2: That they put onto paper that scattered this whole thing up.
268
269 A: Like what? Why don't you let the Sheriff know those specifics?
270
271 A2: Uh, I spoke with, uh, Officer Johnson, and he said that - that Lieutenant, um...
272
273 A: (Fillman).
274
275 A2: (Fillman).
276
277 Q: Yeah.
278
279 A2: Told h - told his guys, "Make sure you say that that dog was out of control
280 because it's gonna help the handler." And I - eh, obviously, he's never
281 handled a dog. He might be a use of force expert, but I know that even if the
282 dog was out of control, it is my fault. So for him to say that, tell his guys that,
283 and that - that they were forced to give a statement when they didn't want to
284 provide a statement. But that's all inter-departmental with them.
285
286 Q: Gotcha.
287
288 A2: Um, but that - yeah. I just I don't have any trust in - in that agency for - for
289 that reason and - and, um, that was about it about that - that topic, right?
290
291 Q: Okay. Yeah.
292

293 A2: What I said about the CHP?
294
295 Q: Yeah.
296
297 A2: Sorry. I get nervous in situations.
298
299 Q: Don't - don't - I want to just - I want you to get it all out here. I don't want you
300 to, you know, this is, again, your opportunity. So I want you to be able just to,
301 you know, speak what's on your mind and - and explain and, um, you know,
302 for all those things that I can consider. So - so take your time.
303
304 A2: Yeah. Uh, and I - I know you said that in my report, I made it sound worse
305 than how it saw on video. And I mean, if - I don't know if you've read any of
306 my use of force reports, but I - I specifically don't write what other people do.
307 So I don't - I don't want you to think that I was trying to pad my report and
308 make it sound like I was fighting this behemoth of a person all by my
309 lonesome. You know, I just write what I do.
310
311 Q: Okay.
312
313 A2: Um, just from training and experience, you don't write that - what - what the
314 other guys do.
315
316 Q: Right.
317
318 A2: You know, In detail.
319
320 Q: Right.
321
322 A2: So I don't want you to think that I was trying to, uh, make it sound better than
323 what it was. Um...
324
325 Q: But you write your observations even if you observe another Officer?
326
327 A2: True.
328
329 Q: You know, that kind of stuff?
330
331 A2: True. And I...
332
333 Q: You would say...
334

335 A2: Sorry, if I interrupted you. And I thought - I thought did that. I didn't go back
336 to the report and reread it or anything but...

337
338 Q: Okay.

339
340 A2: And I - I definitely, in hindsight, I learned a lot on even more thorough
341 documentation. I thought I was a good report writer, and I - I - to be honest
342 with you, in my 12 years in law enforcement, I've gotten - you always get
343 those things, whether it's a court case or an incident or something in your life.
344 Mm, that might add another half page to this report but it's gonna make me
345 better in the long run.

346
347 Q: Yeah.

348
349 A2: So as you go row - grow in your career, your reports get longer because
350 you've got more of a document and that - that is on me, it should be on me.
351 I'm the handler and it just comes with practice, I guess. All right. You have
352 any other questions on that one?

353
354 Q: I don't think so. If you wanna go on to [REDACTED] ?

355
356 A2: Yeah.

357
358 A: Before we leave that one, Sheriff, can we ask of you...

359
360 Q: Mm-hm.

361
362 A: Because maybe that will help us tailor things to put a salve on your concerns.
363 In your mind, what does warrant the leap from, you know, Undersheriff Braud
364 basically, exonerating, and I'm using that term not in its legal sense...

365
366 Q: Right.

367
368 A: ...but globally, exonerating, uh, Max on all of the allegations. And yet here
369 we are with a 40 hour suspension.

370
371 Q: Well, um, why did I do that? Why did I go against the Captain and why did I
372 go against the Undersheriff's? Because, um, I honestly believe that, um, this
373 was a use of force violation based upon what I know at - at the time and what
374 was reasonable and what a reasonable Officer would do in that - in that
375 circumstance. And, um, you know, and we can differ in my administration
376 and as far as that point of view goes. Um, and - and so that's why I, you

377 know, recognizing the training, recognizing that the policy, uh, was not as
378 tight that it needed to be. Um, and so, um, and, uh, in oversights and - and -
379 and making sure that you have proper supervision and guidance, you know,
380 from a supervisor outlining those things and making sure that we ask those
381 questions, as well as training with CHP, um, and understanding, you know,
382 what the expectations are as far as verbalizing. Even though it's difficult,
383 maybe verbalizing what you have before you deploy the dog is a part of that
384 policy. You know, those are the kind of things that - that I, you know, can
385 take into consideration and do, and we want to make sure there's
386 improvement, just like you say about your reports, getting longer.

387
388 A2: Mm-hm.

389
390 Q: Yeah. Policy gets longer based upon situations like this where you go, man,
391 we really need to have, you know, this in policy, you know, to one, educate
392 the people that are there and what the expectations are. Um, you know, with
393 the goal of making you a better, you know, Deputy Sheriff. Um, and - and
394 also protected, you know, that, you know, when it comes to liability and that
395 kind of stuff - with your properly trained and we have a good policy in place.
396 When you adhere to that policy that you are gonna be covered. And, uh, so,
397 um, as far as this week goes, qualified immunity, we never know, right? But,
398 uh, uh, but that's what we want. That's what we wanna do. And that's why
399 my concerns were, okay? Um, and, you know, with all the use of force
400 legislation that's now - that we have to consider de-escalation and those kind
401 of things is - those are kind of things that we need our Deputies to - to
402 consider and look at the mental health side of things as well. You know, this
403 person, you know, was suffering from a mental health episode. Um, and, um,
404 again, hindsight, I know that. At the time, we don't know. You know?

405
406 A2: [REDACTED].

407
408 Q: [REDACTED] [REDACTED].

409
410 A2: [REDACTED].

411
412 Q: [REDACTED]

413
414 A2: Mm-hm.

415
416 Q: We don't know. Um, you know, all this information and - and so it's - there's
417 a lot to consider, but that's what the State of California is now requiring law
418 enforcement officers to consider. Um, and so we wanna make sure that that

419 does take place, um, and, um, and that you become a better, you know,
420 Deputy Sheriff because of a situation like this and how to navigate those in -
421 in the future.
422

423 A: And - and I think that that's very fair. I think that it just is yet another
424 reminder to all of us that in this forum, reasonable can be such a tricky word,
425 right? Because it's necessarily such a moving target.
426

427 Q: Right.
428

429 A: And - and up for interpretation. So just in the spirit of food for thought, um, it
430 - it does sound like members of your command staff did think that this was
431 reasonable, in conjunction with what I'm hearing you say, um, are remedial
432 measures taken by the Sheriff's Office to sort of tighten up the policy.
433

434 Q: Mm-hm.
435

436 A: So again, food for thought. That efforts to take these remedial measures, I
437 think, don't necessarily, uh, denote wrongdoing definitively or by a
438 preponderance, even on the part of Deputy Soeth, but rather going forward, it
439 outlines what he should do, if that makes sense.
440

441 Q: Mm-hm. Yeah.
442

443 A: In other words, it's not retroactive.
444

445 Q: Right.
446

447 A: It's - it's a goal...
448

449 Q: Sure.
450

451 A: ...for going forward.
452

453 Q: Yeah. I can - I can consider that for sure. Yeah. And that would be definitely
454 part of it.
455

456 A: Okay.
457

458 Q: Definitely.
459

460 A: Okay. And - and that's...

503 Q: [REDACTED]
504
505 A2: [REDACTED]
506
507 Q: [REDACTED]
508
[REDACTED] A2: [REDACTED]
510 [REDACTED]
511
512 Q: [REDACTED].
513
[REDACTED] A2: [REDACTED]
515 [REDACTED]
516
517 Q: [REDACTED]
518
[REDACTED] A2: [REDACTED]
[REDACTED]
521 [REDACTED]
522
[REDACTED] A2: [REDACTED]
524 [REDACTED]
525
526 Q: [REDACTED]
527
[REDACTED] A2: [REDACTED]
[REDACTED]
530 [REDACTED]
531
532 Q: [REDACTED]
533
[REDACTED] A2: [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
544 [REDACTED]

545

546 A2: [REDACTED]

547

548 Q: [REDACTED]

549

[REDACTED] A2: [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] Q: [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

565

566

567 A2: [REDACTED]

568

[REDACTED] Q: [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

572

[REDACTED] [REDACTED]

573

574 A2: [REDACTED]

575

576 Q: [REDACTED]

577

[REDACTED] A2: [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

582 [REDACTED] Q: [REDACTED]

583 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

586

587

588 A2:

589

█ Q:

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599 A:

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601 Q:

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606 Q:

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608 A:

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█ Q:

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624

625

626 A2:

627

█ Q: █
█ █
█ █
█ █
█ █
█ █
634 █
635 █
636 A2: █
637 █
638 Q: Okay. I'll be gone next week. But I, um, I'll be thinking about this and then I
639 should have something out, um, the - the week after. Okay?
640 █
641 A: That's perfect.
642 █
643 A2: You're not gonna tell us what it is now?
644 █
645 Q: I...
646 █
647 A2: You asked if I had any more questions.
648 █
649 Q: I know. No. And the thing is you - you bring up a lot of points. Okay? And
650 so what I will do is I will, um, look over these points. Um, you know, uh, the
651 thing is...
652 █
653 A: And you want a thoughtful review.
654 █
655 Q: I do want a thoughtful review. And also, you know, I - what I have to
656 consider too is - is just, like, uh, Julia said, is - is what will an arbitrator do?
657 Right? What, you know, and what would be the evidence presented in an
658 arbitration hearing if we went there? And, um, so I have to consider all that as
659 factors, you know? Like, you know, we wanna be able to - to do what's
660 necessary to fix the issues, right? To rehabilitate, um, and to - to make the
661 situation better all around for you, the Department, everyone. And so it's a lot
662 easier, you know, if we can, you know, understand where we've made
663 mistakes and where we cannot make those mistakes again. And, um, so - and,
664 uh, so those are the things that I wanna consider. And then, um, I will get
665 back to you, okay?
666 █
667 A2: Mm-hm. Sounds good.
668 █
669 Q: Okay.

670

671 A: Thank you, Sheriff.

672

673 A2: Thank you. I appreciate it.

674

675 Q: Okay. I appreciate everything. Thank you.

676

677 A: I think you're still...

678

679 Q: Oh...

680


681

682 This transcript has been reviewed with the audio recording submitted and it is an accurate
683 transcription.

684 Signed _____




HUMBOLDT COUNTY SHERIFF'S OFFICE INTER-OFFICE MEMORANDUM

DATE: June 26, 2020
TO: P. Cress, Lieutenant
FROM: W. Honsal, Sheriff 
SUBJECT: Internal Affairs Investigation, #IA2020-0007

Lieutenant Cress, I am assigning you to conduct an internal affairs / administrative investigation regarding the on duty actions of Deputy Max Soeth for possible violations of Humboldt County Sheriff's Office Mission, Policy, Procedures and the Humboldt County Merit System Rules. The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the policy and procedures of the Sheriff's Office and the County of Humboldt. Failure of any employee to meet the guidelines set forth in the policy, whether on-duty or off-duty may be cause for disciplinary action. Please complete a thorough investigation to determine if Deputy Soeth failed to meet the standards set forth by this department.

List Violations:

County and Departmental policies related to this investigation include, but are not limited to:

- 
- HCSO Policy 340.5.9(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- HCSO Policy 340.5.9(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

- 
- 
- 

(Scope of the investigation can lead to further documented violations of policy other than described above.)

Brief Synopsis:

On or about April 4th, 2020, Deputy Max Soeth and his Police Service Dog (PSD) Yahtzee, responded to assist the California Highway Patrol with a low speed pursuit Northbound on HWY 101 in Southern Humboldt County. Deputy Soeth met CHP Officers at the termination point of the pursuit on HWY 101 at Shively Road. Deputy Soeth deployed his PSD without confirming with the primary CHP officers the nature of the offense the driver was wanted for, if there was violent acts involved, was there any physical resistance or threats, details on the suspects mental state, the potential danger to the public, etc. Deputy

Soeth deployed his PSD based upon his own observations of the scene. Without giving a clear audible warning, Deputy Soeth deployed his PSD and he attempted to get the PSD to apprehend the driver while she was still seated behind the driver's wheel. The PSD failed to engage. The driver exited, and he ordered the PSD to apprehend the suspect again, and it failed to engage again. As the driver was in the process of complying with the CHP Officers order to 'get on the ground,' Deputy Soeth pushed her to the ground. After a brief struggle, with 5 officers, it appeared that the driver had stopped resisting and was laying on her stomach with her arms pulled to her sides and fully under control by the officers. At this time Deputy Soeth ordered his PSD to bite the driver in the right arm. The PSD engaged a bite on the right arm and held it for 30 seconds. Deputy Soeth then removed the PSD and returned to his vehicle.

After this incident Deputy Soeth wrote a report regarding his actions. 3 days later he was made aware that CHP had video of the apprehension and that video showed actions that Deputy Soeth failed to document in his report. Deputy Soeth decided to write a supplemental report outlining the reasons for his actions.

Deputy Soeth PSD is only operating as a narcotics detection animal and his protection / apprehension duties are suspended until further notice.

Due to the serious nature of this case, an investigation is necessary to ensure Deputy Soeth acted within the policy and the law.

Please adhere to the Police Officers Bill of Rights (Gov't Code 3300) and assure that all parties are properly notified. Please use Lt. Sam Williams as a second interviewer. I would like a progress report on this investigation within 15 days.

Please refer to the attached memorandums and supporting documents for details.

Attachments:

HCSO Report 202001718

Sgt. Diemer Use of Force report

CHP report JP62633

Video CDs



HUMBOLDT COUNTY SHERIFF'S OFFICE
INTER-OFFICE MEMORANDUM

CONFIDENTIAL

DATE: July 2, 2020
TO: Deputy Kellen Brown
FROM: Lieutenant Peter Cress
SUBJECT: NOTIFICATION OF ADMINISTRATIVE INTERVIEW (IA# 2020-007)

The Humboldt County Sheriff's Office is administratively investigating Deputy Soeth's use of a police canine on April 4, 2020, at about 0245 hours on U.S. 101 near Shively Road. Based on the concerns raised, you are considered a *witness* and your statement is requested. To minimize any inconvenience to you, please contact me as soon as possible to schedule an interview. I will make every effort to schedule the interview at a time and place that is convenient for you. I will be out of town July 6-9 and July 23-27. My normal hours are Monday through Thursday 0600-1600 but I would be happy to meet at a time convenient for you. I estimate the interview will last about 30 minutes. Please call me at (707) 441-5376 (office) or (707) 498-4597 (cell) to schedule the time and place. If you have any questions, please do not hesitate to ask.

Though you are NOT a subject officer, you may choose to have a representative of your choice with you at the time of the interview if you choose. I will be conducting the interview.

This notification is made in compliance with the Public Safety Officer's Procedural Bill of Rights Act, Government Code § 3300-3311



HUMBOLDT COUNTY SHERIFF'S OFFICE
INTER-OFFICE MEMORANDUM

CONFIDENTIAL

DATE: July 2, 2020

TO: California Highway Patrol Officer B. Evans #022383

FROM: Lieutenant Peter Cress, Humboldt County Sheriff's Office

SUBJECT: NOTIFICATION OF ADMINISTRATIVE INTERVIEW (IA# 2020-007)

The Humboldt County Sheriff's Office is administratively investigating Deputy Soeth's use of a police canine on April 4, 2020, at about 0245 hours on U.S. 101 near Shively Road. Based on the concerns raised, you are considered a *witness* and your statement is requested. To minimize any inconvenience to you, please contact me as soon as possible to schedule an interview. I will make every effort to schedule the interview at a time and place that is convenient for you. I will be out of town July 6-9 and July 23-27. My normal hours are Monday through Thursday 0600-1600 but I would be happy to meet at a time convenient for you. I estimate the interview will last about 30 minutes. I would also be happy to meet you at your office if that is more convenient. Please call me at (707) 441-5376 (office) or (707) 498-4597 (cell) to schedule the time and place. If you have any questions, please do not hesitate to ask.

Though you are NOT a subject officer, you may choose to have a representative of your choice with you at the time of the interview if you choose. I will be conducting the interview.

This notification is made in compliance with the Public Safety Officer's Procedural Bill of Rights Act, Government Code § 3300-3311



HUMBOLDT COUNTY SHERIFF'S OFFICE
INTER-OFFICE MEMORANDUM

CONFIDENTIAL

DATE: July 2, 2020

TO: California Highway Patrol Officer N. Johnson #021929

FROM: Lieutenant Peter Cress, Humboldt County Sheriff's Office

SUBJECT: NOTIFICATION OF ADMINISTRATIVE INTERVIEW (IA# 2020-007)

The Humboldt County Sheriff's Office is administratively investigating Deputy Soeth's use of a police canine on April 4, 2020, at about 0245 hours on U.S. 101 near Shively Road. Based on the concerns raised, you are considered a *witness* and your statement is requested. To minimize any inconvenience to you, please contact me as soon as possible to schedule an interview. I will make every effort to schedule the interview at a time and place that is convenient for you. I will be out of town July 6-9 and July 23-27. My normal hours are Monday through Thursday 0600-1600 but I would be happy to meet at a time convenient for you. I estimate the interview will last about 30 minutes. I would also be happy to meet you at your office if that is more convenient. Please call me at (707) 441-5376 (office) or (707) 498-4597 (cell) to schedule the time and place. If you have any questions, please do not hesitate to ask.

Though you are NOT a subject officer, you may choose to have a representative of your choice with you at the time of the interview if you choose. I will be conducting the interview.

This notification is made in compliance with the Public Safety Officer's Procedural Bill of Rights Act, Government Code § 3300-3311



HUMBOLDT COUNTY SHERIFF'S OFFICE
INTER-OFFICE MEMORANDUM

CONFIDENTIAL

DATE: July 2, 2020

TO: California Highway Patrol Officer J. Maldonado #022033

FROM: Lieutenant Peter Cress, Humboldt County Sheriff's Office

SUBJECT: NOTIFICATION OF ADMINISTRATIVE INTERVIEW (IA# 2020-007)

The Humboldt County Sheriff's Office is administratively investigating Deputy Soeth's use of a police canine on April 4, 2020, at about 0245 hours on U.S. 101 near Shively Road. Based on the concerns raised, you are considered a *witness* and your statement is requested. To minimize any inconvenience to you, please contact me as soon as possible to schedule an interview. I will make every effort to schedule the interview at a time and place that is convenient for you. I will be out of town July 6-9 and July 23-27. My normal hours are Monday through Thursday 0600-1600 but I would be happy to meet at a time convenient for you. I estimate the interview will last about 30 minutes. I would also be happy to meet you at your office if that is more convenient. Please call me at (707) 441-5376 (office) or (707) 498-4597 (cell) to schedule the time and place. If you have any questions, please do not hesitate to ask.

Though you are NOT a subject officer, you may choose to have a representative of your choice with you at the time of the interview if you choose. I will be conducting the interview.

This notification is made in compliance with the Public Safety Officer's Procedural Bill of Rights Act, Government Code § 3300-3311



HUMBOLDT COUNTY SHERIFF'S OFFICE INTER-OFFICE MEMORANDUM

CONFIDENTIAL

DATE: July 2, 2020

TO: California Highway Patrol Officer K. Will #021812

FROM: Lieutenant Peter Cress, Humboldt County Sheriff's Office

SUBJECT: NOTIFICATION OF ADMINISTRATIVE INTERVIEW (IA# 2020-007)

The Humboldt County Sheriff's Office is administratively investigating Deputy Soeth's use of a police canine on April 4, 2020, at about 0245 hours on U.S. 101 near Shively Road. Based on the concerns raised, you are considered a *witness* and your statement is requested. To minimize any inconvenience to you, please contact me as soon as possible to schedule an interview. I will make every effort to schedule the interview at a time and place that is convenient for you. I will be out of town July 6-9 and July 23-27. My normal hours are Monday through Thursday 0600-1600 but I would be happy to meet at a time convenient for you. I estimate the interview will last about 30 minutes. I would also be happy to meet you at your office if that is more convenient. Please call me at (707) 441-5376 (office) or (707) 498-4597 (cell) to schedule the time and place. If you have any questions, please do not hesitate to ask.

Though you are NOT a subject officer, you may choose to have a representative of your choice with you at the time of the interview if you choose. I will be conducting the interview.

This notification is made in compliance with the Public Safety Officer's Procedural Bill of Rights Act, Government Code § 3300-3311

From: [Cress, Peter](#)
To: [Soeth, Maxwell](#)
Subject: Notification of Administrative Investigation 2020-007
Date: Tuesday, July 21, 2020 9:39:00 AM

Good Morning Deputy Soeth,

Please find attached a notice concerning Administrative Investigation 2020-007. Please let me know as soon as you can when it would be convenient to conduct an interview. I'm happy to accommodate your schedule where possible. I'll be out of town starting Thursday and back the following Wednesday but if you want to email me your suggested date/time that would be great.

Don't hesitate to call me or stop by if you have any questions.

Lieutenant Peter Cress
Humboldt County Sheriff's Office
826 4th Street Eureka CA 95501
(707) 441-5376



HUMBOLDT COUNTY SHERIFF'S OFFICE INTEROFFICE MEMO

CONFIDENTIAL

DATE: July 21, 2020
TO: Deputy Soeth
FROM: Lieutenant Cress
SUBJECT: Notice of Internal Affairs Investigation 2020-007

This memo is to advise you that the Humboldt County Sheriff's Office is conducting an administrative investigation regarding your conduct on April 4, 2020. The following is a summary of the facts under investigation:

On April 4, 2020, you were on duty with your assigned Police Service Dog (PSD). You were dispatched to assist the California Highway Patrol (CHP) regarding a vehicle pursuit continuing northbound on US Highway 101. The pursuit came to an end on US Highway 101 near Shively Road. You deployed your PSD while the suspect remained in her vehicle; you tackled the suspect after she exited the vehicle; and you deployed your PSD after the suspect was on the ground. The suspect was injured. Members of the CHP eventually took custody of the suspect.

Sheriff Honsal assigned me as the lead investigator for this administrative investigation. The continued employment of every employee of this department is based on conduct that reasonably conforms to the policy and procedures of the Sheriff's Office and the County of Humboldt. Failure of any employee to meet the guidelines set forth in the policy, whether on-duty or off-duty, may be cause for disciplinary action.

Based on this alleged conduct, I am investigating possible violations of State Law, and County and Departmental policies as follows:

- [REDACTED]
- HCSO Policy 340.5.9(b)- Unreasonable and unwarranted force to a person encountered or a person under arrest
- HCSO Policy 340.5.9(c)- Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

It should be noted that the scope of the investigation can lead to further documented violations of policy other than described above.

You are hereby ordered to schedule an interview, cooperate fully with this investigation and to answer all questions in a complete and truthful manner. You may choose to have a representative with you at the time of the interview. I work Monday through Thursday from 0600-1600 hours but am willing to, within reason, conduct the interview at a day and time convenient to you in the near future. I will be out of town until July 29th but available starting on July 30th (except for Wednesday morning, August 5th). Please email me as soon as possible at pcress@co.humboldt.ca.us with your suggested interview date and time. Unless there are extenuating circumstances, the interview will be at the Main Station.

Since the interview could result in punitive action you have the right to have an uninvolved representative present during the interview. You have certain rights under California Government Code Sections 3300-3311 and section 1020 of the Humboldt County Sheriff's Office Policy Manual.

The interview will be recorded. You will have access to the recording if any further proceedings are contemplated or prior to any further investigative interview at a subsequent time. You have the right to bring your own recording device and record any and all aspects of the investigative interview.

You are not to discuss the details of this investigation with any other person(s), except for legal counsel (if retained), any other representative of your choice or any other person(s) authorized under the Peace Officer's Bill of Rights or law. Any discussion of this investigation beyond those authorized may be considered insubordination on your part and possibly result in further disciplinary actions.

It is unlawful for you to retaliate or intimidate the alleging officer, their family, friends, or any anticipated witnesses in anyway. Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

This order is not intended to prevent you from engaging in protected concerted activity under the Meyer-Milias-Brown Act. You may continue to engage in protected concerted activity under the Act, including but not limited to discussing any other aspects of your employment and working conditions with others, including co-workers. If you are unsure whether discussing certain issues with other would violate this order, you are encouraged to consult with your union representatives and/or legal counsel, who may advise you. This notification is made in compliance with the **Public Safety Officer's Procedural Bill of Rights Act, Government Code § 3300-3311**

Your cooperation in this sensitive matter is required and appreciated. Feel free to contact me, if you have any questions regarding the investigation.

Please sign below and return a copy of this notice via scan/email, US Mail, or hand delivery.

Acknowledgment

I, Deputy Soeth, acknowledge notification of Administrative Investigation 2020-007. I understand, and will comply with, the above directives. I understand that failure to do so may result in discipline. My signature is not an admission of any of the above violations and is only acknowledgment of this investigation and related orders.

Name

Date

From: [Cress, Peter](#)
To: [Soeth, Maxwell](#)
Subject: RE: Notification of Administrative Investigation 2020-007
Date: Wednesday, July 29, 2020 8:34:00 AM

Thanks for getting back to me. Enjoy your vacation. When you get back, get in touch with me and we'll set a date/time. The week of the 17th would be great if you and your rep can make it work. Lt. Williams is the second investigator and is out of town the week before and after the 17th. I would like to be as quick as possible because slow IA's don't do personnel any good.

From: Soeth, Maxwell <MSoeth@co.humboldt.ca.us>
Sent: Sunday, July 26, 2020 10:56 PM
To: Cress, Peter <PCress@co.humboldt.ca.us>
Subject: Re: Notification of Administrative Investigation 2020-007

Lt.

I am on vacation until August 6th. I will need time to seek council prior to making an appointment for this interview. I have not been regularly checking my work email while on vacation. If waiting until after my vacation is not sufficient, please call me on my personal cell to make further arrangements.

Thank you,

Maxwell Soeth, Deputy
Humboldt County Sheriff's Department
826 4th St.
Eureka CA 95501
(707) 445-7251
(707) 441-3098 - VM

From: Cress, Peter <PCress@co.humboldt.ca.us>
Sent: Tuesday, July 21, 2020 9:39 AM
To: Soeth, Maxwell <MSoeth@co.humboldt.ca.us>
Subject: Notification of Administrative Investigation 2020-007

Good Morning Deputy Soeth,

Please find attached a notice concerning Administrative Investigation 2020-007. Please let me know as soon as you can when it would be convenient to conduct an interview. I'm happy to accommodate your schedule where possible. I'll be out of town starting Thursday and back the following Wednesday but if you want to email me your suggested date/time that would be great.

Don't hesitate to call me or stop by if you have any questions.

Lieutenant Peter Cress
Humboldt County Sheriff's Office

826 4th Street Eureka CA 95501
(707) 441-5376

From: [Parker, Gabriel@CHP](mailto:Parker_Gabriel@CHP)
To: [Cress, Peter](mailto:Cress_Peter)
Cc: [Barr, Stacy@CHP](mailto:Barr_Stacy@CHP); [Carsey, Caleb@CHP](mailto:Carsey_Caleb@CHP)
Subject: Re: Witness Interviews
Date: Monday, July 20, 2020 6:27:26 PM

Good evening Peter,

Sorry for the inconvenience but our guys won't be available tonight for the witness interviews. We will have to get back to you on when we can reschedule.

Thank you,
Gabe

Sergeant Gabriel Parker
Humboldt CHP
Get [Outlook for iOS](#)

From: Cress, Peter <PCress@co.humboldt.ca.us>
Sent: Monday, July 13, 2020 5:03:42 PM
To: Parker, Gabriel@CHP <GParker@chp.ca.gov>
Cc: Barr, Stacy@CHP <StBarr@chp.ca.gov>; Carsey, Caleb@CHP <CCarsey@chp.ca.gov>
Subject: Re: Witness Interviews

[Warning: This email originated outside of CHP. Do not click links or attachments unless you recognize the sender and know the content is safe.]

Perfect. Thanks

[Outlook](#) for iOS

From: Parker, Gabriel@CHP <GParker@chp.ca.gov>
Sent: Monday, July 13, 2020 5:02:25 PM
To: Cress, Peter <PCress@co.humboldt.ca.us>
Cc: Barr, Stacy@CHP <StBarr@chp.ca.gov>; Carsey, Caleb@CHP <CCarsey@chp.ca.gov>
Subject: RE: Witness Interviews

Sounds good. I will let them know to expect you. I will be working that night. Call or text me when you get here and I will let you in the office.

Gabe (916) 205-5234

From: Cress, Peter <PCress@co.humboldt.ca.us>
Sent: Monday, July 13, 2020 4:57 PM
To: Parker, Gabriel@CHP <GParker@chp.ca.gov>
Cc: Barr, Stacy@CHP <StBarr@chp.ca.gov>; Carsey, Caleb@CHP <CCarsey@chp.ca.gov>
Subject: Re: Witness Interviews

[Warning: This email originated outside of CHP. Do not click links or attachments unless you recognize the sender

and know the content is safe.]

Thanks Gabe. It will be a big challenge but that's the fun part.

Monday the 20th at 2100 would work great for me. I can meet the guys at the Arcata office if that works for them.

[Outlook](#) for iOS

From: Parker, Gabriel@CHP <GParker@chp.ca.gov>

Sent: Monday, July 13, 2020 4:51:07 PM

To: Cress, Peter <PCress@co.humboldt.ca.us>

Cc: Barr, Stacy@CHP <StBarr@chp.ca.gov>; Carsey, Caleb@CHP <CCarsey@chp.ca.gov>

Subject: Witness Interviews

Good afternoon Peter,

Congratulations on the promotion! Officers Johnson and Will are working opposite days of when you are available with the exception of Monday, July 20. If possible on next Monday, can you contact them when they report at 2100? I can have them meet you or you can come to the Humboldt CHP office in Arcata if you prefer. If that day and time work, I will let them know.

Thank you,
Gabe

Sergeant Gabriel Parker
California Highway Patrol
Humboldt Area
255 East Samoa Blvd.
Arcata, CA 95521
Phone:(707) 822-5981
Email: gparker@chp.ca.gov

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HUMBOLDT COUNTY SHERIFF'S OFFICE INTEROFFICE MEMO

CONFIDENTIAL

DATE: July 21, 2020
TO: Deputy Soeth
FROM: Lieutenant Cress
SUBJECT: Notice of Internal Affairs Investigation 2020-007

This memo is to advise you that the Humboldt County Sheriff's Office is conducting an administrative investigation regarding your conduct on April 4, 2020. The following is a summary of the facts under investigation:

On April 4, 2020, you were on duty with your assigned Police Service Dog (PSD). You were dispatched to assist the California Highway Patrol (CHP) regarding a vehicle pursuit continuing northbound on US Highway 101. The pursuit came to an end on US Highway 101 near Shively Road. You deployed your PSD while the suspect remained in her vehicle; you tackled the suspect after she exited the vehicle; and you deployed your PSD after the suspect was on the ground. The suspect was injured. Members of the CHP eventually took custody of the suspect.

Sheriff Honsal assigned me as the lead investigator for this administrative investigation. The continued employment of every employee of this department is based on conduct that reasonably conforms to the policy and procedures of the Sheriff's Office and the County of Humboldt. Failure of any employee to meet the guidelines set forth in the policy, whether on-duty or off-duty, may be cause for disciplinary action.

Based on this alleged conduct, I am investigating possible violations of State Law, and County and Departmental policies as follows:

- [REDACTED]
- HCSO Policy 340.5.9(b)- Unreasonable and unwarranted force to a person encountered or a person under arrest
- HCSO Policy 340.5.9(c)- Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

It should be noted that the scope of the investigation can lead to further documented violations of policy other than described above.

You are hereby ordered to schedule an interview, cooperate fully with this investigation and to answer all questions in a complete and truthful manner. You may choose to have a representative with you at the time of the interview. I work Monday through Thursday from 0600-1600 hours but am willing to, within reason, conduct the interview at a day and time convenient to you in the near future. I will be out of town until July 29th but available starting on July 30th (except for Wednesday morning, August 5th). Please email me as soon as possible at pcress@co.humboldt.ca.us with your suggested interview date and time. Unless there are extenuating circumstances, the interview will be at the Main Station.

Since the interview could result in punitive action you have the right to have an uninvolved representative present during the interview. You have certain rights under California Government Code Sections 3300-3311 and section 1020 of the Humboldt County Sheriff's Office Policy Manual.

The interview will be recorded. You will have access to the recording if any further proceedings are contemplated or prior to any further investigative interview at a subsequent time. You have the right to bring your own recording device and record any and all aspects of the investigative interview.

You are not to discuss the details of this investigation with any other person(s), except for legal counsel (if retained), any other representative of your choice or any other person(s) authorized under the Peace Officer's Bill of Rights or law. Any discussion of this investigation beyond those authorized may be considered insubordination on your part and possibly result in further disciplinary actions.

It is unlawful for you to retaliate or intimidate the alleging officer, their family, friends, or any anticipated witnesses in anyway. Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

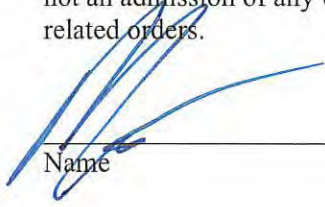
This order is not intended to prevent you from engaging in protected concerted activity under the Meyer-Milias-Brown Act. You may continue to engage in protected concerted activity under the Act, including but not limited to discussing any other aspects of your employment and working conditions with others, including co-workers. If you are unsure whether discussing certain issues with other would violate this order, you are encouraged to consult with your union representatives and/or legal counsel, who may advise you. This notification is made in compliance with the **Public Safety Officer's Procedural Bill of Rights Act, Government Code § 3300-3311**

Your cooperation in this sensitive matter is required and appreciated. Feel free to contact me, if you have any questions regarding the investigation.

Please sign below and return a copy of this notice via scan/email, US Mail, or hand delivery.

Acknowledgment

I, Deputy Soeth, acknowledge notification of Administrative Investigation 2020-007. I understand, and will comply with, the above directives. I understand that failure to do so may result in discipline. My signature is not an admission of any of the above violations and is only acknowledgment of this investigation and related orders.



Name

#2065

8-6-2020

Date

COUNTY OF HUMBOLDT STANDARD AGREEMENT TERMS & CONDITIONS

The following terms and conditions are attached to and incorporated into the agreement between the County of Humboldt ("COUNTY") and CONTRACTOR for provision of basic services. In the event of a conflict between COUNTY'S standard terms and conditions as set forth below, and any other provision of the agreement, COUNTY'S standard terms and conditions shall control.

ENTIRETY OF AGREEMENT

This Agreement contains all the terms and conditions agreed upon by the parties hereto, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind either of the parties hereto. In addition, this Agreement shall supersede in its entirety any and all prior agreements of the parties.

BINDING EFFECT

All provisions of this Agreement shall be fully binding upon, and inure to the benefit of, the parties and to each of their heirs, executors, administrators, successors and assigns.

TERMINATION

If, in the opinion of COUNTY, CONTRACTOR fails to perform the services and/or supply the goods required under this Agreement or otherwise fails to comply with the terms of this Agreement, or violates any ordinance, regulation, or other law which applies to its performance herein, COUNTY may terminate this Agreement immediately, upon notice.

COMPENSATION

CONTRACTOR agrees to perform all services required by this Agreement for an amount **not to exceed \$3200 for fiscal year July 1, 2020 to June 30, 2021 for the Humboldt County Sheriff's Office**. The rates and costs shall be as set forth, attached hereto and incorporated herein by reference.

PAYMENT

CONTRACTOR shall submit an itemized invoice to COUNTY. Payment will be made within thirty (30) days after receipt of the invoice or in accordance with any payment discount offered by CONTRACTOR.

NOTICE

Notices shall be given to COUNTY at the following address:

Humboldt County Purchasing Division
825 5th Street, Room 112
Eureka, CA 95501

Any and all notices required to be given pursuant to the terms of this Agreement shall be in writing and either served personally or sent by certified mail, return receipt requested to the respective CONTRACTOR or COUNTY. Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing.

NON-DISCRIMINATION CLAUSE COMPLIANCE

In connection with the execution of this Agreement, CONTRACTOR and its subcontractors shall not unlawfully discriminate in the provision of services or goods or against any employee or applicant for employment because of race, religion or religious creed, color, age (over 40), sex (including gender identity and expression, pregnancy, childbirth and related medical conditions), sexual orientation (including heterosexuality, homosexuality and bisexuality), national origin, ancestry, marital status, medical condition (including cancer and genetic characteristics), mental or physical disability (including HIV status and AIDS), political affiliation, military service, denial of family care leave or any other classifications protected by local, state or federal laws or regulations. This policy does not require the employment of unqualified persons.

HOLD HARMLESS/INDEMNIFICATION

CONTRACTOR shall hold harmless, defend and indemnify COUNTY and its officers, officials, employees and volunteers from and against any and all claims, demands, losses, damages and liabilities of any kind or nature (including without limitation costs and fees of litigation) of every nature arising out of or in connection with CONTRACTOR'S performance of work hereunder or its failure to comply with any of its obligations contained in the Agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of COUNTY.

COMPLIANCE WITH LAWS

CONTRACTOR agrees to comply with all applicable local, state and federal laws and regulations, including, but not limited to, the Americans with Disabilities Act.

AMENDMENTS

No addition to, or alteration of, any term of this Agreement shall be valid unless made in writing and signed by both parties. The Humboldt County Board of Supervisors, COUNTY'S Purchasing Agent and/or his/her designee are the only authorized COUNTY representatives who may modify this Agreement.

ASSIGNMENT

Neither party shall assign its obligations under this Agreement without the prior written consent of the other. Any assignment by CONTRACTOR in violation of this provision shall be void, and shall be cause for immediate termination of this Agreement.

SUBCONTRACTING

CONTRACTOR shall not subcontract any portion of the work required by this Agreement without prior written approval of COUNTY.

RELATIONSHIP OF PARTIES

It is understood that this is an Agreement by and between two independent contractors and is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture, or any other similar association. Both parties further agree that CONTRACTOR shall not be entitled to any benefits to which COUNTY employees are entitled, including, but not limited to, overtime, retirement benefits, worker's compensation and injury leave or other leave benefits.

NUCLEAR FREE CLAUSE CERTIFICATION

CONTRACTOR certifies by its signature below that it is not a nuclear weapons contractor in that CONTRACTOR is not knowingly or intentionally engaged in the research, development, production, or testing of nuclear warheads, nuclear weapons systems, or nuclear weapons components as defined by the Nuclear Free Humboldt County Ordinance. CONTRACTOR agrees to notify COUNTY immediately if it becomes a nuclear weapons contractor, as defined above. COUNTY may immediately terminate this Agreement if it determines that the forgoing certification is false or if CONTRACTOR becomes a nuclear weapons contractor.

CONFLICT OF INTEREST

CONTRACTOR covenants that it presently has no interest, including, but not limited to, other projects or contracts, and shall not acquire any such interest, direct or indirect, which would conflict in any manner or degree with CONTRACTOR'S performance under this Agreement. CONTRACTOR further covenants that no person having any such interest shall be employed or retained by CONTRACTOR under this Agreement. CONTRACTOR agrees to inform COUNTY of all CONTRACTOR'S interests, if any, which are or may be perceived as incompatible with COUNTY'S interest.

JURISDICTION AND VENUE

This Agreement shall be construed in accordance with the laws of the State of California. Any dispute arising hereunder or relating to this Agreement shall be litigated in the State of California and venue shall lie in the County of Humboldt unless transferred by court order pursuant to Code of Civil Procedure Sections 394 and 395.

LICENSING AND PERMITS

CONTRACTOR shall comply with all State or other licensing requirements, including, but not limited to, the provisions of Chapter 9, Division 3 of the Business and Professions Code. CONTRACTOR warrants that it has all necessary permits, approvals, certificates, waivers and exemptions necessary for performance of this Agreement as required by the laws and regulations of the United States, the State of California, the County of Humboldt, and all other governmental agencies with jurisdiction, and shall maintain these throughout the term of this Agreement.

PUBLIC RECORDS

All proposals and materials submitted become the property of COUNTY and are subject to disclosure under the Public Records Act, Government Code Sections 6250 *et seq.*

SEVERABILITY

If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.

TERMINATION FOR CONVENIENCE

At any time and for any reason, upon thirty (30) days written notice to CONTRACTOR, COUNTY may terminate this Agreement and pay only for those services rendered as of the date when termination is effective. Notice may be given as set forth in NOTICE listed above and/or in the attachment hereto and incorporated by reference.

ATTORNEYS' FEES

If either party shall commence any legal action or proceeding, including an action for declaratory relief, against the other by reason of the alleged failure

of the other to perform or keep any provision of this Agreement to be performed or kept, the party prevailing in said action or proceeding shall be entitled to recover court costs and reasonable attorneys' fees (including reasonable value of services rendered by County Counsel) to be fixed by the court, and such recovery shall include court costs and attorneys' fees (including reasonable value of services rendered by County Counsel) on appeal, if any. As used herein, the party prevailing means the party who dismisses an action or proceeding in exchange for payment of substantially all sums allegedly due, performance of provisions allegedly breached, or other considerations substantially equal to the relief sought by said party, as well as the party in whose favor final judgment is rendered.

INSURANCE

This Agreement shall not be executed by COUNTY and CONTRACTOR is not entitled to any rights, unless certificates of insurances, or other sufficient proof that the following provisions have been complied with, are filed with the COUNTY Human Resources Risk Management office.

Without limiting CONTRACTOR'S indemnification obligations provided for herein, CONTRACTOR, shall and shall require any of its subcontractors to, take out and maintain, throughout the period of this Agreement and any extended term thereof, the following policies of insurance placed with insurers authorized to do business in California and with a current A.M. Best's rating of no less than A:VII or its equivalent against injury/death to persons or damage to property which may arise from or in connection with the activities hereunder of CONTRACTOR, its agents, officers, directors, employees, licensees, invitees or assignees:

1. Comprehensive or Commercial General Liability Insurance at least as broad as Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001), in an amount of \$1,000,000 per occurrence for any one incident, including, personal injury, death and property damage. If a general aggregate limit is used, either the general aggregate limit shall apply separately to this project or the general aggregate shall be twice the required occurrence limit.
2. Automobile/Motor Liability Insurance with a limit of liability of not less than one million dollars (\$1,000,000) combined single limit coverage. Such insurance shall include coverage of all "owned," "hired," and "non-owned" vehicles or coverage for "any auto."
3. Workers Compensation and Employers Liability Insurance providing workers' compensation benefits as required by the Labor Code of the State of California. Said policy shall contain or be endorsed to contain a waiver of subrogation against COUNTY, its officers, agents, and employees. In all cases, the above insurance shall include Employers Liability coverage with limits of not less than one million dollars (\$1,000,000) per accident for bodily injury and disease.
4. Insurance certificates shall be provided to and will be on record with:

County of Humboldt
Human Resources Risk Management
825 Fifth Street, Room 131
Eureka, CA 95501

Special Insurance Requirements - said policies shall, unless otherwise specified herein, be endorsed with the following provisions:

1. The Comprehensive General Liability Policy shall provide that COUNTY, its officers, officials, employees and volunteers, are covered as additional insured for liability arising out of the operations performed by or on behalf of

CONTRACTOR. The coverage shall contain no special limitations on the scope of protection afforded to COUNTY, its officers, officials, employees, and volunteers. Said policy shall also contain a provision stating that such coverage:

- a. Includes contractual liability.
- b. Does not contain exclusions as to loss or damage to property caused by explosion or resulting from collapse of buildings or structures or damage to property underground, commonly referred to "XCU Hazards."
- c. Is primary insurance as regards to County of Humboldt.
- d. Does not contain a pro-rata, excess only, and/or escape clause.
- e. Contains a cross liability, severability of interest or separation of insureds clause.

2. The policies shall not be canceled, non-renewed or materially reduced in coverage without thirty (30) days prior written notice being provided to COUNTY and in accordance with the Notice provisions set forth under **NOTICE**. It is further understood that CONTRACTOR shall not terminate such coverage until it provides COUNTY with proof satisfactory to COUNTY that equal or better insurance has been secured and is in place.

3. The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverage afforded shall apply as though separate policies had been issued to each insured, but the inclusion of more than one insured shall not operate to increase the limits of the insurer's liability.

4. For claims related to this project, CONTRACTOR'S insurance is primary coverage to COUNTY, and any insurance or self-insurance programs maintained by COUNTY are excess to CONTRACTOR'S insurance and will not be called upon to contribute with it.

5. Any failure to comply with reporting or other provisions of the Parties, including breach of warranties, shall not affect coverage provided to COUNTY, its officers, officials, employees, and volunteers.

6. CONTRACTOR shall furnish COUNTY with certificates and original endorsements effecting the required coverage prior to execution of this Agreement by COUNTY. The endorsements shall be on forms as approved by COUNTY'S Risk Manager or County Counsel. Any deductible or self-insured retention over \$100,000 shall be disclosed to and approved by COUNTY. If CONTRACTOR does not keep all required policies in full force and effect, COUNTY may, in addition to other remedies under this Agreement, take out the necessary insurance, and CONTRACTOR agrees to pay the cost of said insurance. COUNTY is also hereby authorized with the discretion to deduct the cost thereof from the monies owed to CONTRACTOR under this Contract.

7. COUNTY is to be notified immediately if twenty-five percent (25%) or more of any required insurance aggregate limit is encumbered and CONTRACTOR shall be required to purchase additional coverage to meet the aggregate limits set forth above.

CONTRACTOR SERVICES AGREEMENTS SUBORDINATE

CONTRACTOR understands and agrees that all CONTRACTOR service agreements are subordinate to this Agreement and that all CONTRACTOR service agreements shall be deemed to incorporate all the terms and conditions of this Agreement. CONTRACTOR service agreements shall not be construed as amendments to this Agreement or as authority for CONTRACTOR to increase the price of any product or service or to modify any term or condition of this Agreement.

APPROVED AND EXECUTED:

Corporations require two corporate officer signatures; one signature from the Chair of the Board, President or Vice President and one signature from the Secretary, Assistant Secretary, Chief Financial Officer or Assistant Treasurer.

BUSINESS NAME: D-TAC K9

Authorized Signature
Chair of Board, President or Vice President

Date

Authorized Signature
Secretary, Assistant Secretary, Chief Financial Officer or Assistant Treasurer

Date

Print Name

Title

Print Name

Title

COUNTY OF HUMBOLDT:

Authorized Signature

Date

APPROVED AS TO FORM:
COUNTY COUNSEL (STANDARD PREAPPROVED FORM) 12-22-2017

Print Name

Title

APPROVED AS TO FORM:
RISK MANAGER (PRE-APPROVED FORM) 12-22-2017

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INTERVIEW WITH BROWN

Q=Cress
A=Brown

Q: So it is about 5:24 in the morning on, uh, July 20, 2020. I'm with Deputy Brown here in my office at the Sheriff's Department. Um, got a list of questions we're gonna go over. Uh, do you remember a pursuit that occurred on April 3, 2020 at about 0240 hours?

A: I do.

Q: Um, can you kinda give me - at least of the extent you participated - um, your understanding of the pursuit? What you saw, what you heard?

A: Uh, we were dispatched to - well, CHP first notified us that they were in a pursuit coming from m- Phillipsville? Miranda? Northbound.

Q: Okay.

A: And Soeth and me were working Main, and (Ariano) and (Silva) were working (unintelligible). So we headed that direction, knowing that they were coming northbound. Uh, then they requested assistance from the Sheriff's Office, and they sent Soeth with me to back. If I recall right. So he got there, and I think we met up around, like, the south Scotia exit.

Q: Mm-hm.

A: Is where we found each other. Uh, then the pursuit was coming through Shively. CHP said they were waiting on the on-ramp to 101 at Jordan Road. So we went to the on- exit at Jordan Road.

Q: Humboldt area CHP or the - the pursuing units?

A: Um, Humboldt area CHP. The unit that was gonna s- spike the car, I think.

Q: Okay. (Johnson) and (Well)?

A: I think it was them.

46
47 Q: Okay.
48
49 A: I'm not really sure who was in the car. But I think there was only two CHP
50 cars. A south unit - the Garberville units, and then the main. Or the...
51
52 Q: Okay.
53
54 A: ...Humboldt units.
55
56 Q: Okay.
57
58 A: Um, the s- the pursuit passed us as soon as we got onto the on-ramp. Soeth
59 was the second car. I was the third car. Um, behind that white Jeep, and the
60 Jeep was, you know, #1 lane, #2 lane. Veering.
61
62 Q: Mm-hm.
63
64 A: Speeds from 25 to 60 or whatever. And at one point, between Jordan Road
65 and the first Stafford exit, the Jeep stopped on the highway.
66
67 Q: Mm-hm.
68
69 A: Um, CHP's car was on the far left. Soeth car was in the middle, and I was
70 behind s- I was in between i- in the back. And the Jeep started to back up into
71 the cars. So they had to get in the cars, back their cars up so they didn't get
72 hit. Then the Jeep continued, and the pursuit was back on until the - what is
73 that? Uh, Shively Road exit.
74
75 Q: How fast was the Jeep backin' up? How close did it come? That type of thing.
76
77 A: Uh, it came very close to the CHP's car. The front of their car.
78
79 Q: Mm-hm.
80
81 A: Um, ■ was probably 20 feet in front of it, then started to back up. CHP
82 jumped in his car and backed up and almost hit the front of Soeth's car. Um,
83 and then just right back forward.
84
85 Q: How fast was it goin', it was backin' up? The Jeep?
86
87 A: Hm, I don't know. It didn't have that much room to go fast, so less than 10
88 miles an hour, probably.
89
90 Q: Anything said by the driver?

91
92 A: No. I- I - not that I can remember. ■ never got out. But ■ was g- ■ was -
93 the Jeep had zip windows. Like, soft top windows.
94
95 Q: Mm-hm.
96
97 A: And ■ had the driver's side unzipped, and he was reaching across the
98 passenger side like ■ was tryin' to climb out that door or something. Or tryin'
99 to unzip that window...
100
101 Q: Mm-hm.
102
103 A: ...that was very - those windows are foggy and scratched and it's hard to see at
104 night. Um, so it's hard to tell what ■ was doing. It was, like, ■ was shuffling
105 around, digging around in the car. Which is shady.
106
107 Q: Mm-hm.
108
109 A: You know, not very - officer safety.
110
111 Q: Mm-hm.
112
113 A: It's an officer safety issue, but...
114
115 Q: Sure.
116
117 A: ...I think ■ took off. We got back in the cars and re-pursued...
118
119 Q: Okay.
120
121 A: ...until just north of the Shively exit, when ■ pulled over onto the right
122 shoulder.
123
124 Q: What were the speeds and driving behavior in the time you saw the - the
125 driving?
126
127 A: Same thing. ■ go from #1 lane to #2 lane, slow down from 55 or 60 to - I
128 don't even know if ■ got to 65 miles an hour - um, down to 20. And then
129 right back fast, right back slow, right back fast.
130
131 Q: Mm-hm.
132
133 A: Wavin' ■ hands out the window.
134
135 Q: The - was the zippers - was the driver's side zipper down at that point?

136
137 A: Yes.
138
139 Q: Open?
140
141 A: Yes. I think ■ was messing with it, though. Like, zipping it, unzipping it.
142 Maybe ■ only had one zip undone, so it was just folding it over. Those
143 windows are very odd.
144
145 Q: Mm-hm.
146
147 A: I have the same ones on my Jeep.
148
149 Q: Okay.
150
151 A: But...
152
153 Q: Would you describe the portion of the pursuit that you saw as a felony or a
154 misdemeanor pursuit?
155
156 A: From what we were told in the beginning, in my mind, it was a felony pursuit.
157 'Cause they're coming from Miranda all the way to - I mean, that's - we're
158 talkin' 30 miles.
159
160 Q: Mm-hm.
161
162 A: I wasn't sure of the speeds before we interacted them. Um, but backing into -
163 tryin' to back into patrol cars, knowing that there's officers outside of their
164 cars, speeds - well, not speeds, but erratic driving. I - in my mind, it was a
165 felony pursuit.
166
167 Q: Okay.
168
169 A: Going into it, that was my thought.
170
171 Q: What information had been relayed to you guys by - I guess by our dispatch,
172 which would've come through the di- their dispatch? What g- what got
173 relayed to you guys prior to even connecting or seeing the vehicle?
174
175 A: Uh, they told us they were in pursuit of a white SUV, northbound 101. Then
176 they came back on and said that the vehicle had yielded south of Redcrest, I
177 want to say. Then they said they re-pursued, and then they were - so - 'cause,
178 at first, I believe it was just in- for information. CHP was just notifying that
179 they were in pursuit.
180

181 Q: Mm-hm.
182
183 A: But then they requested us. And I'm not sure a- I thought - I was under the
184 impression that their policy was that they don't request us to back them in a
185 pursuit. And my understanding was that they knew we had a K-9. So I thought
186 they were requesting the K-9. I thought that was the entire whole reason that
187 we were going. Was for the K-9.
188
189 Q: Mm-hm.
190
191 A: So...
192
193 Q: Okay. Um, who responded from our agency?
194
195 A: Myself, Deputy Soeth, Deputy (Ariano), and Deputy (Silva).
196
197 Q: Okay. Did (Ariano) and (Silva) end up playing any role?
198
199 A: No. They made it there after the, uh, driver was already detained.
200
201 Q: Okay. Uh, and your role in the pursuit was what?
202
203 A: I was the third car in the pursuit. And then when the vehicle stopped, usually
204 with the dog - well, not usually with the dog. But how the dog works is Max
205 controls the dog, and his partner covers him.
206
207 Q: Mm-hm.
208
209 A: So I was just his cover unit.
210
211 Q: Okay.
212
213 A: So he can control his dog.
214
215 Q: Um, were you there at - did you arrive at the same time - when the pursuit
216 finally terminated for real...
217
218 A: Mm-hm.
219
220 Q: ...um, did you arri- you and Soeth arrive at the same time?
221
222 A: Yep.
223
224 Q: Okay.
225

226 A: Mm-hm.
227
228 Q: Um, what was communicated between Deputy Soeth and the CHP officers as
229 - regarding the dog?
230
231 A: Um, so the first time we stopped at - between the Jordan exit and the Shively
232 exit, Soeth got out of his car. I got out of mine. Went to his passenger door,
233 'cause that's what I always do is go to his car so we can co- communicate.
234
235 Q: Mm-hm.
236
237 A: He relayed to them that he had a K-9. He said, "I'm a Sheriff's Office K-9
238 unit," and they said, "Okay." Or whatever they said. "Cool" or "Thanks" or
239 somethin'.
240
241 Q: Mm-hm.
242
243 A: So they were aware he had the K-9. Re-pursued. Pursuit stopped. I'm tryin' to
244 think of where the cars were.
245
246 Q: At the time that that was initially relayed that he had the K-9, was that the -
247 was that the stop - not the permanent stop, but the stop where he had backed
248 into...
249
250 A: Yes. Yes.
251
252 Q: That's...
253
254 A: That was when he backed in - backed up toward the car.
255
256 Q: Okay. So Deputy Soeth saw that?
257
258 A: Yeah. He saw them back up into their cars.
259
260 Q: Okay.
261
262 A: He jumped into his car to back it up before he got hit.
263
264 Q: Okay.
265
266 A: Yeah. Yeah.
267
268 Q: Okay. So then takes back off and then I ru- interrupted you. Sorry about that.
269
270 A: Takes back off. Jeep yields to the right side. CHP is directly behind the Jeep.

271 Max's car is in the #2 lane, and I'm behind the two. Like, in the middle.
272

273 Q: Mm-hm.
274

275 A: And then I went to his passenger door again, which I always do. Uh, he - and
276 then the other CHP unit came to the #1 lane. (Kevin) and - or, sorry, (Will)
277 and (Johnson).
278

279 Q: Mm-hm.
280

281 A: Um, then the CHP was giving the driver commands. The CHP unit from So.
282 Hum.
283

284 Q: Mm-hm.
285

286 A: Um, was giving commands to the driver. Driver wasn't listening to anything
287 he had to say. Was yelling. I'm not sure what he was yelling. Uh, then the
288 driver got out of the Jeep, started to walk back towards the CHP car. Soeth
289 had the...
290

291 Q: Couple questions before we - before we...
292

293 A: Mm-hm.
294

295 Q: ...get there. Um, w- so when Soeth got there for the final stop, thi- the Jeep
296 finally stays put. Um, did the CHP officers relay any details of the pursuit to
297 Deputy Soeth?
298

299 A: Not that I can recall.
300

301 Q: Okay.
302

303 A: I - I don't remember them saying anything else about the pursuit.
304

305 Q: Okay. Then, were you able, from your vantage point - uh, you sound like
306 you're at Deputy Soeth's, uh, door.
307

308 A: Passenger.
309

310 Q: His passenger side door.
311

312 A: Yep. Mm-hm.
313

314 Q: Were you able to see the suspect?
315

316 A: Yes. I could see [REDACTED] hands out the zip window.
317
318 Q: Okay.
319
320 A: But not [REDACTED] full body of the rest of the car.
321
322 Q: Um, i- i- you said it's a soft top. Is there a - like, a vinyl rear window or
323 anything?
324
325 A: Yes. It's, like, a - the rear window zips up, just like the passenger doors do.
326
327 Q: Okay.
328
329 A: It's, like, cheap plastic. Scratched up plastic.
330
331 Q: So through that...
332
333 A: And then...
334
335 Q: ...can you s- can you see the driver inside?
336
337 A: No, I couldn't.
338
339 Q: Okay. So it's just the hands out the...
340
341 A: I just saw the hands out the window, and then, you know, a mix of what's the
342 back of the seat, the roll bar, and where the driver would sit in the driver's
343 seat. But I mostly just saw [REDACTED] hands out the window.
344
345 Q: Okay. So from your vantage point, what did you see? It sounds like there's
346 sort of multiple segments to this. I mean, so let's just, I guess, talk about from
347 the stop - from the final stop...
348
349 A: Mm-hm.
350
351 Q: ...to the time, um, the K-9 is deployed. I mean, what did you see in between
352 that? What was the suspect doin' at that point?
353
354 A: Uh, [REDACTED] had [REDACTED] hands out the window at first, once [REDACTED] pulled over. Put [REDACTED]
355 hands out the window. CHP was givin' [REDACTED] commands. Um, I want to - I
356 don't know if it was the other CHP officers or if it was Soeth also giving - you
357 know, just sh- "Put your hands out the window. Put - show us your hands."
358
359 Q: Mm-hm.
360

- 361 A: Uh, just the regular commands. Um, but somebody to my left was yelling
362 those. So I'm not sure what unit it was.
363
- 364 Q: Okay.
365
- 366 A: Max is at [REDACTED] door with the dog, 'cause he's got the dog out. Um, CHP's
367 givin' [REDACTED] commands. [REDACTED] not comin' out of the car. And then, [REDACTED] came out -
368 [REDACTED] opened the Jeep door. Came out of the Jeep facing us. CHP told [REDACTED] to turn
369 around. He didn't turn around, and continued to walk towards the cars.
370
- 371 Q: Mm-hm.
372
- 373 A: And then [REDACTED] started to backpedal, back towards the car. And that's when
374 Soeth deployed the dog.
375
- 376 Q: Had the dog been deployed while the suspect was still sitting in the - the seat
377 of the Jeep? On the driver's seat?
378
- 379 A: I don't - I'm pretty sure the dog was deployed after [REDACTED] got out of the car.
380
- 381 Q: Okay. Um...
382
- 383 A: I could be wrong, though. It's...
384
- 385 Q: Oh, that's okay. I mean, everybody remembers things...
386
- 387 A: It happened pretty quick. But...
388
- 389 Q: Sure.
390
- 391 A: ...I'm tryin' to think. He might've gotten the dog out of his car when [REDACTED] was
392 still in the seat, but I don't think he deployed the dog when the driver was still
393 in the car.
394
- 395 Q: Okay. Um, so the driver - you said the driver was walkin' toward Deputy -
396 well, do- walkin' towards the officers...
397
- 398 A: Yeah.
399
- 400 Q: ...and deputies. Not following commands. Um, and you said the - the suspect
401 backed up a little bit?
402
- 403 A: Yeah.
404
- 405 Q: What - can you describe that a little more?

406
407 A: ■ backed, like, towards the car. Like ■ was gonna go get back in the car.
408
409 Q: Like, turned around and walked backwards, or started..
410
411 A: No, I think ■..
412
413 Q: ...walking..
414
415 A: ...just walked backwards. Yeah.
416
417 Q: ...backwards? Okay.
418
419 A: And ■ was yelling weird stuff. Like, "I'm a CIA operative. I'm one of you.
420 I'm Secret Service." Like, just off the wall..
421
422 Q: Mm-hm.
423
424 A: ...stuff. Like - like, ■ was trying to get us to understand that he was a cop,
425 too, or something?
426
427 Q: Yeah.
428
429 A: Like, i- ■ was just yelling different very odd things.
430
431 Q: All right. Um, so you said Deputy Soeth actually deployed the dog at the time
432 the - the suspect started backin' up a little bit?
433
434 A: Yeah.
435
436 Q: Um, what - what was the - what was the suspect doin', as far as ■ hands?
437 Were ■ hands visible at the time?
438
439 A: Yeah, ■ hands were up and out, and..
440
441 Q: They were - they were up?
442
443 A: Yeah. And then ■ was talking to the dog. ■ - ■ had, like, a weird
444 infatuation for the dog.
445
446 Q: Mm-hm.
447
448 A: "I love the dog. I love the dog." Saying weird stuff like that. Even after the
449 bite and - "I like the dog. It's a good dog. Great dog."
450

451 Q: Okay.
452
453 A: ■ was very focused on how good of a - the dog was. It - it was an odd scene.
454
455 Q: Strange response?
456
457 A: Strange. Very strange, yeah.
458
459 Q: Okay. Um, so then what does the dog do once the dog is de- Max deploys the
460 dog?
461
462 A: Max came around the back of his car? Actually, I don't - uh, I don't think he
463 came around the back. Either way, he deployed the dog, and the dog went
464 around to the passenger side of the Jeep.
465
466 Q: Mm-hm.
467
468 A: Like, it was confused...
469
470 Q: Mm-hm.
471
472 A: ...on what its job was to do or i- I'm not sure. I don't - I'm not the dog guy.
473 But it went around the passenger side of the Jeep. And then it went to the
474 driver side of the Jeep, still on leash. 'Cause he's got a long leash.
475
476 Q: Mm-hm.
477
478 A: Um...
479
480 Q: Released but dr- towin' the leash?
481
482 A: Yeah.
483
484 Q: Okay.
485
486 A: And came around the back side of the Jeep and Soeth's givin' him commands.
487 I'm not sure what, 'cause none of it's in English and I don't...
488
489 Q: Sure.
490
491 A: ...understand any of those commands. Um, and then Soeth went hands on with
492 the driver and took the driver to the ground.
493
494 Q: At the time that, uh, Soeth went hands on, what was the suspect doin' at that
495 point?

496
497 A: ■ was s- standing next to the Jeep.
498
499 Q: Uh, okay. Um, was ■ just standing upright at that point?
500
501 A: Yeah. Mm-hm.
502
503 ((Crosstalk))
504
505 Q: Were ■ hands still visible?
506
507 A: ■ was upright. Hm. I'm not sure. I - I don't think ■ ever dropped his hands,
508 but I don't know if they were...
509
510 Q: What was ■ sayin', if anything?
511
512 A: I don't even remember what ■ was sayin'.
513
514 Q: Uh, wha- was ■ - were there any - how would you assess ■ - ■ - was ■ a
515 threat at that point? How would you assess ■ threat level - uh, the suspect's
516 threat level at that point?
517
518 A: Hm, based on ■ digging in the car the first time...
519
520 Q: Mm-hm.
521
522 A: ...or what I believed to be digging in the car...
523
524 Q: And that's back on the stop before?
525
526 A: Back on the first time he stopped.
527
528 Q: Okay.
529
530 A: When ■ was reaching across the passenger side of the Jeep. Um, and in my
531 mind, it was a felony pursuit already at that point. So I'm not sure if ■
532 digging for weapons. ■ had a hoodie on, too, so ■ - there's lots of places to
533 - bulky...
534
535 Q: Mm-hm.
536
537 A: ...you know, bulky items. I don't know if ■ had a handgun tucked in ■
538 jacket or if ■ had one in ■ pocket. Or a knife or any kind of a weapon, but...
539
540 Q: Mm-hm.

541
542 A: ...[REDACTED] had nothing in [REDACTED] hands visible. So...
543
544 Q: Was [REDACTED], um - was [REDACTED] reaching for anything?
545
546 A: Not - not anything obvious, but I think [REDACTED] backing towards the Jeep was
547 unsettling, 'cause...
548
549 Q: Mm-hm.
550
551 A: ...I don't - no one knows what's in the Jeep. If there's a weapon in the Jeep or
552 not.
553
554 Q: Okay. And the backing, again, was that - that was behind the i- initial K-9
555 deployment?
556
557 A: I believe so.
558
559 Q: So backing, deployment, dog goes around the Jeep?
560
561 A: Mm-hm. Like, to the passenger side. Behind it.
562
563 Q: Okay.
564
565 A: Back around the back side of the Jeep.
566
567 Q: Suspect is fixated on the dog?
568
569 A: Mm-hm.
570
571 Q: But, uh - and then Deputy Soeth goes hands on...
572
573 A: Yeah.
574
575 Q: ...at that point?
576
577 A: Mm-hm.
578
579 Q: Um, okay. Did you notice the, um, suspect, uh, takin' a knee at all?
580
581 A: No. Not that I can remember.
582
583 Q: Okay. Um, was the suspect, uh, speaking any threats toward you guys at all?
584
585 A: Not that I remember.

- 586
587 Q: Okay. Um, was anything communicated between Deputy Soeth and the rest of
588 the personnel on scene there, um, after the suspect exited the car? Re-
589 regarding the dog?
590
591 A: He said - I - I want to say that Soeth said somethin' like, "Now's the time."
592 'Cause ■ had the window open in the Jeep. So I think Soeth's intention
593 might've been since the window's open, that's a good access for the dog.
594 'Cause the dog needs to get - jump through the window and...
595
596 Q: Mm-hm.
597
598 A: ...do his dog job. So he said something along the lines of, like, uh - like,
599 "Now." Like, "Now, now, now." Like, there was an understanding of "I'm
600 gonna deploy the dog if I get the chance."
601
602 Q: Mm-hm.
603
604 A: Or if there's an opportune time. So that's - that was my understanding of what
605 he was saying. If that makes sense.
606
607 Q: Yeah. I- I - I think so. That was the - was that when the suspect was still inside
608 the Jeep?
609
610 A: Mm-hm.
611
612 Q: Did the dog ever get deployed when the suspect was still inside the Jeep?
613
614 A: I don't think so.
615
616 Q: Okay.
617
618 A: I think he's - when he said "Now" is when he grabbed the dog. And then the
619 suspect got out of the Jeep.
620
621 Q: Okay.
622
623 A: The dog never would've had the chance to jump into the Jeep with the suspect
624 in there, I don't think.
625
626 Q: Okay. All right. Um, I think we hit that. So a- at the time that Deputy Soeth
627 went hands on, um, what was the suspect doing in that - in that moment, when
628 the s- when Deputy Soeth went hands on?
629
630 A: I think ■ was just standing next to the Jeep.

631
632 Q: Okay.
633
634 A: Yeah.
635
636 Q: And what did - what did hands on look like? What - when you say "hands
637 on," what do you mean by that?
638
639 A: Soeth just tackled [REDACTED]. Just assisted [REDACTED] to the ground.
640
641 Q: Okay. And what did, uh - what did everybody else do at that point?
642
643 A: Again, everybody ran to Soeth, to the suspect...
644
645 Q: Mm-hm.
646
647 A: ...and helped in cuffing.
648
649 Q: Okay. What role did the different officers and deputies play in...
650
651 A: I grabbed...
652
653 Q: ...doin' that?
654
655 A: ...the sus- so when I ran over to Soeth, the dog had bit. I'm not sure what it - at
656 what point the dog bit.
657
658 Q: Mm-hm.
659
660 A: I think when Soeth tackled [REDACTED], the dog maybe realized, "Okay. Now I need
661 to be doing something."
662
663 Q: Mm-hm.
664
665 A: Um, so Soeth is - I got on the suspect's left arm. Uh, on the left arm. But I was
666 kneeled next to [REDACTED].
667
668 Q: Is the suspect on [REDACTED] back or...
669
670 A: So...
671
672 Q: ...front?
673
674 A: Stomach.
675

676 Q: Okay.
677
678 A: Yeah. Laying on [REDACTED]...
679
680 Q: On stomach.
681
682 A: ...stomach.
683
684 Q: Okay.
685
686 A: Um, and I grabbed [REDACTED] - [REDACTED]...
687
688 Q: I - it - it...
689
690 A: [REDACTED].
691
692 Q: [REDACTED].
693
694 A: Yeah.
695
696 Q: I mean, there's just...
697
698 A: I grabbed the suspect's left arm, and one of the CHP guys had cuffs already
699 out. Um, so he cuffed the left arm. I was holding the left arm. He cuffed the
700 left arm. One of the other CHP guys was on the legs. And the dog let go, and
701 they cuffed the right arm. But I'm not sure which CHP officers...
702
703 Q: Were where?
704
705 A: ...were doing the cuffing. Yeah.
706
707 Q: What was the suspect doing, uh, when [REDACTED] were on the ground? After - after
708 the tackle had occurred, what was the suspect doing?
709
710 A: I'm not really s- not much. I mean, [REDACTED] definitely wasn't complying with
711 giving me [REDACTED] arm. Um, and [REDACTED] was - kept yelling at the dog. Like, "Good dog.
712 Good dog. Good dog." And the dog was latched onto [REDACTED].
713
714 Q: Mm-hm.
715
716 A: [REDACTED] had a weird fixation for the dog.
717
718 Q: Mm-hm.
719
720 A: And then [REDACTED] kept saying, like, "I'm one of you. I'm one of you. I'm a good

721 guy. I'm CIA. Secret Operations." Just off the wall stuff like that.
722

723 Q: When you say that the suspect wasn't complying, what was the suspect being
724 told to do that the suspect wasn't doing?
725

726 A: Uh, "Put your hands behind your back. Put your hands behind your back. Stop
727 resisting." But obviously, the dog has ahold of one arm.
728

729 Q: Mm-hm.
730

731 A: I think ■ can't put that behind ■ back when...
732

733 ((Crosstalk))
734

735 Q: Is that the right arm?
736

737 A: Uh, yeah. Dog had the right arm. Yeah.
738

739 Q: Was the arm out to the side or under the...
740

741 A: Yeah. It was out...
742

743 Q: ...suspect?
744

745 A: It was out like this.
746

747 Q: Okay.
748

749 A: With the dog latched onto it. I don't remember where the dog had bit.
750 Somewhere on the maybe upper shoulder.
751

752 Q: And your a- the arm you had - the left arm...
753

754 A: Mm-hm.
755

756 Q: ...it was also out?
757

758 A: Also out.
759

760 Q: Okay.
761

762 A: Well, it was a- above the suspect's head. So I grabbed by the wrist and just
763 twisted back behind ■ arm. And ■ tried to pull it back forward and...
764

765 Q: So ■ was pullin' the arm from you?

766
767 A: ■ was pulling the arm from me, yeah.
768
769 Q: At any point, did you see the - the arms or hands underneath ■ body?
770
771 A: Not that I remember. I don't think I had to pull them out from under ■ body.
772
773 Q: Okay. What was ■ doin' - what was the suspect doing with ■ body? With
774 ■, you know, torso, legs, head?
775
776 A: ■ was pretty tight. Um, naturally, I probably would be, too, if I had a dog
777 latched onto me and six people on top of me.
778
779 Q: Mm-hm.
780
781 A: Um, but I - I don't have a word to describe what ■ was doing.
782
783 Q: When you say ■ was non-compliant, uh, was there - it sounds like ■ was -
784 ■ was rigid...
785
786 A: Yeah. ■ was stiff.
787
788 Q: ...and not bringin' ■...
789
790 A: Not wanting to put ■ arm - arms behind ■ back.
791
792 Q: ...arms behind ■ back.
793
794 A: Yeah.
795
796 Q: Um, anything else? Uh, anything beyond that, that you would put - say was
797 noncompliant?
798
799 A: No. Nothin' to, like, a 148 aspect.
800
801 Q: Okay. Um, was there anything offensive about ■ conduct? Was ■ trying to,
802 uh, attack you guys? Was there any threat? Or w- how would you describe the
803 threat to you guys?
804
805 A: Mm-hm. ■ w- would go from, "We're friends. We're friendly. We're CIA."
806 And then ■ would go to "Eff you." Um, ■ voice was - not ■ voice, but the
807 words he was using were not very - I don't know what word I'm looking for.
808 ■ was cussin' at us...
809
810 Q: Mm-hm.

811
812 A: ...you know? "You got the wrong guy." ■ kept saying, "You have the wrong
813 guy. You got the wrong guy." Stuff like that.
814
815 Q: Okay. Um...
816
817 A: And then ■ said, like, "I'm gonna have your job. I'm gonna have your ass.
818 I'm gonna have your badge. You got the wrong guy. Talk to my boss." And...
819
820 Q: Any threat of physical o- harm toward you guys...
821
822 A: Not that I can remember.
823
824 Q: ...made? Um, any efforts to kick, hit, punch, strike you guys?
825
826 A: Not me.
827
828 Q: At all?
829
830 A: I'm not sure about the legs, if ■ was kickin' or not, but...
831
832 Q: Okay. Um, other than the generalized threat of a weapon, which is always
833 present any time we stop anybody.
834
835 A: Right.
836
837 Q: Um, anything specific to articulate that ■ had a weapon, or suggest ■ had a
838 weapon in this instance?
839
840 A: No. The only - I mean, 'cause I didn't - there was nothing broadcast that ■
841 was armed.
842
843 Q: Mm-hm.
844
845 A: There was no - we didn't see anything in ■ hands. Hands were very visible.
846 The only, you know, iffy part was ■ reaching...
847
848 Q: Mm-hm.
849
850 A: ...for me, from my standpoint.
851
852 Q: Yeah.
853
854 A: Was ■ doing all the reaching in the passenger side, when ■ stopped the
855 first time.

856
857 Q: Okay. Had [REDACTED] reached for anything the second time, during the final...
858
859 A: Not the final one.
860
861 Q: ...final stop? Okay. Um, ha- how was it that the dog came to bite the suspect?
862 Had he been commanded to bite?
863
864 A: I don't know, 'cause the dog - I - the dog had bit after Soeth had already went
865 hands on. So I don't know if Soeth gave him a command when he was hands
866 on, 'cause there was a couple second delay. 'Cause I'm standing behind, so I
867 don't get bit by the dog on accident.
868
869 Q: Mm-hm.
870
871 A: Let Soeth do his thing with the dog.
872
873 Q: Wha- what part - what's the dog doin' at that point?
874
875 A: When the dog's walkin' around the car?
876
877 Q: So that's when the dog's walkin' around the car?
878
879 A: Yeah. The dog's walkin' around the car.
880
881 Q: You're kinda behind Soeth?
882
883 A: I'm still at the door.
884
885 Q: Okay.
886
887 A: Um, kind of approaching getting a safe distance from reacting to any threat
888 and still staying away from the dog, so I don't get accidentally bit.
889
890 Q: Mm-hm.
891
892 A: Um, Soeth goes hands on. And then - what was the question?
893
894 Q: Um, ho- how was it that the dog actually...
895
896 A: Oh, bit the...
897
898 Q: ...came to bite?
899
900 A: I'm not sure. I don't recall him giving him a command, but, uh, he could have.

901
902 Q: Could have.
903
904 A: Yeah.
905
906 Q: Okay.
907
908 A: I didn't hear it and I don't...
909
910 Q: And did anybody, uh, deploy any other specific use of force other than just the
911 - the tackle?
912
913 A: Uh-uh.
914
915 Q: Um, any strikes thrown by any - any officers or deputies?
916
917 A: Not that I witnessed.
918
919 Q: Okay. And no kicks, no nothin'...
920
921 A: No.
922
923 Q: ...of that nature? Okay.
924
925 A: Not that I witnessed.
926
927 Q: Um, can you estimate how long the K-9 might have been on bite?
928
929 A: Hm, less than a minute, I would say.
930
931 Q: Okay. And what was - what was the suspect doing w- in that minute?
932
933 A: That's when we were cuffing.
934
935 Q: Okay.
936
937 A: So when ■ was not wanting to give me ■ arm, sayin' stuff about, "You got
938 the wrong guy..."
939
940 Q: Okay.
941
942 A: ...and then...
943
944 Q: You had said ■ was rigid when, uh, you guys were tryin' to cuff ■. Was ■
945 being successful in keeping ■ hands from out behind ■ back? Or was it...

946
947 A: [REDACTED] was being successful. Yeah. I had to take my knee and put it, like, behind
948 [REDACTED] shoulder...
949
950 Q: Mm-hm.
951
952 A: ...so [REDACTED] couldn't bring it back around. So I had - you know, not a significant
953 amount of pressure, but enough pressure to stop [REDACTED] from putting [REDACTED] arm
954 back in front of [REDACTED].
955
956 Q: Okay.
957
958 A: To keep it there to cuff.
959
960 Q: Okay.
961
962 A: Yeah.
963
964 Q: Um, what did Deputy Soeth do once the - the bite - once the dog was on bite?
965
966 A: Uh, Soeth was off of the [REDACTED] - off of the suspect after that, holding the dog's
967 leash or whatever. He had control of the dog.
968
969 ((Crosstalk))
970
971 Q: Was the suspect still on bite at that time?
972
973 A: Yeah.
974
975 Q: Okay.
976
977 A: So the dog stayed on bite until I got the left arm cuffed. Then they released the
978 dog to cuff the right arm. S- I believe. So that nobody else gets bit in b-
979 messing with that arm.
980
981 Q: Mm-hm. So do - did you cuff the left arm? Or was it one of the CHP officers?
982
983 A: No, one of the CHP guys. I just held the...
984
985 Q: Oh, you...
986
987 A: I just held...
988
989 Q: ...presented the arm?
990

991 A: I was just holding the arm. Yeah.
992
993 Q: Okay. "Here. I got a wrist for you. Please cuff it." All right. Uh, did Deputy
994 Soeth, uh, give a release command?
995
996 A: He did.
997
998 Q: To your kno- to your knowledge?
999
1000 A: Yeah. And then the dog let go.
1001
1002 Q: I- immediately?
1003
1004 A: Mm-hm.
1005
1006 Q: As soon as the release command was...
1007
1008 A: As soon as he told the dog to let go, it let go.
1009
1010 Q: Okay. At some point, did Deputy Soeth, like, w- have to lift the dog off the
1011 suspect?
1012
1013 A: Hm, I think he usually does that, just to get the distance.
1014
1015 Q: Okay. All right. Um, how would you describe the, uh, potential for injury to
1016 the deputies or the public if the dog hadn't of bit the - the suspect? What was
1017 gonna happen if the bite didn't happen?
1018
1019 A: I'm not sure. Um, I mean, the - the bite definitely made [REDACTED] not be able to
1020 resist with [REDACTED] right arm. So if he would've not bit, then we would've been
1021 fighting two arms to get [REDACTED] into cuffs, instead of just the one that the dog had
1022 control of.
1023
1024 Q: Mm-hm.
1025
1026 A: But other than that, I mean...
1027
1028 Q: How would you describe the risk to - that the s- the suspect presented to the
1029 public?
1030
1031 A: Hm, there was nobody around on the highway at 2:00 in the morning.
1032
1033 Q: Okay. How would you describe the risk that the suspect presented to the
1034 officers and deputies on scene?
1035

1036 A: Hm, based on how many officers we had, there wasn't a very high risk, if ■
1037 didn't have any weapons accessible or in ■ hands.
1038

1039 Q: Mm-hm.
1040

1041 A: You know, when ■ on the ground and we have six of us on top of ■ or,
1042 you know, able to be on top of ■, then I think we have a fair advantage.
1043

1044 Q: Um, how would you describe ■ - the suspect's intentions? Um, was ■
1045 attempting to flee? Was ■ attempting just to be noncompliant? Was ■
1046 attempting to assault?
1047

1048 A: Out of the car?
1049

1050 Q: Uh...
1051

1052 A: Or what? Like, the whole time?
1053

1054 Q: Uh, well, start general and then if you want to break it down for different...
1055

1056 A: I mean, in general...
1057

1058 Q: ...couple different phases, please do.
1059

1060 A: ...■ trying to flee. I think that's what ■ was in a pursuit for...
1061

1062 Q: Mm-hm.
1063

1064 A: ...that lasted that long.
1065

1066 Q: Mm-hm.
1067

1068 A: Um, but outside - once the pursuit stopped and ■ got out of the car, I was not
1069 sure what ■ intentions were. But in my mind, I - from seeing - from knowing
1070 that ■ already stopped once or twice now...
1071

1072 Q: Mm-hm.
1073

1074 A: ...once before we showed up, once as we showed up, and then this time, I
1075 think that if ■ could've got back in the Jeep or wanted to, ■ would've just
1076 continued and drove further towards Rio Dell or any populated city. 'Cause
1077 where the pursuit started there's no populated cities.
1078

1079 Q: Mm-hm.
1080

1081 A: Not much of a threat to the public. But I mean, we're close to Scotia. Closer to
1082 Rio Dell, then Fortuna.

1083
1084 Q: Mm-hm.

1085
1086 A: Then you're talkin' a population of people, that could've been a different
1087 story.

1088
1089 Q: Mm-hm.

1090
1091 A: So it was kind of a perfect place to end the pursuit...

1092
1093 Q: Mm-hm.

1094
1095 A: ...without danger to the public.

1096
1097 Q: Okay. Um, I - I think that's it. Anything else that you think I should be aware
1098 of? Anything that I need to know?

1099
1100 A: Not that I can think of.

1101
1102 Q: Okay. All right. Thank you. I will, uh, end it here.

1103
1104 A: Perfect.

1105
1106
1107 The transcript has been reviewed with the audio recording submitted and it is an accurate
1108 transcription.

1109 Signed _____

INTERVIEW WITH (BRIAN) EVANS

Q=Man

A=(Brian) Evans

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45

Q: So I am recording. It is - what time is it?

A: Is, uh, 5:58.

Q: 5:58 on the 13th. Uh, what would you - what's your first name? (Brian) you said?

A: (Brian).

Q: Uh, I-A-N?

A: Yes.

Q: E-V-A-N-S.

A: Yes.

Q: Um, hopefully, I won't take too much a your time here. Uh, do you remember a pursuit that occurred on April 3 at about 0240 hours?

A: Yes.

Q: Um, can you just give me a quick overview of the pursuit?

A: Yeah, I saw, um, white Jeep weaving going northbound on 101. Got behind it, lit it up. It didn't stop initially. Then it did stop. Got out, went to make an approach on it and then she took off and this happened several times over few minutes and then, uh, finally came to end up, uh, north of Stafford.

Q: Mm-hm.

A: And, uh, by that point, we had Humboldt units there, SO units there, um, and the deputy with the dog, uh, got out and started giving commands from the V of our doors telling her to turn the car off, get out, um...

46
47 Q: Would - would you say that the pursuit itself, would you put it in the
48 misdemeanor or the felony category of pursuits?
49
50 A: Misdemeanor. It was low speed, not driving wrong way or anything. She was
51 maintaining at least in the northbound lanes...
52
53 Q: Right. (Unintelligible).
54
55 A: ...and never got over f- I believe it was 50, 55 miles an hour, somewhere
56 around there.
57
58 Q: Okay how did, um, our units get involved? How did they come to know about
59 it and become involved?
60
61 A: So while we were driving, we asked to notify SO units and then they asked,
62 um, "Do you need 'em respond code 2, code 3?" I was like, um, "Code 2 is
63 fine. I don't need code 3. It's not high speed. It's...
64
65 Q: Mm-hm.
66
67 A: ...we're just following it." So...
68
69 Q: Okay so just specifically for code 2...
70
71 A: Mm-hm.
72
73 Q: ...back. Um, what information was relayed to, uh, the SO dispatch, eh, if any?
74 I - I don't know.
75
76 A: I'm not sure what our dispatch told your dispatch but all we said is the speeds
77 that we were going, the original want for the stop which was just weaving and
78 we updated every time that we stopped and then they took off again.
79
80 Q: Yeah.
81
82 A: So that happened bunch a times.
83
84 Q: Okay, uh, when did the SO participation begin? Like when were you first
85 aware of our participation?
86
87 A: The second-to-last time that she stopped on 101, I remember SO units being
88 behind me, um, didn't really come into play 'cause she immediately started
89 backing up and so I tried to back outta the way. Then I get hit and then she
90 took off again. And then obviously, the last time she stopped...

91
92 Q: Mm-hm.
93
94 A: ...is when it actually happened so...
95
96 Q: Okay, um, are you aware of who responded, like which deputies responded?
97
98 A: Um, Deputy Soeth. I don't know if I'm saying his name right.
99
100 Q: Yeah, you are.
101
102 A: And then, um, there was one other deputy with him. I have his name in my
103 report but I - I can't remember off the top of my head.
104
105 Q: (Kevin Brown)? (Colin Brown)?
106
107 A: Yes. Yeah.
108
109 Q: Okay and what was, uh, let's start with (Brown).
110
111 A: Mm-hm.
112
113 Q: What was his role in the pursuit and in the apprehension just in a general
114 sense?
115
116 A: I didn't see him do very much until after the dog had already kind of done its
117 thing and everybody was trying to gain control of the suspect...
118
119 Q: Mm-hm.
120
121 A: ...that he came and helped grab - I don't know if he was on the upper body
122 side but he helped get control...
123
124 Q: Okay.
125
126 A: ...of the suspect. But I didn't see him do anything prior to that.
127
128 Q: That was his first contact - physical contact with the...
129
130 A: Yeah.
131
132 Q: ...with the suspect?
133
134 A: Mm-hm.
135

136 Q: Do you remember what his, uh, what he was doing with the upper body?
137
138 A: I don't. I was focused on...
139
140 Q: And I - and I know when - when you got (unintelligible) goin'. I know when...
141
142 A: Yeah. No. I was...
143
144 Q: Nobody knows, uh...
145
146 A: I was focused on the legs. I didn't see what he was doing.
147
148 Q: Okay did you hear him saying anything?
149
150 A: No.
151
152 Q: Okay, um, with Deputy Soeth arrived, uh, what was...
153
154 A: (Unintelligible).
155
156 Q: ...communicated between him and, uh, the units that were on the scene?
157
158 A: I know he, at one point, said, "I have a dog."
159
160 Q: Mm-hm.
161
162 A: He did say that.
163
164 Q: Specifically to you? 'Cause, I mean, your...
165
166 A: I don't know.
167
168 Q: Was it your pursuit?
169
170 A: Yeah. Um, I don't know if he was talking to me or the Humboldt guys. He
171 was closer to the Humboldt guys...
172
173 Q: Mm-hm.
174
175 A: ...just the way we were on the road.
176
177 Q: Yeah.
178
179 A: So I don't know who he was talking to. He said, "I have a dog." Um, I didn't
180 take that as the dog was getting released. I just took that as, "Just in case..."

181
182 Q: "I got a dog."
183
184 A: ...I - I have a dog."
185
186 Q: Okay anything else spoken?
187
188 A: No.
189
190 Q: Did, uh, did Soeth learn anything from - from you guys? Did he - did he ask
191 for any details about the pursuit, about the want?
192
193 A: Mm-mm.
194
195 Q: Okay so pretty much just, "I have a dog," lettin' you know?
196
197 A: Mm-hm.
198
199 Q: Okay, um, I guess what was communicated about the presence and use of - of
200 the K9, you - you - you had said it was - you - you took it as more just an
201 awareness that there was a dog on scene?
202
203 A: Mm-hm.
204
205 Q: Okay did he say what he was gonna do with the dog?
206
207 A: No, he, um, I didn't hear anything about what he was gonna do with the dog.
208 As we were giving commands, I noticed the second that kinda came to an end,
209 the dog immediately was outside the car on...
210
211 Q: Okay.
212
213 A: ...on the long, uh, really long leash. I don't know.
214
215 Q: Mm-hm.
216
217 A: And, uh, as soon as the dog was out, he gave it a command. I - I've been told
218 it was the bite command.
219
220 Q: Okay.
221
222 A: I don't know.
223
224 Q: Yeah.
225

226 A: But...
227
228 Q: Something in German probably.
229
230 A: Yeah. So - and that was pretty immediate after getting out of the car.
231
232 Q: Mm-hm.
233
234 A: And I think what he wanted was the dog to go through the open window
235 which the dog didn't listen.
236
237 Q: Mm-hm.
238
239 A: And then it just kinda circled around the Jeep. And we kept giving her
240 commands. And then, uh, she finally did step out, tried to pet the dog.
241
242 Q: How much time elapsed from the time that - that Deputy Soeth hi- from the
243 time his vehicle came to a stop to the time the dog was outta the car and on a
244 lead?
245
246 A: Mm, I would say probably ten seconds.
247
248 Q: Okay so - so real speedy.
249
250 A: Yeah, it was - it was fast.
251
252 Q: How about from the time that, uh, the dog was on a lead, you know, out and
253 on a lead to the time the dog was, mm, what you think was probably the bite
254 command? Um, and what makes you think it was the, I guess, the bite
255 command?
256
257 A: Just it being in German, um...
258
259 Q: Okay.
260
261 A: ...and, I mean, that's - that's all I as- I assumed...
262
263 Q: Okay.
264
265 A: ...it was.
266
267 Q: How much time do you think from the time the - the dog was on a lead out of
268 the vehicle till the time the bite command was given?
269
270 A: Uh, it was pretty immediate, um, wi- within ten seconds I would say.

271
272 Q: Okay. So at that time when the - when the command was given or at least the
273 dog was deployed and went to the car, um, what was the suspect doing, uh, in
274 the vehicle? I - I think they're still in the vehicle at that time. What were they
275 doing?
276
277 A: She was putting her hands at the window.
278
279 Q: Mm-hm. And could you see them clearly - no, the hands?
280
281 A: I could see her hands, yes.
282
283 Q: Okay, um, where - what was your vantagepoint at - at that point?
284
285 A: I was kinda just directly behind her vehicle.
286
287 Q: Okay.
288
289 A: And she...
290
291 Q: Kind of in the classic initial stop...
292
293 A: Yeah.
294
295 Q: ...position?
296
297 A: And she had like unzipped the window and was sticking her hands out the
298 window...
299
300 Q: And, uh...
301
302 A: ...not initially getting out like we were telling her to do but...
303
304 Q: Mm-hm.
305
306 A: ...you could see her hands at the window.
307
308 Q: Okay and what commands had you given at that point?
309
310 A: To turn the vehicle off and to open her door and step out but she was...
311
312 Q: Okay.
313
314 A: ...kinda just staying seated...
315

316 Q: Okay.
317
318 A: ...didn't wanna get out.
319
320 Q: What was, uh, Deputy Soeth's perspective, I guess, in relationship to your
321 perspective - your visual perspective on the car?
322
323 A: He was on my left. I believe I had another, uh, CHP unit on my left and then
324 he was on the other side of them. Um, I don't remember...
325
326 Q: So...
327
328 A: ...the exact...
329
330 Q: So you were the far...
331
332 A: ...position.
333
334 Q: ...the far right, the most...
335
336 A: Mm-hm.
337
338 Q: ...easterly...
339
340 A: Yeah.
341
342 Q: ...position. And then Soeth - do you think Soeth was the next unit over?
343
344 A: Uh, I think I had another CHP - the other Humboldt guys...
345
346 Q: Okay.
347
348 A: ...next to me and then he was...
349
350 Q: The third.
351
352 A: ...one further, yeah.
353
354 Q: Okay. All right would he have had a decent or what kind of perspective would
355 he have had on the window?
356
357 A: He would've seen clearly what she was doing.
358
359 Q: Okay. All right, um, what was she saying at that point, if anything?
360

361 A: Uh, I don't remember her saying anything.
362

363 Q: Okay at that point, um, uh, so in my mind, I - I've kind of broken them - the
364 scene down into several points. Um, so when the - when the stop is made,
365 she's still in the vehicle kinda by the time that the - the zipper comes down.
366 Um, do you feel like she was, uh, a threat at all of great bodily injury or
367 death? Or how would you describe...
368

369 A: At that point...
370

371 Q: ...her threat level?
372

373 A: ...it - it was unknown. We didn't know if there was any weapons involved in
374 the vehicle or on her person at that point. That, I mean, it was unable to know
375 if she had any weapons...
376

377 Q: Sure.
378

379 A: ...on her 'cause we hadn't contacted her. Um, her showing her hands is kind of
380 - even if there was weapons in there at that time, she was showing her hands
381 so...
382

383 Q: Mm-hm.
384

385 A: ...she wasn't trying to hide her hands.
386

387 Q: Have there been - so this is still - so the window gets unzipped. Um, had
388 Deputy Soeth communicated anything else regarding the dog or had you guys
389 communicated with him, uh, regarding the dog at that point?
390

391 A: Not that I recall. I - I know I - neither me or my partner said anything about
392 the dog. I don't know if he talked to anybody else that was on the side of me
393 'cause I was focused on just giving her...
394

395 Q: Sure.
396

397 A: ...commands. So I don't know what he talked to anybody else about.
398

399 Q: Okay. So other than, uh, at that point kind of up to when the window gets
400 unzipped, is it fair to say there's just the - the generalized fear of potential
401 weapons in the car, um, or was there anything specific that would have
402 elevated - anything you could articulated that would have elevated...
403


404 A: No, just...
405

406 Q: ...beyond...
407
408 A: ...the general possibility of that.
409
410 Q: Okay. So at - at one point, the - the dog goes up to the window...
411
412 A: Mm-hm.
413
414 Q: ...you said, um, and kinda looks like puts his paws up on the window.
415
416 A: Mm-hm.
417
418 Q: Um, what was the suspect doing at - at that specific moment?
419
420 A: She reached over and tried to pet the dog at the window.
421
422 Q: Okay.
423
424 A: And then the dog jumped down and went around the back of the Jeep and
425 that's when she opened the door and stepped out.
426
427 Q: Okay what was she, uh, what was she doing when she gets out of the car and
428 steps out? Can you kinda describe that a little bit?
429
430 A: Just slowly kind of walking. We're giving her orders to step away from the
431 vehicle and to get on the ground.
432
433 Q: Mm-hm.
434
435 A: Then she's slowly kinda just meandering back towards us. And then the dog
436 ran up to her. She tried to pet the dog again.
437
438 Q: How come she was walkin' toward you guys?
439
440 A: I don't know.
441
442 Q: Was it in response to a command or was she just sort of on walkabout?
443
444 A: But - but she was kinda clueless. Um, we were telling her to get on the
445 ground.
446
447 Q: Mm-hm.
448
449 A: She wasn't walking quickly at us. She was just, I mean, her arms were just
450 hanging down at her side and then she tried to pet the dog.

451
452 Q: Was she saying anything?
453
454 A: No. And then, uh, eventually, after telling her to get on the ground a bunch a
455 times, that's when she started to take a knee.
456
457 Q: Finally kinda registered, you...
458
459 A: Yeah.
460
461 Q: ...you think, with her? Um, as she's - as she's walkin' to you guys, how would
462 you describe the threat level that she poses to you guys at that point?
463
464 A: I didn't feel there was a significant threat. Um, I could see her hands and...
465
466 Q: Mm-hm.
467
468 A: ...she wasn't running. Didn't s- she didn't have a - she didn't seem like she
469 was gonna be violent. That's not what I observed.
470
471 Q: And - and, uh, we - we're - we're s- we're so good as ki- uh, cops as at
472 perceiving those things in - in - in drawing the conclusion. But are you able to
473 articulate why you didn't feel like she was a threat? You - you talked about
474 the hands.
475
476 A: Yeah. Her hands were just hanging there. She wasn't grabbing for anything.
477 She wasn't - her fists aren't clenched. They're just - she's just hanging there...
478
479 Q: Mm-hm. Okay.
480
481 A: ...and just slowly walking.
482
483 Q: What - and, uh, was she saying anything at that point?
484
485 A: Not that I can remember. Um...
486
487 Q: How would you describe the...
488
489 A: I'd have to watch the video again.
490
491 Q: How would you describe the look on her face at that point?
492
493 A: Confused, kinda didn't know what was goin' on.
494
495 Q: Mm-hm. Um, how about her...

496
497 A: Not angry...
498
499 Q: ...ba...
500
501 A: ...or anything like that.
502
503 Q: Okay how about her, um, posture, muscle rigidity, anything that was causing
504 you concern at that point?
505
506 A: No. She seemed overly relaxed. I mean, she was trying to pet the dog and...
507
508 Q: Mm-hm.
509
510 A: ...way more relaxed than I would be if I was getting...
511
512 Q: If you were...
513
514 A: ...chased.
515
516 Q: Er- yeah. Um, anything communicated between Deputy Soeth and - and you
517 guys in either direction, uh, at the moment she's walking toward you guys?
518
519 A: No, I didn't hear anything.
520
521 Q: So what was at - at the moment - and - and I guess to be fair, in the moments
522 just leading up to Deputy Soeth, it looks like he kinda tackled her...
523
524 A: Mm-hm.
525
526 Q: ...at some point. Um, what was she doing just in those moments leading up to
527 Deputy Soeth tackling her?
528
529 A: At that point, she had begun to comply and started taking a knee - take it on
530 the ground.
531
532 Q: Had she spoken anything at that point?
533
534 A: Mm-mm.
535
536 Q: So in your report, you mentioned - so - so Deputy Soeth tackles her. Um, had
537 he said anything prior to deploying, I guess, himself at this point?
538
539 A: I don't think so. I didn't...
540

541 Q: Okay.
542
543 A: ...hear - I didn't hear him say anything.
544
545 Q: Um, you mentioned that, uh, when she was on the ground, in your report, you
546 p- you had put that she was, uh, actively resisting, kicking and flailing her
547 arms, that type a thing.
548
549 A: Mm-hm.
550
551 Q: Um, can you describe that a little bit for me?
552
553 A: After she got tackled...
554
555 Q: Yeah.
556
557 A: ...yeah, then she started, I mean, pretty much just that, kicking and flailing,
558 um...
559
560 Q: Was she on her chest or was she on her back initially?
561
562 A: She was on her, uh, chest.
563
564 Q: Okay, um, what - based on her...
565
566 A: (Unintelligible).
567
568 Q: ...behavior...
569
570 A: That's - that's funny. No, I guess that would've been her back 'cause she was
571 facing us...
572
573 Q: Mm-hm.
574
575 A: ...when he tackled her onto her back, yeah, so...
576
577 Q: Okay, um, was she saying anything when - after the tackle happened?
578
579 A: Uh, not that I could hear. It - it happened pretty quick.
580
581 Q: Sure.
582
583 A: Everybody kinda just - as he tackled her, everybody else ran over and just
584 trying to get her in handcuffs.
585

586 Q: Okay.
587
588 A: So...
589
590 Q: Based on her conduct or just words or whatever the, you know, facts may be,
591 what do you think her intention was in kicking and flailing?
592
593 A: I think she was just panicking...
594
595 Q: Mm-hm.
596
597 A: ...that there was all these people on her and didn't want anybody on her.
598
599 Q: Okay, um, was she offensively attempting to assault, do you think?
600
601 A: Not trying to assault but to escape to get away.
602
603 Q: Mm-hm.
604
605 A: 
606
607 Q: Sure.
608
609 A: So it - it did take some force to get her under control enough to get handcuffs
610 on her.
611
612 Q: Uh, what part of her did - were you focused on?
613
614 A: On her - I believe I had her feet.
615
616 Q: And how about (Maldonado)?
617
618 A: He - he went and cleared the car while we were, um, getting control of her. I
619 don't know if he initially grabbed a part. I can't remember that. But I
620 remember he broke off from us that was - that were trying to control her and
621 went and cleared the car...
622
623 Q: Okay, um...
624
625 A: ...'cause the car hadn't been cleared yet.
626
627 Q: Okay how about (Johnson)? You remember what part (Johnson) had?
628
629 A: De- uh, (Johnson)'s the one that put handcuffs on her.
630

631 Q: Okay and how about, um, Soeth? Did he have a part that he was focused on?
632

633 A: Um, he was on top of her. I think he was just trying to grab her arms to put
634 'em in position to get handcuffed.
635

636 Q: Okay, uh, (Brown)?
637

638 A: I don't remember what - what he had.
639

640 Q: Okay and then, uh, I'm - I'm blank - forgive me. I'm blanking out on who
641 (Johnson)'s part - was there (Hernandez)?
642

643 A: (Will).
644

645 Q: (Will) was with...
646

647 A: Yeah.
648

649 Q: ...was with him that. Um, do you remember what part (Will) is on?
650

651 A: I don't remember what he did.
652

653 Q: Okay, um, were her fists balled or anything of that nature...
654

655 A: I couldn't see her hands.
656

657 Q: ...when she was on the ground? Where...
658

659 A: Yeah.
660

661 Q: Were they under her or where were her hands or do you - because...
662

663 A: I...
664

665 Q: ...had a leg, you just didn't know?
666

667 A: I couldn't see. I was at the legs and there were so many people there. I
668 couldn't see where her hands were.
669

670 Q: Okay. All right, um, how long did, uh, did the strug- d- was she kicking and
671 flailing, I guess?
672

673 A: Probably, uh, 15 seconds maybe.
674

675 Q: Okay, um, any force - other than the dog and the tackle, um, was there any f-

676 did anybody use any force?
677
678 A: No.
679
680 Q: Um...
681
682 A: Well, I mean, we would consider holding her a use of force. The - but not
683 anything other than restraining her.
684
685 Q: Okay, um, Soeth mentioned that he, at some point, had done some
686 distractionary strikes. Do you recall seeing those?
687
688 A: I don't. I don't recall.
689
690 Q: Okay, um, so at the time - do you - do you recall the - the - the actual bite - the
691 moment the bite occurred?
692
693 A: I remember him using the same command again...
694
695 Q: Mm-hm.
696
697 A: ...that he had given earlier. And then I remember the dog went - began biting,
698 yeah.
699
700 Q: How'd that go down? Can you describe that a little bit?
701
702 A: He gave the command and think he had to give it a couple times and then the
703 dog finally latched onto her arm and started biting.
704
705 Q: Mm-hm.
706
707 A: And then she began screaming like, "Get the dog off. Get the dog off."
708
709 Q: Did, uh, did the dog latch on, uh, itself or did Soeth have to grab the dog and
710 position the dog close to the suspect?
711
712 A: I don't remember. I'd have to...
713
714 Q: I understand.
715
716 A: ...re-watch the video.
717
718 Q: Okay, um, you remember Soeth saying anything else, um, at the time that
719 command was given? Anything else spoken?
720

721 A: No.
722
723 Q: Okay, um, at the time that she was on the ground, uh, any - any - how would
724 you articulate the risk to yourself, other deputies?
725
726 A: I don't think it was high. We had a significant number of..
727
728 Q: Mm-hm.
729
730 A: ...men there so I wasn't - I wasn't worried personally.
731
732 Q: Okay, um, any - anything that you can articulate to cause suspicion that she
733 had a weapon at all other than personal body weapons?
734
735 A: No.
736
737 Q: Okay again, just that generalized risk that..
738
739 A: Yeah, it's...
740
741 Q: ...everybody we contact...
742
743 A: ...it's possible but...
744
745 Q: ...is...
746
747 A: ...yeah.
748
749 Q: ...may be armed. Um, had there been any warning that the K9 was gonna be
750 deployed?
751
752 A: No, I never heard a warning. It was pretty much just the dog was out..
753
754 Q: Okay.
755
756 A: ...from the beginning.
757
758 Q: Okay, um, how long was the K9 on bite would you estimate?
759
760 A: Mm, I don't know. It seemed like awhile. It seemed like he had to keep - he
761 was trying to get the dog off and the dog wasn't listening and then he finally
762 physically picked the dog up and pulled it off.
763
764 Q: Mm-hm.
765

766 A: But it was probably biting for at least ten seconds.
767

768 Q: Okay what causes you to say that it's - it sounded like it was hard to get the
769 dog off? What, uh...
770

771 A: He just kept repeating like a command.
772

773 Q: Mm-hm.
774

775 A: And he finally just had to physically grab the dog.
776

777 Q: Was it a different command than...
778

779 A: I think so.
780

781 Q: ...what you thought would - was gonna be the bite command?
782

783 A: I think so.
784

785 Q: Okay.
786

787 A: I can't remember exactly what it was.
788

789 Q: Okay what was Deputy Soeth doing at the time that the dog bit? Where -
790 where was he and what was he doin'?
791

792 A: Uh, I think he was just standing by the dog.
793

794 Q: Okay, uh, how would you describe the potential for injury to the deputies or
795 the public, um, caused by the suspect if the - if the subject wasn't bit? If - if -
796 if the dog hadn't been deployed, what do you think the risk was to you or the
797 public if the dog hadn't been used?
798

799 A: Well, what we would a done is just continued giving commands since she was
800 starting to follow commands and get down on the ground. We would a just let
801 her continue to do that and then gone and used our handcuffing procedure...
802

803 Q: Mm-hm.
804

805 A: ...just typical felony stop. I don't - I don't think there would have been a great
806 risk to anybody. I personally didn't wanna rush up on her.
807

808 Q: Sure.
809

810 A: I would rather just let her get on the ground, then do what we're telling her to

811 before...

812

813 Q: Mm-hm.

814

815 A: ...rushing in on her but...

816

817 Q: Okay.

818

819 A: ...that's how we would typically handle it.

820

821 Q: Um, how about the public if, you know, worst-case scenario, she - she isn't

822 bitten. She gets up and she flees on foot, um, or even in the car. What would -

823 would you think there was a risk of that or how would you describe the risk of

824 that occurring and the risk to the public if she hadn't been apprehended with

825 the dog?

826

827 A: I don't - I mean, looking back on it now, it - I don't think she was - it's a - it's

828 a mental issue that she had going on. So I don't know what she would or

829 wouldn't have done. Um, I'm not sure what her mental status is.

830

831 Q: Was there anything that you saw or heard, though, that made you concerned

832 that, you know, even if it was a mental health issue, um, it made you

833 concerned for the public safety had she not been bit?

834

835 A: No, other than it's probably not safe to be behind the wheel but not...

836

837 Q: Sure.

838

839 A: ...not in a violent sense. I didn't get that from her at all.

840

841 Q: Okay and that's just based on the nature of the pursuit leading up to that?

842

843 A: Right.

844

845 Q: Okay.

846

847 A: Yeah. I didn't - I didn't feel that she was going to be violent.

848

849 Q: Okay, um...

850

851 A: Something definitely didn't seem right from the stuff she was saying but...

852

853 Q: What kinda stuff was she sayin'?

854

855 A: That people were after her, trying to kill her and that she was referring to

856 people as agents and just the prior times that we had stopped earlier in the
857 pursuit and we walked up with our flashlights and she freaked out about the
858 lights and was like, "No, no, no the lights." And then she took off again. So
859 she didn't - she didn't like flashlights. Just kinda everything she was saying
860 together...

861
862 Q: Sure.

863
864 A: ...painted the picture that she was mentally, uh, unstable.

865
866 Q: How'd - how did the apprehension kinda come to a close? I know there was a
867 whole issue at the hospital and, you know, she went - end up going and being
868 seen. But as far as the - I guess the - kind of the force part of it, um, how did it
869 come to a close?

870
871 A: [REDACTED]
872 [REDACTED]

873
874 [REDACTED]

875
876 [REDACTED]
877 [REDACTED]
878 [REDACTED]

879
880 [REDACTED]

881
882 [REDACTED]

883
884 [REDACTED]

885
886 [REDACTED]

887
888 [REDACTED]

889
890 [REDACTED]

891
892 [REDACTED]

893
894 [REDACTED]

895
896 [REDACTED]

897
898 [REDACTED]

899
900 [REDACTED]

901
902 Q: Okay.
903
904 A: But...
905
906 Q: When sh- when you were trying to get her in handcuffs, was she trying to kick
907 at anybody?
908
909 A: She was - she was laying flat on the ground. She couldn't really kick at
910 anybody.
911
912 Q: Okay. Okay. All right anything else you think's important for me to be aware
913 of?
914
915 A: Not that I can think of. I mean, I understand why the dog felt like it needed to
916 - I don't know - protect its - its owner since it was on top of her.
917
918 Q: Mm-hm.
919
920 A: I just feel that if we would have allowed our normal handcuffing procedure
921 and her to just follow commands, then that could have maybe potentially been
922 eliminated from getting to that...
923
924 Q: Okay.
925
926 A: ...point.
927
928 Q: So the concern would be making physical contact with her earlier than
929 perhaps necessary?
930
931 A: Yeah.
932
933 Q: Okay.
934
935 A: That would be my only concern.
936
937 Q: Okay, um, as far as the dog protecting Deputy Soeth while Deputy Soeth was
938 in physical contact...
939
940 A: Mm-hm.
941
942 Q: ...um, e- eh, if that - what w- what was the risk to Deputy Soeth or you - or
943 you guys at - at that point that there was physical contact between you guys -
944 between the suspect and you guys?
945

946 A: What was the risk to him?

947

948 Q: Yeah, what was the risk to him?

949

950 A: I didn't see any but I don't know what - I don't know how dogs are trained. I
951 don't know anything...

952

953 Q: Okay.

954

955 A: ...about K9 training so I don't know how they're trained to, eh, I assume that
956 if they see their handler in a struggle, that they're trained to get in there and do
957 something.

958

959 Q: Okay.

960

961 A: That would be my assumption.

962

963 Q: Okay. All right cool. Anything else?

964

965 A: No.

966

967 Q: All right thank you. Appreciate it.

968

969

970 The transcript has been reviewed with the audio recording submitted and it is an accurate
971 transcription.

972

Signed _____

1
2
3
4
5
6
7 **INTERVIEW WITH (NEIL) JOHNSON**

8 **Q=Cress**

9 **A=(Neil) Johnson**

10
11
12 Q: It is, uh, July 23. It is about, uh, 8:35 in the mornin'. I am here with (Neil)
13 Johnson, um, CHP, and we're gonna talk about a pursuit that occurred on, uh,
14 April 4, 2020. Uh, do you remember that pursuit...

15
16 A: I do.

17
18 Q: ...about 2:40 in the mornin'? Um, to the degree that you can, I know you guys
19 were coming down from the Arcata area, um, can you describe the pursuit at
20 least to the degree that you're aware of?

21
22 A: From what I recall, we received the call, um, when we were in Arcata and
23 received a call of a pursuit headed, uh, northbound (unintelligible) units. They
24 were, uh, we - on our way headed down, we heard that they were stopping and
25 they'd go out on a high-risk stop and then it continue and stop and continue.
26 And, uh, we ended up getting in position at Jordan. And then that's pretty
27 much where we started.

28
29 Q: Okay so that's the first time you physically saw the...

30
31 A: The first time we physically saw...

32
33 Q: ...pursuit of the vehicle?

34
35 A: ...the pursuit was after we put out a spike strip on the wrong vehicle.

36
37 Q: And everybody has kicked the wrong door, spike the wrong...

38
39 A: Yeah.

40
41 Q: The - that's the CH or CHP version of kicking the wrong door...

42
43 A: Yeah.

44
45 Q: ...is spiking the wrong car.

46
47 A: Yeah.
48
49 Q: So everybody has done that at least once in their career. Um, so the - the van, I
50 think it was...
51
52 A: Yeah.
53
54 Q: ...gets - gets spiked. You guys are contacting the driver of the van...
55
56 A: Mm-hm.
57
58 Q: ...uh, it sounds like. What - what happens next?
59
60 A: So we're - as we're pulling up to the van that we spike stripped, we're still
61 hearing the sirens behind us and thought that that was the right car and figured
62 out it wasn't when we looked...
63
64 Q: Mm-hm.
65
66 A: ...back and saw a Jeep with code 3 lights behind it.
67
68 Q: Mm-hm.
69
70 A: And it stops in the middle of the freeway. Um, I was (unintelligible).
71
72 Q: The Jeep did or the - the van?
73
74 A: The Jeep stopped...
75
76 Q: Okay.
77
78 A: ...on the freeway.
79
80 Q: So you guys saw it stop at...
81
82 A: We saw it stop...
83
84 Q: ...Stafford?
85
86 A: ...uh, yeah, just, uh, south of Stafford.
87
88 Q: Okay.
89
90 A: It was stopped in the lane. And we look back and see it. So I flipped around to

91 go get behind them. And then right as I flipped around, uh, it continued again.
92
93 Q: Okay.
94
95 A: And then we, uh, we continued, um, northbound...
96
97 Q: Ahe...
98
99 A: ...ahead of the pursuit.
100
101 Q: Oh you're ahead of the pursuit at this point?
102
103 A: Yeah. Yeah.
104
105 Q: Eh, um, so did you see the van or not the van - did you see the Jeep driving
106 down in kind of the Stafford leg of the pursuit? Did you see the
107 (unintelligible)?
108
109 A: We saw them stopped.
110
111 Q: Just stopped.
112
113 A: Yeah.
114
115 Q: Okay, um, so the first time you saw the van actually driving was when you
116 guys were Shively, is that true?
117
118 A: The Jeep?
119
120 Q: The - the Jeep, yeah.
121
122 A: Yes.
123
124 Q: I'm sorry.
125
126 A: Yeah, at Shively...
127
128 Q: Okay.
129
130 A: ...when we went - I went ahead of the pursuit, pulled into Shively and then
131 waited.
132
133 Q: How would you describe - what were your driving ops on the van at that
134 point?
135

136 A: Uh, they passed and the driver was waving at us.
137
138 Q: Oh all five fingers?
139
140 A: Yeah, driver was waving.
141
142 Q: Okay like friendly wave? Angry wave?
143
144 A: Uh, kind of a friendly wave it seemed to be.
145
146 Q: Okay how fast was the van goin' at that point?
147
148 A: Uh, not - not too fast. I - I'd say probably 40, 50 miles an hour.
149
150 Q: Okay, uh, did it seem like it was maintaining lanes, swervin'? What was, uh...
151
152 A: I - I - I couldn't tell.
153
154 Q: Hard to tell?
155
156 A: Just goin' straight.
157
158 Q: Okay, um, so what happens next?
159
160 A: Uh, as they pass, we observe the, uh, CHP unit pass and then, uh, two HSO
161 cars and then we get behind and then the, uh, Jeep pulls to the shoulder and
162 stops.
163
164 Q: Do you know, uh, and you may or may not. Do you know how, uh, it just O
165 units get involved in it?
166
167 A: I - I'm not sure.
168
169 Q: Okay did you know they were involved in it before seeing them?
170
171 A: Not at that point. We saw - when we saw them, we knew that...
172
173 Q: That's the first time you...
174
175 A: Yeah.
176
177 Q: ...became aware?
178
179 A: Yeah.
180

181 Q: Okay.
182
183 A: Yep.
184
185 Q: Uh, so the van or not the van - ga- the, uh, the Jeep stops just north of
186 Shively?
187
188 A: Yes.
189
190 Q: And that's true?
191
192 A: Yeah.
193
194 Q: Okay.
195
196 A: Yep.
197
198 Q: Um, can you describe that scene a little bit? How does that look?
199
200 A: Uh, it's the long, straight stretch just north- north of Shively. The Jeep pulls to
201 the shoulder. There's two lanes northbound and two lanes southbound.
202
203 Q: Uh, where is, uh, (Maldonado) and Evans' car?
204
205 A: They're on the shoulder, I believe, of, uh, northbound directly behind the
206 Jeep.
207
208 Q: Okay and then - then working your way around, how - how does the lineup
209 go?
210
211 A: To the left of the CHP unit, uh, deputy vehicle, I believe another deputy
212 vehicle and then I went to the left and I'm to the left of two other deputy
213 vehicles.
214
215 Q: Okay so you're kinda almost - are you almost perpendicular to...
216
217 A: Yes.
218
219 Q: ...the Jeep?
220
221 A: I am, uh, at 90 degrees to the Jeep...
222
223 Q: The...
224
225 A: ...face with...

226
227 Q: ...tail end of your car is kinda stickin' out toward the number one lane
228 northbound...
229
230 A: Yeah, probably...
231
232 Q: ...stickin' west...
233
234 A: ...in the center...
235
236 Q: ...going west.
237
238 A: ...divide, yeah, going west.
239
240 Q: Okay, um, do you have a decent view? Are you driving or is...
241
242 A: I'm driving, yeah.
243
244 Q: ...(Will) driving? Um, you have a decent view...
245
246 A: Yes.
247
248 Q: ...of the Jeep?
249
250 A: Yes.
251
252 Q: All right so as you pull up, um, by the time your vehicle comes to rest, um,
253 were the other units already stopped? Were they already on scene and
254 stopped?
255
256 A: Uh, I believe so.
257
258 Q: Um, so you pull up, get out. Uh, what do you hear the other unit - is there any
259 communication with the other units amongst the other units?
260
261 A: I believe there's a few different people yelling to show hands and whatnot.
262
263 Q: Okay.
264
265 A: But, um, I don't remember specifically what was said...
266
267 Q: Okay.
268
269 A: ...at that point.
270

271 Q: Any, uh, any communication regarding the presence of the dog?
272
273 A: So I don't recall any of that but also, um, when a lot of that communication
274 was going on, I ran to the back of Evans' vehicle to grab a spike strip...
275
276 Q: Okay.
277
278 A: ...because, uh, given that they were taking off and going and taking off and
279 going, um, we had already used our spike strip, unfortunately.
280
281 Q: Yeah, right.
282
283 A: So I couldn't grab ours. So I ran around the back of our vehicle past two
284 deputy vehicles and I was pulling out a spike strip...
285
286 Q: Mm-hm.
287
288 A: ...um, when most of this was going on.
289
290 Q: Okay.
291
292 A: So...
293
294 Q: So the concern...
295
296 A: ...I'm not...
297
298 Q: ...would be that the - the suspect takes off again.
299
300 A: Yeah.
301
302 Q: Okay.
303
304 A: So I went to go grab a spike strip. I was gonna put it behind the rear right tire.
305
306 Q: Oh that's good thinking.
307
308 A: That was my plan.
309
310 Q: That...
311
312 A: But...
313
314 Q: Eh, did that happen?
315

316 A: No.
317
318 Q: Ha- how come that didn't happen? That's a good plan. I like it.
319
320 A: While I was back at the rear of their patrol vehicle grabbing the spike strip,
321 um, the driver exited the vehicle.
322
323 Q: Okay so did you - did you see the dog ini- get deployed initially then or were
324 you back at the...
325
326 A: I did see it as I was over there. I was seeing the dog run up.
327
328 Q: Okay.
329
330 A: Uh...
331
332 Q: So you still had a view of...
333
334 A: Yeah, I still ha- I still had a view. I was still somewhat watching.
335
336 Q: Okay, um, well, it sounds like then you had ops on the - on the suspect driver
337 both from your vehicle and then kind of at an arc back around to...
338
339 A: Mm-hm.
340
341 Q: ...Evans' vehicle. Um, so how - describe for me what the - the driver or the
342 suspect was doing when you first saw her from your vehicle and then if you
343 can, all the way around to when...
344
345 A: Uh...
346
347 Q: ...you saw the dog get deployed.
348
349 A: When we first saw, um, the driver, [REDACTED] ...
350
351 Q: Yeah.
352
353 A: ... [REDACTED] .
354
355 Q: Yeah.
356
357 A: Um, she was yelling that she was an agent, I believe, um, some nonsense.
358 And, uh, I - I'm not sure when but she ended up rolling or z- unzipping the
359 Jeep window.
360

361 Q: Mm-hm.
362
363 A: I'm not exactly sure when that was. And by the time that I ran over to the back
364 of Evans' vehicle, um, the - I observed the dog jump up and kinda - it almost
365 looked like she was petting the dog.
366
367 Q: Mm-hm.
368
369 A: And then, um, the next thing I remember, she was getting out of the vehicle.
370
371 Q: Okay in that - in that period of time that you - that you first saw her to the
372 time you went around to the trunk of, uh, Evans' car, how would you describe
373 the threat level coming from the Jeep?
374
375 A: I don't think that there was, uh, well, she was walking towards, um, Deputy
376 (Soth).
377
378 Q: Okay (unintelligible) before she got out? Like when you first saw her, she was
379 in the car, right?
380
381 A: Yeah. Yeah.
382
383 Q: Ha- and ha- how was the threat level when she was in the car?
384
385 A: I - I don't remember if I could see her hands or not.
386
387 Q: Mm-hm.
388
389 A: I - I'm not sure. Um, so it didn't seem like - I'm not really sure because I
390 couldn't see her hands. Uh, I don't remember her motions or anything.
391
392 Q: Okay.
393
394 A: I remember her yelling nonsense but...
395
396 Q: Anything that stands out as elevating the threat level beyond that generalized
397 threat that we all face...
398
399 ((Crosstalk))
400
401 A: From the beginning, stopping and going...
402
403 Q: Mm-hm.
404
405 A: ...one, and in pursuit, uh, we have all lanes blocked so...

406
407 Q: Mm-hm.
408
409 A: ...it was kind of a - a tense situation.
410
411 Q: Sure. All right so you're back at the - back at Evans' car. Uh, she gets out. Uh,
412 how come she got out of the car?
413
414 A: I'm not exactly sure.
415
416 Q: Okay, um, (unintelligible) so she gets out of the car. What happens - what
417 happens next?
418
419 A: She seems to just be walking towards Deputy (Soth).
420
421 Q: Okay.
422
423 A: And I re- I remember him and other, uh, uh, pretty much everybody yelling,
424 "Get on the ground. Get on the ground."
425
426 Q: Mm-hm.
427
428 A: And, uh, she ke- she just kept slowly just walking towards, uh, Deputy (Soth).
429 And I believe the dog was kinda just running around at this point, um...
430
431 Q: Mm-hm.
432
433 A: ...kinda...
434
435 Q: How would you describe her - her na- and I interrupted you. I'm sorry. Go
436 ahead. You said...
437
438 A: The - the - the dog was just kinda...
439
440 Q: ...you (unintelligible) the dog.
441
442 A: ...running around near her side, it appeared.
443
444 Q: Okay, um, how would you describe her threat level at that point?
445
446 A: Uh, sh- I mean, given that she was walking at him and not, um, obeying the
447 commands to get on the ground, seemed like she could be a threat but...
448
449 Q: Mm-hm.
450

451 A: ...I th- I believe we could see her hands and whatnot. She wasn't aggressively
452 walking at him. I don't think that there was any clenched fists or anything...
453

454 Q: Mm-hm.

455

456 A: ...like that.

457

458 Q: Was she saying anything at that point?

459

460 A: I don't remember.

461

462 Q: Okay.

463

464 A: I'm not sure.

465

466 Q: Uh, what happened next?

467

468 A: Uh, she started to get to a knee, uh, it looked like. And then, uh, (Soth) ended
469 up taking her to the ground.

470

471 Q: Okay, um, what - what did that - what did the - I guess was it a tackle?

472

473 A: Yeah.

474

475 Q: What - what did that...

476

477 A: Yeah.

478

479 Q: ...look like? Can you describe that a little bit?

480

481 A: Uh, it looked like he pretty much just walked up, kinda pushed her to the
482 ground and she fell to the ground. And then, uh, everybody went in.

483

484 Q: Had - what was she - was she going to a knee at the time that the tackle
485 happened?

486

487 A: I believe she was.

488

489 Q: Um, what was the distance between (Soth) and the suspect from the - at - at
490 the point she went to the knee to the point that (Soth)...

491

492 A: I don't remember exactly.

493

494 Q: ...started to go toward her?

495

496 A: I don't remember exactly how close they were. But I - I recall they were
497 somewhat close.
498

499 Q: How about timing from the time that she started going to the knee to the time
500 that Deputy (Soth) ran toward her or walked toward or whatever he - he did...
501

502 A: I remember it being pretty simultaneously...
503

504 Q: Mm-hm.
505

506 A: ...right - right around the same time.
507

508 Q: Mm-hm. Okay, um, so Deputy (Soth), uh, tackles her. Uh, and what happened
509 next?
510

511 A: Uh, we all rushed in. Um, I believe she first fell on her back.
512

513 Q: Okay.
514

515 A: Um, not exactly sure where every - everybody was at this time.
516

517 Q: Okay.
518

519 A: I have to refer to my (unintelligible)...
520

521 Q: What...
522

523 A: ...mail.
524

525 Q: What, uh, what'd - what role did you play? What - were you on a limb, uh...
526

527 A: I - I ended up straddling her, uh, her back when she ended up getting on her
528 stomach. I was pretty much on her back with my knees on each side.
529

530 Q: How'd she go from back to stomach?
531

532 A: I don't recall.
533

534 Q: Okay.
535

536 A: Um, I believe somebody flipped her over. It may be all of us. I - I don't
537 remember. She got...
538

539 Q: Okay.
540

541 A: ...from her back to her stomach at some point.
542
543 Q: How long had she been on her back before she went to her stomach, do you
544 remember?
545
546 A: Probably a few seconds. Not sure.
547
548 Q: Okay, um, has she been given commands to go from her back...
549
550 A: Yeah.
551
552 Q: ...onto her stomach?
553
554 A: Yeah, she was...
555
556 Q: Okay.
557
558 A: ...given commands.
559
560 Q: When she's on her back, uh, what are her hands doing at that point?
561
562 A: Uh, she - I - I remember her hands tensing up. I don't exactly know what they
563 were doing but they were, um, they were tensing up.
564
565 Q: Okay are - are both arms controlled when she's on her back?
566
567 A: No.
568
569 Q: Okay.
570
571 A: I bel- I believe she ended up tucking her arms. I remember at some point we
572 didn't have her arms.
573
574 Q: Okay.
575
576 A: She had, um, tucked them. I think that was when she got on her stomach she
577 had them tucked.
578
579 Q: Okay, um, so when she's on her back, do you remember if her arms were
580 controlled or not? And if you do, great.
581
582 A: I - I - I don't remember.
583
584 Q: If you don't, that's totally okay.
585

586 A: No, I don't. I don't exactly remember.
587
588 Q: Not a problem. So at some point, uh, well, okay let's stick on the back,
589 though, for a sec. So she's still on her back. What's going on with her legs at
590 that point when she's on her back?
591
592 A: I - I'm not exactly sure on her legs.
593
594 Q: Okay.
595
596 A: That - the - her legs were behind me.
597
598 Q: Okay, uh, so she goes over to her stomach at some point after she's on her
599 front.
600
601 A: Yeah.
602
603 Q: Um, who's got control of which...
604
605 A: Eh, um...
606
607 Q: ...when - if any at that point?
608
609 A: I - that's where I don't exactly remember.
610
611 Q: Okay.
612
613 A: I believe I was on the left arm, um, near Deputy (Brown).
614
615 Q: Okay.
616
617 A: And I believe, um, (Kevin), (Will) and Deputy (Soth) were on the right side...
618
619 Q: Okay.
620
621 A: ...from what I remember.
622
623 Q: Uh, what was - what was the suspect doing with her hands at that point?
624
625 A: Uh, she had them tucked at one point.
626
627 Q: Okay.
628
629 A: And then, uh, I believe that, uh, (Brown) and I got the left arm.
630

631 Q: Okay.
632
633 A: And I - I - I don't remember about the right.
634
635 Q: Okay.
636
637 A: Um...
638
639 Q: Does she - when she went from her back to her front, she turtled?
640
641 A: Yeah.
642
643 Q: She brought her arms...
644
645 A: The - the...
646
647 Q: ...in. Are they underneath her at that point...
648
649 A: I believe that they...
650
651 Q: ...and she's on her...
652
653 A: I believe they were underneath.
654
655 Q: Okay are you guys still giving commands to...
656
657 A: Yeah.
658
659 Q: ...have her release her arms?
660
661 A: Yeah.
662
663 Q: Okay what's she doin' with her legs when she goes from her back to her
664 stomach?
665
666 A: I don't remember.
667
668 Q: Okay, um, how would you describe the threat level when she's on her chest,
669 on her stomach? Uh, how would you describe the threat level at that point?
670
671 A: Uh, there was - I believe when she had them tucked, um, we were giving
672 commands to give us her arms. And we didn't know what she had, um, under
673 - underneath, if she had a weapon or anything so...
674
675 Q: Okay.

676
677 A: ...there - there was a threat level at that point.
678
679 Q: Anything - any articulable fact that would elevate the - the risk of her having a
680 weapon beyond just...
681
682 A: She...
683
684 Q: ...just generalized threat?
685
686 A: She had clo- she had clothing that could conceal a weapon.
687
688 Q: Okay and how - what kinda clothing was that?
689
690 A: I don't remember exactly but I believe it was a jacket, maybe a zip-up jacket.
691
692 Q: Okay.
693
694 A: Um, I'm not exactly sure. I don't remember.
695
696 Q: Okay no problem. Um, at some point, does she give - give up her hands and
697 do they come out from underneath her?
698
699 A: Yeah.
700
701 Q: How did that take place?
702
703 A: I'm not exactly sure. I - I don't remember if she ended up pulling them out or
704 we pried them out. Um, yeah, I - I don't remember.
705
706 Q: Dep- Deputy (Soth) talks about, uh, delivering some strikes. And did that play
707 a role at all in her hands coming out?
708
709 A: I don't know.
710
711 Q: Okay.
712
713 A: I don't remember.
714
715 Q: Um, so at some point her hands come out.
716
717 A: Mm-hm.
718
719 Q: Um, what - what's she doing with her hands at that point?
720

721 A: This is where I don't - it - it happened so quick. I don't...
722
723 Q: And - and...
724
725 A: ...exactly remember.
726
727 Q: Yeah, and - and...
728
729 A: I - I just remember...
730
731 Q: ...(unintelligible).
732
733 A: ...I got the left arm in a handcuff first.
734
735 Q: Okay.
736
737 A: I - I was the one that placed the handcuffs on. And, uh, it was her left arm that
738 I cuffed first. I remember getting that one on. And then I'm not exactly sure
739 how I ended up getting the right one.
740
741 Q: Okay.
742
743 A: I don't remember that.
744
745 Q: So when you're cuffing the left arm, what - what is she doing with the - the
746 arm - the limb and the hand that you've got that you're attempting to cuff?
747
748 A: From what I remember, she's still pretty tense. But, uh, I believe Deputy
749 (Brown) and I had control of the arm. And then...
750
751 Q: Okay.
752
753 A: ...I ended up applying wa- the first handcuff.
754
755 Q: Okay would you describe it as passive resistance, active resistant? Was she
756 violent toward you with that - and you've only - only know about the left arm.
757 I get that.
758
759 A: Yeah.
760
761 Q: No problem.
762
763 A: I'd say it was active resistance at that point.
764
765 Q: Okay like what was she doing with it that...

766
767 A: She was...
768
769 Q: ...would make it active?
770
771 A: Uh, I - from what I remember, she was pulling it away from us...
772
773 Q: Mm-hm. Okay.
774
775 A: ...uh, and tensing...
776
777 Q: Okay.
778
779 A: ...not just letting her arm be free.
780
781 Q: Okay so get, uh, you get, uh, the handcuff on the left arm.
782
783 A: Mm-hm.
784
785 Q: Somehow, uh...
786
787 A: Somehow...
788
789 Q: ...somebody gets, uh...
790
791 A: ...(unintelligible), yeah.
792
793 Q: ...on - on the - on the right. Uh, what happens next?
794
795 A: Um, once the handcuffs were on, I remember the dog latching on. Not exactly
796 sure...
797
798 Q: After the handcuffs were on?
799
800 A: No. It was be- it was before I got the right cuff on.
801
802 Q: Okay.
803
804 A: The right - yeah, before the right cuff. Um, I'm - I - I don't remember what
805 the arm was da- the right arm was doing at the - at that time.
806
807 Q: Mm-hm.
808
809 A: But, um, I - once I got the right cuff on, uh, Deputy (Soth) was pulling the dog
810 up trying - it's - it appeared to me trying to get the dog off.

811
812 Q: Mm-hm.
813
814 A: And he ended up lifting the dog up and then it let go.
815
816 Q: Do you remember the - the dog first biting? You remember when the - the bite
817 first happened?
818
819 A: Not exactly sure.
820
821 Q: At what point did you become aware of the dog being on bite?
822
823 A: When I saw the dog...
824
825 Q: Okay.
826
827 A: ...biting whe- when it was on...
828
829 Q: Okay.
830
831 A: ...the - I - I just remember I - I could hear the dog. And I don't remember
832 exactly what point but I remember seeing the dog...
833
834 Q: Yeah.
835
836 A: ...latched onto the arm.
837
838 Q: What was the suspect doing when the dog bit at least you became aware of the
839 dog having bit?
840
841 A: I believe just screaming.
842
843 Q: Mm-hm.
844
845 A: Um, yeah, I - I don't exactly remember.
846
847 Q: Okay, um, how long was the dog on bite before the dog was taken off - the
848 dog was removed?
849
850 A: Uh, once we got the handcuff on, it - it was pretty immediately.
851
852 Q: Okay.
853
854 A: I - I - I remember, um, (Soth) asking out loud if we had the handcuffs on.
855

856 Q: Mm-hm.
857
858 A: And I don't know if he couldn't see or what but he - I remember him asking if
859 we had the handcuffs on. And I said no. And then I got the handcuff on. And
860 we said that she was cuffed. And then he ended up - that's when I remember
861 him lifting the dog up.
862
863 Q: Was there a verbal command to disengage the dog or did he just lift the dog?
864
865 A: He was saying that stuff. I don't - I don't know what he was saying.
866
867 Q: Okay do you remember a verbal command to bite?
868
869 A: I don't remember a bite. I don't - I don't know the command for...
870
871 Q: It's in German so unless you speak German...
872
873 A: German. Yeah, so...
874
875 Q: ...you won't know.
876
877 A: ...I - I don't remember him saying bite or anything like that.
878
879 Q: Do you remember any German...
880
881 A: I remember him saying...
882
883 Q: ...words being spoken?
884
885 A: ...something.
886
887 Q: Mm-hm.
888
889 A: I don't know what it was. I remember him saying some stuff throughout it...
890
891 Q: Mm-hm.
892
893 A: ...which I didn't know what it was so I - I couldn't tell ya.
894
895 Q: Did you see any, uh, any act, any physical act in conjunction with the - with
896 the words - the German words?
897
898 A: No.
899
900 Q: Okay.

901
902 A: No, it - it - it appeared that he was just pretty much trying to help us get the
903 handcuffs on.
904
905 Q: Okay.
906
907 A: I think he was kinda multitasking at that point.
908
909 Q: Do you know - did the dog - what was the dog doing prior to the bite? Uh, did
910 - did Deputy (Soth) physically engage the dog and like manually engage the
911 dog or did the dog just come in from outside and - and bite?
912
913 A: From what I remember, the dog was just running around.
914
915 Q: Okay.
916
917 A: I don't remember him exactly, um, controlling the dog directly onto the
918 person. I just remember...
919
920 Q: Okay.
921
922 A: ...the dog kinda - it - it - it appeared that it didn't really know what was goin'
923 on.
924
925 Q: Okay.
926
927 A: S- to me, I - I recall the dog just running around kinda lost.
928
929 Q: Okay, um, do you m- at any point in this incident, was there communication
930 between Deputy (Soth) and - and the other officers and deputies on scene
931 about what the plan was or...
932
933 A: No. It kinda just happened.
934
935 Q: Unfolded quick.
936
937 A: Yeah.
938
939 Q: Um...
940
941 A: I don't think that there was much communication, um, due to it, uh, when she
942 exited the vehicle, it seemed like it just kinda - it went.
943
944 Q: Mm-hm.
945

946 A: There was no communication at that point.
947

948 Q: Okay, um, so - so - so cuffs go on. Dog comes off. What happens after that?
949

950 A: Uh, I remember him releasing the dog released. He car- I remember him
951 carrying the dog away. Uh, I think he put it in the back of his car.
952

953 Q: Mm-hm.
954

955 A: And, uh, we got the subject up, um, I believe placed her in the back of our car
956 at first...
957

958 Q: Mm-hm.
959

960 A: ...uh, put her in the backseat and she was, uh, I - I ended up requesting a
961 ambulance...
962

963 Q: Mm-hm.
964

965 A: ...due to the dog bite.
966

967 Q: Mm-hm.
968

969 A: And, uh, I remember Deputy (Soth) asking her - going to talk to her about the
970 dog bite and asking and she was pretty much screaming at him.
971

972 Q: Mm-hm.
973

974 A: Uh, I remember her saying, "Fuck you," a couple times and whatnot.
975

976 Q: Mm-hm.
977

978 A: And we waited on scene. Am- paramedics got there. And, um, I'm not exactly
979 sure. I don't remember what she said. I have it in my supplemental report. But
980 she pretty much told me to shoot the paramedic in the head or something like
981 that.
982

983 Q: Mm-hm.
984

985 A: And, uh...
986

987 Q: Was that kinda violent language, eh, the - the fuck yous, the shoot the
988 paramedic? Was that throughout the incident or did that begin or wh- wh-
989 when - when did that begin?
990

991 A: During the whole incident, she was yelling stuff. I don't exactly remember
992 what she was yelling at that point...
993

994 Q: Mm-hm.
995

996 A: ...um, just kinda illegible stuff. And she started becoming violent with her
997 words after pretty much in the back of the car.
998

999 Q: Okay.
1000

1001 A: Um, yeah, she was screaming at, uh, Deputy (Soth) at first when he started to
1002 interview her. And then she just continued to, you know, MF everybody...
1003

1004 Q: Mm-hm.
1005

1006 A: ...and, uh, said some stuff to the paramedics.
1007

1008 Q: Okay.
1009

1010 A: So then I don't - they didn't end up treating her on scene because she was not
1011 cooperative.
1012

1013 Q: Sure.
1014

1015 A: And then, uh, uh, at that point, I believe we moved her to a different vehicle.
1016

1017 Q: Did sh- did she go - end up going to the hospital with Evans and
1018 (Maldonado)?
1019

1020 A: I believe that's who took her to the...
1021

1022 Q: Okay.
1023

1024 A: ...hospital, yeah.
1025

1026 Q: Okay.
1027

1028 A: We had to go, um, deal with our spike strip.
1029

1030 Q: That's right. That's right.
1031

1032 A: Yeah.
1033

1034 Q: Um, did - did - clarify a couple a things, um, at the time that the dog is - is on
1035 bite and the suspect is - is on the ground, um, how would you describe her

1036 threat level to - to the officers on scene, deputies on scene at that point?

1037
1038 A: Um, I don't think that there was too much of a threat level at that point.

1039
1040 Q: What - and what causes you to say that?

1041
1042 A: Given how many officers we had at the scene I'd say.

1043
1044 Q: Okay, um, I - I - I think that's it. I - I think I've - I've asked everything that's
1045 on my - my list. Um, anything else that I should be aware of?

1046
1047 A: Not that I remember.

1048
1049 Q: Okay. All right.

1050
1051 A: Like I said, I haven't looked at my report since I wrote it that night so I...

1052
1053 Q: Not - not a problem.

1054
1055 A: ...am just trying to remember everything.

1056
1057 Q: All right well, thanks, Johnson. Appreciate it. I'm gonna go off tape.

1058
1059
1060 The transcript has been reviewed with the audio recording submitted and it is an accurate
1061 transcription.

1062 Signed _____

1
2
3
4
5
6
7 **INTERVIEW WITH MALDONADO**

8 **Q=Cress**

9 **A=Maldonado**

10
11
12 Q: So it's the 15th, uh, at about - what time is it?

13
14 A: About 6 o'clock.

15
16 Q: 6 o'clock on the - on July 15. I'm with, uh - what's your first name?

17
18 A: Uh, (Jose).

19
20 Q: (Jose) al- uh, I'm sorry. Uh, (Jose) Maldonado. Uh, with the, uh, Garberville
21 Office Highway Patrol. Um, I got s- a few questions. Uh, do you remember...

22
23 A: Yeah.

24
25 Q: ...a pursuit that occurred on April 3 at about 2:40 in the morning?

26
27 A: Yes.

28
29 Q: Can you just describe just sort of the general...

30
31 A: Yeah.

32
33 Q: ...pursuit?

34
35 A: Definitely. Uh...

36
37 Q: A little bit?

38
39 A: Yeah. I was paired with, uh, Officer Evans. He was driving. I was in the
40 passenger seat. Um, observed a vehicle, white Jeep, northbound south of the
41 Hooker Creek exit. Um, car's goin' about 40, 45. Um, it crosses the, uh,
42 broken white line. We initiate a stop. It takes the, uh, Hooker Creek, uh,
43 onramp there. Uh, partially on the shoulder, partially still in the lane. Kind of
44 a bad spot. We, um, advise the driver through the PA system, "Keep driving.
45 Take the exit." Driver sticks his hand out the window and makes some

46 gestures that I couldn't really make out what it was. Um, driver eventually
47 heads back northbound on 101. Thinkin' maybe the driver's confused. Same
48 time, driver's still goin' the same speeds. Roughly, um, stickin' their arm out
49 the window. Not too sure what exactly gestures they're making. Sticks their -
50 I recognize the middle finger, of course. But, uh...

51
52 Q: The universal...

53
54 A: Yeah. Exactly.

55
56 Q: ...greeting.

57
58 A: Uh, driver pulls over a couple other times. Stops. We go up to the car, it drives
59 off. Um, we eventually make a stop just north of Shively Road there. Um, at
60 that point, um, two SO Deputy units and another, uh, unit from the Humboldt
61 office arrive on scene and we initiate a highway stop...

62
63 Q: Okay.

64
65 A: ...at that point.

66
67 Q: The - the pursuit itself. Would you characterize it as a felony pursuit or a
68 misdemeanor pursuit?

69
70 A: Uh, going at that point, um, just with the speeds, I wouldn't say it would be
71 felony evading. There wasn't driving in a reckless manner, per se.

72
73 Q: Mm-hm.

74
75 A: The speeds were below the speed limit. Um, but definitely, you know, failing
76 to stop for us. You know, um - yeah. So I would probably say kinda it's - kind
77 of a little odd to say because, like I said, the speeds and the driving itself
78 wasn't too felonious but, you know, not stopping for our lights on that case.

79
80 Q: Okay.

81
82 A: Yeah.

83
84 Q: And what - did it have the wanton disregard for public safety that...

85
86 A: Oh, definitely. Yeah. I would say so. Um, you know, obviously, we're with
87 our lights, clearly marked, sirens on. You know, stopping and going. Stopping
88 and going. And luckily, you know, there wasn't - it was during the middle of
89 the night. Not a whole lot to traffic.

90

91 Q: Mm-hm.
92
93 A: So...
94
95 Q: Okay. Um, how did, um, our units - the SO units - become involved?
96
97 A: I believe we requested them. I'm not 100% sure. It's been a while. Um, I think
98 we just ru- were, uh, requested, standard air. K-9. Uh, see what additional
99 units. Granted, we're in a rural area, so we...
100
101 Q: Sure.
102
103 A: ...rely on each other a lot.
104
105 Q: I mean, you're lucky if you get them.
106
107 A: Yeah. Exactly. Yeah.
108
109 Q: Yeah. It's one of my favorite things about workin' down - I worked down
110 here for a couple years and, uh, it's just - it's fun to work with you guys and...
111
112 A: Yeah.
113
114 Q: ...o- other agencies. Fish and Game. There's all kinds of units...
115
116 A: Mm-hm. Yeah.
117
118 Q: ...that show up on calls.
119
120 A: Yeah.
121
122 Q: Um, what information was relayed, uh, to the SO for - what - so what
123 information was relayed for their - for our units?
124
125 A: Uh, that I'm not too sure. I think it was just m- that we're in a pursuit. Not
126 really 100% sure, uh, os...
127
128 Q: And speeds, conditions? Things like that been...
129
130 A: Yeah. But i- stuff that we normally give out. You know, conditions, uh,
131 traffic, speeds, our location, which direction. I'm not too sure what, uh - what
132 we originally gave - put out, 'cause Officer Evans was primarily on the, uh -
133 the radio.
134
135 Q: Mm-hm. Okay. Um, how - or when did, um, HCSO participation first begin?

136 Or when did you first become aware of it?
137
138 A: Uh, I believe it was just prior to the - the final stop. Um, the vehicle had
139 stopped and then, um, SO, uh, was p- pretty much backin' us on the stop. And
140 then the car eventually took off to the Shively Road location.
141
142 Q: Mm-hm.
143
144 A: But just prior to that, it had stopped one time. Um, a k- a unit was there. Say,
145 "Hey, I have a K-9." And then the car took off and, um - 'til it came to its
146 final rest at, uh, north of Shively there.
147
148 Q: How many units were there on that - the stop before the final stop?
149
150 A: Uh, I'm not too sure, but I think it was just the K-9 unit.
151
152 Q: Okay.
153
154 A: Yeah. I believe so.
155
156 Q: What, if anything, was communicated to the K-9 unit at that point? Or what
157 w- what had been told to the K-9 unit at that - prior to the final stop?
158
159 A: Yeah. Uh, that I don't recall. I think it was just a brief stop 'cause the person
160 stops then sped up.
161
162 Q: Mm-hm.
163
164 A: So I don't think there was much time to communicate a whole lot at that point.
165
166 Q: Can you kinda describe in that last leg - that last section...
167
168 A: Mm-hm.
169
170 Q: ...of driving, can you describe the driving that our unit would have observed?
171
172 A: Uh, it probably would've been consistent with the regular - the - what was, uh,
173 consistent with the whole pursuit. Just the speeds, um, around 40. No- nothing
174 too egregious as far as, you know, not 100-plus. Nothing like that. Um, but
175 yeah. Pretty much just the f- around 40 to 45 speed limit, I would say. Um,
176 nothing like swervin' all over the roadway, but definitely - I mean, it was
177 obvious that there was units behind them with lights and sirens that...
178
179 Q: Mm-hm.
180

181 A: ...they should've pulled over and yielded for.
182
183 Q: What - it - for that section of the pursuit, would you have classified that as a
184 felony or a misdemeanor...
185
186 A: Hm, probably...
187
188 Q: ...pursuit?
189
190 A: ...at that point - probably a misdemeanor, I would say. Um, like I said, they
191 weren't, you know, driving wrong way. They weren't swervin' or, you know,
192 um, t- causing other vehicles to swerve out the way. So...
193
194 Q: Okay. Um, do you know - uh, do you happen to know the names of the people
195 of the HCSO deputies who did respond?
196
197 A: Uh, I don't off the bat. Uh, some of those deputies, it was the first time me
198 meeting them.
199
200 Q: Sure.
201
202 A: Um, or i- yeah. Even seeing them. So I couldn't tell you the name. I would
203 have to refer back to my report to see who exactly it was.
204
205 Q: How many total SO deputies?
206
207 A: Uh, I believe it was a total of - I want to say there was the K-9 handler, the
208 other gentleman. I want to say there was three that eventually showed up, but
209 one, I don't think he had a big part. He just showed up at the end.
210
211 Q: Mm-hm.
212
213 A: Um, yeah. It...
214
215 Q: How many - how many units - how many SO units during the actual felony car
216 stop?
217
218 A: Uh, there was two.
219
220 Q: Two? Okay.
221
222 A: Yeah.
223
224 Q: Um, what was their - what was their role? Um, I guess we can just call one the
225 K-9 officer...

226
227 A: Mm-hm.
228
229 Q: ...and one the not-K-9 officer. What w- what were their roles?
230
231 A: Uh, they were, I guess, assisting with, uh, the - the stop itself. By that time,
232 when they both joined, um, vehicle had stopped. We started attemptin' to do a
233 high-risk stop procedures. Um, but yeah. Before the driver exited the vehicle,
234 we were just there.
235
236 Q: Okay.
237
238 A: Um, yeah.
239
240 Q: What was the - what was lineup of cars? Um, I - um, ho- how were you guys
241 parked?
242
243 A: Oh, okay. So i- the vehicle is on the shoulder. We're parked, me and Officer
244 Evans parked directly behind them. There was two, um, units - SO units here.
245 Not too sure which one was where, but there was two units here, and then a
246 Humboldt, uh, CHP unit the far left end, I believe.
247
248 Q: Okay. So was it sort of the classic semi-circle...
249
250 A: Yeah.
251
252 Q: ...around the car?
253
254 A: C- correct. Yeah. Correct.
255
256 Q: Okay. Um, so you guys, SO unit, SO unit, Humboldt area unit?
257
258 A: Correct.
259
260 Q: Okay. Um, when Deputy Soeth arrived, um, what communication may have
261 occurred between you guys and Deputy Soeth? He - uh, he's the K-9 officer.
262
263 A: Yeah. The - yeah, Soeth. Uh, what communications? Uh, I don't think there
264 was much. Uh, I remember him saying, you know, "I'm gonna release the
265 dog." Um, that's the only thing I really remember hearing from him. Um, I
266 know for a second there, we were all tryin' to yell commands at this...
267
268 Q: Mm-hm.
269
270 A: ...the driver to get out of the - after a while, kinda just stopped 'cause there

271 was too many people talking. And then I think Officer Evans tried the most to
272 communicate. Uh, that way everybody's not jumbled up and...

273

274 Q: Sure.

275

276 A: ...going different comma- show- you know, yelling different commands out.

277

278 Q: Had Deputy Soeth made any inquiries when he first arrived as a- as to the
279 nature of the pursuit? The nature of the risks?

280

281 A: Um, n...

282

283 Q: That type of thing?

284

285 A: Not that I recall. No. No.

286

287 Q: Okay. From the time he arrived to the time that he announced he was gonna
288 send the dog, um, how much time would you estimate elapsed?

289

290 A: From the time he said he was gonna send the dog?

291

292 Q: Yeah.

293

294 A: Um, m- moments. It wasn't very long.

295

296 Q: Okay. Um, what was - so at the time that Deputy Soeth said he was gonna
297 send the dog...

298

299 A: Mm-hm.

300

301 Q: ...um, can you describe the conduct of the suspect a little bit?

302

303 A: M...

304

305 Q: What was the suspect doin'?

306

307 A: Uh, yeah.

308

309 Q: Or saying?

310

311 A: The - the suspect was still in the - in the car. Um, you know, not listening to
312 us to, you know, "Turn off the car, show your hands." Um, I was kinda at the
313 very - I guess the far - furthest right I could be from there.

314

315 Q: Mm-hm.

316
317 A: Um, so I - you know, I'm not too sure what the...
318
319 Q: You're - you're in the - in the crook of your passenger door...
320
321 A: Yes, correct.
322
323 Q: ...I assume?
324
325 A: Yes.
326
327 Q: And then Evans is in the crook of...
328
329 A: Yeah.
330
331 Q: ...of his driver's door?
332
333 A: The driver door. Yes.
334
335 Q: Okay.
336
337 A: Correct. Um, so I'm not too sure what they were able to see, but it didn't look
338 like the driver was showing their hands at that point. When he was sayin' he
339 was gonna release the dog.
340
341 Q: It did not look like...
342
343 A: No.
344
345 Q: ...that to you?
346
347 A: Yeah.
348
349 Q: Were you able to see the window?
350
351 A: Uh, somewhat. Not a whole lot. Um, I remember seeing when Deputy Soeth
352 finally released the dog, the dog kinda, like, went up to the driver door. Um,
353 and it l- it appeared that the, um, driver of the Jeep was tryin' to, like, pet the
354 dog.
355
356 Q: Mm-hm.
357
358 A: I think that kinda threw the dog off a little bit.
359
360 Q: Mm-hm.

361
362 A: Just - I'm sure the dog's used to more combative behavior and that probably
363 threw the dog off, I'm assuming.
364
365 Q: Mm-hm.
366
367 A: Um, it definitely threw me off, you know?
368
369 Q: Right.
370
371 A: What would you tr- who in their right mind would try to pet that dog? You
372 know?
373
374 Q: Yeah.
375
376 A: I want to keep my hands away from that dog, you know?
377
378 Q: Yeah. So did, uh, so was your view somewhat obscured...
379
380 A: Mm-hm. Correct.
381
382 Q: ...of the - the driver?
383
384 A: Yes.
385
386 Q: Uh, what was obscuring you? What was in between you and...
387
388 A: Uh, just...
389
390 Q: ...the driver?
391
392 A: Just the way the angle was. I couldn't see as, um, I didn't have the greatest
393 angle. Like, um, the other CHP officers, other deputies were able to see. Just
394 where my position was.
395
396 Q: Was it the windows of the Jeep that were between you and the - and the
397 driver? Or was it...
398
399 A: It was...
400
401 Q: ...the body of the Jeep? Or...
402
403 A: It was more so the back end and everything. Where it was at. Yeah.
404
405 Q: Okay. Did, um - did Evans have a better view of the driver?

406
407 A: I would say so. Yeah.
408
409 Q: How - what would, uh, Deputy Soeth's view - the K-9 officer. What would his
410 view have been?
411
412 A: Uh, his definitely would've been better than mine. He was, I guess, more, um
413 - had a better, I guess, view overall of the side - the whole side of the vehicle.
414
415 Q: Mm-hm.
416
417 A: Um...
418
419 Q: Would Deputy Soeth have been able to see the suspect's hands?
420
421 A: Uh - uh, I would assume so. Yeah.
422
423 Q: If - if they were up...
424
425 A: Y- cor- correct. Yeah.
426
427 Q: Okay.
428
429 A: I would assume so. Just he had - looked like he had more range of view at that
430 point.
431
432 Q: What was the suspect saying as she sat in the car, um, per - just prior to
433 deployment of the K-9?
434
435 A: Uh, I don't recall exactly what the person was saying.
436
437 Q: Okay. Um, do you feel like - i- in that moment prior to the - the dog being
438 sent, um, do you feel like the suspect was a - an imminent threat of violence or
439 serious harm? Um...
440
441 A: Uh, at that moment, no. I don't think so.
442
443 Q: What causes you to say that?
444
445 A: Uh, well, at that moment, I guess - at that moment, you know, I didn't know
446 really what was goin' on. Their behavior did seem odd. Like, who would try
447 to pet the dog?
448
449 Q: Mm-hm.
450

451 A: Um, I just don't see anybody who's functioning fully at a high capacity would
452 try to pet a dog like that. Um...

453

454 Q: Mm-hm.

455

456 A: Um, so at - that kinda definitely seemed odd to me, as well. Um...

457

458 Q: Do you feel like they were a risk of harm to you guys, though?

459

460 A: Uh...

461

462 Q: Or a threat to the public?

463

464 A: Initially, yeah. Correct. Yeah.

465

466 Q: And i- i- what - what part - when you say "initially," what...

467

468 A: Uh, just 'cause why would somebody try to pet the dog? They're either on
469 something of they're - something's wrong with their mental...

470

471 Q: Mm-hm.

472

473 A: Uh, you know, maybe there was some kind of, uh, mental health behavior or
474 something and not sure, you know?

475

476 Q: Would you describe their, um - the suspect's behavior as, uh - uh, or how
477 would you describe their behavior? Was it more offensive, defensive? Just
478 odd?

479

480 A: Odd. More odd.

481

482 Q: Were they doing anything that would, uh, cause you to believe that they were
483 going to attack or were they threatening you guys or the public?

484

485 A: Uh...

486

487 Q: Anything of that nature?

488

489 A: No. I wouldn't say they were th- in a threatening manner. Um, when the
490 driver finally exit the vehicle, it's i- the driver's - uh, (Roseburg)'s, um,
491 movement was kind of slow. More lackadaisical, I guess.

492

493 Q: Mm-hm.

494

495 A: More slower-paced.

496
497 Q: Okay. I want - uh, that - perfect segue into the next question. So as - as she
498 exited the vehicle, can you d- kinda describe what happened as she exited the
499 vehicle? Um, I think the next kind of use of force moment...
500
501 A: Mm-hm.
502
503 Q: ...um, may have been Deputy Soeth making physical contact with her.
504
505 A: Mm-hm.
506
507 Q: S- can you kinda describe that period of time from exiting the vehicle, uh, to
508 just prior - just before Deputy Soeth...
509
510 A: Yeah. Very...
511
512 Q: ...physically contacting her?
513
514 A: Um, very, uh, like, relaxed. Uh, very - I don't know. Very slow-moving. You
515 know, not in a rush. Uh, tryin' to pet the dog again.
516
517 Q: Mm-hm.
518
519 A: Um, you know, we gave the command to, you know, go down to the ground.
520 Eventually - going down real slow. Kinda almost like a cavalier attitude. Just,
521 "Okay. I'm gonna - at my leisure" type of thing, you know?
522
523 Q: Mm-hm.
524
525 A: Um, yeah. So it was definitely still odd. You know, why would you still try to
526 pet this dog and - I don't know. Not too sure what was goin' on.
527
528 Q: Anything in, uh, the suspect's hands?
529
530 A: Uh, no. It didn't appear there was anything in the suspect's hands.
531
532 Q: What was, uh - what was she wearing?
533
534 A: Uh, I have, like, a - like, a bigger jacket. Um, definitely a very - you know, not
535 very tall, but taller than average, I would say, person build.
536
537 Q: Mm-hm.
538
539 A: Um, but yeah. I think it was, like, a darker jacket, if I recall. Yeah.
540

541 Q: It - was there anything to suggest that, uh, she had weapons, other than the
542 generalized suspicion that we all have...
543
544 A: Yeah.
545
546 Q: ...all the time?
547
548 A: Yeah. No, uh, nothing that would say she ha- that () had a weapon,
549 but, like, you know, I couldn't see the waistband or anything like that. But...
550
551 Q: Mm-hm.
552
553 A: And so - but nothing in her - in - in immediate possession that I could see.
554
555 Q: Okay. Were her hands clear?
556
557 A: Yeah. Correct.
558
559 Q: Okay. Um, and did she say anything?
560
561 A: Uh, I don't recall. I know she made, at some point, comments that she liked
562 the dog. Um, I don't recall when exactly that comment was made. Um, but
563 yeah. Just that she liked the dog at that point.
564
565 Q: Okay. Um, do you feel like the - the suspect was a - a - an imminent threat of
566 harm to you or the public at - at that point? From the point she exited the
567 vehicle to the point that, you know, just prior to Deputy Soeth making
568 physical contact?
569
570 A: Yeah. A- at - in the time, you know, I wasn't sure what exactly was going
571 through this person's head but, um, it definitely appeared, um, now that I look
572 - think back at that moment, you know, it - () was definitely, you
573 know, starting to comply...
574
575 Q: Mm-hm.
576
577 A: ...with our commands. You know, like I say, going down real slow to - to, uh,
578 I think it was her knees. I think a left knee. Um, yeah. So it was sh- she was
579 slowly startin' to comply, I would say, yeah. Just kinda not in a - like, a sense
580 of urgency, I guess. You know?
581
582 Q: Mm-hm. Unusual for the...
583
584 A: Correct.
585

- 586 Q: ...circumstances?
587
- 588 A: Yeah. Correct. Like, I don't think, you know, () m- maybe didn't
589 fully understand what was goin' on or just in her own head, you know - I
590 don't know.
591
- 592 Q: Was it - was there any conduct or words that you saw or heard that would
593 cause you to believe she was a imminent threat of physical harm?
594
- 595 A: No. No. She wasn't - yeah, I don't think she was cussing at us or, you know,
596 "Get out of here. I'm gonna eff" - no. No - no, like, threats or anything that
597 would...
598
- 599 Q: Mm-hm.
600
- 601 A: ...you know, that stood out that I - yeah.
602
- 603 Q: I think she was walking toward you guys. Was that at your guys' command, or
604 was that contrary to your guys' command, or...
605
- 606 A: Uh, I think that was just s- her kinda on her own, I believe. I don't recall
607 anybody, you know, "Walk back to the sound of my voice." I don't recall
608 anybody giving that command.
609
- 610 Q: Did you feel like, uh - you know, d- what - what did you feel like was her
611 intention by walking back toward you guys?
612
- 613 A: Uh, intention was, um - not too sure. Just wanted to see what was goin' on.
614 Like I said, her movement was real slow. It wasn't, like, a sprint towards us or
615 anything like that. It was just real slow. Real lackadaisical.
616
- 617 Q: Did you feel threatened by her walking...
618
- 619 A: Uh...
620
- 621 Q: ...toward you?
622
- 623 A: At that point, no. No.
624
- 625 Q: Okay. Um, what, um, if anything may have been communicated between
626 Deputy Soeth and - and you guys or the units on scene at that point? In - while
627 walking back to you guys. Was there any communication between...
628
- 629 A: No.
630

- 631 Q: ...the two of you?
632
- 633 A: There - there definitely wasn't a whole lot of communication going back and
634 forth between us. Other than I just recall him saying he's gonna let the dog go.
635 Um, I've never really worked with a - a K-9 in that close proximity.
636
- 637 Q: Mm-hm.
638
- 639 A: So I know different dogs can be trained for different things. You know, biting,
640 searching for either people or weapons or drugs. So I'm not too sure. 'Cause
641 I've never worked with Deputy Soeth before, or let alone a K-9 in that close
642 proximity before. So...
643
- 644 Q: Mm-hm.
645
- 646 A: ...I wasn't too sure on the - I guess the training of the dog itself, you know?
647
- 648 Q: Sure.
649
- 650 A: Um, so I wasn't sure if Deputy Soeth was, you know, mo- if that was more of,
651 like, a deterrent, um, or it's doin' a quick sweep of the car. Make sure there's
652 no weapons. You know, I'm not - like I said, I've never even worked with a
653 K-9.
654
- 655 Q: Mm-hm.
656
- 657 A: I'm not too sure, um...
658
- 659 Q: Okay. Um, and what was the suspect doing at the time that Deputy Soeth
660 actually made physical contact? I mean, I - is it fair to describe it as a tackle?
661
- 662 A: Uh, yeah. I - I would say so. I...
663
- 664 Q: At the time of the tackle, what was the suspect doing?
665
- 666 A: Uh, slowly going down to, uh - uh, the - her knees. Yeah. Slowly makin' its
667 way down there.
668
- 669 Q: How much time had elapsed between when the suspect first started to go
670 down to her knees and the time that Deputy Soeth...
671
- 672 A: Uh, what...
673
- 674 Q: ...went in to tackle?
675

676 A: Wasn't very long. It was kinda quick. Wasn't a whole lot of time...
677
678 Q: Mm-hm.
679
680 A: ...in between. Yeah.
681
682 Q: Okay. Um, what - uh, I think I already asked you that. Um, so a- after Deputy
683 Soeth made physical contact, it looks like everybody sorta went in.
684
685 A: Everybody's - yeah.
686
687 Q: Um, can you kinda describe the role that different people played in...
688
689 A: Uh...
690
691 Q: ...in contacting the suspect?
692
693 A: I don't really recall what every- exactly what everybody was doing. I know,
694 um - I believe the Humboldt units and the deputies were kind of more towards
695 the upper body, upper portion.
696
697 Q: Mm-hm.
698
699 A: I quickly cleared the vehicle. I looked back, and I see Evans - Officer Evans,
700 you know, tryin' to hold down the feet. I mean, there's one of him and two big
701 legs here. Let me try to help him out...
702
703 Q: Mm-hm.
704
705 A: ...and I kinda just, um, pinned down the, uh - I believe it was the right leg.
706
707 Q: Okay.
708
709 A: Just tryin' to help him out. He can focus on one leg, I can focus on the rest,
710 and let everybody else - it just seemed like there was, uh, more bodies up
711 front, and it looked like they had it. So I thought I'd help out towards...
712
713 Q: That's where the need was.
714
715 A: Yeah. Exactly.
716
717 Q: What was the suspect, uh, doing when she was on the ground?
718
719 A: Uh, tryin' to - it appears she was tryin' to tuck her hands underneath. Try to,
720 like, you know, resisting, flailing about. Um, yeah.

721
722 Q: Did she, um, initially go down onto her back? Onto her front? Side?
723
724 A: Uh...
725
726 Q: At first?
727
728 A: That, I don't recall.
729
730 Q: Okay. A- at some point, your - her hands were tucked under her.
731
732 A: I - I - yeah. It looked like she was tryin' to bring her hands in.
733
734 Q: Had she b- was she on her chest at that point?
735
736 A: At - I believe she was on her chest, yes.
737
738 Q: Okay. Uh, how about her legs? What was goin' on with her legs?
739
740 A: Uh, she was just, like, flailing about. Um, you know, movin' her legs around.
741 Um, so once I seen Officer Evans kinda with both the legs, pushing downward
742 pressure, I put my - pretty much my shin across her calf just to kinda
743 immobilize that leg.
744
745 Q: Mm-hm.
746
747 A: So she's not movin' about, flailing. Not getting advantage and, you know,
748 getting a better position or - kinda just hurry up with cuffs on her at that point.
749
750 Q: W- ha- what was she do- you said her hands were underneath her. Can you
751 describe that a little more?
752
753 A: Uh, looked like she was tryin' to bring them in underneath. Um, but it was
754 kinda hard to see. There was more people up front...
755
756 Q: Sure.
757
758 A: ...kinda obstructing the view. But it- that's what it appeared. That she was
759 tryin' to tuck them underneath.
760
761 Q: Was she sayin' anything?
762
763 A: Uh, I believe she said, "Let the dog go. I like the dog." I think that's when she
764 ra- made reference to the dog.
765

- 766 Q: Mm-hm. Had the dog - when that comment was made, had the dog already
767 bit?
768
- 769 A: I don't recall, but I believe so.
770
- 771 Q: Okay. Well, did any of the officers or deputies use any other force, other than
772 just a tackle and hold?
773
- 774 A: Uh, not that I could see from - from where I was at. Um, as I said, I cleared
775 the vehicle and focused my leg - my attention towards the legs.
776
- 777 Q: Okay.
778
- 779 A: Um, and I knew there was more bodies up front, so they could - you know,
780 they could take care of it.
781
- 782 Q: Sure.
783
- 784 A: Get - uh, put cuffs on and...
785
- 786 Q: I - I think at some point, Deputy Soeth mentioned, uh, in his supplemental
787 report that he had delivered some distraction strikes. Do you remember those?
788
- 789 A: Uh, I don't.
790
- 791 Q: Okay. Um, so at the time that the - the suspect is on the ground and the, uh -
792 the officers and deputies are on her, um, do you feel like she was a - or do you
793 feel like she was a threat at that point?
794
- 795 A: Uh, when the deputies were on her?
796
- 797 Q: Yeah.
798
- 799 A: Hm. Uh, let me see here. I guess not n- at the time, you know, I wasn't sure.
800 The person's behavior was kinda odd. Um, definitely wasn't actively, I guess,
801 swinging or tryin' to cause harm. Um, but at the time, you know, definitely,
802 we needed to get cuffs on this person and detain this person.
803
- 804 Q: Mm-hm.
805
- 806 A: Um, but now, looking back at it, you know, d- I don't think she was
807 necessarily causin' harm. Um, yeah. No- nothin' - like, kinda like we're
808 playing get back in...
809
- 810 ((Crosstalk))

811
812 Q: Yeah. In the moment, though, what - what did you believe?
813
814 A: I- in the moment, you know, I definitely thought we needed to hurry up and
815 put cuffs on this person...
816
817 Q: Mm-hm.
818
819 A: ...and detain this person. Yeah.
820
821 Q: Would you descri- how would you describe her behavior? Do you think it was
822 offensive in the sense that she was attempting to assault? Do you think it was
823 evasive in the t- i- was she tryin' to get away? Was she just confused and
824 panicking? Um...
825
826 A: Um...
827
828 Q: How would you describe that?
829
830 A: Maybe not necessarily confused and panicking. It was more so, um - that's a
831 good question. Um...
832
833 Q: And you may not know. Obviously, you - you're not...
834
835 A: Yeah.
836
837 Q: ...plugged into her head.
838
839 A: Yeah.
840
841 Q: But just based on what you saw.
842
843 A: Maybe in between...
844
845 Q: Or her...
846
847 A: ...in between the little bit of what you said. Maybe, like, somewhat, you know
848 - not panicking but, like, "Hey, I don't want to get arrested right now."
849
850 Q: Mm-hm.
851
852 A: "Why are you guys arresting me? You guys don't have the authority to arrest
853 me." The - in a sense, kinda just goin' off her - her next statements. Um, but
854 yeah. It just probably seemed that, "Hey, I don't want to get arrested. Like,
855 what's goin' on?" You know?

856
857 Q: Okay. Do you - do you remember the m- the time - the moment when the K-9
858 first bit?
859

860 A: Uh, when she was on the ground, I believe. Um, is when I - she was on the - I
861 believe she bit the arm area, is what I can tell. I remember Deputy Soeth
862 kinda, like, chokin' the dog up and walkin' it back. So I'm assumin' they - at
863 the - they already had the c- I believe they already had the cuffs on at that
864 point. I can't 100% sh- I'm not 100% sure, though. Like I said, there was a lot
865 of people on there.
866

867 Q: Sure. Sure. So at - at the time that, uh, the dog bit, what was the suspect doing
868 or saying at - at that moment?
869

870 A: Uh, I don't recall. Um, I m- still probably tryin' to just not get handcuffs put
871 on her, I would say.
872

873 Q: Okay. Um, w- at the time that the dog bit, were you guys aware - beyond the
874 generalized risk of having a weapon, was there anything to our - any fact that
875 would cause you to believe that she may have had any kind of a knife, gun,
876 club? Any kind of a weapon other than personal body weapons?
877

878 A: No. I didn't - I don't think so.
879

880 Q: Okay. Um, at the time that the K-9 bit, um, did you feel like the suspect was
881 an imminent threat of serious harm or great bodily injury to anybody?
882

883 A: Um, at the time that a- in the - in that moment? Yeah, I definitely thought, you
884 know, they could've - kinda just with everything up - up ahead - or prior to
885 that, just the way their erratic behavior - definitely could've gone, you know,
886 either way.
887

888 Q: Mm-hm.
889

890 A: Um, lookin' back at it, now that the, you know, suspect was slowly comin'
891 down, you know, we probably could've waited a little bit longer to go hands
892 on, to see, um, you know, where it went, you know?
893

894 Q: Mm-hm.
895

896 A: Maybe the person didn't have to get bit. Maybe they would've got worse. You
897 know, it's hard to say, but, uh, definitely - yeah. Just - it was just kinda tough
898 to say, 'cause their behavior earlier, their driving, their gestures. I - like, I'm
899 not too sure what was going through that person's head. So...
900

901 Q: Mm-hm. You said gestures earlier. They had flipped you guys off?
902

903 A: Yeah. Other than that, they were makin' weird, like, hand gestures. I'm not
904 too sure what they were.
905

906 Q: Mm-hm.
907

908 A: Um, yeah. It was kinda odd.
909

910 Q: Okay. Um, at any time, did you hear Deputy Soeth, um, give a warning that
911 they was - he was gonna deploy the K-9? A w- a warning to the suspect?
912

913 A: Uh, I - all I remember him saying is, um, you know, "I'm de- deploying the
914 dog." I'm not too sure if that was more so for us or for the suspect. Uh...
915

916 Q: Could the suspect have heard it?
917

918 A: Uh, I'm sure. I mean, I believe the Jeep just had those zipper windows.
919

920 Q: Mm-hm.
921

922 A: I've never been in one of those, but I'm assuming you can - you can hear
923 through that. Um, so I'm not too sure. It...
924

925 Q: Was the window zipped at the time of that...
926

927 A: I - I don't recall.
928

929 Q: ...the deploy- no?
930

931 A: Yeah.
932

933 Q: Okay. Um, can you estimate how long the - the K-9 may have been on bite?
934

935 A: Uh, seconds. Very short. If it was - yeah.
936

937 Q: Okay. Um, and how - how does it unfold once the bite occurred? Um, what
938 did Deputy Soeth do? What did the dog do?
939

940 A: I think once they got the cuffs on, I think Deputy Soeth, you know, got the
941 dog off, put the dog in the car, and that was, like, the last I seen of the dog...
942

943 Q: Okay.
944

945 A: ...at that point.

946
947 Q: Can you describe the process of the dog comin' off the suspect at all?
948
949 A: Uh, I believe he, like, grabbed the dog. Like, by the neck and the collar. Lifted
950 it up and...
951
952 Q: Mm-hm.
953
954 A: ...walked it to the car. Um, yeah.
955
956 Q: Did - did you hear, um, the release command or what...
957
958 A: No. I didn't hear any...
959
960 Q: Okay.
961
962 A: ...kind of commands. And I'm pretty sure they give them in, like, different
963 languages. So I probably wouldn't even...
964
965 Q: Right.
966
967 A: ...recognize it. Would've...
968
969 Q: Um, how would you describe the, uh - the risk to the public if the dog had -
970 had not been used? I mean...
971
972 A: Uh - um...
973
974 Q: What - what - what would - based on your experience, or wh- what might've
975 happened if the dog hadn't been deployed?
976
977 A: Uh, the dog hadn't been deployed, the risk to the public - you know, I'm not
978 too sure. Um, yeah. Like, I - yeah. I'm not too sure, really.
979
980 Q: Okay.
981
982 A: Yeah. It's kinda hard to say. Um, you know, at the time, I wasn't sure what
983 was goin' on with this person. So it could've been anything. Now, lookin'
984 back at it, s- you know, I don't want to Monday - Monday morning
985 quarterback...
986
987 Q: Sure.
988
989 A: ...my own - my own situation, but yeah. It's kinda hard to - kinda hard to say.
990

991 Q: Do you think that the, uh - if the - if the dog had not been deployed, what do
992 you think the risk of the suspect escaping would have been?
993

994 A: Uh...

995

996 Q: ...absent the dog deployment?
997

998 A: Escaping?
999

1000 Q: Yeah.
1001

1002 A: Uh, probably very minimal. Goin' off the person's behavior. Just real slow.
1003 Um, yeah.
1004

1005 Q: Okay. Um, how would you describe - if the dog had not been deployed, how
1006 would you describe the risk to you guys? To the deputies?
1007

1008 A: Uh, the risk probably would've been a little higher, but probably not, like, a
1009 use of deadly force type of threat, I don't believe.
1010

1011 Q: Okay.
1012

1013 A: Um, yeah.
1014

1015 Q: All right. Anything else that you think I should be aware of?
1016

1017 A: Uh, nothing I can think of. Um, it was just interesting, the whole situation.
1018 You know, I've never - like I said, never worked with a K-9 in that close
1019 proximity.
1020

1021 Q: Mm-hm.
1022

1023 A: You know, really get a lot of training with K-9s. It'd be nice.
1024

1025 Q: Yeah.
1026

1027 A: But, um, you know, we - just something we - we don't. As our department, we
1028 don't have many dogs, you know? So...
1029

1030 Q: Sure. Yeah, makes sense.
1031

1032 A: But - yeah. It was interesting, though. Uh, yeah.
1033

1034 Q: All right. Well, if nothin' else, I'll go ahead and, uh, shut this down. I
1035 appreciate it...

1036

1037 A: Okay.

1038

1039 Q: ...Officer Maldonado.

1040

1041

1042 The transcript has been reviewed with the audio recording submitted and it is an accurate
1043 transcription.

1044

Signed _____

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INTERVIEW WITH DEP. MAX SOETH

Q=Cress

Q1=Lt. Sam Williams

Q2=Julia Fox

A=Dep. Max Soeth

Q: Uh, hit Record. It is the 10th of September, 2020 at, uh, 1231 hours. I am in the CID conference room with Lieutenant Sam Williams, Deputy Max Soeth, uh, his representative, Attorney [REDACTED], and myself. We are the only ones here. Um, Max, we use a standardized form. Uh, I would imagine Captain (Quinnell) may have done this, too.

A: Mm-hm.

Q: Um, but I will do it a second time to date. The date is, uh, 9-10-2020, 1231 hours. Uh, we're in the CID conference room. Um, you are here. Lieutenant Williams is here. Uh, [REDACTED] is here. Now, the purpose of this investigation is to conduct an interview of you, uh, Deputy Soeth. Uh, who's an employee of the Humboldt County Sheriff's Office as a Deputy. Uh, assigned as - as a K-9 handler. Uh, the - the questions are gonna revolve around, um, a CHP, uh, incident that occurred on April 4, 2020, about 2:40 in the morning. Originated in, uh, the Garberville area. Came up to the Shively Road area. Uh, you had r- you had, um, connected with the - the incident around Jordan Road. Are you familiar with all of that?

A: I am.

Q: Okay. Uh, in a criminal inves- investigation, you have the right to remain silent and not incriminate yourself. However, since this administrative, not criminal, your failure to answer my questions could be insubordination and result in discipline up to and including termination. Any statement you make cannot be used against you in any criminal proceeding. Um, off the record, uh, [REDACTED] requested that we Mirandize.

A: Mm-hm.

Q: Uh, again, my intention is not criminal in any nature, but I understand the additional protections that are afforded and I'm - I'm all for them. Um, so, uh,

46 having had the request, I'm happy to do that. Uh, you do have the right to
47 remain silent. Anything you say may be used against you in a court. You have
48 the right to an attorney. If you can't afford an attorney, one will be appointed
49 free of charge to represent you before and during questioning if you desire
50 that. Uh, do you understand your rights?
51

52 A: I do.

53
54 Q: And we'll call that 12:33. Uh, having these rights in mind, do you wish to
55 make a statement?
56

57 A: No.

58
59 Q: Saw that comin'. Uh, under Penal Code 832.7, uh, the Grand Jury - oops, so
60 we'll get to the Lybarger. It - it's just at the end of the form. That's the only
61 reason I'm doin' it, uh, in a little bit. Uh, under Penal Code 832.7, the Grand
62 Jury, Attorney General's Office or District Attorney may have you - may have
63 the right to obtain a copy of your statement. Um, during the interview, your
64 statement, uh, to me cannot be used against you by any agency in any criminal
65 proceeding. Uh, you're required to answer, uh, questions fully and truthfully.
66 Uh, this requirement is set forth in Section 200.3.3 of the Humboldt County
67 Sheriff's Office policy manual. Uh, which states, "Members shall, uh, respond
68 to and make good faith and reasonable effort to comply with a lawful order of
69 superior officers and the other proper authority. Uh, under the order of a
70 superior, any Deputy Sheriff appointed by the Sheriff to conduct internal
71 investigations and in accordance with the constitution and contractual
72 guarantees, including a right to representation, members shall truthfully
73 answer all questions specifically directed and narrowly related to the scope of
74 employment and operations of this department. Uh, refusal to answer my
75 questions is violation of department policy and will subject you to disciplinary
76 penalties. Uh, do you understand what I have just explained to you?
77

78 A: Yes.

79
80 Q: Is there anything that prevents you or may prevent you from answering my
81 questions fully and truthfully?
82

83 A: No.

84
85 Q: Uh, do you have any questions concerning what I've just explained?
86

87 A: No.

88
89 Q: Okay. And this is the Lybarger. I now order you to answer the following
90 questions. I'm also ordering you to not discuss anything we discuss during

91 this interview or anything regarding this investigation with anyone other than
92 your employee representative or legal counsel. Doing so would be
93 insubordination and by itself could subject you to disciplinary action up to and
94 including termination. Do you understand that?
95

96 A: I do.

97
98 Q: Okay. Um, so my questions are, um, simple. I - it - it - it is - it was a complex
99 thing and it lasted a long time, and there were several components to it. So
100 I've tried to break it down as simple as possible. Sort of my overall k- kinda
101 game plan here, um, I'll - I'll introduce kinda the policy that generates the
102 questions, um, so that you're kinda oriented. And I've also sort of - for the
103 actual deployment of the dog, um, at least, to my thinking, there was a
104 deployment while she was still - [REDACTED]
105 [REDACTED].

106
107 A: Yeah. It was hard to write.

108
109 Q: [REDACTED]
110 [REDACTED]. Um, so I - in my own head, I've kind of thought of the incident as, um,
111 when she's sitting in the car, it looks like there's a deployment.
112

113 A: Mm-hm.

114
115 Q: When she steps out of the car and is standing next to it, looks like there's a
116 second deployment.
117

118 A: Mm-hm.

119
120 Q: And then, when she's on the ground, it looks like there's a third deployment.
121

122 A: Okay.

123
124 Q: Um, does that make sense? Does that jive with your perspective?
125

126 A: Yeah.

127
128 Q: Okay. So anyway, that's kind of, in a general sense, where we're goin'. Um,
129 so the first kinda set of questions comes from, uh, Policy 389. Um, having to
130 do with the K-9 ca- ki- K-9 handler's responsibility to evaluate each situation
131 and determine whether the use of the K-9 is appropriate and reasonable. Um,
132 so when did you first learn about the incident?
133

134 A: Uh, I was sittin' in my car, near CR and I saw it populate on the MDT, and it
135 was just a mere advisement at that point. It wasn't a request for agency assist

136 or anything. So I just stayed where I was and monitored the - the call.
137

138 Q: How did it develop after the initial advisement on the MDT?
139

140 A: It just - they - I don't remember the timing, but they changed it from now
141 they're requesting assistance in the pursuit. It was comin' northbound from - I
142 don't remember where it started. I just - I want to say Phillippsville. Um, if I
143 recall right. And - which is quite a ways south...
144

145 Q: Sure.
146

147 A: ...as we all know. So it was goin' for a long time, and they were gettin' into
148 the - you know, our main station beat area.
149

150 Q: Mm-hm.
151

152 A: And I was workin' main station.
153

154 Q: Okay. Um, what - what steps, if anything, did you take to, um, clarify? To
155 gather more information? It may have just been...
156

157 A: Uh...
158

159 Q: ...as simple as reading the MDT, I know.
160

161 A: Well, yeah. I as reading the MDT, and then I had communications with
162 Dispatch at that point. 'Cause I told them I would be en route and f- and
163 where I was en route from. Um, and then Deputy Brown was also en route. I
164 don't remember where he started from, but I want to say he was behind me.
165 And then the south units started north. The Garberville units started north.
166

167 Q: Okay.
168

169 A: (Ariano) and (Silva).
170

171 Q: Do you happen to remember, um, if our dispatch had put it out as a pursuit or
172 a failure to yield?
173

174 A: I can refer to my report if that helps. Unless you don't want me to.
175

176 Q: Uh, you - you're welcome to. I - I'm not - I just - if - do you have any
177 independent recollection of how it originally had been labeled?
178

179 A: Labeled? No. I perceived it as a pursuit...
180

181 Q: Okay.
182
183 A: ...the entire time. Um, you're gonna go 30-plus, 40-plus miles, at some point,
184 it's no longer a failure to yield and I - so I perceived it as a pursuit.
185
186 Q: Okay.
187
188 A: I don't remember what they labeled it as.
189
190 Q: Okay. Fair enough. Um, do you remember if, uh, the code back had been
191 requested?
192
193 A: I don't recall.
194
195 Q: Okay. Um, if it was - if it was in the MDT, were you - were you reading the
196 updates on the MDT?
197
198 A: Yeah.
199
200 Q: Okay. All right. Um, so it came from the MDT. Our dispatch a- uh, is your car
201 able to scan CHP at all?
202
203 A: Nope.
204
205 Q: Okay. Um, so it's strictly the telephone game, things getting...
206
207 A: Yes.
208
209 Q: ...to you from our dispatch, coming from CHP dispatch, coming from Evans
210 and Maldonado?
211
212 A: Correct.
213
214 Q: In the field? Okay. Um, so what - to the best of your recollection, in totality,
215 what did you know about the incident prior to physically encountering it? It
216 sounds like Jordan Road is - is the first time you - you physically encounter it.
217 What - what did you know about the incident at that point?
218
219 A: I knew, um, that CHP was in a lengthy pursuit with a white Jeep Wrangler.
220 Um, and that stro- spike strips were planned to be set by the Arcata Office
221 Chippies that were coming south. Um, my plan was to meet up with them at -
222 'cause they said they were gonna spike just north of Jordan Road. So I
223 thought, "Okay. I'll get down to Jordan Road and just park with them, and
224 then join in."
225

226 Q: Mm-hm.
227
228 A: Um, so as I'm exiting Jordan, here comes the pursuit. So I just stay on Jordan
229 Road.
230
231 Q: Mm-hm.
232
233 A: Kinda waitin' to see if they're gonna take the offramp, or what. And they
234 continue north, so I get on - get on it behind them and keep my distance.
235 'Cause the spike was right around the corner.
236
237 Q: Sure. Okay. Um, kinda back to the way the call came out. Um, would it have -
238 based on your experience and kinda the culture here at Humboldt County SO,
239 um, would it have made a difference if the incident had been phrased and
240 labeled as a failure to yield versus a pursuit?
241
242 A: N- I think I would've perceived it both as a pursuit. I mean, if they called it a
243 failure t- failure to yield and they're requesting our assistance and they have a
244 spike strip planned...
245
246 Q: Mm-hm.
247
248 A: ...I would just perceive that all as a pursuit.
249
250 Q: Okay. Okay. Um, if they had requested Code 3 versus Code 2 backup, would
251 that have, um, changed your perception of the event? And I'll - and I'll be
252 straight up with you. I - I'm not tryin' to hide the ball. I mean, it's going
253 toward your understanding of the seriousness of - of the crime.
254
255 A: I don't - I don't recall if they requested a specific code response for backup.
256 Um, but I think if - say they would've said Code 2 back, I would've thought
257 maybe that's just their - 'cause I know - I know they can't roll Code 3 to our
258 request for a pursuit assistance, or take over.
259
260 Q: Mm-hm. Mm-hm.
261
262 A: So if they were - so in my head, if they were to request Code 2 back, I would
263 perceive that as them following their policy.
264
265 Q: In reque- in kind of imposing their policy on us in the way we respond?
266
267 A: Exactly.
268
269 Q: Okay.
270

271 A: 'Cause I have had conversations with different Chippies that say, "Yeah.
272 They're buttonin' down on us so tight that if you guys want us to take over a
273 pursuit, we can't go code to you to help or take it over."
274

275 Q: I think that's true, with the exception of they can get supervisor authorization
276 to roll code. And once they have that - um, so I - you're welcome to look if
277 you want. Again, I - I'm not t- playin' hide the ball or anything. In the - I was
278 just - these questions are generated by the - the CAD call. Um, and it had been
279 framed by our dispatch as a failure to yield. And it n- is in there that i- they're
280 requesting Code 2 back. So I was just wondering if - if, in your mind, that
281 would have, in the moment, kinda shaped your assessment of the seriousness
282 of the event? Um, s- so want to - I - it sounds like it would be a hypothetical
283 answer at this point, at best. 'Cause you just - you d- don't remember...
284

285 A: Yeah.
286

287 Q: ...whether you knew that or not.
288

289 A: I don't.
290

291 Q: Okay. Fair enough. Um, so once you're at Jordan, um, in looking at the video,
292 it looks like you were, like, on the onramp. On the northbound onramp. Um,
293 you joined the pursuit. What do you see? Can you kinda narrate for me what
294 you're seein'?
295

296 A: Um, the suspect vehicle, a white Jeep flees northbound. Then a CHP unit
297 behind it, with its lights and sirens on. Speeds are around 50. Um, and like I
298 said, I get in behind them. I have my lights and sirens on, since they officially
299 made the request for us to assist.
300

301 Q: Mm-hm.
302

303 A: But I also kept my distance because I knew there was a spike strip around the
304 corner.
305

306 Q: Sure.
307

308 A: Um, we f- I follow for some time. We pass the - the other CHP unit that's on
309 the side of the road. They spike the wrong car. That hour of the morning, there
310 was actually another car on the road.
311

312 Q: Right.
313

314 A: Um...
315

316 Q: And it was traffic light the entire time?
317

318 A: Very.
319

320 Q: Very light?
321

322 A: Very light.
323

324 Q: Okay.
325

326 A: Um, it was a- I mean, I reviewed the photo - or the video before this, uh,
327 interview, but it was just that Humboldt drizzle. You know, it wasn't rainy,
328 but...
329

330 Q: Yeah.
331

332 A: ...it was - windshield wipers needed to be on.
333

334 Q: Every - intermittently?
335

336 A: Yeah.
337

338 Q: Every ten seconds?
339

340 A: Yeah. Um, so the car - the suspect vehicle stops in the middle of the road. I
341 think - I want to say it was, like, right on the dotted line, splittin' the number 1
342 and number 2 lane. So I approach close to it, thinkin' we're gonna do a felony
343 car stop. Maybe a foot bail. CHP's off to the left, and then the Jeep starts
344 backin' up towards me.
345

346 Q: Mm-hm.
347

348 A: Um, I had to put it in reverse briefly, and then stopped and the car stopped. I
349 exited. Planned to get my equipment out for my dog. Car takes off again.
350 Same speeds, 40 to 50. Up around the corner, yields, and then that's when
351 everything happened.
352

353 Q: Can - can I stop you one - one quick o- when she backed up like that, um, you
354 know, you had mentioned that. Evans and Maldonado had mentioned that.
355 And it was always kind of in the context with just, like, a passing reference to
356 the fact that she had - had reversed. Um, was it perceived by anybody as, like,
357 assaultive behavior or was it just more weird behavior? It doesn't seem to be
358 referenced as assaultive anywhere in the - in the reports.
359

360 A: Uh...

361
362 Q: Is there anything to elaborate on that?
363
364 A: She didn't strike any patrol vehicle, so it wasn't...
365
366 Q2: Was it more 148 behavior?
367
368 A: Yeah. I mean, it - it...
369
370 Q: Continue...
371
372 A: Yes, to...
373
374 Q: Continued one...
375
376 ((Crosstalk))
377
378 A: Yes, to everything. I wouldn't - I didn't perceive it as - as a threat. It wasn't -
379 she didn't drop the clutch, burn some rubber and...
380
381 Q: Mm-hm.
382
383 A: ...was comin' at me without any time for me to back up. Um...
384
385 Q: How fast do you remember her backin' up?
386
387 A: Oh, it was - it was slow.
388
389 Q: Okay.
390
391 A: It - it wasn't...
392
393 Q: Do you remember how many feet? Just an - as an estimate, she backed up?
394
395 A: Um, couple car lengths. Then she got within about five feet of my car.
396
397 Q: Okay.
398
399 A: Um...
400
401 Q: Do you remember how close she had come to Evans' car?
402
403 A: I don't.
404
405 Q: Okay.

406
407 A: Um...
408
409 Q: All right. Sorry, I didn't mean to...
410
411 A: That's fine.
412
413 Q: ...distract. Um, you said - you had started talkin' - so she - she continues
414 northbound. What happens next?
415
416 A: Then she yields just north of Shively.
417
418 Q: Okay.
419
420 A: Pulled onto the shoulder.
421
422 Q: What were the speeds in that Jordan to Shively...
423
424 A: Forty to fifty.
425
426 Q: ...distance?
427
428 A: Slow.
429
430 Q: Any, uh, weaving that you were able to see? Anything like that?
431
432 A: Yes.
433
434 Q: Okay. Any egregious, wanton disregard for public safety type driving?
435
436 A: The weaving and the backing up towards me in northbound 101. And she had
437 previously stopped before I joined. South of Jordan Road. But then continued
438 again.
439
440 Q: Yeah.
441
442 A: And I don't know what that behavior was there. I didn't see it.
443
444 Q: Yeah.
445
446 A: I just heard it on the radio.
447
448 Q: Yeah, i- in reality...
449
450 A: Or...

451
452 Q: ...she had stopped multiple times.
453
454 A: Yeah.
455
456 Q: So yeah. Uh, what was your impression, um, at that - when you - when you
457 joined in, what was your impression at that point, though, of how many times
458 she had stopped?
459
460 A: Uh, excuse me. A couple, and then the one I saw.
461
462 Q: Okay. Um, ha- did you have any information suggesting that her driving prior
463 to you physically seeing her had been wanton disregard, reckless, uh,
464 assaultive? Anything of that nature?
465
466 A: No.
467
468 Q: Okay. Just the fact it had been long? Did you have a sense of the speeds?
469
470 A: Uh, I don't want to call...
471
472 Q: Okay. Um, s- okay. Just the fact you - you knew it had been long?
473
474 A: Yeah.
475
476 Q: And there had been potential, uh - at least one additional, if not two, stops and
477 starts?
478
479 A: Yes.
480
481 Q: Okay. Um, if - at the time that she came to - to rest, just north of Shively Road
482 right there, based on what you knew, uh, and based on what you had seen, um,
483 would you have put the pursuit in a felony pursuit category or a misdemeanor
484 pursuit category?
485
486 A: Felony.
487
488 Q: Okay. And what would cause you to - to put it there?
489
490 A: Failure to yield. The - the weaving. The backing up towards us. Um, I didn't
491 observe, uh, breakneck speeds. Uh, so- didn't even get over the posted speed
492 limit while I was in it for the short distance I was in it.
493
494 Q: Mm-hm.
495

- 496 A: Um, the - the request for the agency assist from the Highway Patrol to join in
497 in this pursuit, um, caused me to think that it was greater than what they had
498 turned out to charge her with.
499
- 500 Q: Mm-hm.
501
- 502 A: Um, 'cause they don't do that. They take over our pursuits, and then they say,
503 "Stay the heck out of our pursuits." And they were a two-man car.
504
- 505 Q: Mm-hm.
506
- 507 A: So I'm thinkin', "Okay. They want - they want more cops in this line, because
508 somethin's bad."
509
- 510 Q: Mm-hm.
511
- 512 A: I didn't know if they - didn't know if they knew the suspect. Didn't know if -
513 what the initial crime was for. I don't recall right now what the PC for stop
514 was. So I perceived it as a felony pursuit.
515
- 516 Q: Okay. Um, the - the weaving that you saw. Can you de- describe the degree of
517 weaving that you saw?
518
- 519 A: In and out of both lanes.
520
- 521 Q: Okay. Uh, abrupt? Rapid? Or more drifting?
522
- 523 A: More like a drift...
524
- 525 Q: Okay.
526
- 527 A: ...if I recall right.
528
- 529 Q: Um, people? Peds? Deer? Cars? Anything on the road that, um, would've
530 been put in danger by the drift?
531
- 532 A: Uh, the other car that she was creepin' up on that CHP spiked.
533
- 534 Q: The spike stripped car? Sure. Okay. Um, so the - the K-9 policies - one of the
535 threshold, um, requirements is it has to be a serious crime. Um, i- in the
536 moment, were - were you interpreting a serious crime afoot?
537
- 538 A: Yes.
539
- 540 Q: Okay. And if you had to summarize - or you can elaborate if you want to -

541 but, uh, why did you think it was a serious crime?
542

543 A: I perceived it as a felony pursuit. So felony evading.
544

545 Q: Okay. For the reasons we talked about? The...
546

547 A: Yes.
548

549 Q: The weaving, the backing, and the failure to yield over the lo- length of the
550 pursuit?
551

552 A: Yes.
553

554 Q: Okay. Um, so 389.6 talks about the serious offense. Um, and then, you know -
555 and the following conditions need to exist. Um, A, there needs to be a
556 reasonable belief that the suspect poses an imminent threat of violence or
557 serious harm to the public, any Deputy, or the handler, or B, the suspect is
558 physically resisting or threatening to resist arrest and the use of the K-9
559 appears a reasonably necessary to overcome such resistance. So it's an and,
560 and then there's an or...
561

562 A: Mm-hm.
563

564 Q: ...that follows. I'm sure you're totally familiar with that. Um, so when you
565 first came to a final stop, um, can you just describe what you saw? She - I -
566 I'm talkin' about just north of Shively right there. She comes to what amounts
567 to the final stop. What do you see?
568

569 A: So I position my car in the number 1 spot and I'm probably blocking both
570 northbound 1 and 2 of 101. At a angle great enough to where I can see her
571 driver's side, um, perfectly straight almost.
572

573 Q: Mm-hm.
574

575 A: So perpendicular to her.
576

577 Q: Mm-hm.
578

579 A: Um, I get out.
580

581 Q: So you ha- you had a good view?
582

583 A: Yes.
584

585 Q: Is - do I need to be concerned at all about your ability or inability to see her?

586
587 A: No.
588
589 Q: Okay. All right.
590
591 A: Well - yeah. No.
592
593 Q: Okay.
594
595 A: Um, soft top Jeep. Windows zipped up. Doors closed. CHP is on each side of
596 me. There's a - pursuing car was to my right, stopped behind the Jeep. And
597 then the Arcata unit car was to my left, as we all saw in the videos. Um, and
598 then (Kellen) was somewhere behind us. Um, I had already grabbed my long
599 line when I stopped at Jordan Road.
600
601 Q: Back at Jordan? Okay.
602
603 A: Yeah. So it was on my lap or on my passenger seat. So I jump out and I'm
604 standing next to my dog door. Uh, I have my driver's door open as cover.
605 CHP's starting to give commands and I'm just kinda waiting to see if I need to
606 get the dog out or not. Because at this point, the dog is gonna be useless
607 'cause the car is sealed and he doesn't have opposing thumbs to open the door
608 for me.
609
610 Q: This is true.
611
612 A: Um, so I even tell that to the Chippies. I say, "As long as that window's up,
613 I'm not - uh, I can't - the dog is useless." And then she unzips the window.
614
615 Q: Yeah.
616
617 A: She continues to fail to comply with commands to exit. Um, I don't remember
618 if the Jeep was still running or not. So I give an announcement that I'm gonna
619 send the dog. I say, you know, "Get out of the Jeep or you're gonna get bit."
620 Doesn't comply. Making nonsensical statements, some of which I can hear,
621 some of which I can't. Um, so I perceive her to possibly be under the
622 influence.
623
624 Q: Mm-hm.
625
626 A: Um, send the dog on a bite command, 'cause he can visually see the subject.
627
628 Q: Um, I - I'm not...
629
630 A: Uh...

631
632 Q: ...sharp enough to keep up with you. If you don't mind...
633
634 A: No, that's fine.
635
636 Q: ...can I back up a little bit?
637
638 A: That's fine.
639
640 Q: Um, so when you first get there, um, what - what questions, if any, did you
641 ask of CHP to get kinda the lay of the land?
642
643 A: Didn't.
644
645 Q: No- no - no questions at all? Um, did - what information did they share with
646 you?
647
648 A: Nothing that I recall.
649
650 Q: Okay.
651
652 A: It was more everybody was shoutin' commands.
653
654 Q: Okay. Um, so you said you had a decent view of her. Um, so in that - in that
655 moment - in the moments between you arriving on scene, having, uh, a view
656 of her, to the time that you sent the dog, can you describe what she's doing?
657
658 A: She's movin' in around her - she's movin' in her car. She unzips her window.
659 She's lookin' back. Kind of looking at all of the cop cars that are around her.
660
661 Q: Mm-hm.
662
663 A: Um, askin', "What's going on?" Saying weird things like, "I'm an agent" or
664 "I'm a c- I'm an officer." And "You don't have the authority." Si- things like
665 that.
666
667 Q: Sure.
668
669 A: And then some of which - some things I couldn't even understand. Um, so
670 yeah. She's movin' around the vehicle. Not, like, furtive movements. Like
671 she's diggin' for somethin'. But she's moving around, like, looking at ev- all
672 the lights.
673
674 Q: Mm-hm.
675

676 A: And all of us.
677
678 Q: So n- no diggin' for anything?
679
680 A: Not at that point, no.
681
682 Q: I think - I - I had meant to do this earlier. I'm sorry.
683
684 A: Good luck with that. We tried to do that.
685
686 Q: Did it not...
687
688 A: It doesn't want to...
689
690 Q: ...function?
691
692 A: We tried to fast forward or rewind and it just jumps, like, ten minutes at a
693 time.
694
695 Q: And that is so cool. Okay. Um, in the - in the video - and i- if at any time you
696 want me to go through the effort to pull up a - a - an image, I'm happy to. Um,
697 if it helps you, please...
698
699 A: Okay.
700
701 Q: ...stop me and we'll - we'll take the time. I don't want to short shift you at all.
702 Um, what do you remember her doing with her hands when you first arrived,
703 up to the time that the window gets unzipped?
704
705 A: I believe they were held up against the window.
706
707 Q: Okay. Did you have any concern about a weapon in her hands?
708
709 A: No.
710
711 Q: Um, I would imagine there's the generalized concern about bazookas and
712 bombs in the car, um, that we all have on every stop. Um, is that accurate?
713
714 A: Yes.
715
716 Q: Um, anything to articulate a specific concern, though, that there is - that there
717 are weapons throughout the car?
718
719 A: No.
720

721 Q: Okay. Uh...

722

723 ((RECORDING))

724

725 Dispatch: (Unintelligible).

726

727 Q: So is that accurate perspective of what you saw?

728

729 ((END RECORDING))

730

731 A: Yeah.

732

733 Q: Okay. A- and it does. It looks like a pretty clear view. And so are those the
734 hands up that you're talkin' about?

735

736 A: Yes.

737

738 Q: Okay.

739

740 ((RECORDING))

741

742 Man: Turn the fuckin' car off. Place your hands out the window.

743

744 Q: Is that Evans givin' commands, predominantly?

745

746 Man: Open the door. Open the door.

747

748 A: I don't know.

749

750 Man: Open the door. Follow our commands and (unintelligible).

751

752 Dispatch: (Unintelligible).

753

754 ((Crosstalk))

755

756 Q: So about 1:55. Is that the zipper comin' down that you're talkin' about?

757

758 A: Yes.

759

760 Q: Okay.

761

762 Man: Open the door.

763

764 Dispatch: (Unintelligible).

765

766 ((Crosstalk))

767
768 Q: And the light, it gets a little glarey, but are both of her hands in - in view?

769
770 ((END RECORDING))

771
772 A: No. Her left hand is.

773
774 Q: Okay.

775
776 A: Her right hand's, like, up by the visor, it looks like.

777
778 Q: Up - up high? Okay. Uh, did that cause you any particular concern at the
779 time?

780
781 A: No.

782
783 Q: Okay. Um...

784
785 Q1: Can I jump in real quick?

786
787 Q: Yeah, absolutely.

788
789 Q1: Just I wanted to clarify a couple of things with you a second here. Um,
790 Lieutenant asked about communication with the CHP. Do you even have
791 capability in your car to communicate with the CHP anymore?

792
793 A: No.

794
795 Q1: Okay. So it's not that you can't hear them. You can't even talk?

796
797 A: I - I take that back. On (Claymar)'s, we can, if they are on it.

798
799 Q1: Correct.

800
801 A: They have to scan it for us to actually even talk to them.

802
803 Q1: Okay.

804
805 A: We have a bad track record with Humboldt and, um, Redway of
806 communicating with them, but it seems like when we go to Willow Creek, we
807 always talk. But that's because we're each other's backup out there. So - so
808 no. They have to know to be on that channel.

809
810 Q1: And one other thing. Um, just in reference to the Jeep backing up. Uh, do you

811 know if this is an automatic or a manual shift Jeep?
812
813 A: Uh...
814
815 Q1: Did you ever find out...
816
817 A: I don't...
818
819 Q1: ...afterwards?
820
821 A: I did, but I don't remember.
822
823 Q1: Okay.
824
825 A: I don't - so I don't recall.
826
827 Q1: And I'm just asking - I'm just - I don't know and I'm - just because I don't
828 know the severity of what actually - that movement was, I'm wondering if it
829 could've been something as simple as having it in the - reverse instead and
830 then, you know...
831
832 A: Mm-hm.
833
834 Q1: ...or whether it's in a furtive - like, you have to put it in reverse to make that
835 movement happen. So...
836
837 A: I get you.
838
839 Q1: No - no recollection of what that vehicle was right off hand?
840
841 A: I don't recall, no.
842
843 Q1: Okay.
844
845 A: Uh, but when it did back up, it was in reverse. 'Cause I recall the reverse
846 lights on.
847
848 Q1: Okay.
849
850 Q: Anything else?
851
852 Q1: Go.
853
854 Q: All right. A- and, again, you're welcome to jump in any time. Just interrupt
855 me if you need to. Um, so you wrote, uh, prior to the dog being deployed, uh,

856 initially here, uh, you wrote in, uh, your report that the "suspect was
857 unsearched and posed a great risk to the community and to the officers with
858 her actions." Um, what was the thought process? Can you elaborate on the -
859 the - articulate the facts that support that conclusion?
860

861 A: Uh, the continuous stopping and going in the pursuit, and now we're nearing,
862 um, an area where it's more populated.
863

864 Q: Mm-hm.
865

866 A: If she drops off into Rio Dell or to Scotia or - we're right around the corner
867 from the first, uh, Scotia exit.
868

869 Q: Mm-hm.
870

871 A: Um, so my thought was she's - she's just toying with us. Thinkin' that she's
872 gonna take off, and then we're gonna have to chase her into town, potentially.
873

874 Q: Okay. Um, based on the driving, uh, would there have been - that you were
875 aware of and that you had seen, would there have been great risk to the
876 public? I mean, had she been driving in such a way, uh, that it would've
877 caused a great risk to the public?
878

879 A: On surface streets, I believe so.
880

881 Q: Okay. Okay. Um, you wrote that, um, you commanded the dog to jump into
882 the Jeep and bite the suspect. Um, I'm not a dog guy. Is this something that is
883 trained?
884

885 A: Yes.
886

887 Q: Okay. So that's a tactic that is - is ri- have - have you trained in this tactic?
888

889 A: Yes.
890

891 Q: Okay. Um, so y- and Yahtzee has done this?
892

893 A: Yes.
894

895 Q: Okay. And is there a qualification? I mean, do you i- at some point check a
896 box that this tactic is trained? Is - is done?
897

898 A: Hm, not - not this specific tactic, no.
899

900 Q: That checkbox is - doesn't exist?

901
902 A: Are you, like, referring to, like, a Post certification or a Post qualification for
903 that?
904
905 Q: No. Ho- honestly, I don't think I was. I think it was more - y- you train with
906 (Meyers), correct?
907
908 A: Correct.
909
910 Q: So when you go to (Meyers)' training, um - um, do you guys practice having
911 Yahtzee enter through a door, a window, and bite?
912
913 A: We do.
914
915 Q: Okay. So that's a - and that's something Yahtzee's done?
916
917 A: Yes.
918
919 Q: And something an instructor has, at some point, in some way, signed off on?
920
921 A: Yes.
922
923 Q: Okay. And - and what does that sign off look like? What - what's the form
924 that that takes?
925
926 A: We do - every time I go to training, we have a training log.
927
928 Q: Mm-hm.
929
930 A: Someone will check the boxes of what we did that day. Um, and so this would
931 be - this would fall under...
932
933 Q: Okay.
934
935 A: ...um, felony car stop...
936
937 Q: Okay.
938
939 A: ...tactics.
940
941 Q: Okay.
942
943 ((Crosstalk))
944
945 Q: A- and you remember at some point, Yahtzee being trained to jump in a car?

946
947 A: Yes.
948
949 Q: And this is - if for no other reason, just for my own edification - what's the -
950 what - what happens if he's successful? And, like, gets into the car and bites.
951 What - what's the next step?
952
953 A: Uh, get subject out.
954
955 Q: Would you...
956
957 A: De- depen- i- it - I mean, it depends. If you hi- it depends.
958
959 Q: Okay.
960
961 A: You get in there and dude's diggin' around for a gun still or f- diggin' around
962 while the dog's attached, dog's stayin' on.
963
964 Q: Okay.
965
966 A: Um, dude's totally compliant with the dog attached, dog's comin' off and,
967 "Hey, we're goin' hands on and we're gonna e- escort out."
968
969 Q: Okay. So in this instance, is it - since I - I think we're in agreement that
970 there's no particular furtive digging or anything like that. Um, is it fair to say
971 that the tactic would have been, if she remained - I forget how you worded it,
972 but if she remained how she had been thus far, it would've been just go get the
973 dog off?
974
975 A: Mm-hm. And - yeah. With positive control of her.
976
977 Q: Okay. What would have been the advantage of sending the dog, if that was the
978 likely course it was gonna take?
979
980 A: Apprehension, distraction, compliance.
981
982 Q: Okay. All right.
983
984 Q1: Can I jump in real quick?
985
986 Q: Yeah.
987
988 Q1: When you exercise this tactic, is the goal to get the dog to go into the vehicle?
989 Or just grab the extremity that is outside of the vehicle?
990

991 A: Get in the car.
992
993 Q1: Okay.
994
995 A: And in training, he's always gone right to the window. So...
996
997 Q1: Okay.
998
999 A: ...why he didn't do it tonight was...
1000
1001 Q: And - and gone in?
1002
1003 A: Yeah.
1004
1005 Q: Okay. So he's been successful in the past?
1006
1007 A: Yeah.
1008
1009 Q: Okay. Um, so in that period of time between the initial stop and sending
1010 Yahtzee, um, you know, do you feel like she was an imminent threat of
1011 violence or serious harm?
1012
1013 A: At that specific time of sending the dog?
1014
1015 Q: Yes.
1016
1017 A: She was a threat. She was unsearched and had the potential to continue to flee.
1018
1019 Q: Okay. Um, I - I'm just - I - I'm literally just reading verbatim from the policy.
1020 Do you feel like she was an imminent threat of violence or serious harm,
1021 though?
1022
1023 A: Yes.
1024
1025 Q: Okay. Your thought process on that is - is what? What would you - how
1026 would you justify that?
1027
1028 A: She could've easily thrown that thing in gear and taken off towards a
1029 populated area.
1030
1031 Q: Okay. So the thought process would be if she goes back - if she flees again in
1032 the vehicle, it's the - the physical harm would come in the form of collisions
1033 with other people or things?
1034
1035 A: Yes.

1036
1037 Q: Okay. Uh, an- anything else?
1038
1039 A: The fact that she was unsearched.
1040
1041 Q: Okay.
1042
1043 Q2: And by "she," you're including the vehicle, as well?
1044
1045 A: Yes.
1046
1047 Q: "She" being her...
1048
1049 A: She and her vehicle.
1050
1051 Q: ...person and the...
1052
1053 A: Yes.
1054
1055 Q: ...the grab area within the vehicle. Sure. Um, so you feel like the - the suspect
1056 was - and, again, this is just - this is straight from the policy - um, was
1057 physically resisting or threatening to physically resist?
1058
1059 A: Yes.
1060
1061 Q: Okay. How was she physically resisting?
1062
1063 A: Not complying with our directives to get out of the car.
1064
1065 Q: Okay. Um, was that m- more in a passive sense, or was she - was she assaulti-
1066 I - I guess one end of the spectrum would be passive. You know, the - the
1067 protester sitting like a limp noodle on the ground. Passive. The other is the
1068 guy charging at you with a knife. Active, violent resisting. Um, where would
1069 you put her on that spectrum?
1070
1071 A: I would say - I would call it actively resisting.
1072
1073 Q: Okay.
1074
1075 A: She's not assaultive, but she's not the limp noodle.
1076
1077 Q: Okay. Would you - the - the policy calls for physical resistance or threat of
1078 physical resistance. Would you say that she was physically resisting, in that
1079 she was, I guess, taking affirmative s- physical steps or was she just - you -
1080 you had said "actively" resis- resisting. Or was she just actively resisting, like,

1081 she just didn't want to stop and go in handcuffs?
1082
1083 Q2: Or the policy says "or the threat of," right?
1084
1085 Q: N- correct. Right.
1086
1087 Q2: So...
1088
1089 A: So is - what did you ask, again?
1090
1091 Q: Sure. In - and we're - we're - and this is a fine, but this is dog stuff. I mean,
1092 this is the stuff we've gotta do with dogs. So the policy calls for physical
1093 resistance or a threat to physically resist.
1094
1095 A: Mm-hm.
1096
1097 Q: You had said just a few minutes ago that - a few seconds ago that, um, you
1098 felt like she was actively resisting.
1099
1100 A: Yes.
1101
1102 Q: So I was just trying to see if there's a distinction between someone who's
1103 actively resisting and somebody who's physically resisting. Uh, to - to be
1104 frank, it - to my mind, active resistance could be, "No, pig. I'm not gonna stop
1105 for you," and - and driving away. Or, "No, pig. I'm not gonna stop for you,"
1106 and tucking hands under. I - I - based on my experience, I just see, um, a
1107 distinction between that and physically resisting. That's more of a - an
1108 offensive, affirmative act. Um, do you draw that distinction in the application
1109 of the policy?
1110
1111 A: Yes.
1112
1113 Q: Okay. Um, so when the policy says "physically resisting." Based on your
1114 training and experience as being a handler, what does "physically resisting"
1115 mean?
1116
1117 A: Fleeing. Um, refusing to submit to an arrest by means of moving your body
1118 away from or trying to conceal your- yourself.
1119
1120 Q: Okay. All right. So if you tell me to stop, "You're under arrest," and I say,
1121 "I'm not stoppin'," I turn around and walk away, are - are you saying that's
1122 physical resistance?
1123
1124 A: Actively resisting.
1125

1126 Q: That's active resistance. What would be an example in that you tell me to
1127 stop, I turn around, say I'm not gonna walk - I'm walkin' away. When would,
1128 at least in the K-9 world - when would that turn into physical resistance?
1129

1130 A: When I try to go hands on and you pull away.
1131

1132 Q: Okay.
1133

1134 A: Or push back.
1135

1136 Q: Okay. So pulling away and pushing back would both be the same?
1137

1138 A: Yeah. Like, a shove. Not, like, a...
1139

1140 Q: Sure.
1141

1142 A: Not, like, a Hail Mary.
1143

1144 Q: But pulling away, to your thinking, would be the same - would be physical
1145 resistance, as well as pushing off, shoving would be physical? Okay.
1146

1147 A: Yes.
1148

1149 Q: Um, so the - the second part of this question is actually, you know, do you feel
1150 like the suspect was physically resisting or threatening to physically resist?
1151 Um, so that - that was the first part. So just, to summarize - 'cause I - I don't
1152 want to confuse yourself or me - um, you would describe it as active. But do
1153 you feel like it was physical resistance when she was still in the car?
1154

1155 A: I feel like it was active resistance with the belief of the threat of physical
1156 resistance...
1157

1158 Q: Okay.
1159

1160 A: ...with the potential to continue to flee.
1161

1162 Q: Okay. And the...
1163

1164 Q2: Just - just to clean that up a little bit...
1165

1166 Q: Sure.
1167

1168 Q2: ...and - and to add another, uh, legal fundamental, do you think that she was
1169 circumstantially threatening to physically resist?
1170

1171 A: Yes.
1172
1173 Q2: So when you look at the circumstances, you have someone who has fled,
1174 who's noncompliant, who is...
1175
1176 Q: Well, let's let him articulate the reasons why he would conclude that.
1177
1178 Q2: Well, I thought he had.
1179
1180 Q: A- and - and he did. I just, uh - let's let him continue to do that.
1181
1182 Q2: So if - if you agree that she was circumstantially threatening to physically
1183 resist, how so?
1184
1185 A: By her acti- by her previous actions in the pursuit of stopping and going. So I
1186 believed that that could happen again.
1187
1188 Q: Okay.
1189
1190 Q2: What about her level of compliance, at this point?
1191
1192 A: There was none. Other than the fact that she stopped, finally, for a longer
1193 period of time than she had thus far.
1194
1195 Q: Didn't she also - she complied to a degree in putting her hands up, correct?
1196
1197 A: The - I suppose, yeah. But the directives were to open the door and get out.
1198
1199 Q: Okay. And did - did she comply - did somebody tell her to open the window?
1200 Was that a - another - at least to a degree, an act of compliance?
1201
1202 A: Yes.
1203
1204 Q: Okay. And she eventually got - well, we'll - we'll go there next. I d- I don't
1205 want to get ahead of myself. Again, I'm not that sharp. Um, okay. Um, so the
1206 other element of that - so let's assume that she was physically resisting. There
1207 was the threat of vis- am I correct in your - am - am I summing you up
1208 correctly? There was a threat - you perceived that there was a threat of
1209 physical resistance, based on the fact she might flee?
1210
1211 A: Correct.
1212
1213 Q: Are - are you good with that?
1214
1215 Q2: Yes.

1216
1217 Q: Am I - I'm not misrepresenting anything he says?
1218
1219 Q2: Because she had fled?
1220
1221 A: Correct.
1222
1223 Q: All right. So let's i- let's assume that is, uh, the case. Um, was the dog
1224 necessary to overcome that threat? Yes or no? If yes, why?
1225
1226 A: I believe so because it's not in our standard tactics to approach the vehicle.
1227 That's why we have dogs - to keep the deputies and officers safe. Send the
1228 dog up, get positive control of the person, tactically approach, remove said
1229 person. So yeah.
1230
1231 Q: Okay.
1232
1233 A: And it - in my training and experience, being a handler on scene - at least with
1234 our agency and other agencies that I've worked with or for, when the
1235 handler's on scene, the handler makes the call. And the handler kinda runs the
1236 call. And everybody knew I was there. S- speaking of CHP. The CHP knew I
1237 was there.
1238
1239 Q: Mm-hm.
1240
1241 A: And I felt like I was being looked on as - to see when I was going to use the
1242 dog. As opposed to another suggestion of a different tool to use by them was
1243 never brought up.
1244
1245 Q: Okay.
1246
1247 A: Or offered.
1248
1249 Q: So what - what caused you to feel like they were looking to you to s- to end
1250 this conflict?
1251
1252 A: The fact that their - none of their tactics ever changed, even though she was
1253 wanderin' a- later in the video. She was continuing to not comply with orders.
1254
1255 Q: Mm-hm.
1256
1257 A: And they were just letting her roam free.
1258
1259 Q: How about at the time, though, that she's still in the car? Was there anything -
1260 what - what caused you to - sounds like you were under the impression at the

1261 time that they were expecting, "All right. Dog guy, do your thing." Is that an
1262 accurate - am I...
1263
1264 A: Yes.
1265
1266 Q: Okay. What caused you to believe that they were thinking, "Dog guy, do your
1267 thing"?
1268
1269 A: There was no other suggestion of a different tactic to use, and I was there, and
1270 we do this time and time and time again in training. That person doesn't
1271 comply, you send the dog in the car.
1272
1273 Q: Mm-hm.
1274
1275 A: Um, and I'm always out - on a felony stop, if I'm on scene, I'm out giving
1276 commands. Dog's on the ready. If we get compliance, we get compliance.
1277
1278 Q: Is it - is it accurate to say, though, that you train if there's a pursuit, and it
1279 ends and they don't comply, you send the dog? Or is the training more
1280 nuanced in that you have to evaluate the seriousness of the crime, the risk of
1281 injury, the risk and the imminent threat, that type of thing? Um, 'cause I can
1282 just - I mean, we get pursuits sometimes that are low-speed, stay within the
1283 lane. Um, I mean, would amount to misdemeanor pursuits, failure to yield.
1284 Um, are you saying that the dog would be sent if that pursuit concluded and
1285 that person didn't get out of the car?
1286
1287 A: No.
1288
1289 Q: Okay. So what would be the difference between that pursuit and - and this
1290 pursuit?
1291
1292 A: Uh, like I said when we started, I perceived this entire thing as a felony
1293 pursuit.
1294
1295 Q: Okay. For the reasons we talked about? The - the distance, the multiple stops?
1296 Okay. Um...
1297
1298 A: Yes.
1299
1300 Q: Good. Um, have there been any additional communication - uh, so we're
1301 kinda, um...
1302
1303 A: It's not a touch screen.
1304
1305 Q: Have you tried already?

1306
1307 A: No.
1308
1309 Q: Um, so moving on kinda to the next phase, all right? She's gonna get out here
1310 i- in - in a second.
1311
1312 A: Mm-hm.
1313
1314 Q: Um, so between now and the time that she gets out, um, had there been any
1315 further communication between you - you and CHP? Um...
1316
1317 A: No. Just that I had told the guys to my left that I have a dog. 'Cause they
1318 weren't - I didn't tell them that when we first stopped on Jordan Road,
1319 because they weren't...
1320
1321 Q: They weren't there yet?
1322
1323 A: ...there yet. It was the other car.
1324
1325 Q: Okay. And I think they got there after you had already come to a stop.
1326
1327 A: Yeah.
1328
1329 Q: So I didn't know if they saw the dog come out. I just don't know. Um, all
1330 right. So next kinda phase...
1331
1332 ((RECORDING))
1333
1334 ((Crosstalk))
1335
1336 Q: So she's out of the - out of the car at...
1337
1338 ((END RECORDING))
1339
1340 Q: When - when Yahtzee comes up there, is that a second deployment? Reading
1341 your memos and reports, it - it - I interpret - terpreted that to be a second
1342 deployment.
1343
1344 A: Yes.
1345
1346 Q: Okay. You - you gave a command, and the - and the dog went?
1347
1348 A: Yes.
1349
1350 Q: Okay. Um, and just for my knowl- what - what language is the command in?

1351 Is it German or Czech?
1352
1353 A: Uh, his bite command is...
1354
1355 Q: Oh, great. There's multiple languages? You K-9 guys.
1356
1357 A: Oh. Is it French? No, it's not French. It's not German or Czech.
1358
1359 Q: Okay.
1360
1361 A: I can't remember - can't...
1362
1363 Q: Okay.
1364
1365 A: I mean, I know what the command is, but...
1366
1367 Q: Sure.
1368
1369 A: ...I can't remember what the language is.
1370
1371 Q: And the only I ask is 'cause none of the other guys that I talked to heard, like,
1372 "Go bite."
1373
1374 A: Yeah.
1375
1376 Q: And they all...
1377
1378 A: Yeah.
1379
1380 Q: They didn't - they didn't ever key him, and that was probably - correct me if
1381 I'm wrong - because it was in some other language?
1382
1383 A: Correct.
1384
1385 Q: Okay. So whatever language that is, whatever command it is, when she ran up
1386 - when the dog ran up to the door, that command was given.
1387
1388 A: Yes.
1389
1390 Q: And then that command was given a second time at that point?
1391
1392 A: Yes.
1393
1394 Q: So at - at that point - and it's really just...
1395

1396 A: It's Dutch.
1397
1398 Q: Dutch. Oh, of course.
1399
1400 A: It's (Dutch Language Spoken 0:48:47).
1401
1402 Q: He's a me- he's a mal.
1403
1404 A: It's (Dutch Language Spoken 0:48:49). So...
1405
1406 Q: Um, so really, the same - the same series of questions. We're kind of into
1407 Chapter 2, to my thinking. Um, you know, do you feel like the suspect was an
1408 imminent threat of violence or serious harm after she exited the car? Um, if
1409 yes, why or why not?
1410
1411 A: Yes. Still unsearched. And, I mean, she got out, but I - I perceived she got out
1412 as she was inf- as she saw the u- the show of force, with the dog being there.
1413 And I didn't perceive compliance at that point, as she was walking towards - I
1414 mean, it was quick, but she gets out and it's not hands in the air.
1415
1416 Q: Were you able to see her hands?
1417
1418 A: Yes.
1419
1420 Q: Okay. Was there anything in her hands?
1421
1422 A: No.
1423
1424 Q: Okay. Is it - so - so the - so you said yes, there was an imminent threat of
1425 violence or serious harm after she exited the car. Um, and that's just - that's
1426 based on a continued - she - her unsearched status?
1427
1428 A: I - y- no. I don't think she was a threat of violence or serious harm at that
1429 point.
1430
1431 Q: Okay.
1432
1433 A: I don't think she was complying at that point.
1434
1435 Q: Okay. Um, do you feel like she was - uh, again, back to the language. Do you
1436 feel like she was physically resisting or threatening to physically resist, as she
1437 was out of the car at this point?
1438
1439 A: No.
1440

1441 Q: Um, okay. So no. So the follow-up would've been was the dog necessary to
1442 overcome? But no, you don't feel like that. Um...
1443

1444 A: I feel like she was actively resisting.
1445

1446 Q: Okay.
1447

1448 A: The question was physically resisting.
1449

1450 Q: Okay. So - and that - and thank you for clarifying. So active resistance in that
1451 she's not ultimately doing what she's being asked, commanded to do. But not
1452 physically resisting in the sense of some sort of affirmative, offensive
1453 conduct?
1454

1455 A: Correct.
1456

1457 Q: Okay. Um, so the concept of - of mitigation in force, um, is it important to
1458 consistently throughout an event reassess what force is reasonable? Can force
1459 s- can re- can force start very high - be - a very high quantum of force be
1460 reasonable and then it goes down, then it goes back up, then it goes back
1461 down?
1462

1463 A: Yes.
1464

1465 Q: Did it go up or down when she was now out of the car? Or even either?
1466

1467 A: I think it stayed the same.
1468

1469 Q: Okay. And what are your thoughts on that? How - how come you say that?
1470

1471 A: She's still not making the furtive digging movements in the car, but we don't
1472 know if there's weapons accessible or on her person. And she's still not
1473 complying with directives.
1474

1475 Q: Okay. Okay. Um...
1476

1477 Q1: Can I ask a question?
1478

1479 Q: Yeah, absolutely.
1480

1481 Q1: Um, what is she saying, if anything, at this point, and what is your perception
1482 of what she's doing? So I'm watching this as - not knowing anything about it.
1483 Is she trying to pet the dog, or did the dog actually bite her when her arm was
1484 out the window? What - what happened there, from your perception?
1485

1486 A: He has not bit her yet.
1487
1488 Q1: Okay.
1489
1490 A: She's trying to pet him.
1491
1492 Q1: Okay.
1493
1494 A: Um, and I'm perc- I'm seeing my dog - who is green. Who this was his
1495 second deployment with an apprehension. Um, him seeing a suspect trying to
1496 be friendly and him goin', "This isn't normal." This is why he's on a long
1497 line. So I can have control over him constantly. Um, she's making nonsensical
1498 statements. Um...
1499
1500 Q1: Do you recall anything...
1501
1502 A: I don't recall...
1503
1504 Q1: ...sh- sh- sh-....
1505
1506 A: ...exactly and quote what she said, but basically, things along the lines like, "I
1507 - I'm an agent. I'm an officer. Uh, you have no right to stop me." Um, I don't
1508 know if it was said right then or later, that she said we're not real cops. Um...
1509
1510 Q1: Is she trying to interact with the dog? Was she speaking to the dog? Like -
1511 like, you know...
1512
1513 A: Yeah.
1514
1515 Q1: "...Hey, bud," you know type of...
1516
1517 A: When - right then. Right then. When she reached down and tried to pet him, I
1518 - she said something in a soft voice...
1519
1520 Q1: Okay.
1521
1522 A: ...to him.
1523
1524 Q: Was there anything - did - did she say anything that was, um, threatening?
1525 Verbally threatening toward you, dog, any of the other officers, or Deputy
1526 Brown?
1527
1528 A: No.
1529
1530 Q: At any point?

1531
1532 A: No.
1533
1534 Q: Okay. A- at no point in the - okay.
1535
1536 A: Not that I recall.
1537
1538 Q: Um, so aga- similar questions again. So after she's out, um, you know, kind of
1539 from this point, is anything further communicated between CHP and you?
1540
1541 A: No.
1542
1543 Q: Okay. Um, so moving forward...
1544
1545 ((RECORDING))
1546
1547 Man: Get on the fuckin' ground.
1548
1549 ((END RECORDING))
1550
1551 Q: Um, so she's - she's gonna - y- that - that's y- I believe you saying, "Get on
1552 the ground."
1553
1554 A: Okay.
1555
1556 Q: Um, at some point, she's gonna go - it looks like...
1557
1558 ((RECORDING))
1559
1560 Q: ...maybe down to a knee.
1561
1562 Man: Get on the fucking ground.
1563
1564 Q: There she is...
1565
1566 ((END RECORDING))
1567
1568 Q: ...goin' down to a knee. Um, w- is there anything that would suggest, uh - uh,
1569 imminent threat of physical harm or, um, violent - or physical resistance at
1570 this point?
1571
1572 A: Nope, but I don't recall that happening.
1573
1574 Q: Okay. And, uh, I - I suspect, because it's - I mean, you come in...
1575

1576 ((RECORDING))

1577

1578 Q: ...with a nice tackle...

1579

1580 ((END RECORDING))

1581

1582 Q: ...right there. And that's pretty darn quick. Um, how did the timing of that all
1583 go down? And I get - I've been to - for science. I love for science. Tell me
1584 about for science.

1585

1586 A: So she was, in my recollection, in my perception, she was walking towards
1587 me. I was givin' her commands to get on the ground. I closed the distance and
1588 pushed her down.

1589

1590 Q: Mm-hm.

1591

1592 A: And then, two days later, after I write my report, I see this. Um, I don't recall
1593 her going to a knee at all.

1594

1595 Q: Okay.

1596

1597 A: It was - it was quick and I perceived her - she was walking towards us. I
1598 would say us, but I was out front. But me and the cops behind me. Um, she
1599 was walking towards me, and not getting on the ground. I'm not sure if she's
1600 wanting to fight or shake my hand. I don't - I don't know what's goin' on.

1601

1602 Q: Mm-hm.

1603

1604 A: She's makin' weird statements. I don't know if she's - what she's under the
1605 influence of at this point. So I take her down.

1606

1607 Q: Okay. Um, the - the walking toward you. How would you - if you had to
1608 describe the walk. I mean, how would you describe the walk toward you?

1609

1610 A: I d- I don't know. It's just, um, not rapid.

1611

1612 Q: Okay.

1613

1614 A: Um, the distance was closed quickly, but it - she wasn't running at me.

1615

1616 Q: Okay.

1617

1618 A: Um...

1619

1620 Q: Were hands fist - were ha- hands, you know, in fists? Balled up in fists? Uh...

1621
1622 A: I don't recall that.
1623
1624 Q: Was anything - were any of her personal body weapons coiled or anything
1625 like that?
1626
1627 A: No.
1628
1629 Q: Was her, uh, muscle - were her muscles rigid? Was she relaxed?
1630
1631 A: I don't recall.
1632
1633 Q: Okay. Um...
1634
1635 Q2: Can we just ask right here about her body type? Was she big? Imposing
1636 physically?
1637
1638 A: I didn't know it was a female. Um, I perceived it as a 6'3" male.
1639
1640 Q: Sure.
1641
1642 A: So I thought it was a big dude.
1643
1644 Q: Yeah. 6'3". What would you estimate weight?
1645
1646 A: 220.
1647
1648 Q: Reasonably fit?
1649
1650 A: Uh...
1651
1652 Q: Fair to say?
1653
1654 A: Yeah.
1655
1656 Q: Okay. Clothing. It looks like she's wearing, uh, like, a sweatshirt or jacket or
1657 somethin' like that? Um, was it tight-fitting, baggy?
1658
1659 A: Uh, like, a standard hoodie fitting shirt is what I would...
1660
1661 Q: Okay.
1662
1663 A: ...perceive it as.
1664
1665 Q: Was she wearing jeans or...

1666
1667 A: I believe so.
1668
1669 Q: Uh, pouch in the - in the jacket, do you remember? Pockets or anything like
1670 that?
1671
1672 A: I don't recall.
1673
1674 Q: Um, was there anything beyond, again, just the generalized risk that always
1675 exists that somebody's - has something in their waistband. Was there anything
1676 that caused you to believe she likely had something in her waistband?
1677
1678 A: No.
1679
1680 Q: Oh, okay. So just the generalized risk?
1681
1682 A: Correct.
1683
1684 Q: Um, so at this point...
1685
1686 ((RECORDING))
1687
1688 Q: ...move forward and everybody...
1689
1690 ((END RECORDING))
1691
1692 Q: ...everybody kinda joins in.
1693
1694 A: Mm-hm.
1695
1696 Q: Um, are you able to - you might not even know names of the other CHP
1697 officers, I don't know. But can you kinda identify who's controlling what limb
1698 and kinda ge- draw me a little map of who's got what?
1699
1700 A: Uh, well, nobody had anything. She was on her le- she was on her arms.
1701
1702 Q: A- at this point, she's still on her back. Um, the other video, um, shows that
1703 she went down to her, uh - her side and then kinda fell to her back. So she's
1704 kinda, like, an upside down turtle.
1705
1706 A: Oh, okay.
1707
1708 Q: At some point. But you're right. Fairly quickly, she is rolled over to, uh, her -
1709 her stomach. Which I think is - might be where your memory picks up.
1710

1711 A: Mm-hm.
1712
1713 Q: Which is totally understandable. Um, but do you know, like, who's got what
1714 limb and so forth?
1715
1716 A: No.
1717
1718 Q: Okay. Um, was her, uh - what w- do you remember what her - her left arm -
1719 that would be a- at this point - well, let's move it forward a little bit.
1720
1721 ((RECORDING))
1722
1723 Man: Get on the fucking ground.
1724
1725 Q: So...
1726
1727 ((Crosstalk))
1728
1729 Q: So there...
1730
1731 ((END RECORDING))
1732
1733 Q: ...she is. Now, she's on her - her chest.
1734
1735 A: Okay.
1736
1737 Q: And so these guys are on the left side. Here's her feet. Um, it's not a good - I
1738 think that might be - uh, I think that's Maldonado. Um, do you remember, is -
1739 is her left arm controlled at that point?
1740
1741 A: I don't recall.
1742
1743 Q: Okay.
1744
1745 A: I was on her right side, and I couldn't get her right arm out.
1746
1747 Q: Okay.
1748
1749 A: I want - yeah, I don't recall. I don't want to speculate.
1750
1751 Q: Okay. Um, was there somebody controlling her feet?
1752
1753 A: I don't know.
1754
1755 Q: Okay.

1756
1757 A: I remember her legs moving.
1758
1759 Q: Okay.
1760
1761 A: So I don't think there was any control of feet at that point.
1762
1763 Q: Okay. Um, was - was there somebody controlling her torso?
1764
1765 A: Um, I think I was knelt down, probably, on her back.
1766
1767 Q: Okay.
1768
1769 A: Or near her back or hips.
1770
1771 Q: Some of the other guys that I talked to talked about, um - uh, you controlling
1772 her head. Keeping her head pinned. Um - uh, do you remember doin' that at
1773 all?
1774
1775 A: No.
1776
1777 Q: Okay.
1778
1779 A: Um, so you had written that, um, she was, uh, flailing. Uh, that her feet were
1780 flailing. Um, can you describe that a little bit? Uh, well, you said the, uh -
1781 well, "the suspect was on the ground because the wu- suspect, uh, was flailing
1782 her legs and preventing officers from handcuffing her." Can you just describe
1783 what you mean by that?
1784
1785 A: Yeah. Her - I mean, she wasn't still. She wasn't giving us her wrists behind
1786 her back. She was rigid at that point. Keepin' her - at least her right arm -
1787 'cause I was on her right side. Keepin' her right arm up underneath her torso.
1788 And her - I just remember her legs kickin' around.
1789
1790 Q: Okay. Um, so e- e- eventually, we're - we're - the dog gets deployed. Did the
1791 left hand and legs come in - di- did they factor in your decision to deploy the
1792 dog while she's on the ground?
1793
1794 A: Yes.
1795
1796 Q: Okay. Ho- how so?
1797
1798 A: Uh, because I don't know this person's level of training or experience and if
1799 her legs are free, she could easily get herself up.
1800

1801 Q: Mm-hm.
1802
1803 A: And either fight or flee. Um, so yeah. That - that plays a factor.
1804
1805 Q: W- I - did you or - or could you have looked down to assess whether or not
1806 the legs and lower trunk were controlled?
1807
1808 A: I could have. I don't recall doing so.
1809
1810 Q: Okay. Um, same question for - for l- well, I - actually, I don't know if you
1811 ever - how about the left arm? Do you remember, did the left arm factor into...
1812
1813 A: If I could look at my report, I might have...
1814
1815 Q: Yeah.
1816
1817 A: ...I may have put that in there.
1818
1819 Q: Yeah. Sure.
1820
1821 A: Yeah, I - from reviewing my report, I see that I documented that she was on
1822 both of her arms...
1823
1824 Q: Okay.
1825
1826 A: ...underneath her torso. That her left a- arm wasn't under control at that point.
1827
1828 Q: At the - at the time of the bite? At the time of the bite command...
1829
1830 A: Yes.
1831
1832 Q: ...that it was under? Okay.
1833
1834 A: Yes.
1835
1836 Q: Um, the - the video shows it wasn't, and that's not even an accusation.
1837 Because these things unfold super rapul- rapidly. The only question I'm
1838 asking is did you - were you able to and did you look and assess how the other
1839 limbs were being - legs, arms - were being controlled?
1840
1841 A: Yes.
1842
1843 Q: Okay. And, from your perspective, do you - do you recall the - the left arm
1844 being under her?
1845

1846 A: I do.
1847
1848 Q: Okay. Okay. Um...
1849
1850 Q1: Can I ask a question?
1851
1852 Q: Yeah. Absolutely.
1853
1854 Q1: What's the dog doing at this point, while you're physically engaged with the
1855 suspect? 'Cause I seen i- the dog male or female?
1856
1857 A: Male.
1858
1859 Q1: Okay. It looks like he's kinda excited, wantin' to get in there. But - and kinda
1860 lunges in a couple of times. But what - is that just the excited behavior 'cause
1861 of what's goin' on and what he's seeing you involved in? Or is there
1862 commands being given at that point? In other words, would the dog have
1863 bitten if it had gotten an opportunity to get in there at that point?
1864
1865 A: There's no commands being given right now. Um, he's on a leash. A long
1866 leash.
1867
1868 Q1: Mm-hm.
1869
1870 A: Um, that I would think I would have in my hand at that point. 'Cause I
1871 wouldn't just let it go.
1872
1873 Q1: Mm-hm.
1874
1875 A: Um, and yes. It's the excitement. Green dog. While there's a fight goin' on.
1876 Um, I - I don't know if he would - if he would've. If he could've got to - I
1877 don't know how he couldn't get to her, because when I did tell him to bite, he
1878 got to her and bit. Um, but he's an animal. So I don't know if he was not able
1879 to get to her, so he didn't bite sooner.
1880
1881 Q1: Would it have been acceptable behavior by the dog as - as it relates to
1882 training, that if you were engaged in this type of thing, for the dog to bite
1883 without being commanded?
1884
1885 A: Yes.
1886
1887 Q1: Okay.
1888
1889 Q: How come?
1890

- 1891 A: Uh, well, in this situation, you have the dog's prey mentality and pack
1892 mentality. "Someone's on the ground. There's hootin' and hollerin'. Dad's in
1893 a fight. I'm gonna join in." Kinda like when we train for handler protection.
1894 Just the flinch of the suspect towards me, um, will break the dog from a stay
1895 to engage the target, um, without a command.
- 1896
- 1897 Q: So that's if - that's if Dad's in a fight?
- 1898
- 1899 A: Mm-hm.
- 1900
- 1901 Q: Or if - I assume what you mean, if - if the suspect turns to assault you, the dog
1902 will bite on its own?
- 1903
- 1904 A: Mm-hm.
- 1905
- 1906 Q: Um, it seems like it's important that the dog not bite if those things don't
1907 happen. So was this a fight? Or was this her just not wanting to get
1908 handcuffed?
- 1909
- 1910 Q2: Or one and the same.
- 1911
- 1912 A: I mean, I wouldn't - it wasn't a fight und- under the definition of, like, a
1913 boxing match, where she was throwin' blows and I was throwin' blows. But
1914 she was now physically resisting, and concealing her arms underneath her -
1915 herself.
- 1916
- 1917 Q: Based on your feeling s- hearing, seeing, smelling, tasting, touching at the
1918 time, was she tr- what was she - what was she attempting to do?
- 1919
- 1920 A: I don't know. Not - not get handcuffed. Possibly get up and flee. Um, not go
1921 with the program.
- 1922
- 1923 Q: Okay. Anything back to that physically assaultive behavior while she's on the
1924 ground?
- 1925
- 1926 A: Uh, not assaultive, but physically resisting.
- 1927
- 1928 Q: Physically resisting.
- 1929
- 1930 A: Yeah.
- 1931
- 1932 Q: Do you think she was tryin' to get away? Or do you think she was trying to
1933 engage in assault you guys?
- 1934
- 1935 A: Get away, but also she had just walked towards me. Which was weird. So the

1936 unknown...

1937

1938 Q: Okay.

1939

1940 A: ...of - if we all backed away, we - I don't know what she would do.

1941

1942 Q: What was she saying at the time?

1943

1944 A: I don't recall.

1945

1946 Q: Okay. Was she still makin' some comments, you just don't recall what they

1947 were?

1948

1949 A: Yeah. I - I'm - yeah, I don't - yeah. I just don't recall what she was sayin'.

1950

1951 Q: Okay. Um, so back to that policy language that - you know, wa- was she

1952 physically resisting or threatening to physically resist. Um, so when she's on

1953 the ground at this point, based on your understanding, was she physically

1954 resisting or threatening to physically resist? Or - or, again, actively resisting?

1955

1956 A: Physically resisting.

1957

1958 Q: Ho- why?

1959

1960 A: Arms tucked under, legs flailing.

1961

1962 Q: Okay. Um, what - so second part of the policy says a- and the - the dog was

1963 necessary to overcome that resistance. Or that threatened resistance. Was the

1964 dog necessary at that d- that point to overcome?

1965

1966 A: I believe so.

1967

1968 Q: Okay. Does the presence of the six officers versus one - I mean, we've worked

1969 enough together. I - I'd have a thousand officers on one person if - if I could.

1970 So I'm not saying that numbers are dispositive. But does the fact that there's

1971 six to one - does that factor into the necessity to deploy the dog in that

1972 circumstance?

1973

1974 A: Yeah, but compliance wasn't being gained. Um, we weren't overcoming her

1975 resistance at this point, and the dog was out and readily available. And I

1976 believed it was justified.

1977

1978 Q: Okay.

1979

1980 A: I mean, ha- had the dog been in the car and we're in a - in a pig pile right

1981 there...

1982

1983 Q: Mm-hm.

1984

1985 A: ...I'm not gonna jump up and go, "Hang on. Let me go get the dog."

1986

1987 Q: Go get the dog. Yeah.

1988

1989 A: We're gonna use other means. Taser. Um, baton. Whatever.

1990

1991 Q: Mm-hm.

1992

1993 A: Dog was readily available. I felt that the continued use of the dog was

1994 justified. So therefore, I implemented that tool.

1995

1996 Q: Yeah. Were any other techniques attempted or tried?

1997

1998 A: Uh, yeah. I punched her in the ribs a few times.

1999

2000 Q: Okay. And what was the purpose of the punches?

2001

2002 A: To get her to get that arm out from underneath her.

2003

2004 Q: Uh, distractionary?

2005

2006 A: Yes.

2007

2008 Q: Uh, pain compliance?

2009

2010 A: Yes.

2011

2012 Q: Both? Um, were they effective?

2013

2014 A: Nope.

2015

2016 Q: Okay. Um, how many punches?

2017

2018 A: I don't recall.

2019

2020 Q: Okay. Um, more than one?

2021

2022 A: Yes.

2023

2024 Q: Um, and with force? I mean, you're no mamby-pamby. I mean, you...

2025

2026 A: Yes.
2027
2028 Q: You tried to inflict pain?
2029
2030 A: Yes.
2031
2032 Q: Which I get. That's - again, it's not accusatory at all.
2033
2034 A: Yes.
2035
2036 Q: Um, okay. Um, so a- again, and this is a - a question you've - you've heard
2037 before. I just it - it...
2038
2039 ((RECORDING))
2040
2041 Q: ...reflects...
2042
2043 Man: Get on the ground.
2044
2045 ((END RECORDING))
2046
2047 Q: ...this - this portion of it, now. Um, you know, so at this time, when the dog is
2048 engaged, uh, do - do you feel like the suspect was an imminent threat of
2049 violence or serious harm?
2050
2051 Q2: When the dog was engaged, when the dog was biting down?
2052
2053 Q: Yeah. When i- I assume, did - did you verbally issue another bite command?
2054 A third bite command?
2055
2056 A: I did.
2057
2058 Q: Okay. So at the time that command i- is that when Yahtzee engaged and bit?
2059
2060 A: Yes.
2061
2062 Q: Um, so at that moment, um, did you feel like she was a imminent threat of
2063 violence or serious harm?
2064
2065 A: Yes.
2066
2067 Q: How come?
2068
2069 A: Violence because she was unsearched and her hands were not visible, and I
2070 don't know what's in her jacket pocket, waistline, pants pockets. Anything

2071 like that.

2072

2073 Q: But - but we don't - we don't use force on everybody as a - we walk up to

2074 people all the time and - and search them. We - w- w- we engage people all

2075 the time and go hands on when they're not searched. What was different about

2076 this instance of being unsearched?

2077

2078 A: All of the factors leading up to it. The 40-plus mile...

2079

2080 Q: Okay.

2081

2082 A: ...pursuit. The - the active resistance to not comply with our orders. And why

2083 is this person fleeing? Are they armed? So all of that.

2084

2085 Q: So it's a totality...

2086

2087 A: Yes.

2088

2089 Q: ...thing? Okay. Um, again, a- at this point, when the - the bite command is

2090 issued and the bu- dog bites while she's on the ground, do you feel like the

2091 suspect was physically resisting or threatening to physically resist arrest?

2092

2093 A: Yes.

2094

2095 Q: Okay. And how come you feel like - that she was physically resisting?

2096

2097 A: Arms tucked, legs flailing. Not going with commands.

2098

2099 Q: Okay. And do you feel like the dog was - I - I think I already asked you if the

2100 dog - if you feel like the dog was necessary. I don't want to repeat questions.

2101 Um, you issued a warning, I assume, initially. Um, I - I think I heard it. What

2102 - what was the warning?

2103

2104 A: Whatever - o- on which one?

2105

2106 Q: Uh, the first one. I - the one I think I recall, I - I heard somebody say, "You're

2107 not gonna be harmed." I don't know if that was you or Evans.

2108

2109 A: That was one of the Chippies.

2110

2111 Q: Oh, that's one of the Chippies? What kind of a warning did you issue?

2112

2113 A: Uh, the warning that, "You're gonna get bit if you don't comply."

2114

2115 Q: Okay. And that was verb- that was verbally issued?

2116
2117 A: Yes.
2118
2119 Q: Did she reply at all to that?
2120
2121 A: I don't recall.
2122
2123 Q: Um, how much time elapsed from the time that, uh, warning was issued to the
2124 time that you sent the dog to the door and the dog jumped up on the door?
2125
2126 A: Um, I don't recall the amount of time, but enough time for her to receive,
2127 understand, and comply.
2128
2129 Q: Okay. And - and that's obviously the issue.
2130
2131 A: Wasn't as I was letting the leash go, you know?
2132
2133 Q: So she would've had time to comply?
2134
2135 A: Yes.
2136
2137 Q: Okay. That's all I'm drivin' at there. Um, back to - sorry. I - I forgot to kind of
2138 finish up on one thing that's just not clear to me from the on the ground part.
2139 Um, so in the video, um, a- dog is on bite. What are you doing while the dog's
2140 on bite?
2141
2142 A: Getting the arm out from underneath her so we can cuff it.
2143
2144 Q: Still pulling the right arm out?
2145
2146 A: Yes.
2147
2148 Q: Is the left arm out at this point?
2149
2150 A: Yes.
2151
2152 Q: Okay. I- was the left arm - but you don't recall if the left arm was out prior to
2153 the dog actually biting?
2154
2155 A: From my reco- from lookin' at my report, my perception was that it was
2156 underneath her.
2157
2158 Q: Okay. All right. Um, so you're not sure when it may have come out?
2159
2160 A: Correct.

2161
2162 Q: Okay. Um...
2163
2164 ((RECORDING))
2165
2166 Q: So dog's not on bite yet.
2167
2168 ((END RECORDING))
2169
2170 Q: And just for - because the audio always gets weird in these. Uh, so we're at
2171 2:45. Dog was not on bite there, correct?
2172
2173 A: Correct.
2174
2175 ((RECORDING))
2176
2177 Q: Tell me when the dog's on bite.
2178
2179 A: Now.
2180
2181 ((END RECORDING))
2182
2183 Q: Dog's on bite. Um, you had grabbed Yahtzee's collar. I- what's the purpose of
2184 grabbing the collar? I'm just - I'm not a dog guy, so I just don't know.
2185
2186 A: Well, once we got her handcuffed, I was - I was removing him.
2187
2188 Q: What - did you have your hand on Yahtzee's collar at the time the bite
2189 command was given?
2190
2191 A: No.
2192
2193 Q: Oh, okay. All right. Um, when did you put your hand on Yahtzee's collar?
2194
2195 A: When I went to go take him off the bite.
2196
2197 Q: Okay. So your hand's on there now, at 2:48. Is that the process of taking
2198 Yahtzee off bite?
2199
2200 A: Yes.
2201
2202 Q: Is the handcuff on at this point? The right handcuff?
2203
2204 A: I would perceive so, yeah. If I'm e- if I'm takin' the dog off.
2205

2206 Q: Okay. Um, and the only reason I'm - I'm not sure is because, um, there's a
2207 point when everybody - you can kinda feel the tension just kinda go down,
2208 and all the cops kinda stand up. Like, "Oh, we got her cuffed. Good." Um,
2209 when we get there, tell me what you think they might be responding to at that
2210 point.

2211
2212 ((RECORDING))

2213
2214 Man: Okay.

2215
2216 ((Crosstalk))

2217
2218 Q: So is she already cuffed at this point?

2219
2220 A: Uh, I don't know.

2221
2222 ((Crosstalk))

2223
2224 Q: 'Cause it looks like he's still trying to cuff the right arm.

2225
2226 ((Crosstalk))

2227
2228 ((END RECORDING))

2229
2230 Q: That's, um, (Johnson) from - from the Humboldt area, by the way. Um, so
2231 he's still tryin' to cuff the right arm. The dog's on bite still.

2232
2233 ((RECORDING))

2234
2235 ((Crosstalk))

2236
2237 ((END RECORDING))

2238
2239 Q: And that's kinda that - I c- I think I hear you kinda say, "All right." And
2240 everybody kinda starts to rise.

2241
2242 A: I think I said, "Dog's comin' off."

2243
2244 Q: Okay. Is that the point where the cuff was on both wrists?

2245
2246 A: Yes.

2247
2248 Q: Had it been on both wrists before that point?

2249
2250 A: No.

2251
2252 Q: Okay. So the - that's the point.
2253
2254 A: Yeah.
2255
2256 Q: And we're - so we're at 3:08. Best of your recollection, that's when both cuffs
2257 were on?
2258
2259 A: Yes.
2260
2261 Q: Okay. Um, again, not a dog guy, and I can't see the video super well. But it
2262 seems like the dog - is the dog still biting at this point?
2263
2264 A: The dog is still attached. S...
2265
2266 Q: Um...
2267
2268 A: Yes.
2269
2270 Q: Tell me when the dog comes off.
2271
2272 A: Okay.
2273
2274 ((RECORDING))
2275
2276 Dispatch: (Unintelligible).
2277
2278 ((Crosstalk))
2279
2280 A: Now. W- nope.
2281
2282 ((Crosstalk))
2283
2284 A: Now.
2285
2286 ((END RECORDING))
2287
2288 Q: Uh, so I - let's assume I went a second longer than you said "now." So 3:20.
2289 So 12 - 12 seconds from the time the dog - from the time the handcuffs went
2290 on to the time the dog came off. Is that normal?
2291
2292 A: Yeah.
2293
2294 Q: What's the - what's the delay in getting the dog off? How come a 12-second
2295 delay?

2296
2297 A: Um, 'cause of the tactic I use, is to restrict his airway until he lets go.
2298
2299 Q: Okay.
2300
2301 A: And that's not an immediate response.
2302
2303 Q: Is there a - a release command in the dog world?
2304
2305 A: There is.
2306
2307 Q: Had that release command been issued?
2308
2309 A: No.
2310
2311 Q: Okay. Um, so as an alternative, you can constrict an airway and get a dog to
2312 release, based on the constricted airway. Um, when do you use one versus the
2313 other? Under what circumstances?
2314
2315 A: Um, from my training, this is our go-to dog removal tactic in street bites.
2316 Um...
2317
2318 Q: What's the - what's the rationale behind that?
2319
2320 A: Um, a lot of it goes into positive control of the dog. Um, 'cause if - 'cause on
2321 the adverse, if you do a verbal out, what's the subject gonna do? You're gonna
2322 say s- "Stand still. Don't move. I'm gonna take this dog off of you," and
2323 what's they - or what are they gonna do? They're gonna move away from it,
2324 because it's hurt - it's painful. And then the dog is gonna re-engage. So with
2325 positive dominant control of the dog, you don't have a re-engagement chance,
2326 and then with every o- all the other cops around, you don't have them getting
2327 bit. So I have positive control of the dog. Dog lets go, and I move to - the dog
2328 to safety, so it's not gonna re-engage the suspect or another cop.
2329
2330 Q: Okay. I think I'm part of the way there, but I want to make sure I understand.
2331 Um, could you just - you had your hand on Yahtzee's collar. Could you have
2332 issued a - a - a release command and then just yanked him off, and avoided
2333 those problems of re-engagement, biting other cops, biting the bad guy?
2334
2335 A: That's not how we train.
2336
2337 Q: Okay. Um, so he has one, but this is the go-to training technique?
2338
2339 A: Correct.
2340

2341 Q: Okay. And, overall, it's safer? Or is i- or is...

2342

2343 A: It's just the training technique that we train and do and use, and so it's just...

2344

2345 Q: Okay.

2346

2347 A: ...what I do.

2348

2349 Q: All right. I mean, to my un- non-K-9 mind, it's like, when there's 12 seconds

2350 of the person being handcuffed and still getting bit, I go, "What's that all

2351 about?" That is the process of using this technique. Um, I guess, what's the -

2352 what - I guess you told me the advantage. The advantage is better control of

2353 the dog, less chance of re-engagement?

2354

2355 A: Mm-hm.

2356

2357 Q: Is that accurate?

2358

2359 A: Mm-hm.

2360

2361 Q: Okay. Anything I'm not understanding? Are - are - are you clear on that?

2362 'Cause I - I just - I don't understand it.

2363

2364 Q1: I think I...

2365

2366 ((Crosstalk))

2367

2368 Q: But that might just be my own ignorance.

2369

2370 Q1: ...couple of clarifying, 'cause my - my experience with K-9s is limited, as

2371 well. Um, but it has been that when you give the command for a dog to come

2372 off bite, um, you're not dealing with a rational thinking human being. You're

2373 dealing with an animal that's doing - reacting to its, uh, training, but also its,

2374 uh, animal instincts have kicked in at this point. Um, and it's not uncommon,

2375 from my experience, uh, to have a command given for the dog to come off

2376 and the dog doesn't go, "Oh, yes, sir," and let go. Um, it's sort of a, um - it's a

2377 process, even when you give a verbal command. Is that correct? Or is that -

2378 would that be an ill-performing dog?

2379

2380 A: Well, yes. So you're - you're dealing with a - a dog on a human. Uh, it's got

2381 high drive and in the vision of, like, say, the media - media gets this and I'm

2382 yellin' a out command to my dog, who's not outing on the very first

2383 command, but outs on the fourth command that's 6.25 seconds later. Th- well,

2384 there's an untrained dog. So as opposed to fail, you - you remove the dog,

2385 which is going to happen when you use that tactic.

2386
2387 Q1: And I guess what I'm asking is if, like the circumstance you gave, uh, the dog
2388 didn't release 'til the fourth one and only, you know, six seconds had gone by.
2389 In the K-9 world, is that a - a common or normal response? Uh, and that
2390 wouldn't be something indicative of a dog that's ill-performing, it would just
2391 be indicative of an animal behavior?
2392
2393 ((Crosstalk))
2394
2395 Q: Has the dog failed if it takes four times to...
2396
2397 A: Sure.
2398
2399 Q: ...verbally...
2400
2401 A: It's - it's common.
2402
2403 Q: ...tell him to get...
2404
2405 A: Yes, it is common.
2406
2407 Q1: Okay.
2408
2409 Q: Okay. Um, what's the - what's the physical process, uh, when you constrict
2410 the - the airway? Are - are you physically...
2411
2412 ((Crosstalk))
2413
2414 A: With hi- with him, most of the time, I'll use my hand. Um...
2415
2416 Q: Is it underneath? Like...
2417
2418 A: Yeah.
2419
2420 Q: ...here?
2421
2422 A: Yeah. And then some- most of the times, like, in training, I'll use a m- uh, use
2423 a leash.
2424
2425 Q: Okay.
2426
2427 A: Go up underneath and then...
2428
2429 ((Crosstalk))
2430

2431 Q: And is it the active reduced oxygen? Or is it painful for the dog or...
2432
2433 A: It's not painful, but yeah. You're cuttin' off his airway.
2434
2435 Q: It's, like, "Oh, I need to breathe. I'm gonna s-..."
2436
2437 A: Mm-hm.
2438
2439 Q: "I'm gonna" - a - a- another animal instinct is gonna take over...
2440
2441 A: Yeah.
2442
2443 Q: ...right now?
2444
2445 A: "I want to survive."
2446
2447 Q: Okay.
2448
2449 A: Yeah.
2450
2451 Q: All right. Um, how would you describe the potential for injuries to deputies or
2452 the public if the K-9 - if the dog had not been used?
2453
2454 A: Uh, that's - that's a hypothetical. You know, we didn't - at the time that the
2455 dog was told to u- to be used, the - the dog was told to bite. We had an
2456 unsearched, uncooperative subject. So we don't - I don't know.
2457
2458 Q: Okay. Well, the reason I ask, it's - it's - it's one of the criteria from the
2459 policies. And o- one of the things that the handlers are supposed to evaluate is
2460 the potential for injury to deputies or the public caused by the suspect if the
2461 suspect was not bit by the dog. Um, so that - that's the only reason I ask. Same
2462 - same question. How would you describe the danger, uh, to the public or
2463 deputies at the scene, um, if the dog had not been deployed?
2464
2465 A: Sorry.
2466
2467 Q: No, that's okay.
2468
2469 A: Um...
2470
2471 Q: And - and just so you know, I mean, I don't have a lot more questions. If you
2472 want to take a break any time, we can. To...
2473
2474 A: No.
2475

2476 Q: Okay.
2477
2478 A: Uh...
2479
2480 Q: And famous last words, right? "I don't have that many more..."
2481
2482 A: Yeah.
2483
2484 Q: "We're almost done." Yeah.
2485
2486 ((Crosstalk))
2487
2488 A: Can you ask that question one more time?
2489
2490 Q: Yeah. So how would you describe the danger to the, um, deputies on the
2491 scene, or any - there was no public. So the - the policy says "public," but I'll
2492 just say deputies. On the scene if the dog had not been deployed?
2493
2494 A: Same. Same hypothetical. Unsearched. Not knowing if the person was armed.
2495
2496 Q: Okay. Um, and the - the third criteria that the policy brings up is, you know,
2497 how would you describe the potential of the suspect to escape or flee if the K-
2498 9 had not been d- been deployed?
2499
2500 A: Well, she was continuing to resist and, uh, legs were flailing. I don't know
2501 what her plan or motive was at that point.
2502
2503 Q: Okay. Um, back to the f- when you say "flailing," in looking at the video,
2504 there's one point where I think her left leg comes about a foot off the ground.
2505 But that - that's it. Then it's pushed back onto the ground by, I think, Evans.
2506 Um, is that the flail? Or was it - were there - what was the flailing part?
2507
2508 A: I just - um, based off the review of my report prior to this interview.
2509
2510 Q: Okay. Do you have any independent recollection of the legs coming off the
2511 ground multiple times? Or efforts to get up?
2512
2513 A: Yes. Um, I...
2514
2515 Q: Can you...
2516
2517 A: ...don't know how many times.
2518
2519 Q: Okay. But just describe - you - I - my a- my question was actually compound,
2520 and I apologize for that. What do you remember about the legs, I guess, is the

2521 best way to phrase that?
2522
2523 A: They weren't still. They weren't stationary.
2524
2525 Q: Okay. What were they doing?
2526
2527 A: They were kicking around, moving.
2528
2529 Q: Okay. All right. Um, was it putting any of the deputies or officers at risk? Or
2530 what was the downside of the legs moving?
2531
2532 A: The potential for her to escape or harm one of us.
2533
2534 Q: Okay. Um, so again, the policy says that mere flight from a pursuing deputy
2535 without any of the above conditions that we have talked about - the - the
2536 physical resistance, the threat of violence, that type of thing - shall not serve
2537 as the basis for the use o- of a K-9. Um, if I'm understanding you correctly,
2538 your - you're thinking in the moment was that it wasn't just the mere fact that
2539 she fled. Correct?
2540
2541 A: Yes.
2542
2543 Q: I- it goes back to my question. We don't deploy dogs for soccer mom at the 30
2544 mile an hour pursuit. Um, so we're on the - we're on the same page there?
2545
2546 A: Yes.
2547
2548 Q: Okay. Um, there - had, uh - I think Sergeant (Deemer) was on that night. Um,
2549 had there been any communication between, uh, you and Sergeant (Deemer)
2550 about the potential to deploy the dog, or the actual deployment itself?
2551
2552 A: Prior to?
2553
2554 Q: Yeah.
2555
2556 A: No.
2557
2558 Q: Okay. So another thing that the - the policy says that i- if the K-9 has
2559 apprehended the suspect with a secure bite and the handler believes that the
2560 suspect no longer poses a threat, um, would the threat level have been
2561 diminished i- by the time he was - or she was handcuffed in - both hands?
2562 Um, it says the handler should promptly command the K-9 to release the
2563 suspect. It sounds like - maybe on my - I was just ignorant of that. It sounds
2564 like you did promptly, it just took a while because of the tactic used.
2565

2566 A: Yes.

2567

2568 Q: Okay. Um, how common is that tactic? If I - if I talk to (Meyers) he's gonna

2569 say, "Oh, yeah. That's" - they're gonna say the same thing?

2570

2571 A: Yes.

2572

2573 Q: Okay. Uh, no civilians on scene at all?

2574

2575 A: No.

2576

2577 Q: Um, how long have you been a, um, K-9 handler?

2578

2579 A: With the department or in total?

2580

2581 Q: Uh, let's go in total first, and then we'll do department.

2582

2583 A: Hm, four years.

2584

2585 Q: Okay. Total of four. You start- did it start prior to here, Fortuna?

2586

2587 A: Yes.

2588

2589 Q: How long were you a handler at Fortuna?

2590

2591 A: Just over two years.

2592

2593 Q: Okay. And then came here and there was a break in service?

2594

2595 A: Yes.

2596

2597 Q: And then you - so two years here, as well.

2598

2599 A: Yeah. Give or take a few months.

2600

2601 Q: Okay. Um, and what kind of training have you gone through to accomplish

2602 that?

2603

2604 A: I've gone through three basic handler courses with three different dogs. Um...

2605

2606 Q: The third one being with Yahtzee?

2607

2608 A: Yes.

2609

2610 Q: Okay.

2611
2612 A: Um, on-going...
2613
2614 Q: How many hours are those basic courses?
2615
2616 A: They're five weeks.
2617
2618 Q: Five weeks?
2619
2620 A: Oh...
2621
2622 Q: Of 40-hour weeks, basically?
2623
2624 A: Yeah.
2625
2626 Q: Okay.
2627
2628 A: Um, first one was four weeks. The second two were five weeks.
2629
2630 Q: Okay.
2631
2632 A: Um, continued s- outside of Covid and, like, one vacation, I've maintained my
2633 16 hours a month of the Post-recommended on-going K-9 training.
2634
2635 Q: And so Post...
2636
2637 A: At certain...
2638
2639 Q: ...recommends?
2640
2641 A: It's a recommendation, yeah.
2642
2643 Q: Okay.
2644
2645 A: They don't put a lot of, uh, guidelines on dogs, 'cause they're dogs. They put
2646 recommendations.
2647
2648 Q: Okay.
2649
2650 A: So their recommendation is 16 hours a month.
2651
2652 Q: And what does that training - what - what does that 16 hours look like?
2653
2654 A: Uh, is broken up between a bunch of different stuff. Do obedience, agility,
2655 different searches for persons and different areas. Um, different environments.

2656 Narcotics training in different areas and environments. Um, multiple suspect
2657 apprehension deployments. Um, bite, no-bite scenarios where you have to do
2658 a - you know, a verbal call-off before the dog engages.
2659
2660 Q: Mm-hm.
2661
2662 A: Um, just a bunch of dog training.
2663
2664 Q: Okay. Is that the Weaverville stuff? Like, when I see on the MDT...
2665
2666 A: Yeah.
2667
2668 Q: ...that's the Weaver- the 16 hours a month in Weaverville? Like, two days a
2669 month in Weaverville?
2670
2671 A: Yes. Yeah.
2672
2673 Q: I- you said there was a - like, a - a - an exercise where you verbally call off the
2674 dog prior. So the dog's sent, called off prior to bite.
2675
2676 A: Yes.
2677
2678 Q: Um, i- what's the - what's the purpose of training in that tactic?
2679
2680 A: Multiple reasons. You've - if you have time before they - if you send the dog
2681 on a - on a suspect and the guy gives up, and you have time to call the dog off,
2682 you know - it's not right at the person's ankles - you call them off. Or you see
2683 your dog runnin' towards the wrong person, call them off.
2684
2685 Q: Okay. So it can be the dog acquires the wrong target...
2686
2687 A: Ah-huh.
2688
2689 Q: ...or the circumstances change and perhaps the justification for usin' the dog
2690 changes after being sent?
2691
2692 A: Yes.
2693
2694 Q: Okay. Lieutenant Williams, is there anything else?
2695
2696 Q1: Uh, just a couple things. Um, you mentioned, uh, training and the handler
2697 being in charge of the call, so to speak. Can you elaborate a little bit more on
2698 that? And, I'm curious, do you train with other agencies - including CHP - and
2699 on a call like this, is there some, um, criteria that they're gonna be aware of
2700 that is giving you some lead in the handling of the call? I know I asked a

2701 bunch of questions all in one.

2702

2703 A: Um, I don't train with the Highway Patrol. Um, I do train with other agencies,

2704 or have trained with other agencies. Um, it's not a regular thing. Um, I think

2705 my perception on believing I was expected to take over that call was just my

2706 training and experience, and a hope that they had some experience in - in it.

2707 Um, I mean, there was - 'cause there was no- there was no communication of

2708 that. It was just - it was a quickly evolving situation.

2709

2710 Q1: At what point were you able to notify the involved officers that you had a

2711 dog? Was it over the radio or was it, like, once you're out of the car?

2712

2713 A: Once I was out of the car.

2714

2715 Q1: Okay.

2716

2717 Q: Initially at Jordan, right?

2718

2719 A: Initially at Jordan with the So. Hum. units. 'Cause we jumped out and I said,

2720 "Hey, I've got a dog." And they said, "Okay." And then we continued. And

2721 then, when we finally stopped, the Humboldt area guys were on my left, and I

2722 told them then. When I was out of my car.

2723

2724 Q1: Okay.

2725

2726 Q: Does the - oh, go ahead. I'm sorry.

2727

2728 Q1: No, go ahead.

2729

2730 Q: Do- does the fact that it's a different agency, who we don't train with - does

2731 that, uh, influence the decision to deploy or not to deploy?

2732

2733 A: In this situation, no.

2734

2735 Q: Okay. You w- just based on what you knew, regardless of what agency in the

2736 world it was?

2737

2738 A: Yeah.

2739

2740 Q: Um, does the fact that it's, um, another agency who we don't train with - does

2741 that influence the need to communicate with them? And af- take affirmative

2742 steps to gather information prior to deployment?

2743

2744 A: Yes. I don't believe that was possible at - at the termination point of this

2745 pursuit.

2746
2747 Q: Mm-hm. Okay. All right.
2748
2749 Q1: Then my other question was, um - this sort of goes back to the - the melee, if
2750 you will. It's, like, when everybody kinda goes on. Uh, officer-wise. Um,
2751 what's the risk to the other officers in being bit? I mean - and I know this is
2752 gonna be - it's sort of - I guess I'm askin' a general question. Is it probable or
2753 likely that the dog will - could mistake who the suspect is and bite the wrong
2754 person at that point?
2755
2756 A: Yes.
2757
2758 Q1: Okay. And what - from a handler's point of view, what is your knowledge
2759 about that? As far as, um, the confusion or, uh, f- from your knowledge of the
2760 dogs. What is their ability to recognize the difference between someone else
2761 and the guy you actually want in custody?
2762
2763 A: The pack mentality of the dog. So like, the person's on the bottom. The dog
2764 wants to join the fight. We're gonna go for the - the weakest link...
2765
2766 Q1: Okay.
2767
2768 A: ...in a - in the dog world. Is how we humans perceive it. So like, if I - if I'm
2769 gonna get into a fight and I'm strugglin' and I'm losin', and I decide to pop
2770 the dog out of the car with my remote switch, from that point, I better not land
2771 on my back. 'Cause I'm gonna get hit. Because I'm now the one on the
2772 bottom. Nine times out of ten, the guy on the bottom's gonna get bit.
2773
2774 Q1: Okay.
2775
2776 A: So we train that. So I know that. So I thought, "Hi- there's a high probability
2777 he's gonna get the right person."
2778
2779 Q1: And in the part where you've - the dog hasn't bitten and, from an outsider
2780 point of view, the - the dog looks excited, but maybe a little bit unsure of what
2781 - what he's gonna do at this point. Um, you physically engage with the
2782 suspect. Um, at that point, I am assuming, because you're looking at it the dog
2783 didn't do what it - what your desired outcome was. So now the next level is
2784 you're gonna physically engage. Go hands on and detain this person, and you
2785 have assistance from other officers. Is that a fair assessment?
2786
2787 A: Yes.
2788
2789 Q1: Okay. So during that time while you're now physically engaged - and
2790 assuming you're still holdin' onto the lead, because you always do - um, what

2791 is - is there a likelihood that the dog, in its excitement, can get in and just b-
2792 bite some - any arm that's there?
2793
2794 A: Yeah.
2795
2796 Q1: And do you have any control over that at that point?
2797
2798 A: I mean, it didn't happen, but - so to say I - I guess just the relationship I have
2799 with the dog - the trust that I have with the dog - that it's not gonna happen.
2800 Um, gives me bel- you know, belief that it's not gonna happen. So yeah. I
2801 don't have - he's not just over there sitting, waiting for his turn.
2802
2803 Q1: Right.
2804
2805 A: Uh, but he's not runnin' away and he's not just bitin' everything that's in front
2806 of him.
2807
2808 Q1: Right.
2809
2810 Q: It sounds like it's - it's a calculated risk, based on your experience and
2811 training with the dog.
2812
2813 A: Yes.
2814
2815 Q: Is that...
2816
2817 Q1: And that's...
2818
2819 A: Yes.
2820
2821 Q: ...fair?
2822
2823 Q1: ...really - that's really exactly what I was asking. Is the risk assessment as far
2824 as is it possible that that could happen? Yes, but you're confident that it...
2825
2826 ((Crosstalk))
2827
2828 A: I'm confident with this dog that - that it wasn't going to happen.
2829
2830 Q1: Okay.
2831
2832 Q: Anything else I - I need to know? What am I missin'? What's important?
2833
2834 A: I mean, I think we beat it 'til it was dead, but I - I know what the policy says. I
2835 know what law says. And, based on my - my perception at the time of the call

2836 was I perceived it to be a felony evading pursuit. It was an unknown subject.
2837 Um, I feel that the way it was dealt with on the back end by the Highway
2838 Patrol was terrible.

2839

2840 Q: How so?

2841

2842 A: Um, we go to the hospital. They - I have to do my follow-up, per my policy.
2843 Ask questions. Take photographs. Um, and while I'm there with them,
2844 person's getting, uh, medical treatment. They don't want - the CHP doesn't
2845 want to do a blood draw on this person, who's - in my opinion as a almost 11-
2846 year cop - is under the influence of something.

2847

2848 Q: Mm-hm.

2849

2850 A: Um, doesn't want to do a blood draw for a DUI, because - their reason was
2851 they didn't want to have to do a warrant, because they knew she would refuse.
2852 And their Sergeant okayed that on scene. Um, they didn't charge her felony
2853 evading. Um, and in my opinion, the short distance I followed, coupled with
2854 everything that I read or heard was going on, you could easily stack a felony
2855 evading. In my opinion. Um, I'm not the District Attorney that's gonna charge
2856 it, but I would ch- I would charge it.

2857

2858 Q: What - what moving violations would - from what you saw - constitute felony
2859 evasion?

2860

2861 A: I'm saying, with what I heard happened, and then what I saw. The backing up
2862 towards us, and the weaving about. There's two right there.

2863

2864 Q: Okay.

2865

2866 A: Um, so I'm sure a third happened within that 40-mile stretch behind them.

2867

2868 Q: Okay.

2869

2870 A: Um, that they just left her at the hospital with a citation, a court date, and on a
2871 51-50 hold.

2872

2873 Q: Okay.

2874

2875 A: And I - I d- I think had this gone to the DA's office, like, with real charges, I
2876 think - I would hope that the Sheriff would support me more on my actions,
2877 but I think, uh, the CHP dropped the ball on their end and the metaphorical
2878 bus is runnin' me over.

2879

2880 Q: Hm. Okay.

2881
2882 A: Because, yeah, totality of the situation, in hindsight, you're thinkin', "Wow.
2883 This person that got left on a 148 citation got dog bit." Yeah, when you just
2884 say that, it sounds like shit. But...
2885
2886 Q: Mm-hm.
2887
2888 A: ...based on what I knew at the time, my training and experience, I believed
2889 this person was in a felony pursuit, and I did what I did.
2890
2891 Q: Okay.
2892
2893 A: So...
2894
2895 Q: So the felony pursuit being the seriousness of the crime?
2896
2897 A: Yes.
2898
2899 Q: That first - that first component.
2900
2901 A: 'Cause at that time, in law enforcement, in that time of year at - what was it,
2902 April?
2903
2904 Q: Mm-hm.
2905
2906 A: That was standard operating procedure. You get a felony pursuit, your use of
2907 the dog is justified on a non-compliant subject. Obviously, if they come out
2908 saying, "I'm sorry," get on their knees and com- 100% comply, you don't
2909 need that. But...
2910
2911 Q: The - the policy that is currently in Lexipol - am - am I reading the correct po-
2912 is it changed since April?
2913
2914 A: No. But...
2915
2916 Q: Okay.
2917
2918 A: ...the demographics of this profession has. And in the tra- in the K-9 world,
2919 we're discussing at training, like, you have a foot bail from a 10-851 pursuit.
2920 Agencies aren't bitin' those anymore.
2921
2922 Q: Mm-hm.
2923
2924 A: Because it's a property crime. But last year? We'd be on a dog track all day
2925 for that.

2926
2927 Q: What...
2928
2929 Q2: I think maybe you mean dynamics?
2930
2931 A: Yes.
2932
2933 Q: So the - the - the public expectation and law enforcement's response to that
2934 expectation you're saying has changed significantly since April? April 4th
2935 of...
2936
2937 A: Oh, yeah.
2938
2939 Q: ...this year?
2940
2941 A: Oh, yeah. That's when all the riots started. Or right there - short thereafter.
2942
2943 Q: Okay. Um...
2944
2945 A: A lot of things have changed. And I'm curious as to see how K-9's gonna go
2946 in the short...
2947
2948 ((Crosstalk))
2949
2950 A: ...in the next ten years.
2951
2952 Q: ...a lot of life is gonna go. Um, so a- a- again, though, so - the - the seriousness
2953 of the threat is gonna be the - your perception of felony evasion. Felony
2954 pursuit.
2955
2956 A: Mm-hm.
2957
2958 Q: That has to be coupled with either an imminent threat of violence or serious
2959 harm, or a suspect that's physically resisting or threatening to physically
2960 resist. Do you - and do you feel like it's - do you feel like all - all of those
2961 criteria were met?
2962
2963 A: I do.
2964
2965 Q: Okay. Okay.
2966
2967 A: I do.
2968
2969 Q: Gotcha. And - and - and I've asked - I just want to make sure. I just - I - and
2970 I'm askin'. I think, for the reasons I - I think I know the reasons why. Length

2971 of the pursuit. Unsearched.

2972

2973 Q2: Noncompliant.

2974

2975 Q: Lack of, uh - lack of compliance. I think there was a degree of compliance,

2976 but lack of compliance. I mean, compliance is - noncompliance is

2977 noncompliance in a lot of ways.

2978

2979 A: Yes.

2980

2981 Q: Um, okay. An- anything else that I'm - that I need to know?

2982

2983 A: No.

2984

2985 Q: Okay. Um, so i- again, I'm gonna use just the, uh, standard...

2986

2987 Q2: Can I just ask...

2988

2989 Q: Yeah. I'm sorry. Yes. Yes.

2990

2991 Q2: I - I - I just...

2992

2993 Q: That's fine. Of course.

2994

2995 Q2: ...have three points, actually...

2996

2997 Q: Sure.

2998

2999 Q2: ...that will be very quick. Um, I too am a student of For Science. At the point

3000 when you, uh, are able to Miss (████████) down physically, um - I'm gonna

3001 use my word "tackle." Perhaps there's a different, uh, word in your use of

3002 force lexicon. But at that point when you tackle her, it appears to me to be

3003 contemporaneous with her making that kneeling motion. So not s- after she's

3004 starting to kneel, but in conjunction with. Such that i- you wouldn't even be

3005 able to process that she was doing that. Is that a fair takeaway?

3006

3007 A: Yeah. I thought that's how I explained it, too. I don't - 'cause I did not recall

3008 her kneeling...

3009

3010 Q2: Okay.

3011

3012 A: ...when I wrote my initial report.

3013

3014 Q2: At some point - or perhaps points - the CHP actually drew their firearms on

3015 Miss (████████) during your involvement in this incident. Correct?

3016
3017 A: Yes.
3018
3019 Q2: Okay. Is, uh, the use of a dog, uh, less impactful in terms of the use of force
3020 spectrum than use of a firearm?
3021
3022 A: Than the actual use of a firearm?
3023
3024 Q2: Yes.
3025
3026 A: Yes.
3027
3028 Q2: Okay. So...
3029
3030 Q: Is it - is it more or less than the display of a firearm?
3031
3032 A: More.
3033
3034 Q: Okay.
3035
3036 Q2: So the CHP who were assessing this situation with you thought that this
3037 situation was serious enough to at least potentially use their firearm?
3038
3039 A: Correct.
3040
3041 Q2: Okay. Then, finally, at that point when there are - I guess it's six l- members
3042 of law enforcement personnel trying to take Miss () into custody, uh,
3043 you indicated that you thought she had one hand or one arm under her. Um,
3044 would that put her hand in close proximity to her unsearched waistband?
3045
3046 A: Yes.
3047
3048 Q2: Uh, w- is that alarming to you?
3049
3050 A: Yes.
3051
3052 Q2: Why is that?
3053
3054 A: It's a potential for concealed weapons.
3055
3056 Q2: Okay. So is a waistband, in your experience, a hotbed for weapons that can
3057 ultimately cause lethal harm to law enforcement?
3058
3059 A: Yes.
3060

3061 Q2: Okay. That's it for me.

3062

3063 Q: Um, you - you had - w- you had talked a little bit about the - the display of the

3064 firearms, and I think you had said, you know, is it - is it fair to say CHP felt

3065 like displays were warranted because of the potential danger? So I guess the

3066 question would be what - what would've needed to have changed to elevate

3067 the reasonableness of a - of a firearm to go from the display to a use?

3068

3069 Q2: Well, I think that would be a question for CHP, because they're the ones who

3070 displayed it. So it would ha- be - require looking into their intent. Which he

3071 simply cannot do.

3072

3073 Q: I - I - I - I agree with you, to a - to an extent. However, I thi- I think you had

3074 used it to kinda frame - frame the issue as to the gravity of - of the suspect's

3075 conduct. Is that true?

3076

3077 Q2: Based on what he could see. Which is them displaying guns. But he can't see

3078 inside their head in terms of what their tipping point would be, to actually

3079 discharge those firearms.

3080

3081 Q: Sure. Uh, point being, that they felt like it was a serious event...

3082

3083 Q2: Correct.

3084

3085 Q: ...with a risk for violence? So they displayed their guns.

3086

3087 Q2: Right.

3088

3089 Q: And we don't actually know that. We just know that from experience. So I

3090 guess I - I get...

3091

3092 Q2: Well, we do know that they displayed their guns.

3093

3094 Q: Right, but we don't know, I guess, why. Based on your logic, right? We don't

3095 know why they displa- why did they display their guns?

3096

3097 Q2: Well, we also don't know why we call today Thursday, but we do. I mean, I -

3098 I think that it is a very sensible takeaway to say they displayed their guns

3099 because they felt that there was a life-threatening risk to their safety.

3100

3101 Q: Uh, I - I completely agree. Um, I - I agree that that is a fair assumption to - to

3102 make. Uh, so I guess my - the f- the point that I was following up with is so

3103 they displayed their guns, but didn't use their guns. 'Cause they didn't feel

3104 like there was justification to use their guns, we would assume. We don't

3105 know that, but we would assume that. Um, so I guess the - and the dog, you

3106 said, is a - is a higher level of force than display of a firearm. So I guess my
3107 question was you - what kinds of, uh, circumstance would've had to have
3108 changed of the firearm to have been used?
3109

3110 Q2: Based on CHP's training?
3111

3112 Q: Based on...
3113

3114 Q2: Which is...
3115

3116 Q: Based on Graham versus Connor.
3117

3118 Q2: Well, uh - uh, I don't think that he's in a position in a forum like this to have
3119 to articulate the rationale of a legal theory like Graham v. Connor. And,
3120 certainly, I think we can all agree that CHP has training that's different than
3121 regular law enforcement. Certainly different than the Sheriff's Office. I mean,
3122 they have a live-in six month academy. So whatever they're trained, I don't
3123 think, uh, Deputy Soeth is qualified to speak to.
3124

3125 Q: Ma- I - I - and I'm not asking him to. Based on your understanding of Graham
3126 versus Connor, what factors would have supported the use of a firearm in that
3127 instance?
3128

3129 Q2: And, again, you're going far afield from the notice.
3130

3131 Q: Well, you brought it up.
3132

3133 Q2: So? There's - there's - you're limited to what's in the notice. There's nothing
3134 in the notice that's asking about use of a firearm.
3135

3136 Q: I - I - I re- you - you brought it up. So - okay.
3137

3138 Q2: I can.
3139

3140 Q: It - it's - it's - I - I - I - I enjoy our - our conversation, but you're - it's
3141 probably frivolous. I think my point is probably made. I think your point is
3142 made. So, um, is there anything else you need?
3143

3144 Q1: No.
3145

3146 Q: Okay. Uh, I'm gonna go off tape.
3147

3148 Q2: Time?
3149

3150 Q: Oh, actually, you know what? Before I do, um, is there anything else relating

3151 to this matter which I have not covered that needs to be added, clarified, or
3152 changed, Deputy Soeth? If so...

3153
3154 A: No.

3155
3156 Q: ...I'm ordering...

3157
3158 A: No.

3159
3160 Q: ...y- you provide it now. Uh, after you leave this interview, should you
3161 remember anything that's different from or in addition to the information that
3162 you've given today, I'm ordering that you contact me immediately. I'm also
3163 ordering that you not discuss this matter with any other department employee.
3164 Uh, do you understand these orders?

3165
3166 A: Other than my girlfriend, who's an employee of this agency? Who I live with?

3167
3168 Q: Yeah. I - I - I would say you cannot discuss the - the content of, uh, an internal
3169 investigation with (██████), in this instance.

3170
3171 A: Okay.

3172
3173 Q: That - that - that would be an order.

3174
3175 A: Okay.

3176
3177 Q: So - all right. I'm gonna go off, uh, tape.

3178
3179 Q2: 2:24, if you want the time.

3180
3181 Q: Oh, thank you. 2:24.

3182
3183
3184 The transcript has been reviewed with the audio recording submitted and it is an accurate
3185 transcription.

3186 Signed _____

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45

INTERVIEW WITH OFC. (KEVIN) WILLS

Q= Cress

A=Ofc. (Kevin) Will

Q: So recorder is on. It is I think the 23rd of July, uh, it is, uh, almost 8 o'clock on is it indeed the 23rd? What day is it?

A: Yeah I think so.

Q: Yeah, yeah 7-23. Uh, I'm with Officer (Kevin) Wills with the, uh, Wills, with the Humboldt or the, uh, (unintelligible) area CHP. Um, I'm just gonna ask a few questions. Um, Officer Wills do you remember a pursuit that occurred on, uh, 4-4 of 2020 at about 0240 hours?

A: Yes.

Q: Um, can you describe, um, to the extent that you know I know it was a Garberville pursuit, um, what you were aware of? Can you describe the pursuit just a little bit?

A: Yes, um, we were notified by our dispatch of the pursuit heading in from on 101. It started I think around French Road and, um, I believe the original wants were for speed. However I'm not exactly for sure on that. And, um, basically the updates we saw on like our NDC that shows us everything is that the vehicle would pull over and stop and then continue going. Um, it wasn't necessary like a reckless pursuit. It wasn't like high speeds or goin' the wrong way or anything like that. The person just wasn't pulling over...

Q: Mm-hm.

A: ...complying gettin' outta the vehicle, um, yeah.

Q: Okay di- did you and Johnson did you guys see any of the pursuit or did you arrive after it was concl- or the final conclusion of it?

A: Uh.

Q: It sounds like there was several times that she stopped.

46
47 A: Yeah so we came down from Arcata and we were requested by the
48 Garberville unit or Garberville sergeant, Sergeant (Miller), um, to set up a
49 spike strip.
50
51 Q: Mm-hm.
52
53 A: We ended up spiking the wrong vehicle that was just in front of that vehicle.
54
55 Q: Yeah.
56
57 A: Um, so we, like, just missed it. And then so we pulled the spike out and then,
58 um, eh, we went up and talked to the vehicle that we wrongly spiked and we -
59 we - we had realized 'cause we could hear the siren approaching and we saw
60 lights, um, that it was the wrong vehicle. So we told that guy to get in his
61 vehicle and we saw that they had stopped. That was just north of Jordan. Um,
62 and we were, uh, approaching Stafford so we were gonna go flip around on
63 Stafford and come back down. And as we got back in the patrol vehicle, uh,
64 Officer Johnson said that he was able to see -- he was driving -- he was able to
65 see that the vehicle was now moving. So we went all the way up to Shively.
66 We turned onto Shively and, uh, made a U-turn right there. Now we were like
67 facing 101. And then we saw the, uh, the Jeep pass by, the Garberville unit
68 pass by and then the two deputy vehicles pass by.
69
70 Q: Okay.
71
72 A: And then we well we pulled out and like shortly after that just north of that
73 location is where it finally came to a stop.
74
75 Q: Okay so that's the only actual like driving ops you had on...
76
77 A: Yeah.
78
79 Q: ...the Jeep...
80
81 A: Yep.
82
83 Q: ...was when you guys were parked at Shively?
84
85 A: Yep.
86
87 Q: Okay how fast was the Jeep going when it passed you guys?
88
89 A: Uh, not very fast, I mean, 50, 60, 70 miles an hour.
90

91 Q: Okay.
92
93 A: I mean, the driver waved at us on the way by. It was kinda like I was like me
94 and (Neil) or me and Officer Johnson both were like, "Did [REDACTED] - she just wave
95 at us," you know?
96
97 Q: All five fingers?
98
99 A: I - yeah, yeah exactly. It was an actual like wave so I was it was kinda weird. I
100 was like, "That's a first."
101
102 Q: Anything - anything in her hand at that point that you could see?
103
104 A: No I didn't see anything.
105
106 Q: So the other hand woulda been on the steering wheel.
107
108 A: Yeah.
109
110 Q: And then she waved I guess with probably her right hand?
111
112 A: Yeah.
113
114 Q: Okay.
115
116 A: It was peculiar.
117
118 Q: Tha- that is peculiar. Uh, did she appear to be staying in her lane?
119
120 A: Yes I don't recall which lane she was in. Um, I wanna say the number two
121 lane but as far to the best of my knowledge she was...
122
123 Q: Okay.
124
125 A: ...staying within her lane. But like Shively that gap is kind of small so we only
126 saw her for maybe like 100 to 200 feet and then...
127
128 ((Crosstalk))
129
130 Q: So by the time you got out onto the roadway had she pulled over?
131
132 A: Yes it was stopped.
133
134 Q: Okay. Okay, um, do you have you may not know but do you know how we
135 got involved how the SO got involved?

136
137 A: I do not. That was, um, when I saw the - the deputies pass by that was the first
138 time I had s- heard or saw anything.
139
140 Q: Okay, all right. So white Jeep, uh, Maldonado...
141
142 A: Yes.
143
144 Q: ...and Evans...
145
146 A: Evans.
147
148 Q: ...and then our two units?
149
150 A: Yes.
151
152 Q: Bo - both units were in it at that time?
153
154 A: Yes they were - they were a little ways back, um, yeah.
155
156 Q: Okay so you guys woulda been the one, two, three, fourth car to pull up?
157
158 A: Right.
159
160 Q: Behind it?
161
162 A: Yep.
163
164 Q: How did the stack of cars work as you guys pulled up behind it?
165
166 A: So, uh, directly behind the suspect vehicle was the CH vehicle - CHP vehicle
167 and then to...
168
169 Q: Evans and Maldonado?
170
171 A: Yes Evans and Maldonado.
172
173 Q: Okay.
174
175 A: And then to the left of that in no particular order I don't know if there's a
176 difference in their vehicles but two deputy vehicles.
177
178 Q: Okay.
179
180 A: And then we pulled into the left of their vehicles.

181
182 Q: Okay.
183
184 A: So we were kinda like almost angled at like a 45-degree to the - the Jeep.
185
186 Q: Like a semi-circle?
187
188 A: Yeah.
189
190 Q: Like a quarter...
191
192 A: Yeah.
193
194 Q: ...of a semi-circle around it?
195
196 A: Exactly.
197
198 Q: Okay, um, did you have a - a decent view of from - from the perspective that
199 you guys that you and Johnson were did you have a view of the - the suspect
200 vehicle?
201
202 A: Yes when we were when I exited the vehicle we were kinda just behind the,
203 uh, driver's side door. So we were able to - to see into the vehicle.
204
205 Q: You - were you guys would you and Johnson have been the most swung out to
206 the side? Like most perpendicular to the vehicle?
207
208 A: Yes, yes.
209
210 Q: Okay and I know it was, like, uh, the plastic door the plastic windows that...
211
212 A: Yeah.
213
214 Q: ...zip and unzip were you able to see in decent?
215
216 A: Um, yeah.
217
218 Q: Okay, um, do you who - who responded from the SO?
219
220 A: Uh, Deputy Brown and Deputy Soeth.
221
222 Q: So Brown and Soeth anybody else?
223
224 A: No.
225

226 Q: Okay.
227
228 A: No just the two.
229
230 Q: So it woulda been Evans, Maldonado, Soeth, Brown, you, you and Johnson?
231
232 A: Johnson yes.
233
234 Q: Okay, um, had did you hear any or yeah did you hear any conversation
235 between Deputy Soeth and anyone else on scene concerning the dog?
236
237 A: Um, I heard Soeth announce they had the K-9 when he, like, brought it
238 forward.
239
240 Q: Mm-hm.
241
242 A: Um, that was it.
243
244 Q: Was the K - was the dog in the car when you arrived? Was it still in the car
245 when you parked?
246
247 A: I don't know. To my knowledge yes I don't remember seeing it out. I don't
248 ever remember seeing the dog out 'cause we, you know, we parked our car
249 and then I hop out and, like, my eyes are on the car. I don't remember seein'
250 the dog until Soeth brought it forward like moved forward with the dog.
251
252 Q: Okay was, um, was Soeth already stopped and parked on scene when you
253 actually came to rest?
254
255 A: Yes.
256
257 Q: Okay, um, so oth- so he you heard Deputy Soeth say, "I - I have the dog."
258
259 A: Yeah.
260
261 Q: Um.
262
263 A: He said, "I have a K-9."
264
265 Q: Okay anything else communicated between?
266
267 A: Not that I remember no.
268
269 Q: Okay.
270

271 A: Just kinda announced he has a K-9 and that was - I don't know I was pretty
272 focused in on, you know, the suspect at that time.
273

274 Q: Sure.
275

276 A: So I'm not really worried what other people are doin' alongside of me.
277

278 Q: Did you hear anybody else acknowledge that or say, "Okay," or any?
279

280 A: No.
281

282 Q: Okay, um, so what was the suspect? So when you get there and you're kind of
283 out at a 90-degree angle looking in at the suspect, uh, Soeth's on scene,
284 Brown's on scene, um, what was the suspect doing initially?
285

286 A: Suspect wasn't doing anything. She was, like, trying to communicate with us.
287 Um, she said that she was like an agent which was weird. Uh, Officer Evans
288 was initially giving like commands for her to get out of the vehicle. She
289 wasn't complying. She wasn't getting out of the vehicle. But she also, you
290 know, wasn't necessarily resisting. She was passive (unintelligible) at that
291 point.
292

293 Q: Mm-hm.
294

295 A: She just wasn't following commands.
296

297 Q: Right.
298

299 A: But just sitting in the vehicle. Um, she at one point, like, put both of her
300 hands, like, on the window.
301

302 Q: Mm-hm.
303

304 A: And then we were able to get her to unzip the window and that - that was
305 basically to the extent what we were able to do like at the from afar.
306

307 Q: Was she saying, uh, besides saying, "I'm an agent," um, was she saying
308 anything threatening? Was there anything could have been construed as a
309 threat from inside the vehicle?
310

311 A: Um, I didn't feel threatened. Um, I don't remember her exact words. I just
312 remember her 'cause it was weird that she said that she was like an agent.
313

314 Q: Sure.
315

316 A: Or somethin' like that, eh, to that effect. Um, but I don't - I don't personally
317 remember anything threatening.
318

319 Q: Okay now you said her hands were up on the window. Could you see her
320 hands the entire time?
321

322 A: No that was just at first we couldn't and then, um, as it kinda progressed, I
323 mean, it happened quick.
324

325 Q: Sure.
326

327 A: But as it progressed she put both hands on the window and then shortly after
328 that she unzipped the window and then that was that.
329

330 Q: Had she did you see her reachin' for anything or...
331

332 A: I did not but I from that was just from my angle.
333

334 Q: Sure, sure that's understandable. Um, so a- at some point the window gets
335 unzipped.
336

337 A: Mm-hm.
338

339 Q: Right? Um, at the time that, you know, so - so looking at the incident after the
340 window from it got unzipped what - what did - what did she do -- the suspect -
341 - after the window got unzipped?
342

343 A: Um, after the window got unzipped kinda just continued sitting there
344 passively resisting. Um, that was like the only command she really followed.
345

346 Q: Mm-hm.
347

348 A: And then it was like shortly after that that the K-9 was deployed.
349

350 Q: Uh, could you - could you still see her hands in that period of time between
351 when the window got unzipped and when the dog got deployed?
352

353 A: I don't remember that.
354

355 Q: Hard to say?
356

357 A: Yeah.
358

359 Q: Um, what happened when the dog got employed - deployed?
360

- 361 A: Deployed, um, the dog initially seemed kinda confused on its mission.
362
- 363 Q: Mm-hm.
364
- 365 A: Um, Soeth walked out with the - Deputy Soeth walked out with the dog and
366 the dog's kinda like lookin' around confused. And then, um, it at one point
367 hopped up on the driver's side door and the suspect, like, she reached out and
368 p- was able to pet the dog.
369
- 370 Q: Mm-hm.
371
- 372 A: The dog jumped down from there and ran, um, behind and was like kinda just
373 like running around kinda confused on what it - it looked confused on what it
374 was supposed to be doing.
375
- 376 Q: Okay, um, was the suspect saying anything at tha- at that time that you recall?
377
- 378 A: I don't remember.
379
- 380 Q: Okay, um, how would you describe the - the risk posed to you guys, um, at the
381 time the dog was deployed? How would you describe the - the risk posed to
382 you guys at that point?
383
- 384 A: Um, I mean, we have somebody who up until that point they failure - they
385 failed to pull over and kinda comply with law enforcement with 100%. There
386 she did unroll - zip the window but, you know, isn't getting out of the vehicle.
387 So I guess there's always that threat that there's something in the vehicle that
388 can be easily accessed some kinda weapon. Um, I didn't see anything from
389 my angle.
390
- 391 Q: Mm-hm.
392
- 393 A: So I would say the risk was moderate at that point, um.
394
- 395 Q: Okay and there's always a generalized risk.
396
- 397 A: Yes exactly.
398
- 399 Q: Um, I mean, when we get trained I think yeah right from the get-go to know
400 that and - and it's and it's good training.
401
- 402 A: Yeah.
403
- 404 Q: Um, so - so there's that. I- was there anything that you can articulate
405 heightened the risk beyond the generalized risk?

406
407 A: No but that was, uh, that was from my point of view at my angle...
408
409 Q: Sure.
410
411 A: ...what I was looking at.
412
413 Q: Sure and that's totally understandable. Um, so it sounds like after the dog
414 went to the window and put the paws up got - got pet kinda ran around the car
415 she got out at that point?
416
417 A: Yes.
418
419 Q: An- and describe what happened next then from the time she got out.
420
421 A: So she got out and, uh, wait you - describe after she got out?
422
423 Q: Well from - from the time she got out.
424
425 A: Okay.
426
427 Q: Yes.
428
429 A: So she got out and was I think initially facing Deputy Soeth and, um, so like
430 Deputy Soeth and her were maybe like ten feet apart at most. So it was kinda
431 like boom like they there were like right there in each other's face.
432
433 Q: Mm-hm.
434
435 A: Which kind of is uncomfortable.
436
437 Q: Mm-hm.
438
439 A: Um, the dog came back into play at this point and walked up to the suspect
440 and she goes to I think pet the dog again. I don't know if she was able to at
441 that point or not. Um, but then the dog kinda runs off again to...
442
443 Q: Mm-hm.
444
445 A: ...I think to the rear of the Jeep. Um, so then it's just Deputy Soeth and her.
446 And so Soeth gives her multiple verbal commands to get down and, um, she
447 goes to start to get down onto her left knee and then Soeth just kinda runs up
448 and tackles her. Um, at this point we're all still behind like cover and so when
449 he tackles her to the ground we move up to assist him with her.
450

- 451 Q: Okay so you said it was uncomfortable. What - what - what's the discomfort
452 in it?
453
- 454 A: Well, I mean, just 'cause he - we were all behind cover and he's like face to
455 face with her ten feet away where, you know, there's a lot of uncertainty still,
456 uh.
457
- 458 Q: Ha- had he come out from cover at that point?
459
- 460 A: Yes. He when he dog came out and I think he has like a longer leash with it.
461 Um, but he was - he was up past the patrol vehicles.
462
- 463 Q: And had the suspect, uh, just stepped out of the Jeep or had the suspect
464 walked back toward Deputy Soeth or...
465
- 466 A: I - I want to say she made like a few steps toward Deputy Soeth.
467
- 468 Q: Mm-hm.
469
- 470 A: But, like, not like actively, like, quickly moving at him. Just kinda like she
471 almost seemed like she was like, "Oh what's goin' on?"
472
- 473 Q: Mm-hm.
474
- 475 A: You know, like - like, "Why are you guys all here?" Um.
476
- 477 Q: Had Deputy Soeth - where was - where was Deputy Soeth in relationship to
478 like the door of his car?
479
- 480 A: Um, I would well I would say he was - he was in front of the vehicle. I don't
481 know how far but he was in front of his vehicle.
482
- 483 Q: Okay what, um, how is the suspect acting as she was taking these steps toward
484 Deputy Soeth?
485
- 486 A: Um, kinda hard to say. I, like, sh- it just seemed like somebody that it would -
487 it didn't seem like somebody who was just involved in a pursuit. Like, it
488 seemed like somebody was just casually standing out of their car, like, kinda
489 like wondering what was going on.
490
- 491 Q: Mm-hm.
492
- 493 A: But it was also kinda like almost concerning that she was acting that way, you
494 know.
495

496 Q: Right, right. Why are you acting so unusual? It would have been almost more
497 normal for her to get a little more amped up.
498

499 A: Yeah.
500

501 Q: Is that fair to say?
502

503 A: Yeah exactly.
504

505 Q: Okay.
506

507 A: Yeah.
508

509 Q: Um, what was she doin' with her hands? Could you see 'em at that point or...
510

511 A: Um, I don't remember what they - what she was doin' with her hands but I
512 don't remember them ever, like, going away where we could not fully see
513 them.
514

515 Q: Okay was she saying anything at that point?
516

517 A: I don't - I think she was but I don't remember what she was saying.
518

519 Q: Hard to say?
520

521 A: Yeah.
522

523 Q: Okay, um, so she's walkin' forward takes a couple steps. You said, uh,
524 Deputy Soeth was giving commands. Had he sort of - had he become the one
525 giving commands at that point or was it still Evans?
526

527 A: Uh, when one- once he went out he kinda took over at that point and then like
528 after the dog ran off it was like just him and her standing there. So he was
529 tellin' since he was closest he was like, "Get on the ground."
530

531 Q: Mm-hm.
532

533 A: Um, tryin' to deescalate it and gain control of the situation.
534

535 Q: Mm-hm, and had Evans was Evans still givin' commands as well?
536

537 A: I don't think so but I don't - I don't remember.
538

539 Q: Okay, um, so at some point you said she starts goin' down to a knee.
540

- 541 A: Yes.
- 542
- 543 Q: Um, how much time lapsed or can you describe the timing a little bit from the
544 time that she started going down the knee to the time that Deputy Soeth
545 tackled her? How - how much what was the time issue there?
- 546
- 547 A: Sure. So, uh, Soeth gave her multiple verbal commands to get down on the
548 ground and as she, like, starts to place her left knee on the ground I - I don't -
549 I don't think it was fully on the ground by the time Soeth came up and, um,
550 started to tackle her over to the ground.
- 551
- 552 Q: Okay, um, how far away was he from wh- when where she started goin' to the
553 ground to - to where he had been giving the commands what was the distance
554 between them?
- 555
- 556 A: I would say seven to ten feet.
- 557
- 558 Q: Okay, all right, um, so she goes to the ground. Uh, you said you guys, uh,
559 engaged as well at that point.
- 560
- 561 A: Mm-hm.
- 562
- 563 Q: Um, what role was each person playing? Can you kinda describe that a little
564 bit?
- 565
- 566 A: Yes. So, um, I initially ran up and I took control of the left wrist. Um, I
567 believe Deputy Brown was with me there. Soeth was...
- 568
- 569 Q: Is the suspect on her back or on her - on her front?
- 570
- 571 A: So yeah. So okay yeah. So the suspect when, uh, Soeth tackles her she kinda
572 falls to her back and Soeth is on her left side.
- 573
- 574 Q: Okay.
- 575
- 576 A: And then I come up and I'm able to grab control of the arm. I - I believe
577 (Kellen) was able to grab control of the same arm and, um.
- 578
- 579 Q: And that was the left arm while she's on her back?
- 580
- 581 A: She left arm yep while she's on her back.
- 582
- 583 Q: Okay.
- 584
- 585 A: Um, Johnson was over like her mid-waist area and I think Evans was down

586 towards her - her feet. And Maldonado he, um, I didn't see it until later until I
587 reviewed the MVARs but he went and cleared the vehicle.
588
589 Q: Okay.
590
591 A: Um, we gave her commands, you know, roll onto her stomach so we could put
592 her in cuffs. Uh, we - (Kellen) and I like pulled her left wrist across her body
593 and she rolls over onto her stomach. At that point, um, like as soon as she
594 goes onto her stomach she kinda like tucks it like we let go...
595
596 ((Crosstalk))
597
598 Q: So now you're on the - now you're on the number one lane side of the
599 freeway?
600
601 A: Uh.
602
603 Q: On her left arm?
604
605 A: No I - I - I stayed where I was. We just kinda pulled across and, um, (Kellen)
606 followed her arm across.
607
608 Q: Okay.
609
610 A: I stayed, um, over towards the shoulder.
611
612 Q: Oh okay.
613
614 A: And so, um, once she rolled over onto her stomach her arms and hands like I -
615 I couldn't see 'em anymore, um, which is always concerning.
616
617 Q: Sure.
618
619 A: Um, so at that time Soeth gave her commands to like, "Lock out her arms," or,
620 you know, whatever to extend. And, uh, he grabbed the back of her head and,
621 like, applied, like, downward pressure.
622
623 Q: Mm-hm.
624
625 A: And he gave her, uh, punched her in the ribs a few times.
626
627 Q: Mm-hm.
628
629 A: I - I couldn't tell you how many times but a few times. And they gained the
630 cooperation that we needed. She instantly complied. Locked out her arms so

631 we were able to take control of the arms again which was good.
632
633 Q: Mm-hm.
634
635 A: 'Cause that's never, like, the weapon's gonna be anywhere it's probably
636 gonna be...
637
638 Q: Sure.
639
640 A: ...in - in the mid, uh, the front of the waist.
641
642 Q: Anything besides the generalized threat and risk that there always is...
643
644 A: Sure.
645
646 Q: ...anything that you could articulate that suggested she had a weapon on her?
647
648 A: There's nothing I could articulate that she had a weapon. Um, but there's
649 nothing I could articulate that she didn't have a weapon.
650
651 Q: Sure.
652
653 A: She was wearing a baggy black sweatshirt and, you know, she hopped outta
654 the vehicle and shortly after was on the ground that - that's all the time that
655 what I'd seen her. I wasn't able to see if she had like a bulge or didn't have a
656 bulge...
657
658 Q: Sure.
659
660 A: ...in her waist so, um, that's always concerning when arms go away.
661
662 Q: Mm-hm, absolutely.
663
664 A: Yes.
665
666 Q: Uh, so she goes to her back. You're - you and Brown...
667
668 A: Mm-hm.
669
670 Q: ...are on the left side. You had said she was commanded to roll over. Did she
671 voluntarily roll over or was she just pulled over?
672
673 A: I think she was more resistive. 'Cause she kinda like tensed up at that point.
674
675 Q: Mm-hm.

676
677 A: And wasn't really complying. But, um, wasn't really like trying to fight us just
678 like tense.
679
680 Q: Mm-hm.
681
682 A: And so we ended up I think just more than anything rolling her over by
683 pulling her arm across and I'm not sure if - what role at that point Soeth and
684 Johnson had in rolling her onto her stomach.
685
686 Q: So as she's gettin' rolled over, um, and she's on her back. She gets roll over
687 and her arms come underneath her. So by the time she gets to her chest the
688 arms are underneath her?
689
690 A: Yes she gets to her chest and I don't know if it was like as it was comin' down
691 but it, like, it happened quickly like her arms went away. And I was like oh no
692 we need (unintelligible).
693
694 Q: (Terribled). She (terribled).
695
696 A: Yeah.
697
698 Q: On the (unintelligible) arms goin' in.
699
700 A: Yeah, yeah.
701
702 Q: Um, and so Soeth delivers the strikes.
703
704 A: Mm-hm.
705
706 Q: And her arms come out.
707
708 A: Yeah, yeah.
709
710 Q: Had she been were there commands given prior to the strikes to extend her
711 arms?
712
713 A: Uh, yes I wanna say there was.
714
715 Q: And who - who gave those commands?
716
717 A: I believe Soeth did.
718
719 Q: Okay and was there time to comply if - if she wanted to comply had she - did
720 she have the time to comply prior to the strikes?

721
722 A: Yeah, I mean, she was like tensed up like you could tell like she was just
723 gonna kinda like - like I thought she was gonna sit there and we were gonna
724 have to pry her arms out.
725
726 Q: Okay, okay, um, what was she doin' with her feet?
727
728 A: I don't know what she was doin' with her feet.
729
730 Q: Um, what was she doin' with her head at that point?
731
732 A: Um, I mean, she wasn't like waving around but just like her - like her upper
733 half that's kinda more I was focused on her arms where this - those were
734 tense. Like even once we were able to pull her arms out and grab her wrists
735 like it still wasn't, like, loose and she was, like, cooperating. She was still
736 tense.
737
738 Q: Okay were her - were her legs controlled?
739
740 A: Um, when she got turned over?
741
742 Q: Yeah.
743
744 A: I - I don't know.
745
746 Q: Okay.
747
748 A: I know that shortly after that they were I believe, uh, Evans and Maldonado
749 were both right there at her legs. But like when she initially got turned over I
750 don't know if, um, they were right away.
751
752 Q: Okay so she extends her arms out over her head. Um, you and Brown are still
753 on the left arm?
754
755 A: No so he - he maintained or he regains control of the left arm with, um,
756 Officer Johnson.
757
758 Q: Okay.
759
760 A: And then I gained control of the right arm.
761
762 Q: Okay.
763
764 A: Like right at the wrist.
765

766 Q: Okay, um, and what was she doin' with the, you know, the wrist you had the
767 right wrist you had what was she doin' with that wrist?
768

769 A: She was just, I mean, tense. Not really tryin' to, like, rip it away but...
770

771 Q: Mm-hm.
772

773 A: ...you know, she wasn't complying at that point where it was like if she was
774 goin' along with the program we coulda brought it to the small of her back.
775

776 Q: Okay, uh, what happened next?
777

778 A: So like right after that, um, the K-9 came up and I'm holdin' the right wrist
779 and the K-9 bites like right forearm.
780

781 Q: Mm-hm.
782

783 A: Um, which was a little alarming a little close for comfort.
784

785 Q: Right.
786

787 A: Um, somehow or another (Neil) is able to get one cuff on and then we're able
788 to get the other cuff on and that's...
789

790 Q: So her left wrist gets cuffed first.
791

792 A: First yes.
793

794 Q: And then were you able to bring the right wrist around...
795

796 A: Yes.
797

798 Q: ...and get that cuffed?
799

800 A: Like slowly and cautiously 'cause the dog's like locked on.
801

802 Q: Sure. The teeth are right there.
803

804 A: Yeah, yeah.
805

806 Q: Um, okay. Um, in that period of time that you - you have the right wrist,
807 Johnson and Brown have the left wrist and she's not complying. You said
808 she's just stiff at that point.
809

810 A: Yeah.

811
812 Q: She's...
813
814 A: Yes.
815
816 Q: She's rigid.
817
818 A: Yep.
819
820 Q: Um, did - did Soeth i- i- uh, did he command? Did he give a bite command do
821 you recall?
822
823 A: So on scene as it's happening I don't remember hearing anything.
824
825 Q: Mm-hm.
826
827 A: Um, after reviewing (MVARs)...
828
829 Q: Mm-hm.
830
831 A: ...um, and having a debrief with Lieutenant (Fillman)...
832
833 Q: Mm-hm.
834
835 A: ...uh, he told us that like what the command was for bite and you could hear
836 it...
837
838 Q: Mm-hm.
839
840 A: ...in the (MVARs), um, however on scene I do not remember hearing that at
841 all.
842
843 Q: And I totally get that. I to- totally get that. Sometimes video gets us worried
844 but it's human physiology...
845
846 A: Yeah.
847
848 Q: ...that you don't hear those things.
849
850 A: Right.
851
852 Q: So I get that.
853
854 A: Yeah.
855

856 Q: Um, so you remember the dog engaging the dog goin' on bite. Uh, at the time
857 that the dog was or that the dog bit how would you describe the - the suspect's
858 threat level at that point?
859

860 A: Um, not very high 'cause, I mean, just the officer deputy to subject like there
861 was six of us one of her.
862

863 Q: Mm-hm.
864

865 A: And she was a big - she was huge. She's 6'1".
866

867 Q: Mm-hm.
868

869 A: [REDACTED]
870

871 Q: Mm-hm.
872

873 A: So a big person. But at that point she's on her stomach. Um, we have control
874 of, you know, pretty much the limbs and stuff like that.
875

876 Q: Mm-hm.
877

878 A: So, um, I didn't feel that the threat at that point was very high.
879

880 Q: Was she being violent a- at all or how would you describe her level of
881 violence I guess?
882

883 A: She was uncooperative. I mean, she still had her arms tense but I i- she wasn't
884 tryin' to fight us.
885

886 Q: Okay.
887

888 A: Like she was just like fight us physically she was just trying to like it seemed
889 like make our jobs hard by...
890

891 Q: Mm-hm.
892

893 A: ...getting her in cuffs.
894

895 Q: Mm-hm, okay.
896

897 A: But she wasn't like kick - I don't think she was kicking or trying to, you
898 know, um, break her arm free to throw punches or but I didn't hear anything
899 like that.
900

- 901 Q: Is she saying anything at this point?
902
- 903 A: I wanna she was but I don't remember now.
904
- 905 Q: Okay, all right. Uh, how long was the dog on bite?
906
- 907 A: The dog was on bite for it seemed like a while from the time that, you know, I
908 had the arm stretched out, got it all the way cuffed and then, I mean, Soeth
909 had to literally lift the dog off the ground to get it to disengage from the
910 forearm so.
911
- 912 Q: Was I - I and I know it's in German so it's hard to - it's hard to know for sure
913 unless you speak German.
914
- 915 A: Right.
916
- 917 Q: But, um, did - do you remember a disengage command being given to the
918 dog?
919
- 920 A: I'm sure he did but I don't - I don't remember that.
921
- 922 Q: Do you have any sense of whether the dog disengaged when commanded to
923 disengage?
924
- 925 A: I would say so yeah.
926
- 927 Q: Okay.
928
- 929 A: 'Cause, uh, Soeth be like Soeth will, I mean, not initially. Soeth seemed like I
930 don't remember him saying anything but he picked up the dog and the dog,
931 like, wasn't letting go and that he, I mean, like I said he had to physically lift
932 the dog. The dog was completely four feet off the ground and that's when it
933 kinda disengaged. And I'm sure he gave the command but I don't remember
934 hearing...
935
- 936 Q: Okay.
937
- 938 A: ...any verbal commands.
939
- 940 Q: All right, did, uh, the - did the dog - was the dog still running loose when it
941 engaged or, uh, had Soeth taken physical control of the dog at that point?
942
- 943 A: So once Soeth tackled, um, her to the ground the dog was kinda just in the mix
944 wandering around, uh, like it was nobody had control of the dog.
945

- 946 Q: Mm-hm.
947
- 948 A: Um, and then it, like, throughout the whole encounter the dog seemed very
949 confused on, like, what its goal was. I don't know if it's, like, in - I don't
950 know training for K-9s.
951
- 952 Q: Sure.
953
- 954 A: That was the first time I've ever had a K-9 on a scene.
955
- 956 Q: Right.
957
- 958 A: And, um, so I don't know if it was, like, used to people that are, like,
959 physically trying to fight. So then it's like okay yes I know that that's this guy
960 or what the case was.
961
- 962 Q: Mm-hm.
963
- 964 A: But at the time I felt like it had, um, af- not knowing that it had been given the
965 bite command I thought that it saw its handler in the struggle with the person
966 on the ground and that's when it decided to bite.
967
- 968 Q: Okay did it bite on its own or was it led? Di- did Soeth grab the dog and
969 engage the dog manually?
970
- 971 A: I thought it bite its - bit on its own.
972
- 973 Q: Okay.
974
- 975 A: I didn't see him grab the dog.
976
- 977 Q: Okay, um, so dog bites. Handcuffs go on. Dog comes off. What happened
978 next?
979
- 980 A: Uh, at that point we just do our like stand up and put her in the back of our or
981 me and Officer Johnson's patrol vehicle.
982
- 983 Q: Okay.
984
- 985 A: Um, I think s- Soeth, like, might have been Johnson they tried to get medical
986 there and see, like, what the injuries were. But she was - I don't remember
987 what she was saying but she kept, like, yelling just random like crazy...
988
- 989 Q: Yeah.
990

991 A: ...bizarre stuff. So it was kinda hard to, like, communicate with her. Like, we
992 were tryin' to Mirandize her and get a statement but it just, like, wasn't
993 happening.
994

995 Q: Okay, all right. If - if the dog had not been deployed in this case what do you
996 think the risk to the public would have been if the dog wasn't deployed in this
997 case?
998

999 A: Um, it's hard to say 'cause if the dog doesn't go up and initially jump on the
1000 window who knows maybe she stays in there and at some point we have to
1001 formulate a plan to move up on that vehicle.
1002

1003 Q: Mm-hm.
1004

1005 A: Um, so in - in this case she ended up steppin' out. I don't know if that would
1006 have been different had the dog not been there.
1007

1008 Q: Did - did it seem like the dog motivated her exiting the vehicle?
1009

1010 A: She almost seemed like she liked the dog, you know, she was tryin' to pet it
1011 and stuff like that.
1012

1013 ((Crosstalk))
1014

1015 Q: ...comfort dog.
1016

1017 A: Yeah it seemed like she got out because the dog was there.
1018

1019 Q: Mm-hm.
1020

1021 A: Um, but I - I don't know what woulda happened. We woulda if the dog wasn't
1022 there if she didn't get out we woulda had to formulate a plan. Which
1023 obviously puts us in danger because at that point we have to come out behind
1024 cover.
1025

1026 Q: Sure okay. Um, do you remember hearing any kinda warning that the dog was
1027 gonna be deployed at any point in the - a warning to the suspect?
1028

1029 A: Uh, I - I don't remember.
1030

1031 Q: Okay, um, anything else I should be aware of? Anything I'm missin'?
1032

1033 A: Mmm, no, I mean, that - this was the first time I've ever had a K-9 at my
1034 scene. I'm not sure like all the training stuff that goes along with that.
1035

1036 Q: Sure.

1037
1038 A: And policy or even, you know, what Deputy Soeth saw from maybe his angle
1039 he saw somethin' that...

1040
1041 Q: Mm-hm, sure.

1042
1043 A: ...he felt it was necessary to deploy it.

1044
1045 Q: Mm-hm, okay. Good and if you've got nothin' else I'm gonna go off tape and
1046 we'll be done. All right, thanks (Kevin).

1047
1048
1049 The transcript has been reviewed with the audio recording submitted and it is an accurate
1050 transcription.

1051 Signed _____



HUMBOLDT COUNTY SHERIFF'S OFFICE INTER-OFFICE MEMORANDUM

DATE: October 5, 2020
TO: Sheriff Honsal (via chain-of-command)
FROM: Lieutenant Cress
SUBJECT: Professional Standards Investigation 2020-007

Introduction

On July 2, 2020, Sheriff Honsal assigned this Professional Standards Investigation to me. The incident involves a California Highway Patrol (CHP) incident that occurred on April 4, 2020, originating in southern Humboldt County. CHP units requested Humboldt County Sheriff's Office (HCSO) assistance. Deputy Soeth responded with his Police Service Dog (PSD). The PSD ultimately bit the suspect and CHP took the suspect into custody. Deputy Soeth authored a report. On April 12, 2020, pursuant to policy, Sergeant Diemer authored a memorandum regarding the incident. The memorandum was reviewed by Lieutenant Musson who documented a conversation with Soeth about the tactics he had employed. CHP reviewed the incident pursuant to their policy. Part of their review included Mobile Audio Video (MAV) footage from their police cars. Based on the footage, CHP management was concerned that deployment of the PSD may warrant further review by the HCSO. CHP brought the incident to the Department's attention. The suspect, who was bit, has not filed a complaint or claim. In fact, the suspect's whereabouts are unknown. Phone calls to her, her relatives, and letters to her last known address, have been fruitless.

Lieutenant Williams was assigned to assist me. The investigation was conducted in adherence to the Public Safety Officer's Procedural Bill of Rights (Gov't Code 3300 et seq). I sent Deputy Soeth written notice of the investigation on July 21, 2020. He was notified that he was a subject officer. He was on vacation at the time the notice was sent but replied on July 26, 2020. He said that he was on vacation until August 6, 2020 but would arrange for representation and recontact me upon return. Deputy Soeth recontacted me and we arranged for an interview on September 10, 2020.

Synopsis

On April 4, 2020, at about 0240 hours, Officer Evans and his partner, Officer Maldonado, from the Garberville Office of the CHP attempted to stop a vehicle near Hooker Creek Road on US Highway 101. The suspect continued northbound. The suspect vehicle was a white Jeep Wrangler and the driver was later identified as [REDACTED].

The speeds ranged from 25 to 60 miles per hour on Highway 101. Traffic was light. [REDACTED] drifted over the center and fog lines. [REDACTED] stopped multiple times but appeared confused by the officer's commands, made nonsense statements, and drove away again. The CHP officers characterized the incident as a misdemeanor failure to yield.

The CHP officers first requested that HCSO units be advised of the incident and later requested the HCSO and Humboldt Area CHP units respond to assist. Deputy Soeth and Deputy Brown were on duty and responded. Officers Johnson and Will responded for CHP from the Humboldt Area. [REDACTED] stopped again near Jordan Rd. Both the CHP and the HCSO crime reports note that the victim backed her vehicle toward the CHP/HCSO vehicles but neither report alleges [REDACTED] was attempting to assault the officers or deputies. The video demonstrates the backing movement was low speed and for a short distance. [REDACTED] fled again.

[REDACTED] came to a final stop on northbound Highway 101 just north of Shively Road. Officers Evans, Maldonado, Johnson, and Will were on scene for the CHP and Deputies Soeth and Brown were on scene for the HCSO. Both involved CHP vehicles recorded the incident on their MAV equipment. Deputy Soeth had made Evans and Maldonado aware of the PSD during the Jordan Road stop. Pursuant to the video, [REDACTED] generally complied with commands to show her hands. The hands were raised, placed against the window, or extended out the window with a few brief exceptions and in no instance did it appear that [REDACTED] was reaching for anything inside the vehicle. When [REDACTED] did not immediately comply with commands to exit the vehicle at the Shively Road stop, Deputy Soeth deployed his PSD. The dog put his paws up on the side of the Jeep at the open window but did not bite [REDACTED]. [REDACTED] attempted to pet the dog. [REDACTED] exited the vehicle and walked slowly toward the officers continuing to make nonsense comments. When the dog was deployed again, [REDACTED] attempted to pet the dog. She wore a sweatshirt so there was a generalized risk that she was armed but nothing articulable beyond the generalized risk. CHP officers continued to issue commands to [REDACTED] that she get on the ground. Deputy Soeth tackled [REDACTED] as she began to drop to a knee. The remaining five peace officers followed Deputy Soeth, each controlling a limb and one clearing the Jeep.

[REDACTED] initially fell to her back when Deputy Soeth tackled her but officers rolled her to her front. An officer controlled each limb and the video does not suggest violent resistance. The narratives describe [REDACTED] as rigid, resistant to being handcuffed, and flailing her legs but no narrative describes her as attempting to assault the officers and the video corroborates the same. She retracted her right hand under her body. Officers were able to bring her left wrist behind her back relatively quickly. Deputy Soeth deployed his PSD a third time as she continued to retract her right arm under her body. In this instance the dog bit [REDACTED] on the upper right arm causing an injury. Officers were able to handcuff [REDACTED] and the PSD was taken off bite after additional seconds passed.

Allegations

If true, the reports, memorandums, video and statements suggest that Deputy Soeth may be in violation of the following Humboldt County Sheriff's Office policies [REDACTED]

[REDACTED]:

- [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

- HCSO Policy 340.5.9(b)- Unreasonable and unwarranted force to a person encountered or a person under arrest, meaning the force must be objectively reasonable to effect the arrest, to prevent escape, or to overcome resistance; and HCSO Policy 340.5.9(c)- Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct. See the notes below for additional information relevant to legal standards for PSD deployment.

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Investigative Analysis

I worked with Lieutenant Fillman from the Garberville CHP office to interview CHP Officer Evans on July 13, 2020, and Officer Maldonado on July 15, 2020. I noticed Deputy Brown on July 2, 2020 and interviewed him on July 20, 2020. I worked with Sergeant Parker from the Humboldt Area CHP office to interview Officers Johnson and Will on July 22, 2020. Lt. Fillman provided me with the CHP reports (with video) and I accessed the HCSO reports in RIMS. Sheriff Honsal provided me with a copy of Sergeant Diemer's memorandum and Lt. Musson's PPAF regarding the incident.

I considered the following evidence during this investigation:

- CHP Officer Evans' crime report
- Interview with CHP Officer Evans
- CHP Officer Maldonado's supplemental report
- Interview with CHP Officer Maldonado
- CHP Officer Will's supplemental report
- Interview with CHP Officer Will
- CHP Officer Johnson's supplemental report
- Interview with CHP Officer Johnson
- HCSO Deputy Brown's supplemental report
- Interview with HCSO Deputy Brown
- Deputy Soeth's report and supplemental report
- Interview with Deputy Soeth
- Sergeant Diemer's PSD memorandum
- CFS in RIMS
- MAV footage from Officer Evans' patrol vehicle
- MAV footage from Officer Johnson's patrol vehicle
- Lt. Musson's PPAF
- Clarification from Brad Meyer, owner of Meyer's Police Canine

CHP Officer Evans' report

Officer Evans wrote a crime report concerning the incident. I attached a copy of the report to this investigation. He reported that on April 3, 2020 (the incident occurred on April 4) at about 0240 he saw [REDACTED]'s Jeep northbound on US 101 just south of Hooker Creek Rd. The Jeep travelled at about 40 miles per hour and weaved between lanes. Evans attempted to stop the Jeep. [REDACTED] yielded near Hooker Creek Road, stuck her empty hands out the window and made unintelligible gestures before fleeing northbound in the Jeep at about 45 miles per hour. [REDACTED] continued to make hand gestures with her left arm hanging out of the window. This process of pulling over, only to flee again, continued multiple times. Speeds northbound on US 101 ranged from 25 to 60 miles per hour and [REDACTED] continued to drift between lanes. Evans characterized the incident as a

misdemeanor in his report. Evans requested assistance from Humboldt Area CHP units and the HCSO. [REDACTED] stopped near Jordan Road. She backed up slightly, causing Evans to back up his vehicle but he did not characterize [REDACTED]'s conduct as an assault. [REDACTED] continued to make unintelligible gestures. Evans noted that Deputy Soeth arrived on scene at Jordan Road and advised Evans that Soeth had a PSD.

Evans wrote that [REDACTED] fled again northbound to just-north-of Shively Road where she stopped for the final time. Evans wrote that he began to order [REDACTED] to turn off the vehicle, put her hands out the window, and open the driver's door. He noted that [REDACTED] put both of her hands out the window but did not open the door. He noted that Deputy Soeth "allowed the dog to approach the Jeep on a long lead". The dog ran around the Jeep while [REDACTED] exited. Evans noted that [REDACTED] petted the dog as it ran past. Evans ordered [REDACTED] to get on the ground. She was dropping to a knee when Deputy Soeth tackled her. In his report, Evans noted that [REDACTED] "began actively resisting by kicking her legs and flailing her arms". In his subsequent interview with me, Evans opined that she was not trying to assault the officers but was trying to get away. [REDACTED] failed to comply with commands to put her hands behind her back. Evans wrote that he was successful in controlling her legs to prevent kicking. He documented the dog bite and reported that officers were able to place her in handcuffs. Deputy Soeth removed the dog. Evans noted that [REDACTED] made nonsense statements throughout the incident and became "combative" with medical staff later in the night at the hospital.

Interview with CHP Officer Evans

On July 13, 2020, at about 0630 hours I interviewed Officer Evans at the CHP office in Redway. I audio recorded my conversation with Officer Evans and later attached it to this investigation. In addition, I had the conversation transcribed and the transcription is attached. In summary, Officer Evans said a white Jeep was weaving within the lanes northbound on US Highway 101. He activated his emergency lights to stop the vehicle, but [REDACTED] failed to yield. [REDACTED] stopped, but then continued, multiple times. Evans said the pursuit was a misdemeanor because the speeds were low and there was no wrong-way, or other examples of, egregious driving.

Evans said HCSO units became involved when he asked his dispatch to have Sheriff's Office units respond "code-2". Evans said he had advised his dispatch of the speeds, the original reason for the stop (weaving), and the fact that [REDACTED] was starting and stopping, but Evans was not certain what information his dispatch had provided to HCSO dispatch. Note- I later reviewed the CFS in RIMS and confirmed that the request had been for a code-2 response. An update included the fact that [REDACTED]'s vehicle was stopping and starting and that a spike-strip had been requested. Deputy Soeth had broadcast that he was trailing the incident and speeds were 55 miles per hour. I attached the CFS to this investigation for reference.

Continuing with the interview, Evans said the HCSO units first joined them the second to last time [REDACTED] stopped on Highway 101 (i.e. at Jordan Road) but there was minimal interaction because [REDACTED] started to back her vehicle up, causing Officer Evans to reverse, and then fled again northbound. Evans said HCSO deputies were present from Jordan Road through the final stop just north of Shively Road. Evans said Deputy Soeth and Deputy Brown were the deputies who responded.

Evans said that after the final stop, Deputy Soeth communicated that there was a Police Service Dog present, but Evans was not certain who Deputy Soeth was directing the comment toward. Evans did

not take the comment to mean that the dog would be deployed. Officer Evans was unaware of any further communication from Deputy Soeth concerning the PSD. Officer Evans said Deputy Soeth did not ask for any details about the pursuit. Officer Evans said he was giving [REDACTED] commands as Deputy Soeth arrived. Officer Evans said that Deputy Soeth immediately put the PSD on a long leash after the pursuit ended and “as soon as the dog was out” Deputy Soeth gave a command, which Officer Evans was later told was the bite command. When asked to clarify, Officer Evans said it was about ten seconds after Deputy Soeth arrived that he saw the PSD on the leash and about another ten seconds before the dog was deployed. Officer Evans was under the impression that Deputy Soeth wanted the PSD to go through the window of the Jeep but the dog put its paws on the base of the Jeep’s driver’s side window, got down, and just ran around the car instead.

I asked Officer Evans what [REDACTED] was doing at the time that Deputy Soeth deployed the PSD. Officer Evans said that at the time the PSD was deployed [REDACTED] was still inside the vehicle with her hands placed up against the driver’s side plastic window of the Jeep Wrangler. [REDACTED] then unzipped the window and stuck her hands out. However, she was not initially complying with commands to exit the vehicle. Officer Evans was parked almost directly behind [REDACTED] and Deputy Soeth was parked to the west of Officer Evans. Both Evans and Soeth had clear views of [REDACTED] and her window. Evans said he did not know if there were any weapons on [REDACTED] or in the vehicle, but she was showing her hands. Officer Evans said there was nothing beyond the generalized possibility of weapons that caused him concern.

Officer Evans said that when the PSD put its paws on the base of the driver’s side window [REDACTED] reached out and petted the dog. The PSD then ran around the car as Officer Evans continued to issue [REDACTED] commands. [REDACTED] then exited the Jeep and tried to pet the dog as it ran past her. Evans said [REDACTED] was “meandering” as she walked toward the officers. She was not saying anything. The dog ran past and [REDACTED] again tried to pet it. [REDACTED]’s hands were at her side. Officer Evans continued to tell her to get on the ground. Officer Evans said, “I didn’t feel there was a significant threat, I could see her hands, she wasn’t running, she didn’t seem like she was going to be violent”. Her fists were not clinched. She was “just slowly walking”. The look on her face seemed “confused” like she did not know what was going on. She did not seem angry. Officer Evans said she seemed “overly relaxed”.

Officer Evans said [REDACTED] was starting to take a knee to get on the ground when Deputy Soeth tackled her. She was still not saying anything. Officer Evans did not hear Deputy Soeth say anything before tackling her. Officer Evans said after [REDACTED] was tackled she kicked and flailed on the ground. Officer Evans said [REDACTED] was on her back initially. Officer Evans did not hear [REDACTED] saying anything as she was tackled. Immediately after Deputy Soeth tackled her, the other officers, and Deputy Brown, moved in to control her. Officer Evans believed that she was panicking because there were people on her. She was not trying to assault the officers but was trying to get away. She was strong. Evans controlled her feet. Officer Maldonado had cleared the Jeep. Officer Johnson applied the handcuffs. Evans believed Soeth controlled a part of the upper body. Evans could not see [REDACTED] hands because there were people blocking the view. She kicked and flailed for about 15-seconds. Evans did not see anyone else use any other force. He did not see Deputy Soeth deploy any distraction strikes.

Officer Evans said Deputy Soeth issued the same command to the dog as he had when the PSD was initially deployed to the window. Evans saw the dog bite [REDACTED] Officer Evans did not perceive a specific threat to Deputy Soeth at the time of the bite. Evans heard her scream for the dog to get off her. Officer Evans said the dog bit for about 10-seconds. Evans believed that the command to release

had been issued a couple of times and it took some time for the dog to release.

Officer Evans said he did not believe the risk to the officers posed by [REDACTED] at the time of the bite was very high because there were adequate numbers of officers on scene. He did not believe there would have been a great risk to the officers if the dog had not been deployed. Officer Evans, in retrospect, thought she probably has mental health issues but did not think she was violent. Evans did not ever hear a warning that the dog was going to be deployed.

Officer Evans said [REDACTED] was “aggressive” at the hospital in that she had poked and kicked a nurse. Officer Evans said that this behavior at the hospital was different than it had been at the scene because she had not been able to kick anyone at the scene of the stop.

CHP Officer Maldonado’s report

Officer Maldonado also wrote a crime report which I attached to this investigation. Maldonado was Officer Evans’ partner during the incident. Officer Maldonado’s narrative parallels Officer Evans. He documents [REDACTED] repeatedly stopping, only to continue northbound on US 101. Maldonado does not include any facts that would suggest the incident rose to a felony. He notes that the Jeep finally stopped just north of Shively Road where Evans, Soeth, Brown and Humboldt Area units conducted a high-risk stop.

Maldonado notes that [REDACTED] was ordered to turn off the Jeep and show her hands, but she did not initially comply. However, [REDACTED] unzipped the Jeep’s driver’s side window and stuck her hands out. Maldonado does not note anything was in the driver’s hands. Deputy Soeth advised he was deploying his PSD. The dog ran up to the car, put its paws up on the windowsill, and [REDACTED] petted the dog. The dog got down and ran around the vehicle while [REDACTED] remained inside.

[REDACTED] exited the Jeep and began walking back toward Deputy Soeth. She was wearing a baggie jacket or sweatshirt. Deputy Soeth gave [REDACTED] several commands to get on the ground. She was dropping to a knee when Deputy Soeth tackled her. Other officers moved forward to assist Deputy Soeth. Maldonado cleared the Jeep. Maldonado wrote that [REDACTED] was on her chest, tensed her body, and attempted to tuck her arms under her chest despite commands to put her hands behind her back. Maldonado notes that he and Evans successfully controlled [REDACTED] legs. Maldonado notes that the dog bit [REDACTED] right arm while Officer Johnson and Will were able to handcuff her. Deputy Soeth lifted the PSD off the ground to bring the dog off bite. Maldonado noted that [REDACTED] made several nonsense statements. He noted that [REDACTED] became physically abusive to medical staff at the hospital.

Interview with CHP Officer Maldonado

On July 15, 2020, at about 0600 hours I interviewed CHP Officer at the CHP Office in Redway. I audio recorded the interview and attached it to this investigation. I also had the interview transcribed and attached the transcription to this case. I began by asking Officer Maldonado for a general description of the pursuit. In summary, Maldonado said he was the passenger in the patrol vehicle that Officer Evans drove. They saw [REDACTED] vehicle northbound on US Highway 101 near Hooker Creek Road. The vehicle was driving about 40-45 miles per hour and crossing over the line. They initiated a stop. [REDACTED] took the Hooker Creek exit, stopped momentarily, uttered some nonsense, and then continued northbound on 101. Maldonado thought [REDACTED] seemed “confused.” [REDACTED] stuck her hands out the windows and made some gestures. Maldonado did not know what she meant

by most of the gestures, though the middle finger was clear. She pulled over a couple of additional times and the officers approached the vehicle, but [REDACTED] drove away each time until finally coming to a permanent stop at Shively Road. Maldonado characterized the pursuit as a misdemeanor crime because the driving was not reckless. Speeds remained below the speed limit.

Officer Maldonado said they had requested HCSO units respond to assist. Maldonado did not remember exactly what may have been communicated during the radioed request. The first time Maldonado remembered seeing HCSO units on scene was the temporary stop just before the final Shively stop (i.e. Jordan Road). Deputy Soeth had been on scene at Jordan Road and advised CHP that he had a PSD (Officer Maldonado did not know Deputy Soeth personally and generally referred to him as “the K9 officer”). Maldonado said the Jordan Road stop had been brief and there had not been much time for Deputy Soeth to communicate with the CHP officers. Maldonado said that [REDACTED] driving between Jordan Rd. and Shively Rd. (i.e. the driving that Deputy Soeth witnessed) was consistent with the rest of [REDACTED] driving. The speeds were around 40-45 miles per hour. There was no swerving. Maldonado still characterized this portion of the pursuit as a misdemeanor.

Once the final stop was made, Maldonado said they conducted a high-risk stop. Evans positioned their CHP patrol vehicle directly behind [REDACTED] Deputy Soeth and Deputy Brown were to the west of Evans’ vehicle. Officer Johnson and Officer Will’s patrol vehicle was to the west of the HCSO units. The vehicles were in the classic semi-circle formation behind, and to the side, of [REDACTED] vehicle.

I asked Maldonado what communication may have occurred between Deputy Soeth and CHP units. Maldonado said “I don’t think there was much. I remember him saying ‘ya’know I’m going to release the dog’. That’s the only thing I really remember hearing from him.” For a moment everyone was yelling commands, but Officer Evans took charge and began to issue the commands. Maldonado did not recall Deputy Soeth asking any questions about the nature of the crime. I asked Maldonado how much time elapsed between the time Deputy Soeth said he was going to send the PSD and the time the PSD was sent. Maldonado said “Moments, it wasn’t very long.”

I asked Officer Maldonado to describe [REDACTED] conduct at the time that Deputy Soeth said he was going to send the PSD. Maldonado said [REDACTED] was still in the car and not listening to commands to turn off the car or show her hands. Maldonado said he was in the crook of his passenger’s side patrol car door and could not tell exactly what Officer Evans of Deputy Soeth may have been able to see. Evans and Soeth’s views would have been better. Maldonado said that when the PSD was released it went to the open door and put its paws up there. [REDACTED] petted the dog. Maldonado did not recall what [REDACTED] was saying at the time the dog was sent. I asked Maldonado if he believed [REDACTED] presented a serious risk of harm at the time that the PSD was sent. Maldonado said, “At that moment, no, I don’t think so”. Maldonado said [REDACTED] behavior was odd but not threatening.

I asked Officer Maldonado to describe [REDACTED] behavior from the time she exited the vehicle to the time that Deputy Soeth made physical contact with her. Maldonado said [REDACTED] was “relaxed” and “slow moving.” He said [REDACTED] tried to pet the dog a second time. He said [REDACTED] was given the command to go down to the ground, but she did so very slow. Maldonado described [REDACTED] attitude as almost “cavalier.” He said [REDACTED] hands were empty and she wore a big jacket. Other than the generalized suspicion of weapons, there was nothing specific to suggest she was armed. Maldonado did not remember when the comment was made but remembers [REDACTED] commenting that she liked the dog. [REDACTED] did not make any threatening comments. I asked Maldonado if

██████████ was a threat of physical harm in that period between leaving the car and Soeth physically contacting her. Maldonado said ██████████ was starting to comply with requests to get on the ground at the time Deputy Soeth made contact. Her left knee was on the ground, but it had only been a short time since she began to take a knee and Deputy Soeth tackling her. She was slowly complying. Maldonado said he was not sure who, if anyone, had asked ██████████ to walk back toward them but he did not feel threatened.

I asked Officer Maldonado if there had been any communication between Deputy Soeth and the other officers as ██████████ was walking toward them. Maldonado said, “No there definitely wasn’t a whole lot of communication going on back and forth between us other than I just recall him saying he was going to let the dog go”. Maldonado was not sure who Deputy Soeth was making the announcement to but thought ██████████ probably could have heard it. Maldonado said he wasn’t sure about how to work with canines, so he wasn’t sure what Deputy Soeth’s role was.

We began to discuss the details that occurred after Deputy Soeth tackled ██████████ through the time the PSD was taken off bite. Maldonado said he did not remember exactly who controlled which limbs. Officer Maldonado cleared the Jeep. Deputy Brown and Deputy Soeth were somewhere near ██████████ head. Evans was on ██████████ legs. After clearing the vehicle, Maldonado joined Evans in controlling the legs. I asked Maldonado what ██████████ was doing as she was on the ground. Maldonado said she was trying to tuck her hands under her body. She was on her chest. Maldonado could not see her hands very well. She was “resisting” and “flailing about”. She flailed her legs. ██████████ may have said she “liked” the dog at this moment. Maldonado was unaware of any distractionary strikes.

I asked Maldonado if he felt like ██████████ was a threat when the officers had her on the ground. Maldonado said “I guess not, at the time, you know I wasn’t sure, this person’s behavior was kind of odd. Definitely wasn’t actively, I guess swinging, or trying to cause harm”. Maldonado said though she did not want to be arrested, she was not causing harm. When the dog bit, there was no specific reason to believe ██████████ was armed. The dog was on-bite for only a few seconds. The dog was taken off bite when the handcuffs went on. Deputy Soeth grabbed the dog by the collar, picked the dog up, and walked the dog to the car.

Maldonado said he was not sure what risk the public may have been exposed to had the dog not been deployed but did say there was little risk of ██████████ escaping had the dog not been deployed. Maldonado said the risk may have been a little higher to the law enforcement personnel on scene had the dog not been deployed but would not have been a deadly force situation.

CHP Officer Will’s report

Humboldt Area CHP Officer Will also wrote a report which I attached to this investigation. Will and his partner, Officer Johnson responded to the call from the Humboldt area. Will characterized the incident as a “failure to yield” in his report. Will and Johnson were asked to deploy a spike strip. They unsuccessfully deployed the spike strip as ██████████ vehicle continued northbound on Highway 101 past Jordan Road. Will and Johnson were north of ██████████ vehicle so they stopped at Shively Road and watched as ██████████ vehicle drove past them. Will saw ██████████ wave at them as the Jeep went past Shively Road. The Jeep then pulled over just north of Shively Road and Will and Johnson participated in a high-risk stop. Will and Johnson’s patrol vehicle was parked to the west of the two HCSO patrol vehicles in the semi-circle that developed around ██████████ vehicle. Will and Johnson had a clear view of ██████████ vehicle and could see into the driver’s window

where [REDACTED] sat.

Will wrote that [REDACTED] placed her hands on the driver's side window but did not comply with Officer Evans' commands to turn off and exit the vehicle. After about 40 seconds, [REDACTED] unzipped the driver's side window. Officer Will wrote that, at this time, Deputy Soeth advised he was deploying his PSD. The dog was sent but appeared confused and only put his paws up on the driver's side windowsill. [REDACTED] appeared to pet the dog. The dog ran around the Jeep as [REDACTED] exited and walked toward Deputy Soeth. The dog approached [REDACTED] again as she walked toward Deputy Soeth. [REDACTED] petted the dog again. Deputy Soeth issued commands for [REDACTED] to get on the ground. As [REDACTED] began to kneel, Deputy Soeth tackled her.

[REDACTED] landed on her back as the other officers and deputies approached to assist. [REDACTED] tensed her body and was not complying with commands to lay on her stomach. Deputy Brown and Officer Will rolled [REDACTED] to her stomach by controlling her left arm. Officer Johnson controlled [REDACTED] waist. [REDACTED] "tucked" her hands under her body, out of view. She wore baggy clothes. Soeth controlled her head. Soeth gave [REDACTED] commands to release her arms and delivered several strikes to [REDACTED] right side to generate compliance. [REDACTED] arms, legs and head were controlled.

Will wrote that Deputy Soeth deployed his PSD at this time. The dog bit [REDACTED] right arm. Deputy Soeth was "unsuccessful" in pulling the PSD off [REDACTED] Officer Johnson handcuffed [REDACTED] Deputy Soeth had to physically lift the dog off [REDACTED] to disengage.

Interview with CHP Officer Will

On July 23, 2020, at about 0800 hours I interviewed CHP Officer at the Main Station. I audio recorded the interview and attached it to this investigation. I also had the interview transcribed and attached the transcription to this case. I asked Officer Will to describe the pursuit in general. Officer Will said he was doubled with Officer Johnson when they were asked by their dispatch to back Officer Evans and Officer Maldonado who were pursuing a vehicle northbound on US 101. Officer Will was able to tell from his MDT that the pursuit was proceeding at regular highway speeds and the driving was not reckless. Will and Johnson unsuccessfully deployed a spike strip and eventually saw [REDACTED] stop at Jordan Road. However, Will and Johnson were already north of Jordan Road so they continued north hoping to turn into the southbound lane and assist when it became safe. Instead, [REDACTED] continued north so they pulled over at Shively Road and waited. They saw [REDACTED] drive past them, followed by Officer's Evans and Maldonado, Deputy Soeth, and Deputy Brown. Will said [REDACTED] waved at them as she drove by. One hand was on the steering wheel and the waving hand was clear. [REDACTED] was driving between 50-70 miles per hour as she passed.

Will said that [REDACTED] pulled over for the final time just north of Shively Road. Evans pulled in behind [REDACTED] Deputies pulled in to the west and Will/Johnson pulled in further to the west. They were in an arch around [REDACTED] vehicle. The windows were plastic but they could see into the Jeep clearly. Soeth was already stopped behind [REDACTED] vehicle by the time Will and Johnson stopped and exited their vehicle. Will heard Deputy Soeth announce he had a canine but communicated nothing further.

I asked what Officer Will saw [REDACTED] doing as he arrived on scene. [REDACTED] was still inside the Jeep. Officer Will said she "wasn't doing anything. She was trying to communicate with us". She was saying that she was an "agent". She wasn't complying by getting out of the vehicle as directed. She

was passively sitting in the vehicle. At first Will could not see both hands but she quickly put both of her hands up on the window and she unzipped the plastic. Will said her comments were odd but nothing ██████ said made him feel threatened. After the window was unzipped, she continued to passively sit there. Shortly after, the PSD was deployed. Will said he did not remember specifically if he could still see both of her hands at the moment the PSD was sent. As the dog approached the vehicle it seemed confused. At one point the dog hopped onto the driver's side door and ██████ petted the dog. It got down and ran around the Jeep. ██████ exited the vehicle at that point.

Will said that at the time the PSD was sent, ██████ had failed to yield and continued to resist by not exiting the vehicle. Will thought about the fact that there could have been a weapon in the vehicle which created a moderate generalized risk. However, there was nothing specific that Will saw that heightened the danger to the officers beyond the generalized risk.

I asked Will about the incident from the time ██████ exited the vehicle. Will said ██████ faced Deputy Soeth. They were about ten feet apart which was uncomfortable. ██████ took a few steps toward Deputy Soeth but did not move quickly. It appeared to Will that ██████ was trying to figure out what was going on. ██████ seemed like she was "causally standing out of their car kinda like kinda wondering what was going on". Will said this was concerning unto itself because it seemed inappropriate after just ending a pursuit. Her hands remained in view. She may have been saying something, but Will could not remember specifics. The dog walked up to ██████ and she petted the dog again. The dog ran away again. Soeth gave ██████ multiple commands to get down. ██████ started to drop to her left knee when Soeth tackled her. Soeth was about 7-10 feet away from ██████ when he moved in to tackle her. The remaining officers moved forward to assist.

We discussed what role each officer had played after Deputy Soeth tackled ██████ to the ground. She initially fell to her back. Will said he controlled ██████ left wrist with Deputy Brown. Officer Johnson was over her mid-waist. Evans was at ██████ feet. Maldonado cleared the vehicle. They rolled her to her stomach. She tucked her arms under her chest which concerned Will. There was nothing specific to suggest she had a weapon but also nothing to suggest she did not have a weapon. She wasn't trying to fight but was tensed. Soeth commanded her to extend her arms. ██████ had time to comply but remained tensed up. Soeth grabbed the back of her head and applied downward pressure. Soeth punched her in the ribs a couple of times. She complied and extended her arms. Will was not sure what ██████ had done with her feet. Her head remained tense. Even as the arms came out, they were tense. Brown and Johnson remained on ██████ left arm and Will transitioned to control the right arm. ██████ was not trying to rip the right wrist away but remained tense. The PSD then bit ██████ right arm. Officer handcuffed the left wrist and Will brought the right wrist around to complete cuffing.

Will said he does not independently remember hearing a bite command though, during the CHP debrief he had learned that a command had been given. Will said that at the time that the dog bit, ██████ threat level was "not very high" because of the ratio of officer to the single suspect. She was large and strong but, on her stomach, and controlled. She was uncooperative and tense but Will said, "She wasn't trying to fight us". Will did not think she kicked or tried to throw any punches. Will is not familiar with PSD deployment and did not hear a bite command given so, in the moment, assumed the dog engaged on its own because it saw its handler physically struggling to arrest ██████ Will said the dog was on bite for the entire time they handcuffed ██████ and the dog had to be physically removed from ██████ Will said that after the dog came off bite ██████ was placed in Johnson's patrol vehicle. ██████ continued to talk nonsense.

Will said that [REDACTED] may have exited the vehicle because she liked the dog. Will was unsure what [REDACTED] may have done had the dog not been deployed.

CHP Officer Johnson's report

CHP Officer Will also wrote a report documenting a "failure to yield" originating in southern Humboldt. Johnson and Will were asked to deploy a spike strip. They unsuccessfully deployed the strip near northbound 101 at Jordan Road. [REDACTED] vehicle was south of Johnson and Will so they waited for the vehicle at Shively Road. [REDACTED] drove past Officer Johnson and Will so they fell in behind to assist but she pulled to the shoulder just north of Shively Road. Officer Johnson pulled his patrol car to the west side of the HCSO vehicles in the semi-circle around [REDACTED] vehicle and assisted in a high-risk stop. Johnson watched as [REDACTED] put her hands up on the window of the Jeep. She failed to comply with Johnson's command to unzip the window for about 40 seconds but eventually unzipped the window and "hung her arms outside the window".

Officer Johnson wrote that, at this time, Deputy Soeth advised he was deploying the PSD. The dog approached the window and put his paws up on the windowsill. The dog got down and ran around the Jeep as [REDACTED] exited. The dog sniffed [REDACTED] again as she petted the dog and walked back toward Deputy Soeth. Deputy Soeth commanded [REDACTED] to get on the ground and [REDACTED] was dropping to a knee when Deputy Soeth tackled her. [REDACTED] landed on her back as the other officers and deputy move ahead to assist. Johnson controlled [REDACTED] legs while Deputy Brown controlled her arms. When [REDACTED] refused commands to roll onto her stomach, Deputy Soeth, Officer Will and Officer Johnson rolled her over. Johnson straddled [REDACTED] lower back as she attempted to pull her arms under her chest. Johnson and Brown were able to pull her left arm from under her body. Deputy Soeth deployed the PSD again and the dog bit [REDACTED] right arm. Soeth pulled the dog away from [REDACTED] as she removed her right arm from under her body. Medical personnel responded and Johnson noted that [REDACTED] threatened them.

Interview with CHP Officer Johnson

I interviewed Officer Johnson on July 23, 2020. I audio recorded the interview and attached it to the investigation. I had the interview transcribed and attached it to this investigation. In summary, Johnson said he remembered the incident. Johnson said he was in Arcata when they were asked to assist southern Humboldt units with a pursuit northbound on US Highway 101. Johnson was partnered with Officer Will. They unsuccessfully attempted to spike [REDACTED] vehicle near Stafford. Johnson said they saw the vehicle driving northbound on Highway 101 at Shively. [REDACTED] waved politely at Johnson and Will. She was driving 40-50 miles per hour and appeared to be going straight. [REDACTED] vehicle, Evans/Maldonado and two HSCO units passed Shively Road. [REDACTED] pulled over just north of Shively Road. Evans and Maldonado stopped directly behind the Jeep. The two deputy vehicles were to the west of the CHP unit. Johnson parked his vehicle the furthest to the west looking directly at the Jeep.

When Johnson exited his patrol car he heard a few people issuing commands to [REDACTED] Johnson did not recall any communication concerning the presence of the PSD. Johnson said his first observations of [REDACTED] were of her yelling nonsense from inside the Jeep about being an agent. She then unzipped the driver's side window. The PSD was deployed. The dog jumped up on the driver's side of the Jeep and [REDACTED] petted the dog. Johnson ran to Evans' vehicle and was going to preemptively put Evans' spike under [REDACTED] vehicle; however, she exited the vehicle prior to Johnson obtaining the spike strip. Johnson said he was unable to see [REDACTED] hands while she was

inside the vehicle. It was a tense situation. Johnson was concerned because [REDACTED] had stopped and resumed so many times and the patrol vehicles were extended into the traffic lanes.

Johnson said [REDACTED] exited the car and slowly walked toward Deputy Soeth. He issued commands to [REDACTED] to get on the ground. The dog continued to run around near [REDACTED] side. Johnson said [REDACTED] could have been a threat because she was not initially complying with commands to get on the ground, but she was walking slowly, her hands were empty, and her fists were not clenched. [REDACTED] started to take a knee but Deputy Soeth tackled her to the ground. [REDACTED] was close to Deputy Soeth and he tackled her simultaneously with her starting to take a knee. The remaining officers and the deputy moved in to assist. Officer Johnson said there had been no communication concerning the dog after [REDACTED] exited the vehicle.

[REDACTED] fell to her back. Johnson straddled [REDACTED] back after she was turned to her stomach. She had only been on her back a few seconds and had been commanded to roll over. Johnson said [REDACTED] hands “tensed” up and she tucked them under her after she was rolled to her stomach. While [REDACTED] was on her stomach Johnson had the left arm near Deputy Brown. Will and Soeth were on the right side of [REDACTED] Johnson was concerned when [REDACTED] had both of her hands under her initially, her clothing was baggy, and there was a chance she could have a weapon in her waistband. Brown and Johnson were able to remove [REDACTED] left arm from under her and apply one handcuff. Johnson said [REDACTED] continued to tense her left arm and pull it away from them. After Johnson handcuffed the left wrist, Deputy Soeth deployed the PSD. At the time of the bite, [REDACTED] was just screaming. At one-point Deputy Soeth asked Johnson if the right handcuff was on. Johnson advised Soeth it was not on. Once the right handcuff was applied, Deputy Soeth said something to the dog and had to lift the dog off [REDACTED] Johnson said [REDACTED] did not present a significant threat to the officers because of the number of officers compared to the single suspect.

Johnson said medical personnel were called but [REDACTED] was belligerent with the paramedics and Deputy Soeth. Johnson said [REDACTED] had yelled throughout the incident but became “violent with her words” after she had been handcuffed and placed in the back of a patrol car.

HCSO Deputy Brown’s report

Deputy Brown responded and wrote a report. Deputy Brown wrote that CHP advised of a pursuit but did not initially ask for assistance (I later reviewed the CFS in RIMS and confirmed the call had been entered as a Failure to Yield). When CHP officially requested assistance, Deputy Brown and Deputy Soeth responded. The deputies fell in behind Officers Evans and Maldonado as the failure to yield continued northbound on Highway 101 past Jordan Road. Brown reported that [REDACTED] vehicle drove 50-55 mph, weaving from the #1 to the #2 lane. Deputy Brown kept up with the other vehicles without having to activate his lights or siren. [REDACTED] stopped. Deputy Soeth advised the other units that the PSD was present. [REDACTED] backed up, nearly causing a collision with the CHP vehicle. However, she fled again, northbound on Highway 101, at speeds under 65 mph.

[REDACTED] stopped again just north of Shively Road. Deputy Brown stopped and moved around to the driver’s side of Deputy Soeth’s vehicle so that Deputy Brown had a good view of [REDACTED] CHP officers issued commands. [REDACTED] unzipped the Jeep’s window and made nonsense statements. According to Deputy Brown’s report, she exited the Jeep and failed to comply with commands. Deputy Soeth sent his PSD. [REDACTED] walked toward Deputy Soeth and failed to comply with commands. Deputy Soeth “shoved” [REDACTED] onto the ground. Deputy Brown approached and took hold of her left arm. According to Deputy Brown, she “was resisting and tightening her arms to not

allow us to place her into handcuffs". Deputy Brown was able to get [REDACTED] left arm loose and, in a handcuff, while Deputy Soeth worked to loose her right arm. Deputy Brown noted that the dog had a hold of [REDACTED] arm while the efforts to handcuff occurred.

Interview with HCSO Deputy Brown

I interviewed Deputy Brown on July 20, 2020. I audio recorded the interview and attached it to the investigation. I had the interview transcribed and attached to this investigation. In summary, Brown remembered the incident. He was dispatched to assist CHP with a pursuit. Deputy Soeth was dispatched as primary. Brown was sent to cover. Soeth and Brown connected with the CHP units at Jordan Road. The pursuit continued northbound from Jordan Road. [REDACTED] drove between 25-60 mph and weaved between lanes. The Jeep stopped near Stafford Road. It backed toward the CHP patrol vehicle, coming within a few feet. The Jeep was driving less than 10 miles per hour. [REDACTED] had the driver's side window unzipped and appeared to be reaching toward the passenger's side. She fled again, northbound between 20-60 miles per hour weaving between lanes. [REDACTED] was manipulating the driver's side zipper on the window.

Brown said that, based on the information he had about the driving prior to the time Brown first saw [REDACTED] vehicle, he thought the pursuit sounded like a felony. He was also concerned because he had seen [REDACTED] back her vehicle toward the CHP patrol car. Brown said the HCSO dispatcher had relayed that [REDACTED] vehicle had stopped and fled multiple times. Brown assumed the HCSO had been requested because of the availability of a PSD. Brown said he acted as Soeth's cover unit when the pursuit finally terminated. Brown said Soeth had told CHP units that he had his PSD during the Jordan Road stop.

At the final Shively Road stop, Deputy Brown went to Soeth's driver's side door to act as Soeth's cover unit. Brown did not recall any communication between Deputy Soeth and CHP officers about the pursuit prior to HCSO participation. At the final stop, Soeth took his PSD out of his patrol vehicle while a CHP unit issued commands to [REDACTED]. Brown could see [REDACTED] hands hanging out of the open vinyl driver's window. Brown said the view into the car was obscured by the wear and tear to the window's vinyl.

[REDACTED] exited the Jeep, facing Deputy Soeth. CHP officers told [REDACTED] to turn around. [REDACTED] did not comply, instead, she walked toward Deputy Soeth. [REDACTED] stopped, and back peddled a little bit. Her hands were raised and empty. She was yelling that she was a CIA operative and Secret Service. Deputy Brown remembered Deputy Soeth deploying the PSD when [REDACTED] back peddled. [REDACTED] talked to the dog. Deputy Soeth went to the passenger's side of the Jeep and then back to the Roseberg who was outside her Jeep. Deputy Soeth was giving the dog commands. Deputy Brown did not remember the dog being deployed while [REDACTED] was in the Jeep though he remembers Soeth saying something to the effect of "now is the time" to deploy because the window was open, providing access. Soeth said something to the effect of "Now, now, now" which Brown took to mean that he was going to deploy the PSD if Soeth had the chance. Brown was under the impression that [REDACTED] had exited prior to the initial PSD deployment.

[REDACTED] stood next to the Jeep with her hands remaining in the air when Deputy Soeth tackled her. Based on [REDACTED] digging in the car at the Jordan Road stop, Brown's perception of the pursuit as a felony, and the baggy clothes, Deputy Brown was concerned [REDACTED] could have a concealed weapon. However, Brown clarified that his concern was based on the general concern present at all stops and there was nothing that specifically indicated [REDACTED] had a weapon in this instance.

██████████ was not reaching for anything though Brown found the back-peddling unsettling. Deputy Brown did not remember ██████████ beginning to drop to a knee. He said ██████████ did not verbally threaten the officers. Soeth tackled ██████████. The remaining Officers, and Deputy Brown, moved ahead to assist. Brown thought the PSD had already bitten ██████████ by the time Brown moved ahead and took control of ██████████ left arm. ██████████ was on her stomach. Brown was able to control the left arm as a CHP officer handcuffed the left wrist. Another CHP Officer controlled ██████████ legs. When I asked Deputy Brown what ██████████ was doing while she was on the ground, he replied, “Not much” but did clarify that she was not complying. For example, ██████████ was not putting her hands behind her back. However, Deputy Brown noted ██████████ was unable to comply because the dog was on bite. ██████████ did try to pull her left arm from Deputy Brown. Deputy Brown did not remember seeing ██████████ hands under her body. Her body was rigid, not wanting to put her arms behind her back. Brown had to use his strength to keep ██████████ from pulling her left arm away. There was nothing that constituted a “148 aspect”. ██████████ ranged between friendly to “F you”. ██████████ kept saying the officers had the “wrong guy”. There was no verbal threat of physical harm, Brown knew of no efforts to assault any of the deputies. ██████████ kept yelling “Good dog” at the dog while the dog was on bite.

Deputy Brown was not certain whether Deputy Soeth had issued a bite command. Brown thought the bite lasted less than a minute. Once the dog was on bite, Soeth let go of ██████████ and Soeth took hold of the dog. Soeth released the dog so ██████████ arm could be safely handcuffed. Brown said Soeth issued a release command and the dog immediately complied.

Brown said that, if the dog had not been deployed, the officers would have had to force both arms into handcuffs, not just the left one. Deputy Brown thought the risk to the public was low had the dog not been deployed because there was no public around. Brown thought there was no great risk to the officers had the dog not been deployed. His opinion assumed that ██████████ had no concealed weapons and the officers greatly outnumbered ██████████ Deputy Brown believed ██████████ intentions during the pursuit was flight. Brown thought ██████████ wanted to get back into the car and continue to flee.

Deputy Soeth’s report and supplemental report

On April 4, 2020, Deputy Soeth wrote a report and supplemental report concerning the incident. The documents are attached to this investigation. He wrote that on 4/4/20 CHP advised of a pursuit in the Phillippsville area. A few minutes later the CHP officially requested assistance. Deputy Soeth went to the area new Jordan Road where Humboldt Area CHP units were preparing a spike strip. Soeth saw ██████████ vehicle northbound on Highway 101 passing Jordan Road and estimated the speeds to be 50-55 mph and saw the vehicle weaving between the #1 and #2 lanes.

The vehicle stopped north of Jordan Road and Deputy Soeth stopped behind it. He noted that the vehicle backed up to within about five feet of the front of his patrol car but does not elaborate further and does not opine on whether he considered the backing motion an assault. He was able to back away from ██████████ vehicle, exit his own vehicle, and obtain a leash in preparation to deploy his PSD. However, before he could deploy the dog, ██████████ fled again northbound on Highway 101 at speeds between 45-55 mph.

██████████ came to a final stop on Highway 101 just north of Shively Road. The pursuing CHP unit stopped behind ██████████ and Deputy Soeth stopped just to the west of the CHP vehicle. Deputy Soeth wrote that he observed ██████████ actions while CHP officers issued commands. Soeth wrote

that he was unsure if [REDACTED] would flee again so he paused before getting the PSD from his patrol vehicle. [REDACTED] unzipped the vinyl window and Soeth could hear nonsense statements about why [REDACTED] had been pulled over and claims that she was an agent. [REDACTED] did not comply when CHP Officers commanded [REDACTED] to exit her Jeep. Deputy Soeth took the PSD out of his patrol car and warned her that the dog would bite her if she did not comply. Deputy Soeth wrote that, at the time, he believed there had been a lengthy pursuit and [REDACTED] had stopped twice, only to resume flight. Deputy Soeth wrote “[REDACTED] was unsearched and posed a great risk to the community and to officers with her actions”. Soeth also wrote that CHP’s “...request of my agency to assist them in this pursuit coupled with the knowledge they had that I had a PSD, led me to believe they expected me to utilize the K9 if necessary”. Soeth wrote that he utilized the PSD to “further prevent escape”. He commanded the PSD to “jump into the Jeep and bite” her. The dog was not successful.

In his original report, Deputy Soeth noted that he pulled the PSD back and saw [REDACTED] exit the Jeep. He commanded her to get on the ground or the dog would bite her. [REDACTED] did not get on the ground. Deputy Soeth wrote that “To prevent the suspect from continuing to flee, and to prevent her from re-entering her vehicle to potentially flee or obtain a weapon” he sent the dog to bite [REDACTED] again. She spoke softly with the dog and tried to pet him. Deputy Soeth wrote that he became concerned [REDACTED] was attempting to lure and harm the dog.

Deputy Soeth responded by shoving [REDACTED] to the ground. He tried to handcuff one of her wrists but [REDACTED] was face down and “...placed her arms under her torso as she flailed her legs in an attempt to flee and not get handcuffed”. Deputy Soeth commanded the PSD to bite [REDACTED] as Deputy Soeth tried to handcuff her right wrist. Soeth wrote that [REDACTED] still tried to flail her legs but the overall level of resistance declined and he was able to handcuff her wrist. Soeth removed the PSD and put him back in the patrol car.

On April 8, 2020, Deputy Soeth wrote a supplemental report. In the supplemental, Deputy Soeth documented distraction/pain compliance punches to [REDACTED] rib cage on the right side. Deputy Soeth had also watched the CHP video footage and recognized that [REDACTED] was beginning to take a knee at the time he shoved her. He noted that the distance between he and [REDACTED] was small, and the time lapse between choosing to shove her and [REDACTED] beginning to take a knee was short, only a few seconds. Deputy Soeth reiterated that [REDACTED] had her arms under her torso and was flailing her legs. He documented his concern that [REDACTED] may have been concealing a weapon in the baggy clothing as justification for issuing the bite command and throwing the punches.

Interview with Deputy Soeth

On September 10, 2020, at about 1231 hours, I interviewed Deputy Soeth at the CID conference room. Lt. Williams assisted. Deputy Soeth’s representative, attorney [REDACTED] [REDACTED] was also present. I audio recorded the interview and later attached the recording to this investigation. I had the interview transcribed and it was later attached to this investigation. At the request of Deputy Soeth, I Mirandized him. When asked if he understood his rights, Deputy Soeth said “I do”. When asked if he wished to make a statement, Deputy Soeth said “No”. I issued the *Lybarger* order. Deputy Soeth said he understood the order and there was nothing that prevented him from answering questions fully and truthfully. Deputy Soeth complied with the order to provide a statement.

I asked questions in four basic phases. We first discussed the events prior to the stop. We then discussed events surrounding the first deployment of the dog while [REDACTED] sat in the vehicle. We then discussed the second deployment of the dog while [REDACTED] stood outside the vehicle. Finally,

we discussed the third deployment while [REDACTED] was on the ground. Deputy Soeth agreed that this approach accurately represented the incident.

Deputy Soeth said he first learned about the incident when dispatch created an advisory call for service in RIMS. Deputy Soeth saw the call on his MDT and recognized it as advisory only. He was near College of the Redwoods at the time the call came out. He then saw that CHP formally requested assistance. He recognized that the incident was initiated in the southern Humboldt area and had already been lengthy. He continued to monitor the MDT and advised dispatch via the radio that he was enroute. Deputy Brown also responded. At the time of the interview, Deputy Soeth did not remember whether he had noticed the exact labeling of the CFS (Failure to Yield vs. Pursuit) but said he perceived it as a pursuit because of the distance (Note- it was labeled in the CFS as a Failure to Yield). Soeth said that regardless of the formal request, or label in RIMS, he would have perceived the incident as a “pursuit” because of the length and fact a spike strip was planned. During the interview, Soeth did not remember whether the request had been for code-3 or code-2 assistance (Note- the request was for code-2 assistance). Soeth said that even if he had been aware of a “code-2” request, he would have perceived the request as CHP using their policy and language (of not responding code-3 to assist in HCSO pursuits) and would have still assumed that a code-3 response was appropriate. Soeth said his knowledge of the incident prior to Jordan Road was that CHP was in a lengthy pursuit of a white Jeep Wrangler and spike strips were planned for Jordan Road. Deputy Soeth said he had not spoken with Sergeant Diemer prior to the PSD deployment.

Deputy Soeth staged at Jordan Road and saw the Jeep drive past him northbound on Highway 101. Soeth said there was a CHP unit behind the Jeep. The Jeep was driving about 50 mph. Traffic was “very light”. There was a light drizzle. [REDACTED] vehicle stopped in the middle of the road. Soeth stopped to assist CHP with a high-risk car stop. [REDACTED] backed up slightly causing Soeth to back up slightly. [REDACTED] then went forward and drove away again. I asked Deputy Soeth about [REDACTED] reversing the Jeep and whether it was perceived as assaultive. Soeth did not perceive the backing as a threat. It was slow and covered about two car lengths, coming about five feet from Deputy Soeth’s car.

Once the Jeep drove off, [REDACTED] drove between 40-50 mph and weaved. I asked Deputy Soeth if he saw any “egregious” driving or driving that displayed wanton disregard for public safety. He cited the weaving and backing as examples of both and reiterated that [REDACTED] had already stopped and restarted multiple times before Deputy Soeth joined.

Note- I later reviewed the video from Officer Evans’ patrol car between Jordan Road and the final stop. Deputy Soeth was behind Officer Evans during this period and saw this portion of the incident. [REDACTED] passed Jordan Road at about 1:33:00. [REDACTED] was in the #2 lane. At about minute 1:34:29 [REDACTED] signaled and changed lanes to the #1 lane. At about 1:35:25 [REDACTED] signaled and changed back to the #2 lane and came to a stop in the lane. At about 1:36:38 [REDACTED] backed slowly at an angle toward the shoulder. She pointed with her hand at the shoulder as if indicating to the officers that she intended to get out of the roadway. She came to rest about half-way over the fog line onto the shoulder. At about 1:37:13 she resumed driving. She continued in the #2 lane until the final stop north of Shively Road. At no time during the period that Deputy Soeth observed her did she weave or drift except one instance when the driver’s side tires touched the white dashed road strips one time just prior to the final stop. Her speeds remained below freeway speed at all times. There was almost no traffic except one southbound truck. The final stop was well onto the shoulder.

Deputy Soeth continued the interview by stating he was under the impression at the time that

██████████ had stopped “a couple of times”. He did not have any information that suggested egregious driving or wanton disregard for public safety prior to seeing ██████████ at Jordan Road. Deputy Soeth said that, at the time, he understood the incident to be a felony pursuit because of the failures to yield, the weaving (which he described as “drifting”), and the backing. Soeth said he did not know about her speeds prior to joining and had personally only seen low speeds. He also thought it was a felony pursuit because of the request from CHP to assist. He thought it was unusual that a two-man CHP car would request assistance. Soeth interpreted their request to suggest it was a serious pursuit. Soeth said there were no people, pedestrians, or animals on the road (other than the erroneously spiked van) who were put at risk. Soeth said that, in the moment, he believed there was a “serious” crime afoot for canine policy purposes. When I asked him to summarize the facts that caused him to draw this conclusion, he cited the weaving, backing, and failing to yield.

I directed Deputy Soeth’s attention toward the canine policy which, as a threshold matter, requires a “Serious” crime be afoot and also requires at least one of two additional circumstances relevant to this investigation to occur: 1) an imminent threat of violence or serious harm to the public, any deputy, or the handler, or 2) physical resistance or threatened physical resistance. Finally, the use of a canine must reasonably appear to be necessary to overcome such resistance.

We discussed the canine deployment that occurred after the final stop but before ██████████ exited the vehicle. Deputy Soeth said Evans and Maldonado parked almost directly behind ██████████ vehicle and Soeth was fanned out to the west in a position where he could see into her driver’s side window. Deputy Soeth said he was perpendicular to ██████████ vehicle, had a good view, and there were no concerns about his ability to see ██████████ from his vantage point (Note- the view from Officer Johnson’s MAV approximates the view Deputy Soeth had and confirms that his view of ██████████ was unobstructed). The Jeep’s windows were initially zipped up. Johnson and Wills were swung out further to the west (to the left of Soeth’s vehicle). The patrol cars were parked in the roadway. Visibility was good as other cars approach from both directions because the roadway is generally straight in this section of Highway 101.

Deputy Soeth said he had already grabbed his long-line for the PSD during the Jordan Road stop. He exited his patrol car and stood by the canine door “waiting to see if [he needed] to get the dog out or not” because the window was still up at this point. Deputy Soeth advised CHP officers that the dog was “useless” as long as the window was zipped. Deputy Soeth did not ask any questions of CHP when he arrived on scene at Shively Road. CHP did not share any information with Deputy Soeth. CHP officers were giving commands to ██████████

██████████ did not comply with commands to exit. She unzipped the window so Deputy Soeth warned the driver the canine would be sent unless she complied. She was making nonsense statements. Deputy Soeth thought she may be under the influence. ██████████ was moving around in the Jeep but the movements were not furtive. She was just looking back at the units asking what was going on. She was talking about being an agent or an officer. Her hands were held up against the window and Soeth said he was not concerned about her having a weapon beyond the general risk. At one-point ██████████ right hand was near the visor but Deputy Soeth was not concerned by the placement of the hand.

We discussed Deputy Soeth’s report which noted that ██████████ was unsearched and posed a great risk. I asked Soeth what facts supported his conclusion. Deputy Soeth cited the repeated stops and starts and fact that they were approaching a more populated area in Scotia and Rio Dell. Soeth believed she might flee again. Soeth said that the driving he saw would have been dangerous to the

public if it was on surface streets.

Soeth said the dog is trained to enter car windows to bite suspects. He said that they train in the technique with Meyer's Dog Training. An instructor has worked with Soeth and the dog before. The purpose of getting the dog into the car can be varied. The dog may continue to bite if a suspect is digging around or the dog may be removed if a suspect complies. Soeth said that, in this instance, assuming nothing had changed, the dog would have bit [REDACTED] and then have been used as positive control to remove [REDACTED] from the vehicle. The advantage would have been gaining improved chance of apprehension and compliance. Regarding warnings, Deputy Soeth said there had been enough time between the warning and the initial deployment to the door for [REDACTED] to comply with his warning.

I asked Deputy Soeth if, at the time that he initially sent the PSD to bite [REDACTED] he felt she was an imminent threat of violence or serious harm. Soeth replied yes, "She was a threat, she was unsearched, and had the potential to continue to flee." I asked Deputy Soeth to provide his rationale for drawing that conclusion. Deputy Soeth said "She could have easily thrown that thing in gear and taken off toward a populated area." I clarified that the risk, to his thinking, was the threat of physical harm caused by potential collisions. Soeth also cited the fact she was unsearched.

I asked Deputy Soeth if he felt [REDACTED] was physically resisting or threatening to physically resist. Deputy Soeth said "Yes." I asked for his rationale. He replied that "She was not complying with our directives to get out of the car." We discussed the difference between passive resistance, active, and physical resistance. He clarified that he believed she was "actively resisting" in that she was not assaultive but not passive. I asked Deputy Soeth about the phrase "physically resisting" (or *threat* of physical resistance) in the policy and whether he would consider her resistance physical. He said "Yes." I asked Soeth what the phrase "physically resisting" meant based on his training and experience as a canine handler. Soeth said "fleeing, refusing to submit to an arrest by means of moving your body away from or trying to conceal yourself." I asked if turning and walking away would amount to physical resistance. He said that would be an example of actively resisting. If a deputy tried to go "hands on" and the suspect tried to pull away or push back, Deputy Soeth said that would be physically resisting. During the interview, Deputy Soeth summarized his assessment of the time [REDACTED] was in the Jeep as the threat of physical resistance based on the potential that she would flee again.

Ms. [REDACTED] asked Deputy Soeth if he believed [REDACTED] had circumstantially threatened direct physical resistance (as opposed to continuing to flee in the vehicle). Soeth said he did believe that [REDACTED] was threatening to directly physically resist because she had stopped and started in the pursuit. [REDACTED] asked if her level of compliance during the stop caused Soeth to believe she was a threat to directly physically resist. Soeth replied by saying that there was no compliance. I pointed out that there had been a degree of compliance in that her hands had gone up, she had unzipped the windows, and had exited the vehicle.

We went on to discuss the element of the policy that requires the canine be reasonably necessary to overcome resistance. Soeth said he believes the PSD was necessary because it is not in the HCSO's standard tactics to approach the vehicle under the circumstances. He said that is why we have PSD's, to go up and get control of suspects. He said the handler makes the decisions in such matters and runs the call. Deputy Soeth said the only further communication with the officers on scene concerning the dog was telling the Humboldt Area officers (Johnson and Wills), upon their arrival, that the dog was present. Soeth said he felt as if CHP was looking to him to see when the dog would be used. He felt

CHP was looking to him because CHP never changed their tactics and the PSD was available. Deputy Soeth said he has trained many times that when a suspect does not comply, the PSD is sent. I clarified with Deputy Soeth that he did not mean to imply that the dog was automatically sent at the conclusion of every pursuit.

We transitioned the conversation to the deployment that occurred after ██████ exited the Jeep. Soeth confirmed that he had given a second bite command at this point. I asked Deputy Soeth if he felt ██████ was a threat of violence or serious harm after she exited the vehicle. Soeth said, “Yes, still unsearched, and I mean she got out, but I perceived she got out as she was, she saw the show of force with the dog being there. I did not perceive compliance at that point as she was walking toward.” He said he saw her hands and they were empty. Deputy Soeth then said, “I don’t think she was a threat of violence or serious harm at that point.” He did not think she was complying. We talked about “physically resisting” and Soeth said “No”, he did not feel like ██████ was physically resisting at the point she was out of the vehicle. He felt she was “actively resisting.”

We talked about the concept of reassessing the reasonableness of force throughout the course of an incident. Deputy Soeth was familiar with the concept and felt like the same amount of force was reasonable outside the Jeep as had been reasonable when ██████ was inside the Jeep. Soeth cited the fact that she was not making furtive movements, but she could have had weapons on her person and was not complying with directives.

Lt. Williams asked what ██████ was saying and doing as she exited the vehicle. Soeth said ██████ was trying to pet the dog. Soeth said his dog is “green” and was confused by ██████ friendliness. ██████ was still making nonsense statements along the lines of being an agent and officer and there being no right to stop her. She was trying to talk to the dog. Her voice was soft. She did not make any verbal threats to any of the deputies at any point during the incident.

We listened to the video of Deputy Soeth telling ██████ to get on the ground and discussed ██████ efforts to drop to a knee. Deputy Soeth said there was no threat of physical harm at this point, but he did not have an independent recollection of her dropping to a knee. We discussed the timing of the tackle. Deputy Soeth remembered her walking toward him and him closing the distance to prevent her from coming closer. He said he did not know if she wanted to fight or to shake his hand. Soeth said her walk was “not rapid”, the distance was closed quickly but she wasn’t running. He did not recall fists or rigid muscles. She was a large person with a male’s frame. She wore a standard hoodie-style sweatshirt and jeans. Deputy Soeth said there was nothing beyond the standard risk of something in the waistband that would suggest she was armed with a weapon.

We moved on to discuss the deployment while ██████ was on the ground. Deputy Soeth said that, initially, no one had control of any of ██████ limbs (Note- I later reconfirmed via the video that ██████ legs and left arm were controlled from the point of the initial tackle onward). He did not know who was controlling each limb. Deputy Soeth said he did not know what the status of her left arm was. He was focused on her right arm. He did not know if someone was controlling her feet. He remembers her legs moving and suspects her legs were uncontrolled. He thought he was knelt over her hips. We discussed his report in which he states she was “flailing” her legs and preventing officers from handcuffing her. Deputy Soeth said she was rigid and not still. He did not look down toward the legs to see their status. He did not independently recall the status of her left arm but, based on his report, he believed at the time that the left arm was also tucked under ██████ I pointed out that the video demonstrated that the left arm was not under her. Deputy Soeth said that, in the moment, he believed it was tucked under her body.

Deputy Soeth said that the PSD was still on the long leash. He said the PSD was excited by the fight. Deputy Soeth did not know if the dog would have bitten [REDACTED] absent a command, while she was on the ground. It would not have been unusual for the dog to have bitten because the handler was involved in a “fight” and the PSD’s drives were active. I asked if this was a “fight” or [REDACTED] just not wanting to get handcuffed. Deputy Soeth said it was not a fight in the sense of a boxing match, but she was physically resisting. She did not want to be handcuffed and possibly wanted to get up and flee. There was no assaultive behavior, but she was trying to get away. As the dog was biting [REDACTED] Deputy Soeth tried to pull her right arm out from under her body.

Deputy Soeth said she was physically resisting by tucking her arms under her body and flailing her legs while she was on the ground. He said the dog was reasonably necessary to overcome the resistance. I asked about the influence the 6:1 ratio of officers to suspect played in deploying the dog. Deputy Soeth said the numbers were a factor but compliance was not being gained and the dog was available. Had the dog been in the car and the officers in their position, he would not have gone to get the dog. Deputy Soeth said he also tried distraction/pain techniques by punching her in the ribs to get her to release her arms.

I asked Deputy Soeth if, as the dog was commanded a third time to bite [REDACTED] she was an imminent threat of violence or serious harm. He said “Yes” because she was unsearched and her hands were not visible. He said this incident was different than other contacts with unsearched people because of the pursuit and lack of compliance. Soeth said [REDACTED] was physically resisting, or threatening to physically resist, while she was on the ground because the arms were tucked, and the legs were flailing. She was not going with commands.

I asked Deputy Soeth why he had grabbed the PSD’s collar. He said he did not have his hand on the PSD’s collar at the time the bite command was given or when the bite occurred. He put his hand on the PSD’s collar when he attempted to take the dog off bite. Deputy Soeth agreed that at about minute 3:08 (on Johnson and Wills’ MAV) the handcuffs were applied and the dog remained on bite. I asked Deputy Soeth to tell me when the dog was taken off bite. He pointed to minute 3:20. Deputy Soeth said it was normal for a 12-second delay to occur between gaining compliance and taking the dog off bite. He said the delay was caused by the tactic of restricting the dog’s airway to take the dog off bite. He said there is a release command, but it was not issued. Deputy Soeth said the airway restriction method is his “go-to” method because it increases positive control of the dog. If there is a verbal out [REDACTED] may move away from the bite and the dog may reengage. When there is positive control of the dog there is less chance of the dog biting [REDACTED] or another officer. I asked if a verbal command to let go could have been issued and the dog simultaneously pulled back to avoid the problem of the dog biting [REDACTED] or other officers. Deputy Soeth said that is not how the dog is trained. He said another advantage is that bystanders don’t hear a release command and then, when the dog does not immediately release, assume the dog is inadequately trained. Deputy Soeth said it is not uncommon for PSD’s to remain on bite upon being given a verbal command.

I asked Deputy Soeth about the potential of danger to the officers, or public at large, if the PSD was not used. Deputy Soeth said that was a hypothetical situation and explained there was an unsearched, uncooperative, subject so he could not answer what the danger may have been. I pointed out that it was an assessment that the policy requires him to make. I asked about the potential of danger to the officers or public on scene had the dog not been deployed (another assessment required by the policy). Deputy Soeth said that the unsearched and uncontrolled status of the offender made the dog reasonable. Finally, I asked about the risk of escape of flight had the PSD not been used. Deputy

Soeth said [REDACTED] was continuing to resist and flail her legs. I asked Soeth if the single leg coming about a foot off the ground one momentary time and then being recontrolled by the CHP Officer constituted the flailing. Deputy Soeth said that his recollection of the legs was that they were not still.

Deputy Soeth said he has been a PSD handler for a total of four years, two years at Fortuna PD and two years at the HCSO. He has been to three basic handler courses that are about five-weeks apiece. He trains 16-hours each month per POST's recommendations. The 16-hours includes obedience, agility, searches, suspect apprehension, and bite-no-bite scenarios where the dog is be called off. The purpose of training the dog to be called off is to prevent the PSD from biting someone who chooses to comply or if the dog acquires the wrong target.

Lt. Williams asked Deputy Soeth about the role of the canine handler in general and if there were criteria for how to deploy a PSD in the context of an assist with another agency. Deputy Soeth said he does not train with the CHP though he has occasionally trained with other agencies. Deputy Soeth's perception that he was expected to take over this specific call was based on his personal training and experience and "hope" that the CHP officers had some measure of experience. Deputy Soeth said "there was no communication" of the expectations in this instance. He said the fact that he does not train with CHP did not affect the decision to deploy in this instance. He said the fact that he does not train with CHP does affect the need to communicate with them on deployment but Deputy Soeth did not feel like such communication was possible in the context of this particular incident.

Lt. Williams also asked Deputy Soeth about the PSD's ability to distinguish between a suspect and deputies. Deputy Soeth said there is some risk that a dog will engage the wrong person. He explained that a PSD's pack-mentality is to engage the object being dominated. For example, a PSD would interpret the person at the bottom of a pile as the person to bite. Deputy Soeth said he trusted his dog enough to have deployed him in this instance and believed that the PSD would not errantly bite an officer.

I asked Deputy Soeth if there was anything else I should know about the incident. Deputy Soeth said he is familiar with the law and policy. He said that, based on his perception of the call at the time, he believed this incident was a felony pursuit with an unknown suspect. Deputy Soeth said that the way the incident was dealt with by CHP on the "backend" was "terrible". Soeth said he went to the hospital for his required follow-up. Deputy Soeth felt the CHP should have done a blood draw for DUI but chose not to because [REDACTED] would have likely refused and a warrant would have likely been necessary. Deputy Soeth felt like CHP should have made an arrest for a felony pursuit. I asked Deputy Soeth what moving violations would constitute a felony pursuit. He cited the backing, the weaving, and what he had heard about prior to him joining the pursuit. Deputy Soeth said that had the case gone to the district attorney's office with "real charges" he would hope that the Sheriff would support him more concerning the PSD deployment. Deputy Soeth said he feels that CHP "dropped the ball on their end and the metaphorical bus is running [him] over".

Deputy Soeth continued by saying that he believed the pursuit was a serious felony. Deputy Soeth said that when this incident occurred in April of 2020 his deployment was "standard operating procedure." He said that, at the time, "When you get a felony pursuit, your use of the dog is justified on a non-compliant subject." I asked Soeth if the canine policy had changed since April 2020. He said "No, but the demographics of this profession has." Soeth cited his belief that, among canine handlers, discussion is occurring that dogs should not be deployed when a suspect flees on foot from a stolen vehicle because it is a property crime. He said that in April, a PSD would have been deployed without question. I clarified that Soeth was saying the public's expectation has changed

since April and he cited the recent riots as an example of the change since then. I refocused Deputy Soeth on the policy, specifically citing the policy requirements for a serious crime and either an imminent threat of violence/serious harm or physical resistance, and he said he believed each was met in this instance. I confirmed that the articulable facts he relied on was the length of the pursuit, the fact [REDACTED] was unsearched and the lack of compliance.

Ms. [REDACTED] asked to make three points. First, she pointed out that the tackle was contemporaneous with [REDACTED] beginning to drop to a knee. [REDACTED] also pointed out that CHP pointed their firearms at [REDACTED]. She asked Deputy Soeth if the use of a PSD was lower on the force spectrum than the “use of a firearm.” Deputy Soeth asked her to clarify if she meant the “actual use of a firearm?” She confirmed that’s what she meant and Soeth said yes. I asked if use of the PSD was more or less force than the “display” of a firearm. Ms. [REDACTED] made the point that CHP understood this incident to be serious enough to “at least potentially use their firearm.” Soeth agreed. [REDACTED] final point concerned Deputy Soeth’s belief that as the dog bit, it was still Deputy Soeth’s belief that [REDACTED] had a hand under her body in close proximity to an unsearched waistband. Deputy Soeth said that was alarming to him because of the potential for weapons.

I read Deputy Soeth the closing admonishments and we finished the interview.

Sergeant Diemer’s PSD memorandum

On April 12, 2020, Sgt. Diemer authored a memorandum concerning the incident. I attached the memorandum to this investigation. Sgt. Diemer did not have the benefit of watching the CHP videos prior to writing his memorandum. Sgt. Diemer documented his interview with Deputy Soeth (which appears to have occurred on April 4, 2020). The facts as relayed by Deputy Soeth in the interview reflect the facts in his initial incident report. The punches are not addressed. During the interview, Deputy Soeth addressed the initial decision to send the PSD to [REDACTED] window to bite her while she was inside the car. Deputy Soeth said the decision was based on the length of the pursuit, stopping twice only to flee again, unknown weapons, and the failure to comply with orders. Presumably, for the same reasons and because [REDACTED] did not comply after exiting the vehicle, Deputy Soeth sent the dog a second time as [REDACTED] stood outside her Jeep. Deputy Soeth justified the third deployment presumably for the preceding reasons, and because [REDACTED] was flailing her legs and preventing officers from handcuffing her. Sgt. Diemer followed up with Deputy Soeth on April 12, 2020, asking for his opinion on whether the PSD use was justified. Deputy Soeth opined that it was because [REDACTED] “...was not following commands, talking nonsensically, resisting being placed into handcuffs, and it was unknown if she had any weapons.”

Sgt. Diemer spoke with Deputy Brown on April 5, 2020. Deputy Brown’s account of the event to Sgt. Diemer is reflected in Brown’s report.

Sgt. Diemer spoke with Officer Evans on April 10, 2020. Evans said that they gave [REDACTED] commands to turn off the car and exit. When [REDACTED] did not comply, Deputy Soeth sent the dog to [REDACTED] driver’s side window. The dog got down and walked around the vehicle as [REDACTED] exited. The dog approached her again, but Evans did not believe the dog bit [REDACTED]. Deputy Soeth tackled [REDACTED]. The other officers followed and struggled with [REDACTED] for about 20-30 second before getting her in handcuffs. The PSD bit [REDACTED] during this period. Evans told Sgt. Diemer that he believed the PSD use was justified because of the 40-mile pursuit, not knowing what [REDACTED] was capable of, and not knowing if she had weapons.

Sgt. Diemer spoke with Officer Maldonado on April 11, 2020. Maldonado said that Deputy Soeth arrived and deployed the PSD to the driver's side window. The dog did not bite [REDACTED]. Instead the dog walked to the back of her Jeep. [REDACTED] exited the vehicle and walked toward Deputy Soeth. The PSD jumped toward [REDACTED] but did not bite her. She tried to pet the PSD. Officers commanded [REDACTED] to get on the ground. She started to go to a knee as Deputy Soeth tackled her. The remaining officers assisted. The dog bit [REDACTED] as the parties were on the ground attempting to handcuff her. The struggle lasted about 20-30 seconds and Deputy Soeth took the PSD off-bite when she was handcuffed. Maldonado opined to Sgt. Diemer that the use of the PSD was likely justified because of the length of the pursuit, [REDACTED] demeanor, and because it was unknown if she had weapons.

Sgt. Diemer spoke with Officers Johnson and Will on April 12, 2020. They said they were partnered and had stopped behind [REDACTED] Jeep when Deputy Soeth arrived. They said Deputy Soeth gave commands for [REDACTED] to exit the vehicle. [REDACTED] did not exit but did zip the window open. When [REDACTED] continued to not comply with the command to exit, he warned that the dog may be deployed. When [REDACTED] still did not comply, Deputy Soeth sent the dog to the window. The PSD put his front paws on the windowsill but did not bite [REDACTED]. The dog ran around her Jeep. [REDACTED] exited the Jeep and faced Deputy Soeth. The dog ran up to [REDACTED] and she attempted to pet the dog. As [REDACTED] walked toward Deputy Soeth, he tackled her. [REDACTED] tried to pull her hands under her body to resist being handcuffed. The dog bit [REDACTED] as she tried to pull her hands under her body. Deputy Soeth punched [REDACTED] a few times to try and make her give up her hands for handcuffing. Officer Will opined that the PSD was unnecessary because [REDACTED] was outnumbered by the officers on scene.

Call for Service in RIMS

The following represent relevant highlights from the CFS in RIMS that Deputy Soeth and Deputy Brown were receiving:

- 0245 hours- Dispatch opened the CFS noting "CHP IS CURRENTLY IN A FAILURE TO YIELD...".
- 0248 hours- Dispatch noted that CHP was not asking for assistance, only advising.
- 0257 hours- Dispatch updated that CHP was officially asking for assistance.
- 0258 hours- Dispatched advised that CHP requested Code-2 assistance and units were responding Code-2.
- 0306 hours- Dispatch updated that CHP advised [REDACTED] had stopped but fled again and that Humboldt Area units were enroute with a spike strip.
- 0311 hours- Dispatch updated that CHP was still in "pursuit".
- 0316 hours- Deputy Soeth requested that CHP be advised he was behind them with a PSD.
- 0317 hours- CHP advised of the PSD
- 0319 hours- Deputy Soeth advised that [REDACTED] stopped but fled again from Jordan Road at speeds of 55 mph.
- 0320 hours- Deputy Soeth advised that the vehicle stopped at Shively Road.
- 0322 hours- Deputies Arellano and Silva arrived on scene. In speaking to them I learned that they arrived after [REDACTED] was already in custody. [REDACTED] was being walked back to a CHP car when they arrived.

MAV footage from Officer Evans' patrol vehicle

The following chronology is from the Mobile Audio/Video camera in Officer Evans' patrol vehicle. The footage was viewed on VLC. The times noted on VLC are often inexplicable and can vary during different viewings. Times should be considered rough estimates.

Minute	Comment
00:00	Video opens. Video is from Officer Evans' in-car camera. [REDACTED] vehicle speed was low relative to prevailing conditions and driving was generally safe.
01:05	[REDACTED] stopped at Phillipsville exit, stuck empty hands out the window, but then fled. Speeds remained low and driving was safe.
04:30	[REDACTED] stopped and put empty hands out window but flees again at about 50 mph.
09:20	[REDACTED] stopped, appeared to not understand commands, and fled again.
34:55	Officer requested HCSO respond to assist.
36:38	Officers clarified a Code-2 response from HCSO and verbalized that "it's not really an emergency".
50:00	[REDACTED] pulled over north of Weott but fled again.
1:02:40	Evans requested Johnson deploy a spike strip at Jordan Road.
1:08:00	Officers commented that [REDACTED] stated she was a federal agent.
1:17:00	Still N/B at Redcrest, speed about 60 mph.
1:18:40	Officers commented that they wonder if [REDACTED] had a gun.
1:33:20	HCSO units joined at Jordan Rd.
1:36:30	[REDACTED] stopped in the #2 lane of N/B 101 just south of Stafford. [REDACTED] backed the Jeep slowly but not at a trajectory to collide with Evans' patrol car and the distance to Soeth's patrol car is not captured on the video. She angled the Jeep toward the shoulder of the roadway. [REDACTED] stuck an empty hand out the window and pointed toward the shoulder as if signally that she was trying to get there. The Jeep came to rest straddling the fog line.
1:36:44	Deputy Soeth advised CHP units (Evans and Maldonado) that he had a PSD.
1:37:10	[REDACTED] fled again N/B.
1:49:50	[REDACTED] pulled over just north of Shively Road. Evans stopped directly behind [REDACTED] vehicle.
1:50:06	Commands to "Turn the car off" and "Put your hands out the window" were issued. [REDACTED] hands are up against the driver's side window.
1:50:37	[REDACTED] hands were seen extending out of the window.
1:50:45	PSD in view. Suspect's hand was out the window.
1:50:49	PSD paws up on the windowsill. PSD remained on long lead.
1:50:59	[REDACTED] driver's door opened.
1:51:00	[REDACTED] exited vehicle and dog reapproached. [REDACTED] hands were empty.
1:51:01	[REDACTED] walked toward Deputy Soeth slowly.
1:51:03	Dog ran past [REDACTED] and suspect tried to pet him.
1:51:04	[REDACTED] dropped to one knee.
1:51:05	Deputy Soeth tackled [REDACTED]
1:51:06	[REDACTED] fell onto her right side and the other officers approached to assist.
1:51:07	[REDACTED] was rolled to her back (upper torso is obscured on this camera).
1:51:08	[REDACTED] right foot came off the ground about a foot.
1:51:09	[REDACTED] foot was back on the pavement. Suspect's left arm does not appear to be under her.

1:51:13	██████ feet were raised a few inches for a moment. CHP Officer controlled feet.
1:54:16	It appears Deputy Brown may have the left arm extended out to ██████ side.
1:54:22	Deputy Soeth grabbed PSD by collar and appears to put the dog on bite.
1:54:44	Officer's simultaneously stood up (suggesting handcuffs were on).
1:54:46	██████ repeated "Let the dog go" several times. Dog may still have been on bite.
1:55:00	Deputy Soeth physically lifted the PSD off ██████

MAV footage from Officer Johnson's patrol vehicle

The following chronology is from the Mobile Audio/Video camera in Officer Johnson's patrol vehicle. The footage was viewed on VLC. The times noted on VLC are often inexplicable and can vary during different viewings. Times should be considered rough estimates.

Minute	Comment
00:00	Video opened from Officer Johnson's patrol car. Staging at Shively Rd.
01:04	Suspect vehicle passed N/B on US 101 followed by three patrol cars. Officers noted that ██████ waved.
01:22	██████ Jeep stopped just north of Shively Road and Johnson's vehicle is positioned almost perpendicular with relatively clear view of suspect's driver's side window.
01:24	██████ raised both hands in the air. They appeared empty. Someone asked Deputy Soeth if he had a PSD and Soeth answered yes.
01:25	██████ put both hands on the Jeep's driver's side window. They were empty. Commands to turn the car off and put hands out the window were given.
01:44	It sounded like Deputy Soeth told someone that he was not going to get the dog out yet.
01:55	██████ unzipped the driver's side window in compliance with commands.
02:00	██████ extended both hands out of the vehicle in compliance with commands. Deputy Soeth appeared to say something to the effect of "This is my time".
02:09	PSD was deployed. ██████ hands appeared empty and were generally extended out of the window.
02:14	PSD put paws up on windowsill and suspect appeared to pet the dog. ██████ appeared fixated on the dog.
02:22	██████ opened car door and exited.
02:24	PSD approached suspect again. ██████ appeared to pet the PSD.
02:25	██████ walked toward Deputy Soeth at slow pace. Hands were visible.
02:28	██████ complied with commands to "get on the ground" by dropping to a knee.
02:30	Deputy Soeth tackled ██████
02:31	Remainder of officers engaged to control ██████ Johnson and Brown control right arm as ██████ is on her back.
02:32	Officer controlled ██████ legs. Feet are about a foot off the ground.
02:33	██████ feet are back on the ground.
02:35	██████ t is rolled onto chest.
02:36	██████ is on chest with all limbs controlled and a CHP officer straddled over her mid-section.
02:39	Deputy Brown had ██████ left arm extended outward and pinned to the

	roadway. ██████ feet remained controlled.
02:46	Deputy Soeth grabbed PSD by collar and appeared to put the dog on bite. ██████ left arm is controlled and raised in a handcuffing position.
03:01	██████ stated she was “an officer”.
03:07	An officer (sounds like Deputy Soeth) stated that handcuffs were on and ██████ should be let up.
03:11	CHP advised they had one in custody.
03:22	Deputy Soeth pulled the PSD off bite.

Clarification from Brad Meyer Concerning Training Practices and PSD Standards

PSD deployment is based on *Graham v. Conner*. However, since there is a measure of specialization to PSD policy and practice, I reached out to Brad Meyer, owner of Meyer Police K9, via email. Meyer was the vendor for Deputy Soeth’s PSD and provides the ongoing training. I asked Meyer five questions to help me better understand the concepts that Deputy Soeth touched on in his interview. I later attached Meyer’s reply to this investigation. The questions, and a summary of Meyer’s response, follow:

1. As a threshold for deployment, our policy (Lexipol) calls for a serious crime (or threat of serious crime), and either imminent threat of violence or serious harm; or, physical resistance (or threat of physical resistance) and the PSD appears reasonably necessary to overcome the resistance. Is the concept of “physical resistance” defined in the training? If so, how is it defined?

As far as physical resistance defined during training, it is talked about during scenario-based training that is done on a regular basis and during our K9 case law course as defined by *Graham vs Connor* during UOF discussions. Each situation and outcome is different depending on the handler and scenario. Each handler has different life and training experiences, they need to quickly evaluate the totality of each circumstance and evaluate if force is needed or not by their policy and procedure. Through scenario-based training we try to push the handlers to evaluate if a PSD deployment is needed or not through the *Graham* factors.

2. Do we train to have the PSD’s jump into vehicle windows and engage suspects who are still in the car? If so, how would such a tactic be applied and what would possible outcomes be?

Yes, we train our PSD to jump into vehicles windows. We try to expose our PSD to as many different experiences as possible in training. We do this to make sure the PSD has been exposed to situations in training they will run into on the streets during deployments. The outcome depends on what application the handler is using the dog for. If the handler is using the PSD for apprehension, he would give the dog a command to search and apprehend a suspect inside a vehicle. This would depend on the situation, if the suspect was inside a vehicle and refused to get out (and of course the elements for the deployment were met) the PSD could be used to apprehend the suspect inside the car through a window that was open or any other openings. The suspect is dangerous, refusing to get out of the car, has access to any weapons inside the car, he's unsearched and unhandcuffed, great situation for a less lethal tool. The outcome would depend on the situation, if the PSD was able to reach the suspect, the PSD would apprehend him. Just as any other less lethal LE tool could be used to get a suspect out of a car, a PSD can locate, apprehend a suspect and keep him distracted during an arrest.

3. What options do we train to disengage a PSD from a bite? What are the advantages and disadvantages of each option?

We have many different ways to disengage a PSD from a bite. One is what we call a “verbal out”. This is where the handler verbally tells the PSD to release. The PSD can then be recalled to the handler, placed in a down or other control positions. We also have a “hard out”, “tactical out”, “choke off” (many different names). This is where the handler has physical control of the PSD and he physically removes the PSD from the bite and the PSD remains under physical control the entire time. Last, we have tools to remove a PSD from a bite. This is where again the PSD remains under physical control the entire time and a tool (breaker bar or something similar) is used to remove the PSD from the bite. The situation, environment and handler’s training and experience are all going to play a role in deciding how the PSD will be removed by the handler. The advantages and disadvantages of each are the verbal out can be done if the handler is away from the PSD and does not want to approach the suspect for some reason, but this also requires the PSD to be off leash and around backup officers and/or other people who might be yelling or giving commands. This may not be feasible where you have many other cops or people nearby. By using a "hard out" or a tool to remove the dog, the advantages are the handler has physical control of the PSD but the disadvantages are the suspect is right next to the handler and might not be searched and is dangerous. This decision is up to the handler to make and every situation will be different.

4. Are there any industry standards for communicating with, and deploying a PSD, when the handler is assisting another agency?

I'm not really sure what you're asking with regards to an industry standard for communicating with and deploying a PSD with another agency. The handler should have the authority to deploy the PSD when he/she feels the elements have been met and they understand the situation. The agency in charge will have the authority not to deploy the PSD but should never have the authority to make the handler deploy the PSD. The industry standard is to always have a PSD on scene if available, this is a less lethal tool that can be deployed but it's up to the handler to gather the facts of the case to determine if the elements are met for an apprehension deployment. Only the handler knows what his PSD can and cannot do and he is the one that is evaluating the UOF deployment, not the other agency. When an IOS happens, the question will be asked what other tools were available to the Deputies, one answer should be a PSD was on scene but the situation did not dictate a less lethal deployment or response.

5. Across the industry, has the policy regarding deployment of PSD's changed since April of 2020? Has the practice changed in the same timeframe?

No, policies have not changed since April 2020 across the industry.

Conclusion

On April 4, 2020, Deputy Soeth assisted CHP with an incident originating in southern Humboldt. Soeth deployed his Police Service Dog three times to apprehend [REDACTED]. The dog bit [REDACTED] during the third deployment. [REDACTED] was not available for a statement during this investigation.

Deputy Soeth and Deputy Brown wrote reports. The four CHP officers also wrote reports. Much of the incident was captured on CHP in-car cameras. Sgt. Diemer wrote a Use of Force Memorandum and Lieutenant Musson documented a conversation he had with Deputy Soeth concerning tactics. Staff from the Highway Patrol reviewed the incident pursuant to their policy and watched the video. They were unclear on the propriety of the PSD deployment and suggested that HCSO staff review the matter. All six peace officers were interviewed concerning the incident. Their reports, the video, the call for service, and feedback from Brad Meyers of Meyer's Police K9's were included as evidence in this investigation.

Links to Supporting Documents

[Audio](#)

[CHP MVAR](#)

[Suspect Photos](#)

[Documents](#)

From: Will, Kevin@CHP
To: Cress, Peter
Subject: Follow up
Date: Sunday, October 25, 2020 4:58:13 AM

Good morning,

Sorry for the late response. Yes, I had my gun displayed while the subject was still in the vehicle as it was a high risk stop and the events were still evolving.

Thank you,

Kevin C. Will



HUMBOLDT COUNTY SHERIFF'S OFFICE INTER-OFFICE MEMORANDUM

DATE: November 16, 2020

TO: Sheriff Honsal (via chain-of-command)

FROM: Lieutenant Cress

SUBJECT: Professional Standards Investigation 2020-007, Supplemental Information

On 10/8/20 Captain Quenell emailed me with three follow-up requests (I later attached the email to the investigation). The first involved follow-up with Sgt. Diemer. The second involved follow-up with Lt. Musson. The third was a request for an opinion from the Humboldt County Sheriff's Office PSD trainer, Brad Meyers.

On 11/9/20 at about 1720 hours I interviewed Sergeant Diemer. He recalled the incident involving Deputy Soeth. Sgt. Diemer summarized his understanding. He stated there was pursuit that ended with the CHP officers and HCSO deputies pointing guns at the suspect in a high-risk stop. Deputy Soeth deployed his PSD to the suspect's window as the suspect sat in the vehicle but the dog did not engage. The suspect exited the car and Deputy Soeth commanded the suspect to get on the ground. When the suspect did not comply, Deputy Soeth deployed the PSD again. The suspect attempted to pet the dog and the dog did not engage. The suspect started to drop to a knee but Deputy Soeth tackled the suspect and everyone else "jumped in." Deputy Soeth deployed the dog a third time. The PSD bit the suspect's arm.

Sgt. Diemer was the on-duty supervisor during the incident. Sgt. Diemer said his knowledge of the incident was limited to what was described to him by other people during follow-up interviews with the four CHP officers and two deputies. Sgt. Diemer did not see the MAV. His purpose in drafting a memorandum was to review the use of force. Pursuant to policy, a supervisor's review is standard operating procedure after a reportable use of force incident. Sgt. Diemer felt that his role was to review the incident and advise the chain of command if there were flagrant policy violations. Sgt. Diemer said he talked to a few lieutenants about the incident. He did not feel like there was any malice involved but did feel like there were training issues to address. For instance, what to do when people were kind to the PSD (i.e. the confusion it caused for the dog) and the tactical concern concerning Deputy Soeth going hand-on with the suspect when the PSD was out of the car. Sgt. Diemer said his investigation was not an Internal Affairs investigation but was detailed, though he did not watch the video. Sgt. Diemer closed by stressing that the incident provided a training opportunity.

On 11/12/20 at about 1330 hours I spoke with Lt. Musson. He is now retired and living in Tennessee.

I spoke with Lt. Musson via phone. Lt. Musson said he remembered the incident. He said he was aware of the incident after it occurred but the first time he paid close attention to it was when Lt. Fillmon from the Garberville CHP office met with him and provided a video. Lt. Fillmon spoke with Lt. Musson and Captain Quenell. They watched the video together. Lt. Musson said the video was from a CHP patrol car and there were two different views. Lt. Musson did not recall if he had reviewed Sgt. Diemer's memorandum but thought he probably had because the incident occurred in his service area.

Lt. Musson said he discussed the incident with Captain Quenell and they concluded the incident did not look good on video because use of force, even justified, is often violent in nature. They concluded that Lt. Musson should have a discussion with Deputy Soeth to talk about training. Lt. Musson met with Deputy Soeth and they watched the video. Lt. Musson asked Deputy Soeth what Deputy Soeth would hypothetically tell a trainee if it was the trainee who had deployed the dog in the manner it was deployed. Deputy Soeth replied by acknowledging that the use of the dog was "probably not the best tactics." Lt. Musson agreed and counselled that he expected better. Lt. Musson felt like the deployment was within law and policy but looked like "crap." Lt. Musson told Deputy Soeth his original report was unsatisfactory because it lacked detail regarding justification for the use of the dog. During the conversation Lt. Musson focused on what Deputy Soeth's tactical role should have been versus what it was. They discussed the duty of the K9 handler to maintain control of the dog at all times. They discussed the fact there were other officers on scene without dogs who could have gone hands-on. They discussed, and Deputy Soeth agreed, that he did not have the dog under control at all times during the incident. Lt. Musson said his role was as a use of force reviewer and to conduct a counselling session.

Lt. Musson said they did not discuss *Graham v. Conner* issues. The discussion was about the tactical considerations. Lt. Musson said there was poor communication between CHP and the HCSO about the status of the pursuit. Lt. Musson said Deputy Soeth was under the impression it was a felony pursuit which gave rise to an expectation of potentially being able to deploy the dog. Lt. Musson said the CHP officers had not communicated their expectation to Deputy Soeth. Deputy Soeth told Lt. Musson that he was concerned the suspect would drive off again after a felony pursuit.

Neither Lt. Musson, nor Captain Quenell, believed at the time there was a policy violation. Lt. Musson said he was surprised when an Internal Affairs investigation was initiated concerning the deployment, especially in light of the fact Deputy Soeth took responsibility for the tactical errors. Lt. Musson also noted that an investigation was surprising because the Sheriff has the authority to remove Deputy Soeth as an at-will K9 handler for any reason, or no reason. Lt. Musson reiterated that the incident looked "terrible" on the video because there were so many other officers on scene who could have gone hands-on. Lt. Musson closed by reiterating that he believes Deputy Soeth is a good K9 handler whose heart is in the right place. Lt. Musson believed Deputy Soeth "owns" his mistakes and wants to train. Lt. Musson recognized that the Sheriff makes the final decision about the propriety of the deployment.

Captain Quenell also asked me to confirm that the CHP officers had pointed their firearms at the suspect during the incident. I emailed all four CHP officers. Only Officer Will replied. He confirmed that he had pointed his firearm at the suspect during the high-risk stop.

I reached out to Lt. Gregg Tawney (Ret.) Lt. Tawney was a handler, supervised handlers, and was the manager of a K9 program. He currently owns a K9 consulting business and trains several agencies.

Lt. Tawney is not familiar with Deputy Soeth or the HCSO K9 program. Lt. Tawney is familiar with K9 policy, including Lexipol policy. I contracted with Lt. Tawney to review and opine on several questions associated with this case. The questions were:

Based on the material provided for your review, when able, please provide an opinion on the following questions:

1. Had the suspect committed, was she committing, or was she threatening to commit, a serious offense during the first, second, and/or third PSD deployments?
2. Did the handler have a reasonable belief the suspect posed an imminent threat of violence or serious harm to the public, any officer/deputy, or the handler to justify each of the three deployments?
3. Did the suspect physically resist, or threaten to resist arrest, and was use of a canine reasonably necessary to overcome such resistance with respect to each of the three deployments.
4. Did the handler make reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury and properly evaluate the situation to determine whether the three deployments were appropriate and reasonable?

I received Tawney's opinion on 1/4/21 and forwarded the case back to Captain Quenell.

COUNTY OF HUMBOLDT STANDARD AGREEMENT TERMS & CONDITIONS

The following terms and conditions are attached to and incorporated into the agreement between the County of Humboldt ("COUNTY") and CONTRACTOR for provision of basic services. In the event of a conflict between COUNTY'S standard terms and conditions as set forth below, and any other provision of the agreement, COUNTY'S standard terms and conditions shall control.

ENTIRETY OF AGREEMENT

This Agreement contains all the terms and conditions agreed upon by the parties hereto, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind either of the parties hereto. In addition, this Agreement shall supersede in its entirety any and all prior agreements of the parties.

BINDING EFFECT

All provisions of this Agreement shall be fully binding upon, and inure to the benefit of, the parties and to each of their heirs, executors, administrators, successors and assigns.

TERMINATION

If, in the opinion of COUNTY, CONTRACTOR fails to perform the services and/or supply the goods required under this Agreement or otherwise fails to comply with the terms of this Agreement, or violates any ordinance, regulation, or other law which applies to its performance herein, COUNTY may terminate this Agreement immediately, upon notice.

COMPENSATION

CONTRACTOR agrees to perform all services required by this Agreement for an amount not to exceed \$3200 for fiscal year July 1, 2020 to June 30, 2021 for the Humboldt County Sheriff's Office. The rates and costs shall be as set forth, attached hereto and incorporated herein by reference.

PAYMENT

CONTRACTOR shall submit an itemized invoice to COUNTY. Payment will be made within thirty (30) days after receipt of the invoice or in accordance with any payment discount offered by CONTRACTOR.

NOTICE

Notices shall be given to COUNTY at the following address:

Humboldt County Purchasing Division

825 5th Street, Room 112

Eureka, CA 95501

Any and all notices required to be given pursuant to the terms of this Agreement shall be in writing and either served personally or sent by certified mail, return receipt requested to the respective CONTRACTOR or COUNTY. Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing.

NON-DISCRIMINATION CLAUSE COMPLIANCE

In connection with the execution of this Agreement, CONTRACTOR and its subcontractors shall not unlawfully discriminate in the provision of services or goods or against any employee or applicant for employment because of race, religion or religious creed, color, age (over 40), sex (including gender identity and expression, pregnancy, childbirth and related medical conditions), sexual orientation (including heterosexuality, homosexuality and bisexuality), national origin, ancestry, marital status, medical condition (including cancer and genetic characteristics), mental or physical disability (including HIV status and AIDS), political affiliation, military service, denial of family care leave or any other classifications protected by local, state or federal laws or regulations. This policy does not require the employment of unqualified persons.

HOLD HARMLESS/INDEMNIFICATION

CONTRACTOR shall hold harmless, defend and indemnify COUNTY and its officers, officials, employees and volunteers from and against any and all claims, demands, losses, damages and liabilities of any kind or nature (including without limitation costs and fees of litigation) of every nature arising out of or in connection with CONTRACTOR'S performance of work hereunder or its failure to comply with any of its obligations contained in the Agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of COUNTY.

COMPLIANCE WITH LAWS

CONTRACTOR agrees to comply with all applicable local, state and federal laws and regulations, including, but not limited to, the Americans with Disabilities Act.

AMENDMENTS

No addition to, or alteration of, any term of this Agreement shall be valid unless made in writing and signed by both parties. The Humboldt County Board of Supervisors, COUNTY'S Purchasing Agent and/or his/her designee are the only authorized COUNTY representatives who may modify this Agreement.

ASSIGNMENT

Neither party shall assign its obligations under this Agreement without the prior written consent of the other. Any assignment by CONTRACTOR in violation of this provision shall be void, and shall be cause for immediate termination of this Agreement.

SUBCONTRACTING

CONTRACTOR shall not subcontract any portion of the work required by this Agreement without prior written approval of COUNTY.

RELATIONSHIP OF PARTIES

It is understood that this is an Agreement by and between two independent contractors and is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture, or any other similar association. Both parties further agree that CONTRACTOR shall not be entitled to any benefits to which COUNTY employees are entitled, including, but not limited to, overtime, retirement benefits, worker's compensation and injury leave or other leave benefits.

NUCLEAR FREE CLAUSE CERTIFICATION

CONTRACTOR certifies by its signature below that it is not a nuclear weapons contractor in that CONTRACTOR is not knowingly or intentionally engaged in the research, development, production, or testing of nuclear warheads, nuclear weapons systems, or nuclear weapons components as defined by the Nuclear Free Humboldt County Ordinance. CONTRACTOR agrees to notify COUNTY immediately if it becomes a nuclear weapons contractor, as defined above. COUNTY may immediately terminate this Agreement if it determines that the forgoing certification is false or if CONTRACTOR becomes a nuclear weapons contractor.

CONFLICT OF INTEREST

CONTRACTOR covenants that it presently has no interest, including, but not limited to, other projects or contracts, and shall not acquire any such interest, direct or indirect, which would conflict in any manner or degree with CONTRACTOR'S performance under this Agreement. CONTRACTOR further covenants that no person having any such interest shall be employed or retained by CONTRACTOR under this Agreement. CONTRACTOR agrees to inform COUNTY of all CONTRACTOR'S interests, if any, which are or may be perceived as incompatible with COUNTY'S interest.

JURISDICTION AND VENUE

This Agreement shall be construed in accordance with the laws of the State of California. Any dispute arising hereunder or relating to this Agreement shall be litigated in the State of California and venue shall lie in the County of Humboldt unless transferred by court order pursuant to Code of Civil Procedure Sections 394 and 395.

LICENSING AND PERMITS

CONTRACTOR shall comply with all State or other licensing requirements, including, but not limited to, the provisions of Chapter 9, Division 3 of the Business and Professions Code. CONTRACTOR warrants that it has all necessary permits, approvals, certificates, waivers and exemptions necessary for performance of this Agreement as required by the laws and regulations of the United States, the State of California, the County of Humboldt, and all other governmental agencies with jurisdiction, and shall maintain these throughout the term of this Agreement.

PUBLIC RECORDS

All proposals and materials submitted become the property of COUNTY and are subject to disclosure under the Public Records Act, Government Code Sections 6250 *et seq.*

SEVERABILITY

If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.

TERMINATION FOR CONVENIENCE

At any time and for any reason, upon thirty (30) days written notice to CONTRACTOR, COUNTY may terminate this Agreement and pay only for those services rendered as of the date when termination is effective. Notice may be given as set forth in NOTICE listed above and/or in the attachment hereto and incorporated by reference.

ATTORNEYS' FEES

If either party shall commence any legal action or proceeding, including an action for declaratory relief, against the other by reason of the alleged failure

of the other to perform or keep any provision of this Agreement to be performed or kept, the party prevailing in said action or proceeding shall be entitled to recover court costs and reasonable attorneys' fees (including reasonable value of services rendered by County Counsel) to be fixed by the court, and such recovery shall include court costs and attorneys' fees (including reasonable value of services rendered by County Counsel) on appeal, if any. As used herein, the party prevailing means the party who dismisses an action or proceeding in exchange for payment of substantially all sums allegedly due, performance of provisions allegedly breached, or other considerations substantially equal to the relief sought by said party, as well as the party in whose favor final judgment is rendered.

INSURANCE

This Agreement shall not be executed by COUNTY and CONTRACTOR is not entitled to any rights, unless certificates of insurances, or other sufficient proof that the following provisions have been complied with, are filed with the COUNTY Human Resources Risk Management office.

Without limiting CONTRACTOR'S indemnification obligations provided for herein, CONTRACTOR, shall and shall require any of its subcontractors to, take out and maintain, throughout the period of this Agreement and any extended term thereof, the following policies of insurance placed with insurers authorized to do business in California and with a current A.M. Best's rating of no less than A:VII or its equivalent against injury/death to persons or damage to property which may arise from or in connection with the activities hereunder of CONTRACTOR, its agents, officers, directors, employees, licensees, invitees or assignees:

1. Comprehensive or Commercial General Liability Insurance at least as broad as Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001), in an amount of \$1,000,000 per occurrence for any one incident, including, personal injury, death and property damage. If a general aggregate limit is used, either the general aggregate limit shall apply separately to this project or the general aggregate shall be twice the required occurrence limit.
2. Automobile/Motor Liability Insurance with a limit of liability of not less than one million dollars (\$1,000,000) combined single limit coverage. Such insurance shall include coverage of all "owned," "hired," and "non-owned" vehicles or coverage for "any auto."
3. Workers Compensation and Employers Liability Insurance providing workers' compensation benefits as required by the Labor Code of the State of California. Said policy shall contain or be endorsed to contain a waiver of subrogation against COUNTY, its officers, agents, and employees. In all cases, the above insurance shall include Employers Liability coverage with limits of not less than one million dollars (\$1,000,000) per accident for bodily injury and disease.

4. Insurance certificates shall be provided to and will be on record with:

County of Humboldt
 Human Resources Risk Management
 825 Fifth Street, Room 131
 Eureka, CA 95501

Special Insurance Requirements - said policies shall, unless otherwise specified herein, be endorsed with the following provisions:

1. The Comprehensive General Liability Policy shall provide that COUNTY, its officers, officials, employees and volunteers, are covered as additional insured for liability arising out of the operations performed by or on behalf of

CONTRACTOR. The coverage shall contain no special limitations on the scope of protection afforded to COUNTY, its officers, officials, employees, and volunteers. Said policy shall also contain a provision stating that such coverage:

- a. Includes contractual liability.
- b. Does not contain exclusions as to loss or damage to property caused by explosion or resulting from collapse of buildings or structures or damage to property underground, commonly referred to "XCU Hazards."
- c. Is primary insurance as regards to County of Humboldt.
- d. Does not contain a pro-rata, excess only, and/or escape clause.
- e. Contains a cross liability, severability of interest or separation of insureds clause.

2. The policies shall not be canceled, non-renewed or materially reduced in coverage without thirty (30) days prior written notice being provided to COUNTY and in accordance with the Notice provisions set forth under NOTICE. It is further understood that CONTRACTOR shall not terminate such coverage until it provides COUNTY with proof satisfactory to COUNTY that equal or better insurance has been secured and is in place.

3. The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverage afforded shall apply as though separate policies had been issued to each insured, but the inclusion of more than one insured shall not operate to increase the limits of the insurer's liability.

4. For claims related to this project, CONTRACTOR'S insurance is primary coverage to COUNTY, and any insurance or self-insurance programs maintained by COUNTY are excess to CONTRACTOR'S insurance and will not be called upon to contribute with it.

5. Any failure to comply with reporting or other provisions of the Parties, including breach of warranties, shall not affect coverage provided to COUNTY, its officers, officials, employees, and volunteers.

6. CONTRACTOR shall furnish COUNTY with certificates and original endorsements effecting the required coverage prior to execution of this Agreement by COUNTY. The endorsements shall be on forms as approved by COUNTY'S Risk Manager or County Counsel. Any deductible or self-insured retention over \$100,000 shall be disclosed to and approved by COUNTY. If CONTRACTOR does not keep all required policies in full force and effect, COUNTY may, in addition to other remedies under this Agreement, take out the necessary insurance, and CONTRACTOR agrees to pay the cost of said insurance. COUNTY is also hereby authorized with the discretion to deduct the cost thereof from the monies owed to CONTRACTOR under this Contract.

7. COUNTY is to be notified immediately if twenty-five percent (25%) or more of any required insurance aggregate limit is encumbered and CONTRACTOR shall be required to purchase additional coverage to meet the aggregate limits set forth above.

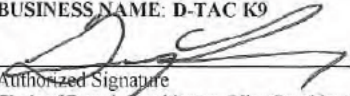
CONTRACTOR SERVICES AGREEMENTS SUBORDINATE

CONTRACTOR understands and agrees that all CONTRACTOR service agreements are subordinate to this Agreement and that all CONTRACTOR service agreements shall be deemed to incorporate all the terms and conditions of this Agreement. CONTRACTOR service agreements shall not be construed as amendments to this Agreement or as authority for CONTRACTOR to increase the price of any product or service or to modify any term or condition of this Agreement.

APPROVED AND EXECUTED:

Corporations require two corporate officer signatures; one signature from the Chair of the Board, President or Vice President and one signature from the Secretary, Assistant Secretary, Chief Financial Officer or Assistant Treasurer.

BUSINESS NAME: D-TAC K9


 Authorized Signature
 Chair of Board, President or Vice President

10/13/20
 Date


Gregory Tawney
 Print Name
 OWNER
 Title

 Authorized Signature
 Secretary, Assistant Secretary, Chief Financial Officer or Assistant Treasurer

 Print Name

 Title

COUNTY OF HUMBOLDT:


 Authorized Signature

12-9-2020
 Date

Bev Pixley
 Print Name
 Purchasing
 Title

APPROVED AS TO FORM:
 COUNTY COUNSEL (STANDARD PREAPPROVED FORM) 12-22-2017

APPROVED AS TO FORM:
 RISK MANAGER (PRE-APPROVED FORM) 12-22-2017

Gregory Tawney Expert Witness Fees

Fee Schedule for Gregory Tawney

(Effective 1 January 2018)

Work done in my office: \$200 per hour. Includes review documents, prepare reports, prepare for depositions and court room testimony, and telephone consultation.

Examination of the dog(s): \$150 per hour. Does not include travel.

Travel: \$50 per hour plus \$.50 a mile from Sacramento CA. Per Diem for out of town \$250 a day. *Out of town* is 100 miles plus from my address.

Deposition and trial testimony: \$250 per hour, Plus travel.

* Minimum 2 hours

** Mandatory 24 hours cancelation notice. If cancelation notice is less than 24 hours client will be billed for 2 hours.

Late charges: All bills are due within 30 days of invoice. A late fee of 10% per annum will be assessed after 30 days.

Please do not designate me as an expert until you receive an e mail or faxed statement.

Gregory Tawney
(916) 802-8264

Gregory Tawney Expert Witness Fees

Fee Schedule for Gregory Tawney

(Effective 1 January 2018)

Work done in my office: \$200 per hour. Includes review documents, prepare reports, prepare for depositions and court room testimony, and telephone consultation.

Examination of the dog(s): \$150 per hour. Does not include travel.

Travel: \$50 per hour plus \$.50 a mile from Sacramento CA. Per Diem for out of town \$250 a day. *Out of town* is 100 miles plus from my address.

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Please do not designate me as an expert until you receive an e mail or faxed statement.

Gregory Tawney
(916) 802-8264



HUMBOLDT COUNTY SHERIFF'S OFFICE
INTER-OFFICE MEMORANDUM

CONFIDENTIAL

DATE: January 5, 2021
TO: Sheriff Honsal via Chain of Command
FROM: Captain Bryan Quenell
SUBJECT: IA2020-007

Synopsis:

On April 4, 2020 at about 0240 hours, Deputy Soeth responded to a request to assist California Highway Patrol Officers Evans and Maldonado with a pursuit north bound Hwy 101 from Hooker Creek. Deputy Brown also responded to the request for assistance as well as another double CHP unit from the Arcata Office that contained Officers Johnson and Will.

The suspect was later identified as [REDACTED]

At the conclusion of the pursuit, Deputy Soeth deployed his canine to overcome the resistance of the suspect, to effect the arrest. As a result of that deployment, questions arose as to whether the use of force was justified and whether it conformed to our policies.

Allegations:

[REDACTED]

Policy §340.5.9(b) – Unreasonable and unwarranted force to a person encountered or a person under arrest.

Policy §340.5.9(c) – Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Findings:

[REDACTED]

[REDACTED]

Policy §340.5.9(b) – *Exonerated*

To determine whether the force used in this instance was unreasonable and/or unwarranted requires us to look at the authority and totality of the circumstances as *Deputy Soeth* knew them to be at the time the force was used.

California Penal Code §835a (4) states: *That the decision by a peace officer to use force shall be evaluated from the perspective of a **reasonable officer** in the same situation, based on the **totality of the circumstances** known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgements about using force.*

California Penal Code §835a (b) state: *Any peace officer who has **reasonable cause** to believe that the person to be arrested has committed a public offense may use **objectively reasonable** force to effect the arrest, to prevent escape, or to overcome resistance.*

Policy §300.3 – Use of Force states: *Deputies shall use only the amount of force that reasonably appears necessary given the facts and **totality of the circumstances** known to or **perceived** by the deputy at the time of the event to accomplish a legitimate law enforcement purpose. The reasonableness of the 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.*

The California Peace Officer Standards and Training has deemed the use of a canine as an intermediate level of force, along the same lines as a taser probe deployment, pepper spray or baton strikes. (P.O.S.T. Use of Force: Totality of the Circumstances, Facilitation Guide, Page 3.)

Deputy Soeth was requested to assist the California Highway Patrol with a pursuit. Deputy Soeth entered the pursuit and was present when the suspect vehicle stopped in the #2 lane and began a backing maneuver prior to fleeing again, north bound.

Once the suspect finally yielded on the shoulder of north bound Hwy 101 just north of the intersection of Shively Road, Deputy Soeth exited his patrol car. During this time the California Highway Patrol Officers present began a high-risk traffic stop with their firearms drawn and trained on the suspect, who was still seated in the driver's seat of the vehicle.

CHP Officer Evans said he ordered the suspect to turn off the vehicle, put her hands out the window and open the driver's door. This order was confirmed to have been issued by Officer Maldonado and was captured on the in-car camera of Officer Evans and Maldonado's patrol car.

Deputy Soeth is clear in his report and in his follow up interview with Lieutenant Cress that based on the totality of the circumstances his perspective is that he was involved in a felony pursuit which was further supported by the fact that the California Highway Patrol Officers that were present, conducted a high risk (felony) traffic stop.

The investigation completed by Lieutenant Cress documents three deployments of the canine to which Deputy Soeth was requested to justify. The first deployment occurred once the vehicle stopped and multiple orders were given to the driver to exit the vehicle.

The suspect unzipped the window and engaged the on-scene personnel in nonsensical conversation. Deputy Soeth notes that based on his observations it was possible the suspect may be under the influence of alcohol and/or drugs. Although not articulated well, Deputy Soeth does outline the reason for the deployment as the suspect continued to pose a risk to the public, through potentially fleeing in the vehicle and the suspect's refusal of lawful commands to exit the vehicle. The suspect had not been searched and it was unknown if the suspect was armed or if there were any weapons inside the vehicle.

Based on those assertions, Deputy Soeth deployed his canine in an attempt to overcome the resistance

(failing lawful command to exit the vehicle) and to safely make the arrest. The dog ran up to the open window but did not engage the suspect.

This action is also covered in *Lexipol Policy §389.6 (c): Apprehension Guidelines – The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.*

The suspect was concealed within the vehicle at the conclusion of the pursuit. Although portions of the suspect's body are visible, she is still concealed within the vehicle. This is why the standard operating procedure for law enforcement at the conclusion of a pursuit is to conduct a "high risk" (felony) traffic stop.

Shortly after the first deployment of the canine, the suspect exited the vehicle. Numerous additional commands were given for the suspect to get on the ground. All of those commands were refused, and the suspect continued to ignore commands, actively resisting by walking towards the officers/deputies.

Based on the totality of the circumstances known to Deputy Soeth at the time and the suspect's continued refusal to obey lawful commands, he sent the canine a second time to apprehend the suspect. Again, the canine did not engage, and the suspect was not bit. In fact, the suspect attempted to pet the canine and spoke to it in a soft voice.

At about this time Deputy Soeth determined he would take the suspect to the ground. He approached the suspect and tackled her to the ground. In reviewing the video, it is evident the suspect was in the process of taking a knee when Deputy Soeth made his approach and tackled her. Prior to reviewing the video, Deputy Soeth did not have an independent recollection of the suspect taking this action.

Once on the ground the other officers joined Deputy Soeth in an attempt to control/arrest the suspect. The suspect was physically resisting these efforts by pulling her hands underneath her, towards her waist area.

Deputy Soeth continues to describe how the six officers present were not physically able to restrain the suspect in handcuffs. After multiple commands and officers pulling at her limbs, they could not get her hands behind her back to effect the arrest.

In his interview with Lieutenant Cress, Deputy Soeth states, "Yeah, but compliance wasn't being gained. Um, we weren't overcoming her resistance at this point, and the dog was out and readily available. And I believed it was justified."

Deputy Soeth states that prior to using the dog he punched the suspect in the ribs in an attempt to gain compliance, to no avail. At this point Deputy Soeth gives the bite command again to the canine and the dog engages, biting the suspects right arm. At this point the officers present are able to secure the suspect in handcuffs, behind her back.

From the time the handcuffs are applied to when the dog releases is about 12 seconds. Deputy Soeth used a release technique for the dog that restricts the airway, causing the dog to release the bite. According to Deputy Soeth this is a common, industry standard among law enforcement canine handlers. The reasoning behind using this method of release is better control of the animal and less

likely to reengage after the release.

After the suspect was taken into custody, Deputy Soeth notified his supervisor, Sergeant Diemer of the reportable use of force. Deputy Soeth also ensured the suspect was taken to the hospital for treatment of the dog bite.

The first review of this use of force occurred when Sergeant Diemer interviewed all of the involved deputies/officers. Sergeant Diemer authored a memorandum outlining his investigation and the following are excerpts from that:

“I asked Officer Evans if he believed the Use of Force was justified. Officer Evans said “yes, I think so,” it was justified as they just pursued [REDACTED] for about 40 miles and he and Officer Maldonado were not sure what [REDACTED] was capable of and if she had any weapons.”

“I asked Officer Maldonado if he believed the Use of Force was justified. Officer Maldonado said yes, it was justified because of the length of the pursuit, [REDACTED] demeanor and it was unknown if the suspect had any weapons.”

“Deputy Soeth indicated the Use of Force (dog bite) was justified as [REDACTED] was not following commands, talking nonsensically, resisting being placed into handcuffs, and it was unknown if she had weapons.”

“Officer Johnson said he believed Yahtzee was “out of control and just bit.”

“Officer Will also said he is not experienced in K9 operations but did not believe a K9 was needed as there were numerous law enforcement officers.”

In a subsequent interview with Lieutenant Cress, Sergeant Diemer indicated his use of force investigation did not find any policy violations, however he believed there were some training issues that needed to be addressed.

It should also be noted that on 04-17-20 Lieutenant Musson reviewed the memorandum authored by Sergeant Diemer. Based off that memorandum, Lieutenant Musson believed the use of force was within policy.

All of the involved officers/deputies completed criminal reports documenting their actions and those [REDACTED] the suspect and justification for the use of the canine.

C.H.P. Officer Evans wrote, “[REDACTED] began actively resisting by kicking her legs and flailing her arms. [REDACTED] was not complying with commands to place her arms behind her back.”

C.H.P. Officer Maldonado wrote, “[REDACTED] tensed her body and attempted to tuck her arms under her body, despite verbal commands to put her hands behind her back.”

C.H.P. Officer Will wrote, “HCSO K-9 Deputy M. Soeth advised all officers on scene he was deploying his K-9 in an attempt to take [REDACTED] into custody.” He later adds, “[REDACTED] tensed her body and was not complying with commands to lay on her stomach. [REDACTED] was wearing a baggy

black sweatshirt and I was unable to determine if she had any weapons on her person.”

C.H.P. Officer Johnson wrote, “HCSO K-9 Deputy M. Soeth, advised us that he was deploying his K-9 towards [REDACTED]. Deputy Soeth gave multiple verbal commands to [REDACTED] to get on the ground, but she failed to comply.” He further described [REDACTED] actions by saying, “We gave verbal commands to [REDACTED] to give us her hands and roll onto her stomach, but she refused by flailing her arms in the air towards us. [REDACTED] began attempting to tuck her arms underneath her chest.” He also documented the release as, “Deputy Soeth lifted the dog in the air, attempting to get the dog to let go of [REDACTED] right arm. The dog let go of [REDACTED] and Deputy Soeth carried the K-9 to his patrol vehicle.”

Deputy Brown wrote, “The suspect was resisting and tightening her arms to not allow us to place her into handcuffs.”

Lieutenant Cress conducted recorded interviews with the involved deputies/officers. The following are excerpts from those interviews that further document the suspect’s actions and justification for the use of force.

Lieutenant Cress asked Officer Evans, “Um, do you feel like she was, uh, a threat at all of great bodily injury or death?”

Officer Evans replied, “It was unknown. We didn’t know if there was any weapons involved in the vehicle or on her person at that point.”

In his interview with Officer Maldonado, Lieutenant Cress asked, “And what - did it have the wanton disregard for safety that... (in regard to the pursuit)”. To which Officer Maldonado interrupted and said, “Oh, definitely.”

Lieutenant Cress went onto ask, “How many – how many units – how many SO units during the actual felony car stop?”

Officer Maldonado stated, “Um, so I’m not sure what they were able to see, but it didn’t look like the driver was showing their hands at that point. When he was sayin’ he was going to release the dog.”

Lieutenant Cress continued the questioning by asking, “Do you feel like they were a risk of harm to you guys, though?” Officer Maldonado answered, “Initially, yeah. Correct. Yeah.”

Officer Maldonado further describes the suspect’s actions by saying, “it appears she was tryin’ to tuck her hands underneath. Try to, like, you know, resisting, flailing about.”

Lieutenant Cress asked, “Um, at the time the K-9 bit, um, did you feel the suspect was an imminent threat of serious harm or great bodily injury to anybody?”

Officer Maldonado responded, “Yeah, I definitely thought, you know, they could’ve – kinda just with everything up – up ahead – or prior to that, just the way their erratic behavior – definitely could’ve gone, you know, either way.”

Officer Johnson states in his interview, “I believe when she had them tucked, um, we were giving

commands to give us her arms. And we didn't know what she had, um, under – underneath, if she had a weapon or anything so..." He later added, "She had clo – she had clothing that could conceal a weapon."

When asked if he believed the suspect was actively or passively resistance, Officer Johnson said, "I'd say it was active resistance at that point."

Officer Johnson further clarified that Deputy Soeth confirmed with him that both handcuffs were applied prior to physically removing the dog from the bite.

When Lieutenant Cress interviewed Deputy Brown, he confirmed that he too (Deputy Brown) believed they were involved in a felony pursuit and the suspect was uncooperative during the process.

Lieutenant Cress later conducted a phone interview with Lieutenant Musson (retired) that based on his viewing of the video, "There wasn't any violation of policy or law in my opinion."

The entirety of this investigation was submitted to Greg Tawney of D-Tac K9 to render an opinion as to whether or not the use of the canine was justified. The following are excerpts from that opinion:

"Although the tactics of sending a police dog into a vehicle with no expressed plan to the rest of the officers on scene and while the driver had the ability to drive away with the police dog may not be the best tactic, it does meet the criteria of believing the suspect posed a threat to the officers and the public."

"This was a rapidly evolving situation and initially the opportunity to communicate with the others was not a practical option."

"If it is determined that officers controlled the arms and legs of the suspect prior to Deputy Soeth giving his dog the command to bite, then ***I do not*** believe the use of the canine was needed to overcome the suspect's resistance."

The video does not depict whether or not the legs and arms are controlled prior to the deployment of the canine. It is clear from the video that this is a rapidly evolving event, that based on the totality of the circumstances perceived by Deputy Soeth at the time warranted the use of the canine.

Based on the above listed evidence, Deputy Soeth's actions were lawful and within policy.

Policy §340.5.9(c) – ***Exonerated***

Based on the above listed evidence Deputy Soeth acted within the scope and authority of the law and policy.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Recommendations:

No discipline is warranted as a result of this investigation but there is room for improvement. I would recommend that Deputy Soeth review *Use of Force: Totality of Circumstances* on the POST learning portal. This web-based learning tool should enhance Deputy Soeth’s ability to articulate and document when he uses force.

The canine program is the only specialized position within the department that does not have supervisory oversight. We need to assign a Sergeant to oversee the canine program. This Sergeant would be responsible for ensuring training is being conducted in accordance with our policies and state law. The Sergeant would also be responsible for ensuring deputies assigned to canines are properly trained how to document and articulate the decisions for the deployment of the dog. In addition, the Sergeant would be responsible for tracking of training and deployments. This information should be readily available to command staff for review to determine the effectiveness of the canine program.

The canine policy needs to be reviewed and/or changed. The phrase “serious offense” only appears two times in the entire Lexipol policy and both times are in Policy §389 – Canines. Either we explicitly define the phrase, or we remove it from the policy.



HUMBOLDT COUNTY SHERIFF'S OFFICE INTER-OFFICE MEMORANDUM

CONFIDENTIAL

DATE: January 26, 2021
TO: William Honsal, Sheriff
FROM: Justin Braud, Undersheriff
SUBJECT: Executive Review IA#2020-007

SYNOPSIS:

On April 4, 2020 at about 0240 hours, Deputy Soeth responded to a request to assist California Highway Patrol (CHP) Officers Evans and Maldonado with a pursuit north bound Highway 101 from Hooker Creek Road. Deputy Brown also responded to the request for assistance as well as another double CHP unit from the Arcata Office that contained Officers Johnson and Will.

The suspect was later identified as [REDACTED]

At the conclusion of the pursuit, Deputy Soeth deployed his Public Safety Dog (PSD) to overcome the resistance of the suspect, to effect the arrest. As a result of that deployment, questions arose as to whether the use of force was justified and whether it conformed to our policies.

This incident was reviewed on scene by Sergeant Diemer, who determined it was within policy, and prepared a memorandum to document his findings.

Later, CHP Lieutenant Fillman requested a meeting with HCSO administrative staff, to pass along some concerns regarding the deployment of the PSD. Lieutenant shared the MAV, along with descriptions of some statements from CHP Officers who had been on scene.

It was collectively decided that Lieutenant Musson would investigate the situation further. This information was also shared with the you after the meeting.

Later, it was learned that Lieutenant Musson found the situation was a "training issue" and it was discussed with Deputy Soeth.

You learned of this outcome, and after reviewing the MAV and reports, directed Lieutenant Cress to conduct an Administrative Review with the allegation that the following policies and Merit System Rules may have been violated:

[REDACTED]

Policy §340.5.9(b) – Unreasonable and unwarranted force to a person encountered or a person under arrest.

Policy §340.5.9(c) – Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

FINDINGS:

Lieutenant Cress conducted a thorough investigation, and I have since read it in its entirety.

I have also reviewed Captain Quenell's findings and recommendations.

[REDACTED]

In reviewing and assessing the totality of circumstances, I find the allegation that Deputy Soeth violated **Policy §340.5.9(b) NOT SUSTAINED.**

Regarding the first deployment of the K9, which was when the suspect was still in the vehicle, I know that it is an acceptable tactic and use of force under those circumstances. Deputy Soeth, based on all known to him at the time, coupled with his training and experience, felt it was justified, which falls within the confines of *Graham v. Conner*.

Regarding the second deployment of the K9, which was after the suspect had exited the vehicle, I feel this is also an acceptable tactic and use of force under those circumstances. Deputy Soeth, based on all known to him at the time, coupled with his training and experience, felt it was justified, which falls within the confines of *Graham v. Conner*. I have no idea why Deputy Soeth would have then abandoned the responsibility of controlling his PSD, or potentially entering a crossfire situation with those covering him while taking this action. In my opinion it was extremely poor safety tactics, but not a violation of policy.

Regarding the third deployment of the K9, which was a directed bite on the suspect who was being restrained by five officers on the ground, I find more questionable. Although, based on the totality of circumstances, I don't see clear evidence of a violation of this policy, I have more concern on the reasonableness of this action, based on review of the video, and the (summarized) conflicting statements from the reports and interviews, which are documented as follows:

In his report, Officer Evans noted that [REDACTED] "began actively resisting by kicking her legs and flailing her arms". In his subsequent interview with Lieutenant Cress, Officer Evans opined that she was not trying to assault the officers but was trying to get away. [REDACTED] failed to comply with commands to put her hands behind her back. Officer Evans wrote that he was successful in controlling her legs to prevent kicking. He documented the dog bite and reported that officers were able to place her in handcuffs. Deputy Soeth removed the dog.

In his interview with Lieutenant Cress, Officer Evans said he did not believe the risk to the officers posed by [REDACTED] at the time of the bite was very high because there were adequate numbers of officers on scene. He did not believe there would have been a great risk to the officers if the dog had not been deployed. Officer Evans, in retrospect, thought she probably has mental health issues but did not think she was violent. Evans did not ever hear a warning that the dog was going to be deployed.

In his report, Officer Maldonado wrote that [REDACTED] was on her chest, tensed her body, and attempted to tuck her arms under her chest despite commands to put her hands behind her back. Officer Maldonado notes that he and Evans successfully controlled Roseberg's legs. **Officer Maldonado notes that the dog bit [REDACTED] right arm while Officer Johnson and Officer Will were able to handcuff her.** Deputy Soeth lifted the PSD off the ground to bring the dog off bite.

In his interview with Lieutenant Cress, Officer Maldonado said he did not remember exactly who controlled which limbs. Officer Maldonado cleared the Jeep. Deputy Brown and Deputy Soeth were somewhere near [REDACTED] head. Officer Evans was on [REDACTED] legs. After clearing the vehicle, Officer Maldonado joined Officer Evans in controlling the legs. Lieutenant Cress asked Officer Maldonado what [REDACTED] was doing as she was on the ground. **Officer Maldonado said she was trying to tuck her hands under her body. She was on her chest. Officer Maldonado could not see her hands very well. She was "resisting" and "flailing about".** She flailed her legs. [REDACTED] may have said she "liked" the dog at this moment. Maldonado was unaware of any distraction strikes.

In his report, Officer Will said [REDACTED] landed on her back as the other officers and deputies approached to assist. [REDACTED] tensed her body and was not complying with commands to lay on her stomach. Deputy Brown and Officer Will rolled [REDACTED] to her stomach by controlling her left arm. Officer Johnson controlled [REDACTED] waist. [REDACTED] "tucked" her hands under her body, out of view. She wore baggy clothes. Deputy Soeth controlled her head. Deputy Soeth gave [REDACTED] commands to release her arms and delivered several strikes to [REDACTED] right side to generate compliance. **[REDACTED] arms, legs and head were controlled. Officer Will wrote that Deputy Soeth deployed his PSD at this time. The dog bit [REDACTED] right arm.** Deputy Soeth was "unsuccessful" in pulling the PSD off [REDACTED]. Officer Johnson handcuffed [REDACTED]. Deputy Soeth had to physically lift the dog [REDACTED] to disengage.

In his interview with Lieutenant Cress, they discussed what role each officer had played after Deputy Soeth tackled [REDACTED] to the ground. Officer Will said she initially fell to her back. Officer Will said he controlled Roseberg's left wrist with Deputy Brown. Officer Johnson was over her mid-waist. Officer Evans was at [REDACTED]s feet. Officer Maldonado cleared the vehicle. They rolled her to her stomach. She tucked her arms under her chest which concerned Officer Will. There was nothing specific to suggest she had a weapon but also nothing to suggest she did not have a weapon. **She wasn't trying to fight but was tensed. Deputy Soeth commanded her to extend her arms. [REDACTED] had time to comply but remained tensed up. Deputy Soeth grabbed the back of her head and applied downward pressure. Soeth punched her in the ribs a couple of times. She complied and extended her arms. Officer Will was not sure what [REDACTED] had done with her feet. Her head remained tense. Even as the arms came out, they were tense. Officers Brown and Johnson remained on [REDACTED] left arm and Officer Will transitioned to control the right arm. [REDACTED] was not trying to rip the right wrist away but remained tense. The PSD then bit [REDACTED] right arm. Officers handcuffed the left wrist and Officer Will brought the right wrist around to complete cuffing. Officer Will said he does not independently remember hearing a bite command though, during the CHP debrief he had learned that a command had been given. Officer Will said that at the time that the dog bit, [REDACTED] threat level was "not very high" because of the ratio of officer to the single suspect. She was large and strong but, on her stomach, and controlled. She was uncooperative and tense but Officer Will said, "She wasn't trying to fight us".** Officer Will did not think she kicked or tried to throw any punches. Officer Will was not familiar with PSD deployment and did not hear a bite command given so, in the moment, assumed the dog engaged on its own because it saw its handler physically struggling to arrest [REDACTED]. **Officer Will said the dog was on bite for the entire time they handcuffed [REDACTED] and the dog had to be physically removed from [REDACTED].** Officer Will said that after the dog came off bite [REDACTED] was placed in Johnson's patrol vehicle. [REDACTED] continued to talk nonsense.

In his report, Officer Johnson said [REDACTED] landed on her back as the other officers and deputies moved ahead to assist. Officer Johnson controlled [REDACTED] legs while Deputy Brown controlled her arms. When [REDACTED] refused commands to roll onto her stomach, Deputy Soeth, Officer Will

and Officer Johnson rolled her over. Officer Johnson straddled [REDACTED] lower back as she attempted to pull her arms under her chest. **Officer Johnson and Deputy Brown were able to pull her left arm from under her body. Deputy Soeth deployed the PSD again and the dog bit [REDACTED] right arm.** Deputy Soeth pulled the dog away from [REDACTED] as she removed her right arm from under her body.

In his interview with Lieutenant Cress, he said [REDACTED] fell to her back. Officer Johnson straddled [REDACTED] s back after she was turned to her stomach. She had only been on her back a few seconds and had been commanded to roll over. Officer Johnson said [REDACTED] hands "tensed" up and she tucked them under her after she was rolled to her stomach. While [REDACTED] was on her stomach Officer Johnson had the left arm near Deputy Brown. Officer Will and Deputy Soeth were on the right side of [REDACTED] Officer Johnson was concerned when [REDACTED] had both of her hands under her initially, her clothing was baggy, and there was a chance she could have a weapon in her waistband. **Deputy Brown and Officer Johnson were able to remove [REDACTED] left arm from under her and apply one handcuff. Officer Johnson said [REDACTED] continued to tense her left arm and pull it away from them. After Officer Johnson handcuffed the left wrist, Deputy Soeth deployed the PSD. At the time of the bite, [REDACTED] was just screaming. At one-point Deputy Soeth asked Officer Johnson if the right handcuff was on. Officer Johnson advised Soeth it was not on. Once the right handcuff was applied, Deputy Soeth said something to the dog and had to lift the dog [REDACTED] Officer Johnson said [REDACTED] did not present a significant threat to the officers because of the number of officers compared to the single suspect.**

In his report, Deputy Brown indicated he approached and took hold of her left arm. **According to Deputy Brown, she "was resisting and tightening her arms to not allow us to place her into handcuffs". Deputy Brown was able to get [REDACTED] left arm loose and, in a handcuff, while Deputy Soeth worked to loosen her right arm. Deputy Brown noted that the dog had a hold of [REDACTED] arm while the efforts to handcuff occurred.**

In his interview with Lieutenant Cress, Deputy Brown said he thought the PSD had already bitten [REDACTED] by the time he moved ahead and took control of [REDACTED] s left arm. [REDACTED] was on her stomach. Deputy Brown was able to control the left arm as a CHP officer handcuffed the left wrist. Another CHP Officer controlled Roseberg's legs. **When Lieutenant Cress asked Deputy Brown what [REDACTED] was doing while she was on the ground, he replied, "Not much" but did clarify that she was not complying. For example, [REDACTED] was not putting her hands behind her back. However, Deputy Brown noted [REDACTED] was unable to comply because the dog was on bite. [REDACTED] did try to pull her left arm from Deputy Brown. Deputy Brown did not remember seeing [REDACTED] hands under her body.** Her body was rigid, not wanting to put her arms behind her back. Deputy Brown had to use his strength to keep [REDACTED] from pulling her left arm away. There was nothing that constituted a "148 aspect". [REDACTED] ranged between friendly to "F you". [REDACTED] kept saying the officers had the "wrong guy". There was no verbal threat of physical harm, Deputy Brown knew of no efforts to assault any of the deputies. [REDACTED] kept yelling "Good dog" at the dog while the dog was on bite. Deputy Brown was not certain whether Deputy Soeth had issued a bite command. Deputy Brown thought the bite lasted less than a minute. **Once the dog was on bite, Deputy Soeth let go of [REDACTED] and took hold of the dog. Deputy Soeth released the dog so [REDACTED] s arm could be safely handcuffed. Deputy Brown said Deputy Soeth issued a release command and the dog immediately complied.** Deputy Brown said that, if the dog had not been deployed, the officers would have had to force both arms into handcuffs, not just the left one. Deputy Brown thought the risk to the public was low had the dog not been deployed because there was no public around. Deputy Brown thought there was no great risk to the officers had the dog not been deployed. His opinion assumed that [REDACTED] had no concealed weapons and the officers greatly outnumbered [REDACTED] Deputy Brown believed [REDACTED] intentions during the

pursuit was flight. Deputy Brown thought [REDACTED] wanted to get back into the car and continue to flee.

In his report, Deputy Soeth wrote that one of the officers tried to handcuff one of her wrists but [REDACTED] was face down and "...placed her arms under her torso as she flailed her legs in an attempt to flee and not get handcuffed". Deputy Soeth commanded the PSD to bite [REDACTED] as one of the officers tried to handcuff her right wrist. Deputy Soeth wrote that [REDACTED] still tried to flail her legs but the overall level of resistance declined, and he was able to handcuff her wrist. Deputy Soeth removed the PSD and put him back in the patrol car.

In his supplemental report, Deputy Soeth documented distraction/pain compliance punches to [REDACTED] rib cage on the right side. Deputy Soeth had also watched the CHP video footage and recognized that [REDACTED] was beginning to take a knee at the time he shoved her. He noted that the distance between he and [REDACTED] was small, and the time lapse between choosing to shove her and [REDACTED] beginning to take a knee was short, only a few seconds. **Deputy Soeth reiterated that [REDACTED] had her arms under her torso and was flailing her legs.** He documented his concern that [REDACTED] may have been concealing a weapon in the baggy clothing as justification for issuing the bite command and throwing the punches.

In his interview with Lieutenant Cress, Deputy Soeth was questioned about PSD the deployment while [REDACTED] was on the ground. **Deputy Soeth said that, initially, no one had control of any of [REDACTED] limbs (This was disputed by review of the MAV).** Deputy Soeth did not know who was controlling each limb. Deputy Soeth said he did not know what the status of her left arm was. Deputy Soeth was focused on her right arm. Deputy Soeth did not know if someone was controlling her feet. Deputy Soeth remembers her legs moving and suspects her legs were uncontrolled. Deputy Soeth thought he was knelt over her hips. They discussed Deputy Soeth's report in which he indicated she was "flailing" her legs and preventing officers from handcuffing her. Deputy Soeth said she was rigid and not still. Deputy Soeth did not look down toward the legs to see their status. Deputy Soeth did not independently recall the status of her left arm but, based on his report, believed at the time that the left arm was also tucked under [REDACTED]. Lieutenant Cress pointed out that the video demonstrated that the left arm was not under her. Deputy Soeth said that, in the moment, he believed it was tucked under her body. Deputy Soeth said that the PSD was still on the long leash. Deputy Soeth said the PSD was excited by the fight. Deputy Soeth did not know if the dog would have bitten [REDACTED] absent a command, while she was on the ground. It would not have been unusual for the dog to have bitten because the handler was involved in a "fight" and the PSD's drives were active. I asked if this was a "fight" or [REDACTED] just not wanting to get handcuffed. Deputy Soeth said it was not a fight in the sense of a boxing match, but she was physically resisting. She did not want to be handcuffed and possibly wanted to get up and flee. There was no assaultive behavior, but she was trying to get away. **As the dog was biting [REDACTED] Deputy Soeth tried to pull her right arm out from under her body. Deputy Soeth said she was physically resisting by tucking her arms under her body and flailing her legs while she was on the ground.** He said the dog was reasonably necessary to overcome the resistance. Lieutenant Cress asked about the influence the 6:1 ratio of officers to suspect played in deploying the dog. Deputy Soeth said the numbers were a factor but compliance was not being gained and the dog was available. Had the dog been in the car and the officers in their position, he would not have gone to get the dog. Deputy Soeth said he also tried distraction/pain techniques by punching her in the ribs to get her to release her arms. Lieutenant Cress asked Deputy Soeth if, as the dog was commanded a third time to bite [REDACTED] she was an imminent threat of violence or serious harm. He said "Yes" because she was unsearched, and her hands were not visible. Deputy Soeth said this incident was different than other contacts with unsearched people because of the pursuit and lack of compliance. Deputy Soeth said [REDACTED] was physically resisting, or threatening to physically resist, while she was on the ground because the arms

were tucked, and the legs were flailing. She was not going with commands. **Lieutenant Cress asked Deputy Soeth why he had grabbed the PSD's collar. Deputy Soeth said he did not have his hand on the PSD's collar at the time the bite command was given or when the bite occurred. He put his hand on the PSD's collar when he attempted to take the dog off bite.** Deputy Soeth agreed that at about minute 3:08 (on Officer Johnson and Officer Wills' MAV) the handcuffs were applied, and the dog remained on bite. Lieutenant Cress asked Deputy Soeth to tell him when the dog was taken off bite. He pointed to minute 3:20. Deputy Soeth said it was normal for a 12-second delay to occur between gaining compliance and taking the dog off bite. Deputy Soeth said the delay was caused by the tactic of restricting the dog's airway to take the dog off bite. Deputy Soeth said there is a release command, but it was not issued. Deputy Soeth said the airway restriction method is his "go-to" method because it increases positive control of the dog. If there is a verbal out [REDACTED] may move away from the bite and the dog may reengage. When there is positive control of the dog there is less chance of the dog biting [REDACTED] or another officer. Lieutenant Cress asked if a verbal command to let go could have been issued and the dog simultaneously pulled back to avoid the problem of the dog biting [REDACTED] or other officers. Deputy Soeth said that is not how the dog is trained. Deputy Soeth said another advantage is that bystanders don't hear a release command and then, when the dog does not immediately release, assume the dog is inadequately trained. Deputy Soeth said it is not uncommon for PSD's to remain on bite upon being given a verbal command. Lieutenant Cress asked Deputy Soeth about the potential of danger to the officers, or public at large, if the PSD was not used. Deputy Soeth said that was a hypothetical situation and explained there was an unsearched, uncooperative, subject so he could not answer what the danger may have been. Lieutenant Cress pointed out that it was an assessment that the policy requires him to make. Lieutenant Cress asked about the potential of danger to the officers or public on scene had the dog not been deployed (another assessment required by the policy). Deputy Soeth said that the unsearched and uncontrolled status of the offender made the dog reasonable. Finally, Lieutenant Cress asked about the risk of escape or flight had the PSD not been used. Deputy Soeth said [REDACTED] was continuing to resist and flail her legs. Lieutenant Cress asked Deputy Soeth if the single leg coming about a foot off the ground one momentary time and then being recontrolled by the CHP Officer constituted the flailing. Deputy Soeth said that his recollection of the legs was that they were not still.

I, Justin Braud, have reviewed the MAV approximately 6-8 times, starting on the date it was shown to me by Lieutenant Fillman, up to and on the day, I finished drafting this document. The part in question for documentation here, is when [REDACTED] is on the ground and the PSD is utilized. After [REDACTED] was tackled to the ground by Deputy Soeth (at approximately 1:51:06 on the MAV), Deputy Brown and the CHP Officers quickly rush in to assist. Almost immediately, Deputy Brown and another CHP Officer grab [REDACTED] by her left arm and pull her over on to her stomach. It appears that her right arm is at least temporarily underneath her because of this rolling motion. Deputy Soeth, Deputy Brown, and three CHP Officers are immediately working to control [REDACTED] on the ground, while one CHP Officer quickly checks the vehicle for additional occupants before turning to help. It is impossible to watch a video and compare it to what Officers/Deputies on scene are seeing/feeling, but from an outside perspective, it appears they are facing active resistance by [REDACTED] tensing up against being controlled. From the tackle, until approximately 1:54:20, Deputy Soeth was on the ground kneeling on and/or beside [REDACTED] but his actions were mostly concealed from the MAV by CHP Officers. I was able to see what appeared to be at least three right-handed strikes from Deputy Soeth to [REDACTED] while he is kneeling on her back with his left knee. I did not see any attempt from Deputy Soeth to grab or control [REDACTED] arm, which is not clearly visible to the MAV. Based on the anatomy of the human body, and the positioning of everyone on scene, her arm could only be underneath her or out next to her on the ground, or behind her back. During this time, the PSD is to Deputy Soeth's right, repeatedly barking. At 1:54:20, Deputy Soeth stands up on the right side [REDACTED] while Deputy Brown and the CHP Officers are working to control her. It appears that [REDACTED] left arm and both legs are sufficiently controlled as there is little to no

movement. I am unable to see [REDACTED] right arm. It appears Deputy Soeth is looking to the right when he stands up, toward his PSD, which he then reaches out and grabs on to with his right hand. It appears he grabs the PSD by the collar, or at least the neck area, at which time he pulls the PSD in toward [REDACTED]. I can hear someone saying something at this time, but I couldn't hear who is was or what they said. This may have been when Deputy Soeth was giving the third bite command. The head of the PSD is mostly out of view at this point, but it is making a distinctly different growling sound now, which based on my experiences, is consistent with how some PSD sound when biting. I do not know if the PSD was biting or not, as its head is obscured from the MAV, but that was my impression. During this time, Deputy Soeth is standing over the PSD, with it between his legs, appearing to guide it in toward [REDACTED] who is pretty much invisible to the MAV underneath the five other peace officers. There are no audible cries heard from [REDACTED] on the MAV. This continues until 1:54:32, at which time there is a distinct sound of yelling out, as if in pain, which coincides with a consistent and continual dog growling sound. To me, this is either when the PSD started biting, or when [REDACTED] finally gave an audible response to a bite that was already occurring. During this time Deputy Soeth is still standing over the PSD, appearing to be in control of it, but no longer actually appearing to be holding on to it. Part of the time he is holding the PSD, and maybe momentarily he stops. During the crying, there is a movement by one of the CHP Officers controlling [REDACTED]'s legs, that appears to be him applying handcuffs. The crying then stops, and a voice starts saying something about being an officer. At approximately 1:54:44, all the peace officers start to get [REDACTED] simultaneously. Deputy Soeth is still holding on to his PSD, standing over it, presumably conducting the manual release by holding its throat. The PSD appears to still be engaged in a bite on [REDACTED]. The other peace officers are literally standing around watching. Someone, presumably [REDACTED] is talking, saying something about letting the dog go, and liking the dog. At approximate 1:54:59, Deputy Soeth finally disengaged the PSD from the bite and walks out of view with it. [REDACTED] is helped to her feet a short time later.

After completing my review, it is hard for me to believe that, even if lawful, the use of the K9 to retrieve the other arm, with all the other resources available, was the most reasonable use of force in that situation. However, because most of that situation is obstructed from view, statements documenting it are inconsistent, and I can't see/perceive what Deputy Soeth did in that moment, I feel he is still afforded the ability to justify this action pursuant to Graham v. Conner standards. As a Use of Force instructor, I know that things can be both lawful and unreasonable at the same time. As a Use of Force instructor, I also know that things can be lawful and determined reasonable but have terrible optics. Absent being able to see exactly what happened, and still affording Deputy Soeth the Graham v. Conner standard, I feel this situation fits more into this category.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

RECOMMENDATIONS:

Captain Quenell recommended no discipline be issued to Deputy Soeth.

I agree, that based on the findings and totality of circumstances, discipline is not warranted in this situation. I think that Deputy Soeth should keep his PSD, but with a new emphasis of responsibility and accountability expected of him. I think this incident highlighted some training issues, which show the need for more oversight.

*Captain Quenell recommended that Deputy Soeth review **Use of Force: Totality of Circumstances** on the POST learning portal.*

I am not against this, but I also think some additional safety training could/would be beneficial based on some of the tactical decision making displayed during this incident. I also think that, as part of his position, Deputy Soeth should regularly be providing K9 training (case law or otherwise) to his coworkers.

Captain Quenell recommended that a Sergeant have oversight of the canine program. This Sergeant would be responsible for ensuring training is being conducted in accordance with our policies and state law. The Sergeant would also be responsible for ensuring deputies assigned to canines are properly trained how to document and articulate the decisions for the deployment of the dog. In addition, the Sergeant would be responsible for tracking of training and deployments.

I agree. I think that the K9 program should not only have a significant increase in oversight and accountability, but I think it should be expanded. I don't think we can expect any program to be successful if it consists of one handler, with no partners, and no knowledgeable supervisors or administrators. I think if we want a K9 program, we must set it up like a program, not just an assigned Deputy.

I also think that the next step in our Body Worn Camera (BWC) rollout, which would also add another level of accountability to our K9 program, is to equip all handlers with them going forward.

Captain Quenell recommended that the canine policy be reviewed and/or changed. He mentions the phrase "serious offense" and how it only appears two times in the entire Lexipol policy, both in Policy §389 – Canines.

I do think the policy should be revamped, but I am not sure how, and think this will require consultation with larger agencies who have long standing programs.



HUMBOLDT COUNTY SHERIFF'S OFFICE INTER-OFFICE MEMORANDUM

CONFIDENTIAL

DATE: January 26, 2021
TO: William Honsal, Sheriff
FROM: Justin Braud, Undersheriff
SUBJECT: Executive Review IA#2020-007

SYNOPSIS:

On April 4, 2020 at about 0240 hours, Deputy Soeth responded to a request to assist California Highway Patrol (CHP) Officers Evans and Maldonado with a pursuit north bound Highway 101 from Hooker Creek Road. Deputy Brown also responded to the request for assistance as well as another double CHP unit from the Arcata Office that contained Officers Johnson and Will.

The suspect was later identified as [REDACTED]
[REDACTED]
[REDACTED]

At the conclusion of the pursuit, Deputy Soeth deployed his Public Safety Dog (PSD) to overcome the resistance of the suspect, to effect the arrest. As a result of that deployment, questions arose as to whether the use of force was justified and whether it conformed to our policies.

This incident was reviewed on scene by Sergeant Diemer, who determined it was within policy, and prepared a memorandum to document his findings.

Later, CHP Lieutenant Fillman requested a meeting with HCSO administrative staff, to pass along some concerns regarding the deployment of the PSD. Lieutenant shared the MAV, along with descriptions of some statements from CHP Officers who had been on scene.

It was collectively decided that Lieutenant Musson would investigate the situation further. This information was also shared with the you after the meeting.

Later, it was learned that Lieutenant Musson found the situation was a "training issue" and it was discussed with Deputy Soeth.

You learned of this outcome, and after reviewing the MAV and reports, directed Lieutenant Cress to conduct an Administrative Review with the allegation that the following policies and Merit System Rules may have been violated:

[Redacted]

Policy §340.5.9(b) – Unreasonable and unwarranted force to a person encountered or a person under arrest.

Policy §340.5.9(c) – Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

FINDINGS:

Lieutenant Cress conducted a thorough investigation, and I have since read it in its entirety.

I have also reviewed Captain Quenell's findings and recommendations.

[REDACTED]

In reviewing and assessing the totality of circumstances, I find the allegation that Deputy Soeth violated **Policy §340.5.9(b) NOT SUSTAINED.**

Regarding the first deployment of the K9, which was when the suspect was still in the vehicle, I know that it is an acceptable tactic and use of force under those circumstances. Deputy Soeth, based on all known to him at the time, coupled with his training and experience, felt it was justified, which falls within the confines of *Graham v. Conner*.

Regarding the second deployment of the K9, which was after the suspect had exited the vehicle, I feel this is also an acceptable tactic and use of force under those circumstances. Deputy Soeth, based on all known to him at the time, coupled with his training and experience, felt it was justified, which falls within the confines of *Graham v. Conner*. I have no idea why Deputy Soeth would have then abandoned the responsibility of controlling his PSD, or potentially entering a crossfire situation with those covering him while taking this action. In my opinion it was extremely poor safety tactics, but not a violation of policy.

Regarding the third deployment of the K9, which was a directed bite on the suspect who was being restrained by five officers on the ground, I find more questionable. Although, based on the totality of circumstances, I don't see clear evidence of a violation of this policy, I have more concern on the reasonableness of this action, based on review of the video, and the (summarized) conflicting statements from the reports and interviews, which are documented as follows:

In his report, Officer Evans noted that [REDACTED] "began actively resisting by kicking her legs and flailing her arms". In his subsequent interview with Lieutenant Cress, Officer Evans opined that she was not trying to assault the officers but was trying to get away. [REDACTED] failed to comply with commands to put her hands behind her back. Officer Evans wrote that he was successful in controlling her legs to prevent kicking. He documented the dog bite and reported that officers were able to place her in handcuffs. Deputy Soeth removed the dog.

In his interview with Lieutenant Cress, Officer Evans said he did not believe the risk to the officers posed by [REDACTED] at the time of the bite was very high because there were adequate numbers of officers on scene. He did not believe there would have been a great risk to the officers if the dog had not been deployed. Officer Evans, in retrospect, thought she probably has mental health issues but did not think she was violent. Evans did not ever hear a warning that the dog was going to be deployed.

In his report, Officer Maldonado wrote that [REDACTED] was on her chest, tensed her body, and attempted to tuck her arms under her chest despite commands to put her hands behind her back. Officer Maldonado notes that he and Evans successfully controlled [REDACTED] legs. **Officer Maldonado notes that the dog bit [REDACTED] right arm while Officer Johnson and Officer Will were able to handcuff her.** Deputy Soeth lifted the PSD off the ground to bring the dog off bite.

In his interview with Lieutenant Cress, Officer Maldonado said he did not remember exactly who controlled which limbs. Officer Maldonado cleared the Jeep. Deputy Brown and Deputy Soeth were somewhere near [REDACTED] head. Officer Evans was on [REDACTED] legs. After clearing the vehicle, Officer Maldonado joined Officer Evans in controlling the legs. Lieutenant Cress asked Officer Maldonado what [REDACTED] was doing as she was on the ground. **Officer Maldonado said she was trying to tuck her hands under her body. She was on her chest. Officer Maldonado could not see her hands very well. She was "resisting" and "flailing about".** She flailed her legs. [REDACTED] may have said she "liked" the dog at this moment. Maldonado was unaware of any distraction strikes.

In his report, Officer Will said [REDACTED] landed on her back as the other officers and deputies approached to assist. [REDACTED] tensed her body and was not complying with commands to lay on her stomach. Deputy Brown and Officer Will rolled [REDACTED] to her stomach by controlling her left arm. Officer Johnson controlled [REDACTED] waist. [REDACTED] "tucked" her hands under her body, out of view. She wore baggy clothes. Deputy Soeth controlled her head. Deputy Soeth gave [REDACTED] commands to release her arms and delivered several strikes to [REDACTED] right side to generate compliance. **[REDACTED] arms, legs and head were controlled. Officer Will wrote that Deputy Soeth deployed his PSD at this time. The dog bit [REDACTED] right arm.** Deputy Soeth was "unsuccessful" in pulling the PSD off [REDACTED]. Officer Johnson handcuffed [REDACTED]. Deputy Soeth had to physically lift the dog off [REDACTED] to disengage.

In his interview with Lieutenant Cress, they discussed what role each officer had played after Deputy Soeth tackled [REDACTED] to the ground. Officer Will said she initially fell to her back. Officer Will said he controlled [REDACTED] left wrist with Deputy Brown. Officer Johnson was over her mid-waist. Officer Evans was at [REDACTED] feet. Officer Maldonado cleared the vehicle. They rolled her to her stomach. She tucked her arms under her chest which concerned Officer Will. There was nothing specific to suggest she had a weapon but also nothing to suggest she did not have a weapon. **She wasn't trying to fight but was tensed. Deputy Soeth commanded her to extend her arms. [REDACTED] had time to comply but remained tensed up. Deputy Soeth grabbed the back of her head and applied downward pressure. Soeth punched her in the ribs a couple of times. She complied and extended her arms. Officer Will was not sure what [REDACTED] had done with her feet. Her head remained tense. Even as the arms came out, they were tense. Officers Brown and Johnson remained on [REDACTED] left arm and Officer Will transitioned to control the right arm. [REDACTED] was not trying to rip the right wrist away but remained tense. The PSD then bit [REDACTED] right arm. Officers handcuffed the left wrist and Officer Will brought the right wrist around to complete cuffing. Officer Will said he does not independently remember hearing a bite command though, during the CHP debrief he had learned that a command had been given. Officer Will said that at the time that the dog bit, [REDACTED] threat level was "not very high" because of the ratio of officer to the single suspect. She was large and strong but, on her stomach, and controlled. She was uncooperative and tense but Officer Will said, "She wasn't trying to fight us".** Officer Will did not think she kicked or tried to throw any punches. Officer Will was not familiar with PSD deployment and did not hear a bite command given so, in the moment, assumed the dog engaged on its own because it saw its handler physically struggling to arrest [REDACTED]. **Officer Will said the dog was on bite for the entire time they handcuffed [REDACTED] and the dog had to be physically removed from [REDACTED].** Officer Will said that after the dog came off bite [REDACTED] was placed in Johnson's patrol vehicle. [REDACTED] continued to talk nonsense.

In his report, Officer Johnson said [REDACTED] landed on her back as the other officers and deputies moved ahead to assist. Officer Johnson controlled [REDACTED] legs while Deputy Brown controlled her arms. When [REDACTED] refused commands to roll onto her stomach, Deputy Soeth, Officer Will

and Officer Johnson rolled her over. Officer Johnson straddled [REDACTED] lower back as she attempted to pull her arms under her chest. **Officer Johnson and Deputy Brown were able to pull her left arm from under her body. Deputy Soeth deployed the PSD again and the dog bit [REDACTED] right arm.** Deputy Soeth pulled the dog away from [REDACTED] as she removed her right arm from under her body.

In his interview with Lieutenant Cress, he said [REDACTED] fell to her back. Officer Johnson straddled [REDACTED] back after she was turned to her stomach. She had only been on her back a few seconds and had been commanded to roll over. Officer Johnson said [REDACTED] hands "tensed" up and she tucked them under her after she was rolled to her stomach. While [REDACTED] was on her stomach Officer Johnson had the left arm near Deputy Brown. Officer Will and Deputy Soeth were on the right side of [REDACTED]. Officer Johnson was concerned when [REDACTED] had both of her hands under her initially, her clothing was baggy, and there was a chance she could have a weapon in her waistband. **Deputy Brown and Officer Johnson were able to remove [REDACTED] left arm from under her and apply one handcuff. Officer Johnson said [REDACTED] continued to tense her left arm and pull it away from them. After Officer Johnson handcuffed the left wrist, Deputy Soeth deployed the PSD. At the time of the bite, [REDACTED] was just screaming. At one-point Deputy Soeth asked Officer Johnson if the right handcuff was on. Officer Johnson advised Soeth it was not on. Once the right handcuff was applied, Deputy Soeth said something to the dog and had to lift the dog off [REDACTED].** Officer Johnson said [REDACTED] did not present a significant threat to the officers because of the number of officers compared to the single suspect.

In his report, Deputy Brown indicated he approached and took hold of her left arm. **According to Deputy Brown, she "was resisting and tightening her arms to not allow us to place her into handcuffs". Deputy Brown was able to get [REDACTED] left arm loose and, in a handcuff, while Deputy Soeth worked to loosen her right arm. Deputy Brown noted that the dog had a hold of [REDACTED] arm while the efforts to handcuff occurred.**

In his interview with Lieutenant Cress, Deputy Brown said he thought the PSD had already bitten [REDACTED] by the time he moved ahead and took control of [REDACTED] left arm. [REDACTED] was on her stomach. Deputy Brown was able to control the left arm as a CHP officer handcuffed the left wrist. Another CHP Officer controlled [REDACTED] legs. **When Lieutenant Cress asked Deputy Brown what [REDACTED] was doing while she was on the ground, he replied, "Not much" but did clarify that she was not complying. For example, [REDACTED] was not putting her hands behind her back. However, Deputy Brown noted [REDACTED] was unable to comply because the dog was on bite. [REDACTED] did try to pull her left arm from Deputy Brown. Deputy Brown did not remember seeing [REDACTED] hands under her body.** Her body was rigid, not wanting to put her arms behind her back. Deputy Brown had to use his strength to keep [REDACTED] from pulling her left arm away. There was nothing that constituted a "148 aspect". [REDACTED] ranged between friendly to "F you". [REDACTED] kept saying the officers had the "wrong guy". There was no verbal threat of physical harm, Deputy Brown knew of no efforts to assault any of the deputies. [REDACTED] kept yelling "Good dog" at the dog while the dog was on bite. Deputy Brown was not certain whether Deputy Soeth had issued a bite command. Deputy Brown thought the bite lasted less than a minute. **Once the dog was on bite, Deputy Soeth let go of [REDACTED] and took hold of the dog. Deputy Soeth released the dog so [REDACTED] arm could be safely handcuffed. Deputy Brown said Deputy Soeth issued a release command and the dog immediately complied.** Deputy Brown said that, if the dog had not been deployed, the officers would have had to force both arms into handcuffs, not just the left one. Deputy Brown thought the risk to the public was low had the dog not been deployed because there was no public around. Deputy Brown thought there was no great risk to the officers had the dog not been deployed. His opinion assumed that [REDACTED] had no concealed weapons and the officers greatly outnumbered [REDACTED]. Deputy Brown believed [REDACTED] intentions during the

pursuit was flight. Deputy Brown thought [REDACTED] wanted to get back into the car and continue to flee.

In his report, Deputy Soeth wrote that one of the officers tried to handcuff one of her wrists but [REDACTED] was face down and "...placed her arms under her torso as she flailed her legs in an attempt to flee and not get handcuffed". Deputy Soeth commanded the PSD to bite [REDACTED] as one of the officers tried to handcuff her right wrist. Deputy Soeth wrote that [REDACTED] still tried to flail her legs but the overall level of resistance declined, and he was able to handcuff her wrist. Deputy Soeth removed the PSD and put him back in the patrol car.

In his supplemental report, Deputy Soeth documented distraction/pain compliance punches to [REDACTED] rib cage on the right side. Deputy Soeth had also watched the CHP video footage and recognized that [REDACTED] was beginning to take a knee at the time he shoved her. He noted that the distance between he and [REDACTED] was small, and the time lapse between choosing to shove her and [REDACTED] beginning to take a knee was short, only a few seconds. **Deputy Soeth reiterated that [REDACTED] had her arms under her torso and was flailing her legs.** He documented his concern that [REDACTED] may have been concealing a weapon in the baggy clothing as justification for issuing the bite command and throwing the punches.

In his interview with Lieutenant Cress, Deputy Soeth was questioned about PSD the deployment while [REDACTED] was on the ground. **Deputy Soeth said that, initially, no one had control of any of [REDACTED] limbs (This was disputed by review of the MAV).** Deputy Soeth did not know who was controlling each limb. Deputy Soeth said he did not know what the status of her left arm was. Deputy Soeth was focused on her right arm. Deputy Soeth did not know if someone was controlling her feet. Deputy Soeth remembers her legs moving and suspects her legs were uncontrolled. Deputy Soeth thought he was knelt over her hips. They discussed Deputy Soeth's report in which he indicated she was "flailing" her legs and preventing officers from handcuffing her. Deputy Soeth said she was rigid and not still. Deputy Soeth did not look down toward the legs to see their status. Deputy Soeth did not independently recall the status of her left arm but, based on his report, believed at the time that the left arm was also tucked under [REDACTED]. Lieutenant Cress pointed out that the video demonstrated that the left arm was not under her. Deputy Soeth said that, in the moment, he believed it was tucked under her body. Deputy Soeth said that the PSD was still on the long leash. Deputy Soeth said the PSD was excited by the fight. Deputy Soeth did not know if the dog would have bitten [REDACTED], absent a command, while she was on the ground. It would not have been unusual for the dog to have bitten because the handler was involved in a "fight" and the PSD's drives were active. I asked if this was a "fight" or [REDACTED] just not wanting to get handcuffed. Deputy Soeth said it was not a fight in the sense of a boxing match, but she was physically resisting. She did not want to be handcuffed and possibly wanted to get up and flee. There was no assaultive behavior, but she was trying to get away. **As the dog was biting [REDACTED], Deputy Soeth tried to pull her right arm out from under her body. Deputy Soeth said she was physically resisting by tucking her arms under her body and flailing her legs while she was on the ground.** He said the dog was reasonably necessary to overcome the resistance. Lieutenant Cress asked about the influence the 6:1 ratio of officers to suspect played in deploying the dog. Deputy Soeth said the numbers were a factor but compliance was not being gained and the dog was available. Had the dog been in the car and the officers in their position, he would not have gone to get the dog. Deputy Soeth said he also tried distraction/pain techniques by punching her in the ribs to get her to release her arms. Lieutenant Cress asked Deputy Soeth if, as the dog was commanded a third time to bite [REDACTED], she was an imminent threat of violence or serious harm. He said "Yes" because she was unsearched, and her hands were not visible. Deputy Soeth said this incident was different than other contacts with unsearched people because of the pursuit and lack of compliance. Deputy Soeth said [REDACTED] was physically resisting, or threatening to physically resist, while she was on the ground because the arms

were tucked, and the legs were flailing. She was not going with commands. **Lieutenant Cress asked Deputy Soeth why he had grabbed the PSD's collar. Deputy Soeth said he did not have his hand on the PSD's collar at the time the bite command was given or when the bite occurred. He put his hand on the PSD's collar when he attempted to take the dog off bite.** Deputy Soeth agreed that at about minute 3:08 (on Officer Johnson and Officer Wills' MAV) the handcuffs were applied, and the dog remained on bite. Lieutenant Cress asked Deputy Soeth to tell him when the dog was taken off bite. He pointed to minute 3:20. Deputy Soeth said it was normal for a 12-second delay to occur between gaining compliance and taking the dog off bite. Deputy Soeth said the delay was caused by the tactic of restricting the dog's airway to take the dog off bite. Deputy Soeth said there is a release command, but it was not issued. Deputy Soeth said the airway restriction method is his "go-to" method because it increases positive control of the dog. If there is a verbal out [REDACTED] may move away from the bite and the dog may reengage. When there is positive control of the dog there is less chance of the dog biting [REDACTED] or another officer. Lieutenant Cress asked if a verbal command to let go could have been issued and the dog simultaneously pulled back to avoid the problem of the dog biting [REDACTED] or other officers. Deputy Soeth said that is not how the dog is trained. Deputy Soeth said another advantage is that bystanders don't hear a release command and then, when the dog does not immediately release, assume the dog is inadequately trained. Deputy Soeth said it is not uncommon for PSD's to remain on bite upon being given a verbal command. Lieutenant Cress asked Deputy Soeth about the potential of danger to the officers, or public at large, if the PSD was not used. Deputy Soeth said that was a hypothetical situation and explained there was an unsearched, uncooperative, subject so he could not answer what the danger may have been. Lieutenant Cress pointed out that it was an assessment that the policy requires him to make. Lieutenant Cress asked about the potential of danger to the officers or public on scene had the dog not been deployed (another assessment required by the policy). Deputy Soeth said that the unsearched and uncontrolled status of the offender made the dog reasonable. Finally, Lieutenant Cress asked about the risk of escape or flight had the PSD not been used. Deputy Soeth said [REDACTED] was continuing to resist and flail her legs. Lieutenant Cress asked Deputy Soeth if the single leg coming about a foot off the ground one momentary time and then being recontrolled by the CHP Officer constituted the flailing. Deputy Soeth said that his recollection of the legs was that they were not still.

I, Justin Braud, have reviewed the MAV approximately 6-8 times, starting on the date it was shown to me by Lieutenant Fillman, up to and on the day, I finished drafting this document. The part in question for documentation here, is when [REDACTED] is on the ground and the PSD is utilized. After [REDACTED] was tackled to the ground by Deputy Soeth (at approximately 1:51:06 on the MAV), Deputy Brown and the CHP Officers quickly rush in to assist. Almost immediately, Deputy Brown and another CHP Officer grab [REDACTED] by her left arm and pull her over on to her stomach. It appears that her right arm is at least temporarily underneath her because of this rolling motion. Deputy Soeth, Deputy Brown, and three CHP Officers are immediately working to control [REDACTED] on the ground, while one CHP Officer quickly checks the vehicle for additional occupants before turning to help. It is impossible to watch a video and compare it to what Officers/Deputies on scene are seeing/feeling, but from an outside perspective, it appears they are facing active resistance by [REDACTED] tensing up against being controlled. From the tackle, until approximately 1:54:20, Deputy Soeth was on the ground kneeling on and/or beside [REDACTED], but his actions were mostly concealed from the MAV by CHP Officers. I was able to see what appeared to be at least three right-handed strikes from Deputy Soeth to [REDACTED], while he is kneeling on her back with his left knee. I did not see any attempt from Deputy Soeth to grab or control [REDACTED]'s arm, which is not clearly visible to the MAV. Based on the anatomy of the human body, and the positioning of everyone on scene, her arm could only be underneath her or out next to her on the ground, or behind her back. During this time, the PSD is to Deputy Soeth's right, repeatedly barking. At 1:54:20, Deputy Soeth stands up on the right side of [REDACTED], while Deputy Brown and the CHP Officers are working to control her. It appears that [REDACTED]'s left arm and both legs are sufficiently controlled as there is little to no

movement. I am unable to see [REDACTED]'s right arm. It appears Deputy Soeth is looking to the right when he stands up, toward his PSD, which he then reaches out and grabs on to with his right hand. It appears he grabs the PSD by the collar, or at least the neck area, at which time he pulls the PSD in toward [REDACTED]. I can hear someone saying something at this time, but I couldn't hear who it was or what they said. This may have been when Deputy Soeth was giving the third bite command. The head of the PSD is mostly out of view at this point, but it is making a distinctly different growling sound now, which based on my experiences, is consistent with how some PSD sound when biting. I do not know if the PSD was biting or not, as its head is obscured from the MAV, but that was my impression. During this time, Deputy Soeth is standing over the PSD, with it between his legs, appearing to guide it in toward [REDACTED], who is pretty much invisible to the MAV underneath the five other peace officers. There are no audible cries heard from [REDACTED] on the MAV. This continues until 1:54:32, at which time there is a distinct sound of yelling out, as if in pain, which coincides with a consistent and continual dog growling sound. To me, this is either when the PSD started biting, or when [REDACTED] finally gave an audible response to a bite that was already occurring. During this time Deputy Soeth is still standing over the PSD, appearing to be in control of it, but no longer actually appearing to be holding on to it. Part of the time he is holding the PSD, and maybe momentarily he stops. During the crying, there is a movement by one of the CHP Officers controlling [REDACTED]'s legs, that appears to be him applying handcuffs. The crying then stops, and a voice starts saying something about being an officer. At approximately 1:54:44, all the peace officers start to get off [REDACTED] simultaneously. Deputy Soeth is still holding on to his PSD, standing over it, presumably conducting the manual release by holding its throat. The PSD appears to still be engaged in a bite on [REDACTED]. The other peace officers are literally standing around watching. Someone, presumably [REDACTED], is talking, saying something about letting the dog go, and liking the dog. At approximate 1:54:59, Deputy Soeth finally disengaged the PSD from the bite and walks out of view with it. [REDACTED] is helped to her feet a short time later.

After completing my review, it is hard for me to believe that, even if lawful, the use of the K9 to retrieve the other arm, with all the other resources available, was the most reasonable use of force in that situation. However, because most of that situation is obstructed from view, statements documenting it are inconsistent, and I can't see/perceive what Deputy Soeth did in that moment, I feel he is still afforded the ability to justify this action pursuant to Graham v. Conner standards. As a Use of Force instructor, I know that things can be both lawful and unreasonable at the same time. As a Use of Force instructor, I also know that things can be lawful and determined reasonable but have terrible optics. Absent being able to see exactly what happened, and still affording Deputy Soeth the Graham v. Conner standard, I feel this situation fits more into this category.

In reviewing and assessing the totality of circumstances, I find the allegation that Deputy Soeth violated **Policy §340.5.9(c) NOT SUSTAINED**. My reasoning for this finding is the same as for the last violation. In review of the video I can't see or perceive the same things that Deputy Soeth can, and this still gives him the ability to determine reasonableness under those circumstances pursuant to Graham v. Conner.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

RECOMMENDATIONS:

Captain Quenell recommended no discipline be issued to Deputy Soeth.

I agree, that based on the findings and totality of circumstances, discipline is not warranted in this situation. I think that Deputy Soeth should keep his PSD, but with a new emphasis of responsibility and accountability expected of him. I think this incident highlighted some training issues, which show the need for more oversight.

*Captain Quenell recommended that Deputy Soeth review **Use of Force: Totality of Circumstances** on the POST learning portal.*

I am not against this, but I also think some additional safety training could/would be beneficial based on some of the tactical decision making displayed during this incident. I also think that, as part of his position, Deputy Soeth should regularly be providing K9 training (case law or otherwise) to his coworkers.

Captain Quenell recommended that a Sergeant have oversight of the canine program. This Sergeant would be responsible for ensuring training is being conducted in accordance with our policies and state law. The Sergeant would also be responsible for ensuring deputies assigned to canines are properly trained how to document and articulate the decisions for the deployment of the dog. In addition, the Sergeant would be responsible for tracking of training and deployments.

I agree. I think that the K9 program should not only have a significant increase in oversight and accountability, but I think it should be expanded. I don't think we can expect any program to be successful if it consists of one handler, with no partners, and no knowledgeable supervisors or administrators. I think if we want a K9 program, we must set it up like a program, not just an assigned Deputy.

I also think that the next step in our Body Worn Camera (BWC) rollout, which would also add another level of accountability to our K9 program, is to equip all handlers with them going forward.

Captain Quenell recommended that the canine policy be reviewed and/or changed. He mentions the phrase "serious offense" and how it only appears two times in the entire Lexipol policy, both in Policy §389 – Canines.

I do think the policy should be revamped, but I am not sure how, and think this will require consultation with larger agencies who have long standing programs.




HUMBOLDT COUNTY SHERIFF'S OFFICE INTER-OFFICE MEMORANDUM

CONFIDENTIAL

DATE: July 26, 2021

TO: Max Soeth, Deputy Sheriff II.

FROM: William Honsal, Sheriff 

SUBJECT: Final Notice disciplinary action – Written Reprimand #IA 2020-0007

After carefully considering all of facts in this case, including information discussed at the *Skelly* conference, [REDACTED]

[REDACTED] I have made my final decision regarding this case and you will receive a written reprimand and a strong warning against future behavior. This notice will serve as your written reprimand.

GROUND'S FOR DISCIPLINE AND ANALYSIS

You have been continuously employed as a peace officer for the past 11 years. You were hired by the Humboldt County Sheriff's Office in November 2015. You have been trained, supervised, and evaluated as a Deputy Sheriff for the past 5 years. You have met all the standards set forth by the Sheriff's Office and the State of CA. You have been assigned as a Corporal and Field Training officer, teaching and evaluating new deputies regarding patrol field operations. You have been a Canine Handler for HCSO for the past three years, as well as a previous handler assignment at Fortuna Police Department. You have had three Police Service Dogs in your career, and you have been fully trained in the application of the Police Service Dog three separate times.

This investigation calls into question your judgment / decision making, [REDACTED] and violations of the use of force policy. This investigation involved interviewing use of force experts, K9 trainers, CHP Officers, Deputies, supervisors, managers as well as your expertise. The evidence was analyzed by the Captain, the Undersheriff and me. The investigation involved reviewing the video and audio captured by CHP, your police reports, the use of force memorandum, and sergeant review. I recognize there were differing opinions in this case, including ones in my management team that believe you followed policy. I cannot overlook my own judgement and opinion in this case. As the Sheriff, I am ultimately responsible for ensuring the highest standards are set for the office and the personnel. I have to ensure that the force used by a deputy Sheriff to effect an arrest is reasonable and allowable by policy and procedure. The citizens of this county have entrusted me to ensure the constitutional rights are respected and followed. I have made my disciplinary decision by weighing the totality of the circumstances and the preponderance of evidence. [REDACTED]

SYNOPSIS

On April 4, 2020, at about 0240 hours, Officer Evans and his partner, Officer Maldonado, from the Garberville Office of the CHP attempted to stop a vehicle near Hooker Creek Road on US Highway 101. The suspect continued Northbound, stopping, and starting multiple times. The suspect vehicle was a white Jeep Wrangler and the driver was later identified as [REDACTED]

The CHP officers first requested that HCSO units "be advised" of the incident and later requested the HCSO and Humboldt Area CHP units respond to assist, Code 2. You and Deputy Brown were on duty in separate patrol cars and you both responded to assist CHP. CHP Officers Johnson and Will responded from the Humboldt Area. [REDACTED] stopped again near Jordan Rd. The driver slowly backed her vehicle toward the CHP officers and you, and then drove away again. You followed.

[REDACTED] came to a final stop on Northbound Highway 101 just North of Shively Road. Officers Evans, Maldonado, Johnson, and Will were on scene for the CHP while you and Deputy Brown arrived on scene for the HCSO. Both involved CHP vehicles recorded the incident on their in-car camera equipment. You made Evans and Maldonado aware you had a Police Service Dog (PSD) to assist. CHP officers gave commands to [REDACTED] to exit the vehicle with her hands raised. [REDACTED] generally complied with commands to show her hands. When [REDACTED] did not comply with commands to exit the vehicle, you deployed the PSD. The dog put his paws up on the side of the Jeep at the open window but did not enter the vehicle. [REDACTED] stuck her hand out of the car and attempted to pet the PSD.

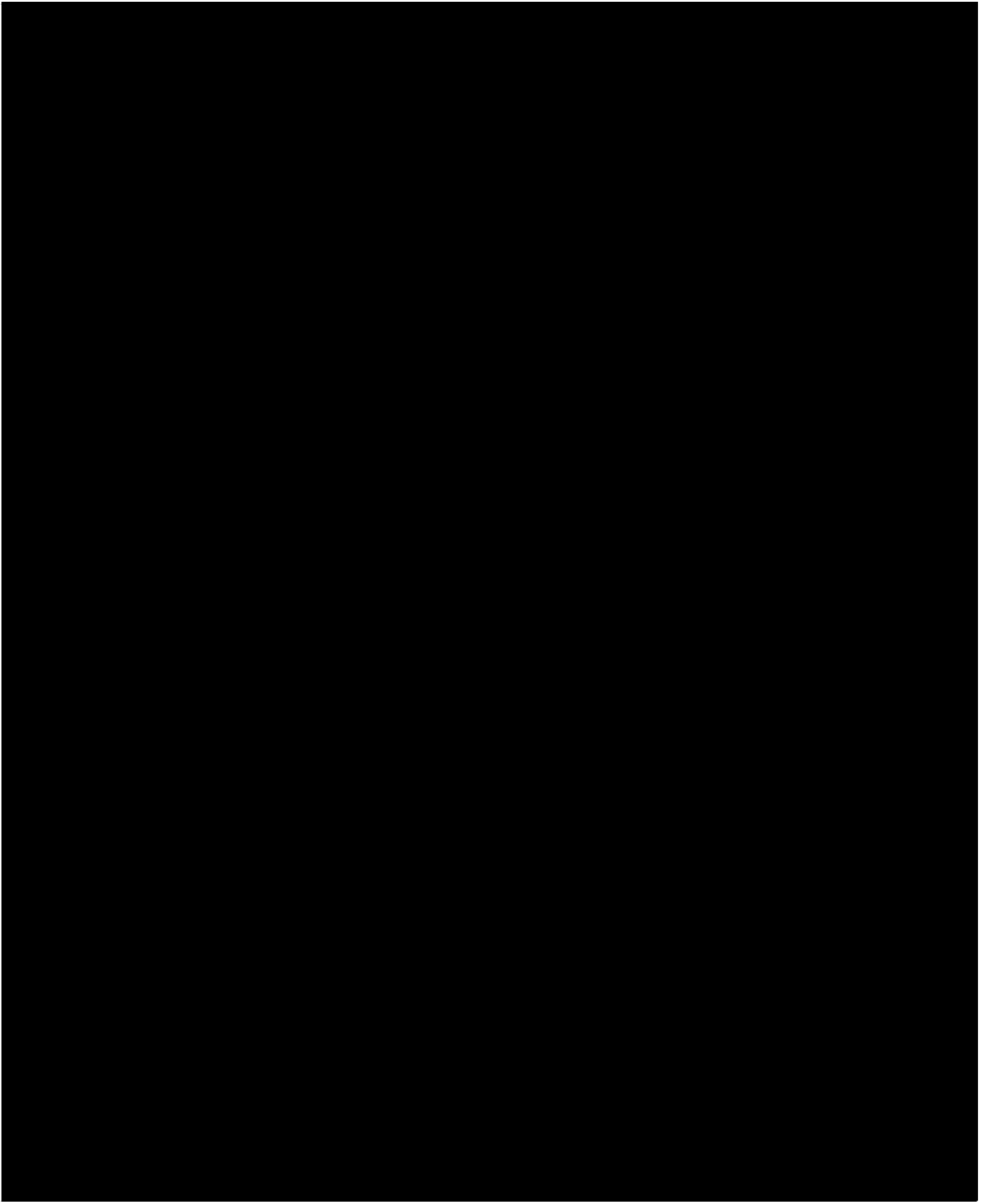
[REDACTED] complied with the CHP commands and exited the vehicle and walked slowly toward the officers continuing to make nonsensical statements. You told her to get on the ground. She didn't immediately comply with the order. You deployed the PSD again, and again [REDACTED] reached out with her hand to pet the PSD. CHP officers and you continued to issue commands to [REDACTED] that she get on the ground. [REDACTED] started to comply with the commands by getting on one knee, when you rapidly approached [REDACTED] and pushed her backwards to the ground. The remaining five peace officers followed you to the ground in attempt to take her into custody.

The six officers controlled [REDACTED] by turning her to her stomach, holding her limbs, and restricting her movements when she was on the ground. Based on the evidence, while [REDACTED] was on the ground she was rigid, resistant to being handcuffed, and moving her legs. Though she retracted her right hand under her body, no evidence describes her as attempting to assault the officers or no one thought she was reaching for a weapon. Officers were able to bring her left wrist behind her back relatively quickly. You deployed the PSD a third time as officers were controlling all her limbs. Officer Will reported the drivers right arm had been loosened from under her body and controlled. After the arm was controlled, the dog bit [REDACTED] on the right arm causing an injury. Officers were able to handcuff [REDACTED] and the PSD was taken off bite after additional seconds had passed.

After the incident you wrote a report and you submitted the case for review. Days later you were made aware that your report had inconsistencies based upon the video evidence presented by CHP. You wrote an additional report covering the inconsistencies.

CHP Lt. Fillman brought a complaint forward to the Sheriff's office regarding a possible use of force violation. In June 2020, an investigation was initiated, and your PSD was suspended from in field protection work.

POLICY [REDACTED] VIOLATIONS



- [REDACTED]
- HCSO Policy 340.5.9(b)- Unreasonable and unwarranted force to a person encountered or a person under arrest, meaning the force must be objectively reasonable to effect the arrest, to prevent escape, or to overcome resistance.
- [REDACTED]

It is our policy and the law that Deputies should only use the amount of force reasonably necessary to mitigate an incident, make an arrest, overcome resistance, and/or protect themselves or others from harm. To accomplish this you have to take several things into consideration: the suspect's background, the timing of the incident, the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, whether the suspect is actively resisting arrest or attempting to evade arrest by flight, and any other relevant factor which may include, but is not limited to, the number of officers on scene, proximity to potential weapons, personal characteristics of the suspect, the suspect's special knowledge or skills, injury or exhaustion, mental illness or drug use, and environmental factors. Though there were not a lot of facts known to you at the time of this call, it is your responsibility to obtain the relevant information to justify the use of the PSD.

Graham v Conner case law deems that a peace officer only utilize the amount of force that is reasonable.

The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. I understand that reasonableness must take into allowance for the fact that officers are forced to make split-second judgments in uncertain, rapidly evolving circumstances. *Graham v. Connor* considers the interests of three key stakeholders – the constitutional rights of the law-abiding public, the government that has a right to enforce its laws, and the deputy who has an obligation to enforce the law and the right to do so without suffering injury.

In the deployment of the PSD in this situation, I do not see the evidence that shows you met the objective reasonableness standard. You recognized when you got on scene that the driver was speaking unintelligible words. You did not consider that the driver was suffering from mental illness. You did not use any de-escalation or crisis intervention techniques. Instead of asking questions to justify the use of the PSD, you deployed the PSD to intervene. When the driver exited and tried to pet the PSD, you became alarmed. You ordered the driver to the ground. She then started to comply by taking a knee. You responded by not allowing her to continue with her compliance. You closed the distance and shoved the driver to the ground. As she was lying on her back, one Deputy Sheriff, and four CHP officers immediately came to your aid. The driver was immediately turned onto her stomach. The PSD was loose and was walking around her head area.

The driver was rigid and not immediately compliant with being handcuffed. Deputy Brown controlled the driver's left arm with Officer Johnson. You attempted to gain control over her right arm. Officer Will ultimately gained control over the driver's right arm after several seconds of the arm being pinned under her body. Officer Evans controlled the driver's legs and was later assisted by Officer Maldonado. The preponderance of evidence shows the right arm was controlled and was not an imminent threat or a danger to officers. Despite those circumstances, you regained control over the PSD and ordered the PSD to bite the driver's right arm. The PSD bit the driver below the right elbow. The bite indicates that the arm was infact away from the drivers body.

The evidence indicates that the driver was not violent toward the officers on scene. Her legs were moving, she was tense all over and not compliant with being handcuffed. No other officer on scene, besides you, suggests the driver was fighting or violently resisting. All other officers on scene determined that they had control over the driver. There were 16 seconds between the driver being pushed to the ground and the PSD being deployed. It is my determination that you escalated the situation, and the deployment of the PSD was not reasonably necessary due to the overwhelming force of officers on scene. The evidence shows that all six law enforcement officers on scene had control over this incident when the driver was on the ground. The use of the PSD was not justified because the torso, arms and legs were already being controlled.

The initial police report you wrote did not cover all the facts of this case. You failed to document the strikes to her side. Your police report sounded like you were wrestling with the driver alone when the bite was initiated. You wrote after the PSD bit the driver, "At this point, Deputy Brown and four CHP officers were with me attempting to get the suspect handcuffed."

When asked at the Skelly hearing if you wanted to make a statement the following is a summary of your statement. Due to the tense situation at the time you were unable to get all the facts surrounding the failure to yield and it would have been impossible and unsafe to do so. You stated that typically discussions with other agencies or officers when you arrive to back them up such as, "what crime do you have," does not happen. When I asked if you would have changed anything about this deployment, using hindsight, you stated you had a lot of time to think about it. You still back your decision to deploy the PSD, and you know that you can't trust CHP. You recognized that you needed to become familiar with CHP terminology and protocol. It was your understanding that you were going to a felony pursuit. You

stated, the PSD would have Not been deployed if you knew it was just a failure to yield.

PRIOR PERSONNEL HISTORY

You were hired in November 2015 as a Deputy Sheriff II. You have one documented case of discipline in your file, 2020-008, 60 hour suspension. Your evaluations over the past several years have been either satisfactory, exceeds expectations, or outstanding.

LEVEL OF PENALTY

I recognize that there are differences of opinion in this investigation. And to be frank, those conflicting differences, make it difficult for me to impose major discipline. I recognize that supervision and management need to be trained better in use of force and the PSD Policy. I have reduced this disciplinary action to a written reprimand. However, you should take this as a severe warning regarding your conduct with future use of force actions. As a member of this department with your vast training and experience, I expect you to have good judgement, and smart decision-making skills. Especially with all the scrutiny in Law Enforcement, you need to be vigilant and utilize your training and experience to ensure both you, your partners, the citizens, and the department are all protected. In the future, when you have the opportunity, you have to get all the information necessary in order to make a sound decision. The preponderance of evidence shows that [REDACTED] you did not objectively and reasonably use force to effect the arrest, to prevent escape, or to overcome resistance. I recognize there are training, policy and supervision issues that are related to the deployment of the PSD. I do not believe the deployment of the PSD was malicious or unlawful, just not fully justified under our policy. In maintaining the standards of our department and to the adherence of the Law Enforcement Code of Ethics, our Mission statement, our Values, and Principle, I am holding you accountable for your actions. My goal is to correct your behavior and decision making to ensure you have a long, productive, and safe career. As a part of that commitment, I am highly recommending that you also attend a workplace trauma training. If you are willing to attend, I am willing to pay for the training. You have so many skills and I want to ensure that you can use them to the best of your ability.

WARNING AGAINST RETALIATION

This provision is to notify you that it is illegal and inappropriate to retaliate against any person who has participated in complaining or providing information regarding your conduct. You may not in any manner retaliate against any individual who has provided information to the Humboldt County Sheriff's Office regarding your conduct.

I acknowledge receipt of this document.



Maxwell Soeth

7-26-2021

Date

INTRODUCTION

I was contacted by Lieutenant Peter Cress of the Humboldt County Sheriff's Office in regard to an incident involving the CHP (California Highway Patrol) and a Humboldt County Sheriff K-9 Handler, Deputy Soeth that occurred on April 4th, 2020. Lieutenant Cress provided me with the following materials:

- CHP Officer Evans' crime report
- Recorded interview with CHP Officer Evans
- CHP Officer Maldonado's supplemental report
- Recorded interview with CHP Officer Maldonado
- CHP Officer Will's supplemental report
- Recorded interview with CHP Officer Will
- CHP Officer Johnson's supplemental report
- Recorded interview with CHP Officer Johnson
- HCSO Deputy Brown's supplemental report
- Recorded interview with HCSO Deputy Brown
- Deputy Soeth's report and supplemental report
- Recorded interview with Deputy Soeth
- Sgt. Diemer's PSD memorandum
- CFS in RIMS
- MAV footage from Officer Evan's patrol vehicle
- MAV footage from Officer Johnson's patrol vehicle
- LT. Musson's PPAF
- Clarification from Brad Meyer
- K-9 Training records from Deputy Soeth and K-9 Yahtzee
- Inter-Office Memorandum written by Lieutenant Cress detailing his IA investigation

Lieutenant Cress requested that I review the above material and forward my opinions as they apply to the following criteria

1. Had the suspect committed, was she committing, or was she threatening to commit, a serious offense during the first, second, and/or third PSD deployments?
2. Did the handler have a reasonable belief the suspect posed an imminent threat of violence or serious harm to the public, any officer/deputy, or the handler?

3. Did the suspect physically resist, or threaten to resist arrest, and was the use of the canine reasonably necessary to overcome such resistance with respect to each of the three deployments?
4. Did the handler make reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury and properly evaluate the situation to determine whether the three deployments were appropriate and reasonable?

Furthermore, Lieutenant Cress requested that I apply this criteria to three different stages of the K-9 deployment, specifically when Deputy Soeth deployed his K-9 partner while the suspect was in the vehicle, when the suspect was out of the vehicle, and after the suspect had been tackled and was on the ground.

Per Lieutenant Cress' request, I have broken down my opinions into three deployments

Deployment 1 – The suspect was in the vehicle

Deployment 2 – The suspect had exited the vehicle

Deployment 3 – The suspect had been tackled by Deputy Soeth, and the suspect was on the ground

My opinions are based upon twenty-eight years of training police dogs, twenty-two years in law enforcement, sixteen years of handling four different police dogs, and four years in a supervisory position overseeing a police canine unit. In addition, I have trained hundreds of police dogs and I am currently the trainer for eighteen law enforcement agencies comprised of seventy-two police handler/dog teams. I am a certifying official for P.O.S.T. (Peace Officers Standards and Training) and a Judge and certifying official for W.S.P.C.A. (Western States Police Canine Association). I have been recognized as a subject matter expert and was selected as a consultant for P.O.S.T. for the revised State of California K-9 Evaluation guidelines.

OPINIONS AND ANALYSIS

DEPLOYMENT 1 (Suspect inside the vehicle)

1. *Had the suspect committed, was she committing, or was she threatening to commit, a serious offense?*

It is my opinion that Deputy Soeth believed that the suspect had committed a violation of 2800.2 CVC (Felony Evasion) and that his belief, although incorrect, was reasonable.

In Deputy Soeth's interview with Lieutenant Cress, Deputy Soeth had information that the pursuit (failure to yield) was thirty-five to forty minutes in duration and the suspect stopped at least two times and then took off while the officers were attempting to contact her. Deputy Soeth stated CHP requested assistance from HCSO, which is not typical if they only had a failure to yield, so it led him logically to believe that there was more of an exigency to this particular pursuit.

Deputy Soeth also observed the vehicle stop and almost back into his patrol car and then take off from the stop and swerve in between the traffic lanes, which indicated that the driver was possibly under the influence of alcohol or a controlled substance. Given this information, it would be reasonable that a deputy with his experience would believe the suspect had committed a felony evasion.

At the time of this deployment, it is considered an industry standard that a felony evasion would constitute a serious offense as outlined in *Graham V. Conner* as well as department policies.

- 2. Did the handler have a reasonable belief the suspect posed an imminent threat of violence or serious harm to the public, any officer/deputy, or the handler.*

Deputy Soeth stated he was concerned that the suspect was going to attempt to drive away again if she was not stopped. Deputy Soeth stated the suspect was moving around in the car and based upon the suspect's previous behavior, combined with the fact that she was not searched constituted a threat to officers. The concern that she may drive away toward a populated area while she was possibly under the influence of alcohol or a controlled substance would make her a threat to the public. Although the tactics of sending a police dog into a vehicle with no expressed plan to the rest of the officers on scene and while the driver had the ability to drive away with the police dog may not be the best tactic, it does meet the criteria of believing the suspect posed a threat to officers and the public.

- 3. Did the suspect physically resist, or threaten to resist arrest, and was the use of the canine reasonably necessary to overcome such resistance?*

The suspect initially ignored commands to exit the vehicle and instead unzipped the window of the vehicle. She did not comply with the officers' commands. According to Deputy Soeth his intention was to deploy his canine partner into the window of the vehicle to prevent escape or flight from the traffic stop. In my opinion, the decision to deploy was within policy due to the non-compliance of the suspect.

- 4. Did the handler make reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury and properly evaluate the situation?*

Deputy Soeth gave “K-9 warning announcements” prior to deploying his canine. He announced that the suspect needed to exit the vehicle, or a police dog would be deployed. There were other officers yelling so it is unknown who heard him give the announcements. He had told the other CHP officers that he had a dog but during the interviews it was evident that some of the officers thought that was for information only and not an indication that he was planning to deploy his dog. There was no initial game plan or coordination with other officers, and there was no discussion of the suspects actions prior to the arrival of HCSO deputies. This could be attributed to the exigent nature of the situation as it was rapidly evolving, which offered little time to develop a plan and communicate the plan on scene.

DEPLOYMENT 2 (Suspect outside of vehicle)

1. *Had the suspect committed, was she committing, or was she threatening to commit, a serious offense?*

It is my opinion that Deputy Soeth believed that the suspect had committed a violation of 2800.2 CVC (Felony Evasion) and that his belief, although incorrect, was reasonable.

In Deputy Soeth’s interview with Lieutenant Cress, Deputy Soeth had information that the pursuit (failure to yield) was thirty-five to forty minutes in duration and the suspect stopped at least two times and then took off while the officers were attempting to contact her. Deputy Soeth stated CHP requested assistance from HCSO, which is not typical if they only had a failure to yield, so it led him logically to believe that there was more of an exigency to this particular pursuit.

Deputy Soeth also observed the vehicle stop and almost back into his patrol car and then take off from the stop and swerve in between the traffic lanes, which indicated that the driver was possibly under the influence of alcohol or a controlled substance. Given this information, it would be reasonable that a deputy with his experience would believe the suspect had committed a felony, while attempting to evade law enforcement.

At the time of this deployment, it is considered an industry standard that a felony evasion would constitute a serious offense as outlined in *Graham V. Conner* as well as department policies.

2. *Did the suspect physically resist, or threaten to resist arrest, and was the use of the canine reasonably necessary to overcome such resistance?*

The suspect did not comply with orders to get on the ground and continued to close the distance by walking slowly toward the officers. The suspect was unsearched and talking in a non-sensical manner.

I believe it was the intent of Deputy Soeth to deploy his canine partner in an attempt to gain a tactical advantage and allow officers to leave cover and approach the suspect while the suspect's focus was on the police canine, however the dog became confused on the mission and did not engage the suspect, which made it necessary for officers to eventually leave cover and approach the suspect. I Deputy Soeth's actions were reasonable.

3. *Did the handler have a reasonable belief the suspect posed an imminent threat of violence or serious harm to the public, any officer/deputy, or the handler.*

According to Deputy Soeth's interview, he believed if he did not deploy his canine partner the suspect may try to get back into the vehicle which would endanger the public as she could drive away again toward a more populated area only a few miles away from the traffic stop. Deputy Soeth also related the suspect could possibly retrieve weapons from the vehicle as it had not been searched.

Deputy Soeth also was concerned for his safety and the safety of other officers since the suspect had demonstrated odd behavior, was talking in a non-sensical manner, had not been searched and was not complying with commands. Deputy Soeth stated that the suspect began talking softly to his canine partner and tried to pet the dog, which he felt was a ploy to possibly lure the dog in so she could injure the police dog.

I believe Deputy Soeth's actions are reasonable given the circumstances.

4. *Did the handler make reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury and properly evaluate the situation?*

This was a rapidly evolving situation and initially the opportunity to communicate with the others was not a practical option. Once his dog failed to engage the suspect, Deputy Soeth broke cover, ran toward and tackled suspect. Deputy Soeth could have recalled his canine partner and made a more organized approach, however given the suspects close proximity to the officers combined with the forward movement of the suspect I do not fault Deputy Soeth for making this split second decision to tackle the suspect.

DEPLOYMENT 3 (Suspect on the ground)

1. *Had the suspect committed, was she committing, or was she threatening to commit, a serious offense?*

It is my opinion that Deputy Soeth believed that the suspect had committed a violation of 2800.2 CVC (Felony Evasion) and that his belief, although incorrect, was reasonable.

In Deputy Soeth's interview with Lieutenant Cress, Deputy Soeth had information that the pursuit (failure to yield) was thirty-five to forty minutes in duration and the suspect stopped at least two times and then took off while the officers were attempting to contact her. Deputy Soeth stated CHP requested assistance from HCSO, which is not typical if they only had a failure to yield, so it led him to logically believe that there was more of an exigency to this particular pursuit.

Deputy Soeth also observed the vehicle stop and almost back into his patrol car and then take off from the stop and swerve in between the traffic lanes, which indicated that the driver was possibly under the influence of alcohol or a controlled substance. Given this information, it would be reasonable that a deputy with his experience would believe the suspect had committed a felony, while attempting to evade law enforcement.

At the time of this deployment, it is considered an industry standard that a felony evasion would constitute a serious offense as outlined in *Graham V. Conner* as well as department policies.

2. *Did the suspect physically resist, or threaten to resist arrest, and was the use of the canine reasonably necessary to overcome such resistance?*

Once Deputy Soeth tackled the suspect, she fell onto her back and ultimately rolled onto her stomach. The officers attempted to get the suspect's hands from underneath her body. The suspect did not initially comply and refused to put her hands behind her back. According to the statements of officers, the suspect was tense and rigid. She was not complying with orders during the initial contact, however she was not actively fighting.

Officer Evans controlled the suspect's legs, and in the video it appears that she was unable to move her legs once he placed his body on top of them. According to Officer Johnson and Deputy Brown, they were able to pull the left arm out from underneath the suspect's body and place a handcuff on the left wrist prior to the canine biting the suspect. According to Officer Will, after Deputy Soeth had struck the suspect in the side, Officer Will was able to grab the right arm and pull it out from underneath her body. Officer Will wrote in his report that he had control of the suspect's right arm prior to the canine biting it. Officer Will stated that the suspect did not try to pull away but remained tense. This testimony was contrary to Deputy Soeth's account. Deputy Soeth detailed in his report that the suspect's hands were underneath her at the time of the canine bite. Deputy Soeth did not mention in his report that other officers were controlling the suspect's arms and/or legs prior to his canine biting the suspect.

The only other officer to corroborate Deputy Soeth's statement in regard to the right arm not being controlled prior to the canine bite is Officer Johnson, who was controlling and cuffing the left arm just prior to the canine biting the suspect.

If it is determined that officers controlled the arms and legs of the suspect prior to Deputy Soeth giving his dog the command to bite, then I do not believe the use of the canine was needed to overcome the suspect's resistance.

3. *Did the handler have a reasonable belief the suspect posed an imminent threat of violence or serious harm to the public, any officer/deputy, or the handler.*

According to Deputy Soeth, he believed the suspect posed a threat to the other officers due to the suspect having not been searched and her hands not visible as they were under her body just prior to the police canine biting the suspect. However, as discussed above Deputy Soeth's statement is contrary to the statement of Officer Wills and the other officers as they indicated that the legs and arms were being restrained prior to the canine bite. If the arms and legs of the suspect were being controlled, then the suspect did not pose an imminent threat of violence or serious harm to the officers or the handler when Deputy Soeth gave his canine the command to bite.

4. *Did the handler make reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury and properly evaluate the situation?*

Deputy Soeth broke cover and tackled the suspect once his dog did not engage. The other officers on scene followed his lead and grabbed the suspect. I would like to have seen Deputy Soeth gain positive control of his canine partner once the other officers began to take control of the suspect. As mentioned above, if it is determined that the suspects arms and legs were controlled prior to the bite then it is my opinion that Deputy Soeth did not properly evaluate the situation when he gave his canine partner the final command to bite as the suspect was no longer an imminent threat.

Gregory Tawney

Date



Position paper on use of force by Police Service Dogs (PSD) teams

The use of force by police has been dominating the news recently; the most notable case is, of course, George Floyd's death while in the custody of Minneapolis police officers. The videos that surfaced quickly after Mr. Floyd's death are extremely disturbing and the public outrage in response has swept the nation. Politicians have also moved swiftly, calling for wholesale change in policing. While the need for change is clear, it is critical that any legislative or policy changes are carefully thought out prior to implementation, so as to address the legitimate concerns raised in recent days, but do not further endanger lives, both civilian and police.

California's Attorney General Xavier Becerra recently sent out a press release which stated he intends to promulgate new recommended policies for policing. One of the areas he intends to address is the deployment of police service dogs (PSDs). It is imperative that we, as an industry and as individual handlers and trainers, get out in front of this movement and demonstrate that each and every PSD deployment is thoughtful and appropriate to the situation at hand and are lawful under the law that exists.

The Supreme Court addressed the excessive use of force first in *Tennessee v. Garner* (1985) 471 U.S. 1. In *Garner*, the Supreme Court said, "To determine the constitutionality of a seizure "[we] must balance the nature and quality of the intrusion on the individual's Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion." *United States v. Place* (1983) 462 U.S. 696, 703; see *Delaware v. Prouse* (1979) 440 U.S. 648, 654; *United States v. Martinez-Fuerte* (1976) 428 U.S. 543, 555. We have described "the balancing of competing interests" as "the key principle of the Fourth Amendment." *Michigan v. Summers* (1981) 452 U.S. 692, 700, n. 12. See also *Camara v. Municipal Court* (1967) 387 U.S. 523, 536-537. Because one of the factors is the extent of the intrusion, it is plain that reasonableness depends on not only when a seizure is made, but also how it is carried out. *United States v. Ortiz* (1975) 422 U.S. 891, 985; *Terry v. Ohio* (1968) 392 U.S. 1, 28-29. See also *Camara v. Municipal Court* (1967) 387 U.S. 523, 536, 537. Because one of the factors is the extent of the intrusion, it is plain that reasonableness depends on not only when a seizure is made, but also how it is carried out. *United States v. Ortiz* (1975) 422 U.S. 891, 895; *Terry v. Ohio* (1968) 392 U.S. 1, 28-29." *Garner, supra*, at 8.

The Court went on to state that killing a non-violent fleeing suspect is actually antithetical to our justice system because such an act "also frustrates the interest of the individual, and of society, in judicial determination of guilt and punishment. ""The use of deadly force . . . frustrates the interest of the individual, and of society, in judicial determination of guilt and punishment."" *Garner, supra*, at 9. The Court concluded that "[t]he use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable." *Garner, supra*, at 11. However, the Court also stated, "When the officer has probable cause to believe the suspect poses a threat of serious physical harm, either to the officers or to others, it is not constitutionally unreasonable to prevent escape by



using deadly force." The Court thus held the following which forms the basis for the standard today; "Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given." *Garner, supra*, at 12.

Garner, then, determined that deadly force could only be used when apprehending a suspect that the officer has probable cause to believe poses a threat of serious physical harm (either established by the suspect's violent crimes or possession of a weapon) and a warning is given, if feasible.

No case has yet held that use of a PSD is use of deadly force. See *Robinette v. Barnes* (1988) 854 F.2d 909, 912, where court held that "the use of a properly trained police dog to apprehend a felony suspect does not carry with it a "substantial risk of causing death or serious bodily harm;" and *Cruz v. City of Escondido* (9th Cir. 1997) 139 F.3d 659, 663, where the court concluded that the use of police dogs trained in the "bite and hold" technique generally does not constitute deadly force, absent some demonstration by the plaintiff "that properly trained police dogs are reasonably capable of causing death." (Overruled on other grounds in *Smith v. Hemet* (9th Cir.2005) 394 F.3d 686).

However, the courts have reserved that possibility. "While we have not in any of our prior cases found that the use of police dogs constituted deadly force, we have never stated that the use of such dogs cannot constitute such force." *Smith v. Hemet* (9th Cir.2005) 394 F.3d 686, 707. "[W]e leave open the question of whether the use of a police dog could constitute deadly force in other circumstances." *Thomson v. Salt Lake County* (10th Cir. 2009) 584 F.3d 1304, 1315. But see *Robinette v. Barnes* (1988) 854 F.2d 909, 912, where court held that "the use of a properly trained police dog to apprehend a felony suspect does not carry with it a "substantial risk of causing death or serious bodily harm;" and *Cruz v. City of Escondido* (9th Cir. 1997) 139 F.3d 659, 663, where the Ninth Circuit concluded that the use of police dogs trained in the "bite and hold" technique generally does not constitute deadly force, absent some demonstration by the plaintiff "that properly trained police dogs are reasonably capable of causing death."

Since deployment of a PSD is not considered deadly force, it is appropriate to determine under what circumstances the deployment of a PSD is an excessive use of force. The seminal case giving direction on the use of force, deadly and non-deadly, is *Graham v. Connor* (1989) 490 U.S. 386. There are 3 factors that will be considered:

1. The severity of the crime at issue;
2. Whether the suspect poses an immediate threat to the safety of LE or others; and
3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.




Graham at 396. The *Graham* factors will be assessed using a “totality of the circumstances” test from the perspective of a reasonable LE officer in that same situation, recognizing that the analysis must allow for the fact that law enforcement must make split second decisions in tense, uncertain and rapidly evolving situations. *Graham, supra*, at 397.

Also required is an audible and understandable warning or warnings that a PSD is going to be deployed, unless law enforcement can articulate a reason that law enforcement safety is at risk or that a warning would be futile. In *Kuha v. City of Minnetonka* (2003) 365 F.3d 590, the court concluded that “a jury could properly find it objectively unreasonable to use a police dog trained in the bite and hold method without first giving the suspect a warning and opportunity for peaceful surrender.” *Kuha, supra*, at 598. The court cited *Vathekan v. Prince George’s County* (4th Cir. 1998) 154 F.3d 173, where the Fourth Circuit reversed a summary judgment ruling in favor of a handler who deployed a PSD without a verbal warning. *Vathekan, supra*, at 178-179. Therefore, the *Kuha* court concluded that “[w]hile other circuits have not addressed this precise issue, the presence or absence of a warning is a critical fact in virtually every excessive force case involving a police dog.” *See, e.g., Ruvalcaba v. City of Los Angeles* (9th Cir. 1999) 167 F.3d 514, 517 (noting that officers gave three warnings in both Spanish and English before releasing police dog into a closed theater pursuant to burglary reports); *Cruz v. City of Escondido* (9th Cir. 1997) 559, 560-561 (overruled on different grounds) (officer gave two verbal warnings before sending police dog after fleeing suspect, who was drunk and had been harassing restaurant employees); *Matthews v. Jones* (6th Cir. 1994) 35 F.3d 1046, 1051 (finding no excessive force as a matter of law where the record was clear that the officer warned plaintiff, a fleeing misdemeanor, several times before releasing the police dog to apprehend him); *Robinette v. Barnes* (1988) 854 F.2d 909 (holding fatal attack on suspect by police dog objectively reasonable where undisputed testimony showed that police shouted three warnings before releasing dog). *Kuha, supra*, at 599.

The *Kuha* court also addressed whether a warning is necessary in every situation. “We agree that officer safety is paramount but disagree that the district court properly decided as a matter of law that requiring a verbal warning will put officers at increased risk. To the contrary, such a practice would likely diminish the risk of confrontation by increasing the likelihood that a suspect will surrender. See *Robinette*, 854 F.2d at 914 (concluding that use of police dogs reduces likelihood of harm to officers, bystanders and suspects). While there may be exceptional cases where a warning is not feasible, we see no reason why, in this case, a rational jury would be precluded from finding that the officers could have placed themselves out of harm’s way--e.g., at the top of the hill where they had a good vantage point, or behind one of the nearby apartment buildings--and given a loud verbal warning that a police dog was present and trained to seize by force. Although a verbal warning will not always result in a peaceful surrender, it may be, as argued by plaintiff, that, without such a warning, seizure by force is a nearly foregone conclusion. See *Vathekan*, 154 F.3d at 176 (noting that purpose of verbal warning is to “enable innocent persons to exit the area and afford suspects an opportunity to surrender”).” *Kuha, supra*, at 599.


 Meyer's Police K9 Training

 meyerspolicek9training

 www.Meyerspolicek9.com
www.Meyersk9law.com



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Finally, it is clear that law enforcement cannot continue to use force once a subject is subdued and complying with law enforcement's orders. As soon as subject is under control, the PSD must be released. (See Graham factor number 3; suspect must be actively resisting or fleeing arrest.) But consider *Johnson v. Scott* (7th Cir. 2009) 576 F.3d 658. Fleeing shooting suspect surrendered just as PSD got close enough to bite; law enforcement grabbed suspect at the same time and believed suspect was fighting law enforcement and PSD when suspect said he was trying to get away from PSD. Five to ten seconds later, PSD was recalled. The *Johnson* court held this was reasonable use of force.

Reviewing, then, it is clear that there are four important take aways. First, it is clear that no court has held that deployment of a PSD is deadly force as a matter of law. However, the courts have left that question open. Second, the deployment of a PSD must be analyzed using the reasonableness test as set out in *Graham v. Connor, supra*, as applied to the three factors set forth; 1. The severity of the crime at issue; 2. Whether the suspect poses an immediate threat to the safety of LE or others; and 3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight. Third, verbal warning(s) must be given unless said warning would place law enforcement in additional danger. Fourth, a PSD must be disengaged as soon as the subject is subdued or surrenders.

Implementing these concepts in practice is, of course, the tricky part. Trainers and handlers must apply the Graham factors to any possible deployment *prior* to deployment. For example, if the suspect is suspected of a non-violent felony crime, a PSD deployment is probably not appropriate, even if it means the suspect will evade capture. In addition, when the situation, after analyzing the facts under Graham, calls for deployment, it is imperative that handlers maintain positive control of the PSD by utilizing leads and keeping the PSD in sight if possible. Handlers should be giving warnings in all cases except those in which police or other individuals are likely to be harmed. Handlers also need to make sure through adequate and consistent training that the PSD will quickly and efficiently release the suspect upon command (as well as being trained in physically "outing" the PSD if necessary). For example, Meyer's K9 Training teaches that a PSD should be recalled as soon as the subject complies, is subdued or actually surrenders. If that situation changes (subject stops complying or is no longer subdued), the PSD may be deployed again if the situation again meets the criteria set forth above.

(This paper contains the opinions of M. Elizabeth Norton and is not intended as legal advice. I do not represent any police agency and do not intend for this paper to be legal advice. Police agencies must always confer with their retained or appointed counsel for legal advice.)



HUMBOLDT COUNTY SHERIFF'S OFFICE INTER-OFFICE MEMORANDUM

CONFIDENTIAL

DATE: April 2, 2021

TO: Max Soeth, Deputy Sheriff II

FROM: William Honsal, Sheriff *WH*

SUBJECT: Notice of intent for disciplinary action – 40-hour suspension #IA 2020-0007

After careful review of the facts in this case, I find that you have violated the Sheriff's Office Policies, Procedures and Humboldt County Merit System Rules. This notice for disciplinary action is to inform you of my intent to suspend you for 40 hours. I am proposing this action take place at the conclusion of the pre-disciplinary process.

GROUND FOR DISCIPLINE AND ANALYSIS

You have been continuously employed as a peace officer for the past 11 years. You were hired by the Humboldt County Sheriff's Office in November 2015. You have been trained, supervised, and evaluated as a Deputy Sheriff for the past 5 years. You have met all the standards set forth by the Sheriff's Office and the State of CA. You have been assigned as a Corporal and Field Training officer, teaching and evaluating new deputies regarding patrol field operations. You have been a Canine Handler for HCSO for the past three years, as well as a previous handler assignment at Fortuna Police Department. You have had three Police Service Dogs in your career, and you have been fully trained in the application of the Police Service Dog three separate times.

This investigation calls into question your judgment / decision making, violations of the canine policy, and violations of the use of force policy. This investigation involved interviewing use of force experts, K9 trainers, CHP Officers, Deputies, as well as your expertise. The evidence was analyzed by the Captain, the Undersheriff and me. The investigation involved reviewing the video and audio captured by CHP, your police reports, the use of force memorandum, and sergeant review. Though there were many opinions in this case, I have made my decisions by weighing the totality of the circumstances and the preponderance of evidence. [REDACTED]

SYNOPSIS

On April 4, 2020, at about 0240 hours, Officer Evans and his partner, Officer Maldonado, from the Garberville Office of the CHP attempted to stop a vehicle near Hooker Creek Road on US Highway 101. The suspect continued Northbound, stopping and starting multiple times. The suspect vehicle was a white

Jeep Wrangler and the [REDACTED]

The CHP officers first requested that HCSO units be advised of the incident and later requested the HCSO and Humboldt Area CHP units respond to assist, Code 2. You and Deputy Brown were on duty in separate patrol cars and you both responded to assist CHP. CHP Officers Johnson and Will responded from the Humboldt Area. [REDACTED] stopped again near Jordan Rd. The driver slowly backed her vehicle toward the CHP officers and you, and then drove away again. You followed.

[REDACTED] came to a final stop on Northbound Highway 101 just North of Shively Road. Officers Evans, Maldonado, Johnson, and Will were on scene for the CHP while you and Deputy Brown arrived on scene for the HCSO. Both involved CHP vehicles recorded the incident on their in-car camera equipment. You made Evans and Maldonado aware you had a Police Service Dog (PSD) to assist. CHP officers gave commands to [REDACTED] to exit the vehicle with her hands raised. [REDACTED] generally complied with commands to show her hands. When [REDACTED] did not comply with commands to exit the vehicle, you deployed the PSD. The dog put his paws up on the side of the Jeep at the open window but did not enter the vehicle. [REDACTED] stuck her hand out of the car and attempted to pet the dog.

[REDACTED] then exited the vehicle and walked slowly toward the officers continuing to make nonsense comments. You told her to get on the ground. She didn't immediately comply with the order. You deployed the PSD again, and again [REDACTED] reached out with her hand to pet the dog. CHP officers and you continued to issue commands to [REDACTED] that she get on the ground. [REDACTED] started to comply with the commands by getting on one knee, when you rapidly approached [REDACTED] and pushed her backwards to the ground. The remaining five peace officers followed you to the ground in attempt to take her into custody.

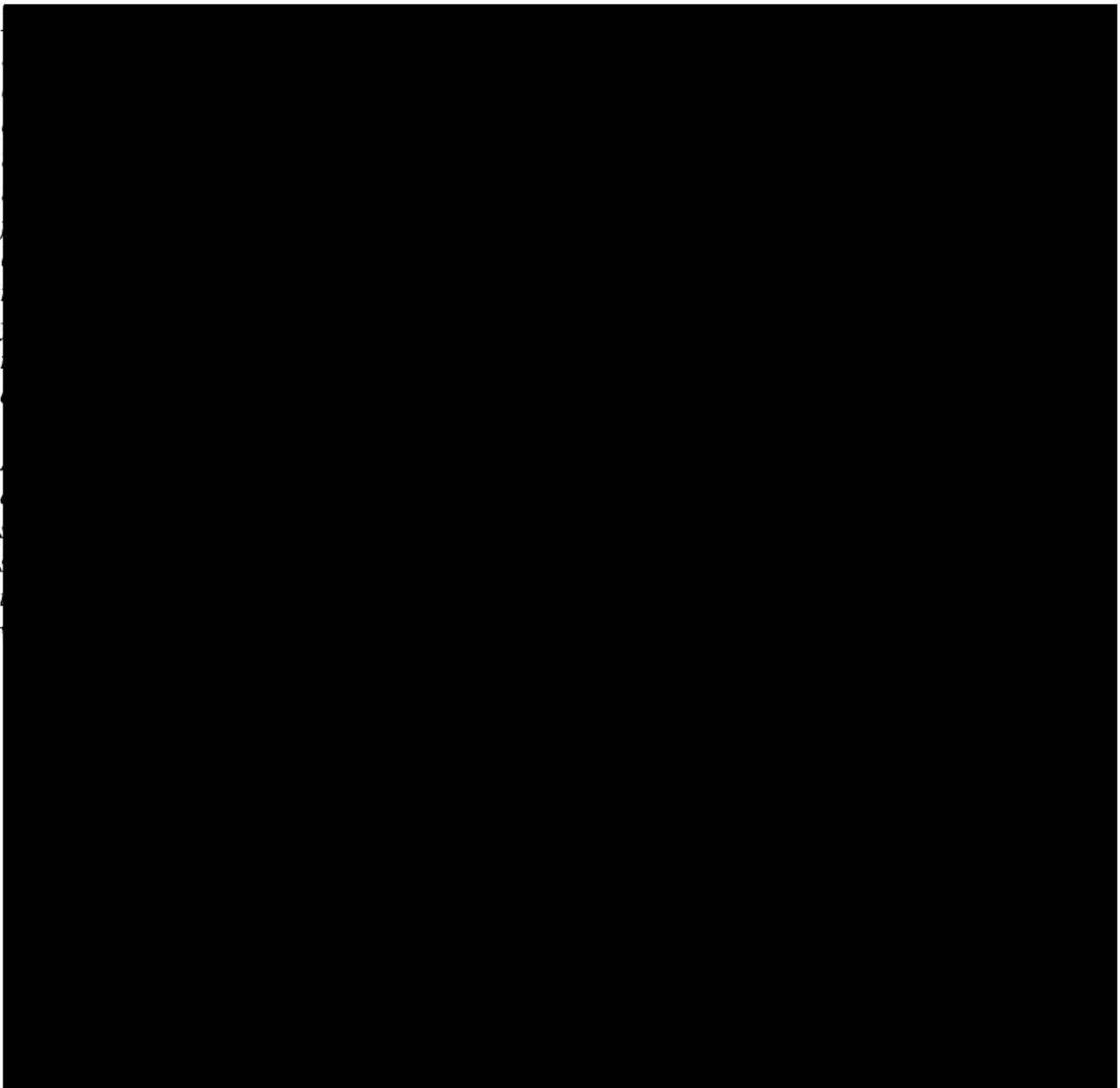
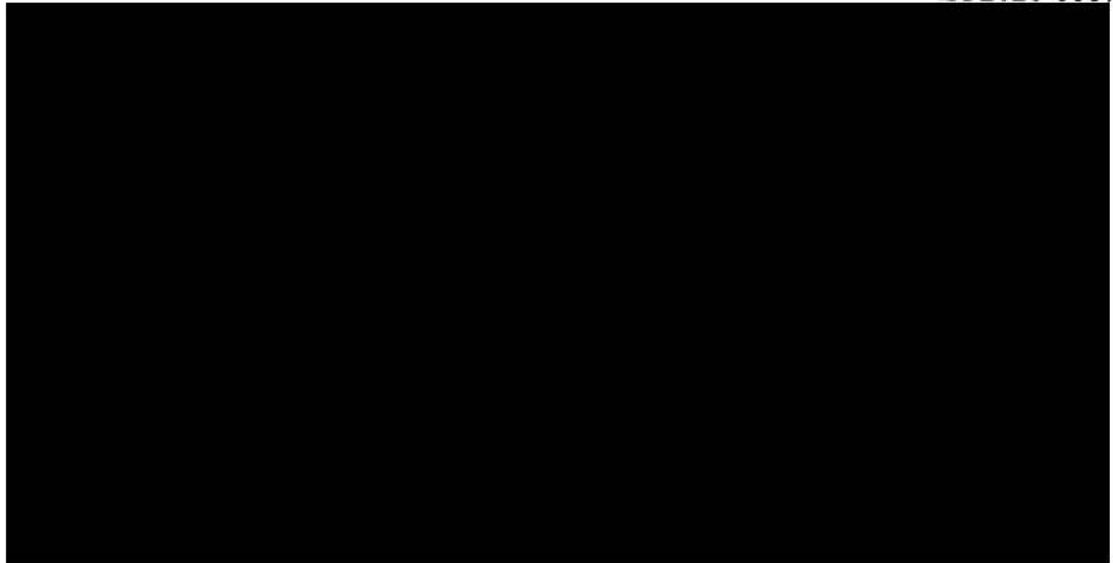
The six officers controlled [REDACTED] by turning her to her stomach, holding her limbs, and restricting her movements when she was on the ground. Based on the evidence, while [REDACTED] was on the ground she was rigid, resistant to being handcuffed, and moving her legs. Though she retracted her right hand under her body, no evidence describes her as attempting to assault the officers or reaching for a weapon. Officers were able to bring her left wrist behind her back relatively quickly. You deployed the PSD a third time as officers were controlling all her limbs. Officer Will reported the drivers right arm had been loosened from under her body and controlled. After the arm was controlled, the dog bit [REDACTED] on the right arm causing an injury. Officers were able to handcuff [REDACTED] and the PSD was taken off bite after additional seconds passed.

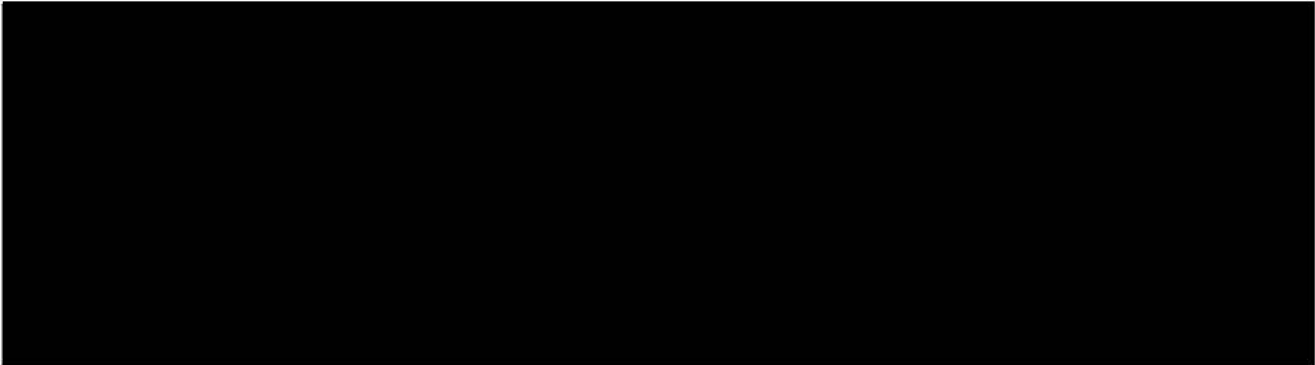
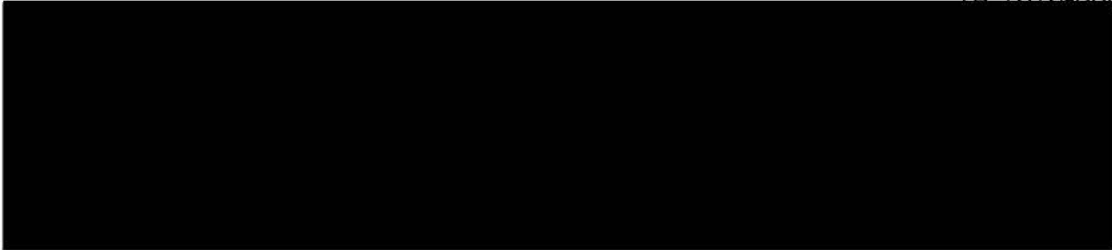
After the incident you wrote a report and you submitted the case for review. Days later you were made aware that your report had some inconsistencies based upon the video evidence presented by CHP. You wrote an additional report covering the inconsistencies.

CHP Lt. Fillman brought a complaint forward to the Sheriff's office regarding a possible use of force violation. In June 2020, an investigation was initiated, and your PSD was suspended from in field protection work.

POLICY AND [REDACTED] VIOLATIONS

[REDACTED]





- HCSO Policy 340.5.9(b)- Unreasonable and unwarranted force to a person encountered or a person under arrest, meaning the force must be objectively reasonable to effect the arrest, to prevent escape, or to overcome resistance.

-



It is our policy and the law that Deputies should only use the amount of force reasonably necessary to mitigate an incident, make an arrest, overcome resistance, and/or protect themselves or others from harm. To accomplish this you have to take several things into consideration: the suspect's background, the timing of the incident, the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, whether the suspect is actively resisting arrest or attempting to evade arrest by flight, and any other relevant factor which may include, but is not limited to, the number of officers on scene, proximity to potential weapons, personal characteristics of the suspect, the suspect's special knowledge or skills, injury or exhaustion, mental illness or drug use, and environmental factors.

Graham v Conner case law deems that a peace officer only utilize the amount of force that is reasonable. The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. I understand that reasonableness must take into allowance for the fact that officers are forced to make split-second judgments in uncertain, rapidly evolving circumstances. Graham v. Connor considers the interests of three key stakeholders – the constitutional rights of the law-abiding public, the government that has a right to enforce its laws, and the deputy who has an obligation to enforce the law and the right to do so without suffering injury.

In the deployment of the PSD in this situation, I do not see the evidence that shows you met the objective reasonableness standard. You recognized when you got on scene that the driver was speaking unintelligible words. You did not consider that the driver was suffering from mental

illness. You did not use any de-escalation or crisis intervention techniques. Instead of asking questions to justify any use of the PSD, you deployed the PSD to intervene. When the driver exited and tried to pet the PSD, you became alarmed. You ordered the driver to the ground. She then started to comply by taking a knee. You responded by not allowing her to continue with her compliance. You closed the distance and shoved the driver to the ground. As she was lying on her back, one Deputy Sheriff, and four CHP officers immediately came to your aid. The driver was immediately turned onto her stomach. The PSD was loose and was walking around her head area.

The driver was rigid and not immediately compliant with being handcuffed. Deputy Brown controlled the driver's left arm with Officer Johnson. You attempted to gain control over her right arm. Officer Will ultimately gained control over the driver's right arm after several seconds of the arm being pinned under her body. Officer Evans controlled the driver's legs and was later assisted by Officer Maldonado. The preponderance of evidence shows the right arm was controlled and was not an imminent threat or a danger to officers. Despite those circumstances, you regained control over the PSD and ordered the PSD to bite the driver's right arm. The PSD bit the driver below the right elbow.

The evidence indicates that the driver was not violent toward the officers on scene. Her legs were moving, she was tense all over and not compliant with being handcuffed but no officer, besides you, suggests the driver was fighting or violently resisting. All other officers on scene determined that they had control over the driver. There were 16 seconds between the driver being pushed to the ground and the PSD being deployed. It is my determination that you escalated the situation, and the deployment of the PSD was not reasonably necessary due to the overwhelming force of officers on scene. The evidence shows that all six law enforcement officers on scene had control over this incident when the driver was on the ground. The use of the PSD was not justified because the torso, arms and legs were already being controlled.

The initial police report you wrote did not cover all the facts of this case. You failed to document the strikes to her side. Your police report sounded like you were wrestling with the driver alone when the bite was initiated. You wrote after the PSD bit the driver, "At this point, Deputy Brown and four CHP officers were with me attempting to get the suspect handcuffed."

PRIOR PERSONNEL HISTORY

You were hired in November 2015 as a Deputy Sheriff II. You have no documented disciplinary issues in your personnel file. Your evaluations over the past several years have been either satisfactory, exceeds expectations, or outstanding.

LEVEL OF PENALTY

A forty-hour suspension is considered major discipline. The preponderance of evidence shows that [REDACTED] you had an unjustifiable use of force. I believe there are training, policy and supervision issues that are related to your deployment. I do not believe the deployment of the PSD was malicious or unlawful, just not justified under our policy. In maintaining the standards of our department and to the adherence of the Law Enforcement Code of Ethics, our Mission statement, our Values, and Principle, I have to hold you accountable for your actions.

RIGHT TO RESPOND

If you believe imposition of this discipline is inappropriate, you have the right to respond, either verbally or in writing, on or before April 9th, 2021.

You have the right to a pre-disciplinary opportunity (*Skelly* conference). If you desire to exercise this right, you must notify my office within five working days of receipt of this notice, April 9th, 2021. The purpose of the *Skelly* conference is for you to review and discuss the nature of the allegations and offer any additional information as to the factual basis for the findings. You may be represented by legal counsel, or any other individual of your choice.

You also may respond in writing, in addition to, or in lieu of attending a *Skelly* conference. Any such written response must be submitted within five working days of the receipt of this notice. You also have the right to review your personnel file.

Should you choose to respond verbally, you or your designated representative should immediately contact Sheriff Honsal at 707.268.3618 to schedule a meeting. Should you choose to respond in writing, your response should be sent to:

SHERIFF WILLIAM HONSAL
826 4th Street
Ground Floor
Eureka, CA 95501

Your timely verbal or written response will be fully considered before any final action is taken. The response itself (not merely a request to schedule a meeting) must be delivered (as per the above-noted procedure) to me on or before the date and time noted above. Should you choose not to respond by the given deadline, I will act based on what will then be considered as the undisputed facts as stated in this letter.

WARNING AGAINST RETALIATION

This provision is to notify you that it is illegal and inappropriate to retaliate against any person who has participated in complaining or providing information regarding your conduct. You may not in any manner retaliate against any individual who has provided information to the Humboldt County Sheriff's Office regarding your conduct.

I acknowledge receipt of this document.



Maxwell Soeth

4-2-2021

Date

DOCUMENTATION

The documents listed below support this disciplinary action and have previously been provided to your attorney. In addition, I have considered your personnel file in making this disciplinary recommendation. Your personnel file is not attached but may be examined as per HCSO procedures.

Certificate of Completion

Meyer's Police Canine Training

This Certifies that

Maxwell Soeth and K9 Gusto
Of Humboldt County Sheriff's Office

have successfully completed the 200 hour Basic Narcotics/Patrol Handler
Course and are certified as a California POST Service Dog Team

On November 9th, 2018


Training Director




Trainer

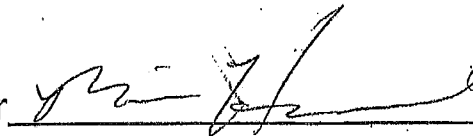
Meyer's Police Canine Training

K-9 Team Evaluation

Name of Agency HCSO

Name of Handler MAX SOETH

Name of K-9 GUSTO

Name of Evaluator 

Equipment Used FLAT/E/PINCH/HARNESS

Date 11-5-2018

Apprehension Test

Critical Tasks: Control, Pursuit, Contact, and Call Off

1. **Apprehension Without Contact** Pass Fail

Control---Pursuit on Command---Call Off without Contact

2. **Apprehension With Contact** Pass Fail

Control---Pursuit on Command---Contact---Call Off

Comments: _____

Meyer's Police Canine Training

K-9 Team Evaluation

Name of Agency HCSO

Name of Handler MAX SOETH

Name of K-9 GUSTO

Name of Evaluator [Signature]

Equipment Used FLAT / E / PINCH / HARNESS

Date 11-5-2018

Handler Protection

Critical Tasks: The dog makes physical contact with aggressor, the dog "calls off" on verbal command, the dog remains under control.

1. Physical Contact

Pass Fail

2. Calls Off

Pass Fail

3. Remains Under Control

Pass Fail

Comments: _____

Meyer's Police Canine Training

Narcotic K-9 Team Evaluation

Name of Agency HCSO

Name of Handler MAX SOETH

Name of K-9 GUSTO

Name of Evaluator [Signature]

Equipment Used FLAT/E/PINCH/HARNESS

Date 11-5-2018

Narcotic Search Test

Critical Tasks: Reasonable Control, Find One of Two Narcotics in each of the three locations.

1. Building Search Pass Fail

Heroin Cocaine Marijuana Meth Other

2. Vehicle Search Pass Fail

Heroin Cocaine Marijuana Meth Other

3. Outside Area Search Pass Fail

Heroin Cocaine Marijuana Meth Other

Comments: _____

Meyer's Police Canine Training

K-9 Team Evaluation

Name of Agency HUMBOLDT COUNTY SHERIFF

Name of Handler MAX SOETH

Name of K-9 GUSTO

Name of Evaluator [Signature]

Equipment Used FLAT / E / PINCH / HARNESS

Date 11-5-2018

Obedience Test

Critical Tasks: Obedience and control of K-9

1. On Leash

Pass Fail

Normal—Fast---Left Turn----Right Turn----About Turn-----

2. Off Leash

Pass Fail

Normal—Fast---Left Turn----Right Turn----About Turn-----

3. Down in Motion

Pass Fail

Down/Stay---Recall---Finish

4. Down from a distance

Pass Fail

Stand/Sit—Sit---Down---Recall---Finish

Distractions: _____

Comments: _____

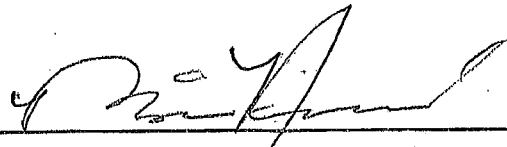
Meyer's Police Canine Training

K-9 Team Evaluation

Name of Agency HCSO

Name of Handler MAX SOETH

Name of K-9 GUSTO

Name of Evaluator 

Equipment Used FLAT / E / PINCH / HARNESS

Date 1-5-2018

Search Test

Critical Tasks: Reasonable Control, Locate Suspect, Signal Recognition

1. Building Search

Pass Fail

Control---Locate---Recognition---Reasonable---Search Time

2. Outdoor Search

Pass Fail

Control---Locate---Recognition---Reasonable---Search Time

Comments: _____

TRAINING AND CONSULTING TEAM

"First-class training for the real world"

THIS CERTIFIES THAT

Maxwell Soeth

Fortuna Police Department

HAS SUCCESSFULLY COMPLETED 16 HOURS OF INSTRUCTION IN

Canine Liability 360

Dates of Instruction: March 17 & 18, 2015

Fresno, California

TAC TEAM

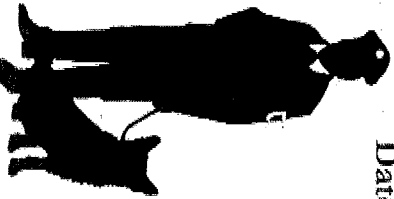
Training and Consulting Team, LLC

P.O. Box 6535 • Pine Mountain Club, CA 95222

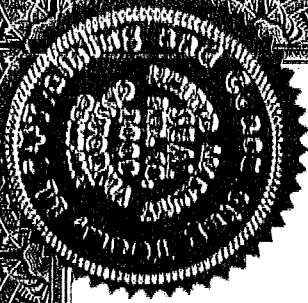
SgtBLewis2@aol.com

TacticalDebriefs.com

TacticalK9USA.com



Bill Lewis II
Bill Lewis II, Instructor



COUNTY OF HUMBOLDT

SEXUAL HARASSMENT POLICY

Sexual harassment is defined as conduct which consists of unwelcome sexual advances, requests for sexual favors and other conduct of a sexual nature when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's continued employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, for example, but not limited to, promotion, assignment, schools, or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

An employee alleging sexual harassment shall follow the grievance procedure outlined in Humboldt County Merit System Rule VIII. Grievances filed under this Article will be processed in an expedited manner. When a complaint involves a person in the employee's chain of command, the grievance process shall be initiated at the next higher level in the chain of command.

Upon receipt of a complaint of sexual harassment at Step 4 of the grievance procedure, the department head shall immediately investigate the circumstances and take whatever action he or she deems to be appropriate and necessary.

Questions regarding the County's Sexual Harassment Policy should be directed to the Personnel Director at 476-2349.

Date: 11-09-2015

Signature: 

(Signed copy to employee, signed original to Training Coordinator)

CERTIFICATE OF COMPLETION

WITTMER-TYSSON IMPORTS, Inc.

of Menlo Park, California



This is to certify that

Max Soeth
va Uranie

has completed the 160-hour

course of patrol dogs

David F. Witmer & Randy Tysson

April 18, 2014

Napa Valley Criminal Justice Training Center

Certificate of Completion Awarded To

Maxwell Soeth

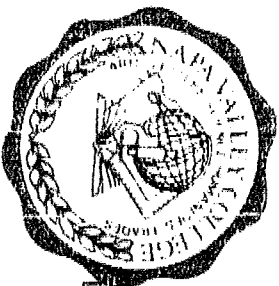
California Commission on Peace Officer Standards and Training

Firearms Instructor

4200-21640-13-002

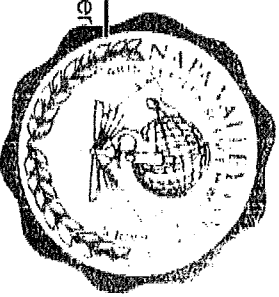
40 Hours

February 24, 2014 through February 28, 2014



Damien Sandoval, Director - Napa Valley College Criminal Justice Training Center

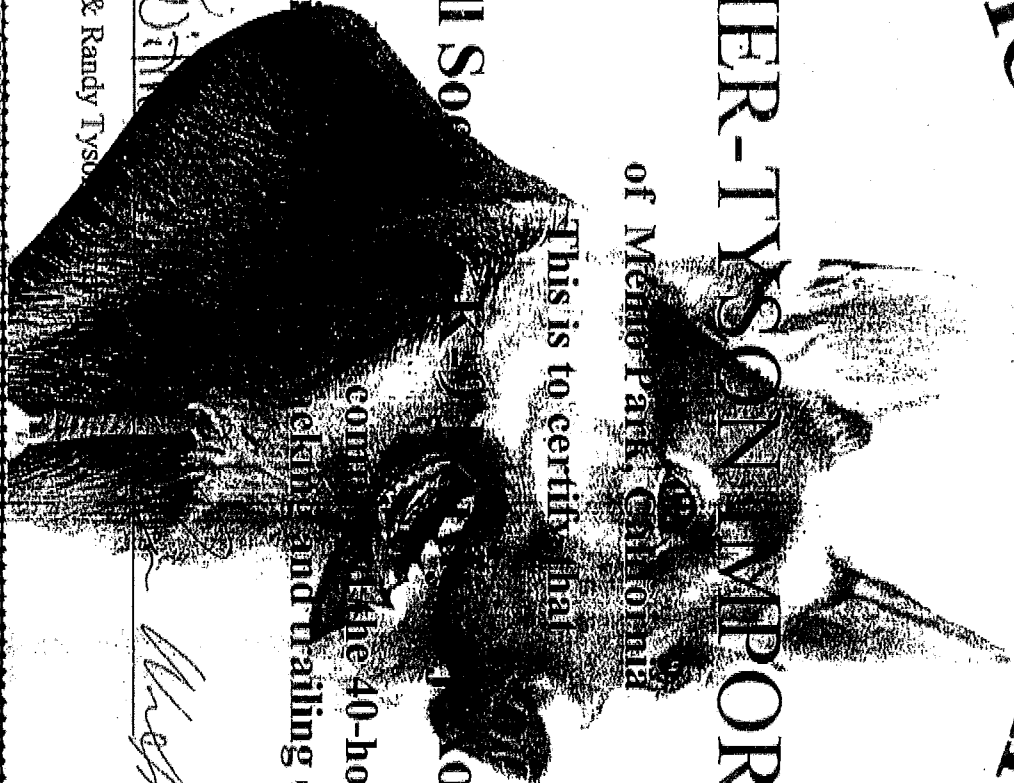
A handwritten signature in cursive script, appearing to read "Damien Sandoval".



CERTIFICATE OF COMPLETION

WITTMER-TYSON IMPORTS, Inc.

of Menlo Park, California



This is to certify that

Maxwell So **Urania**

poli
completing the 40-hour
refrain and training course.

David F. Witmer

David F. Witmer & Randy Tyson

W. Tyson

March 6, 2015

CERTIFICATE OF COMPLETION

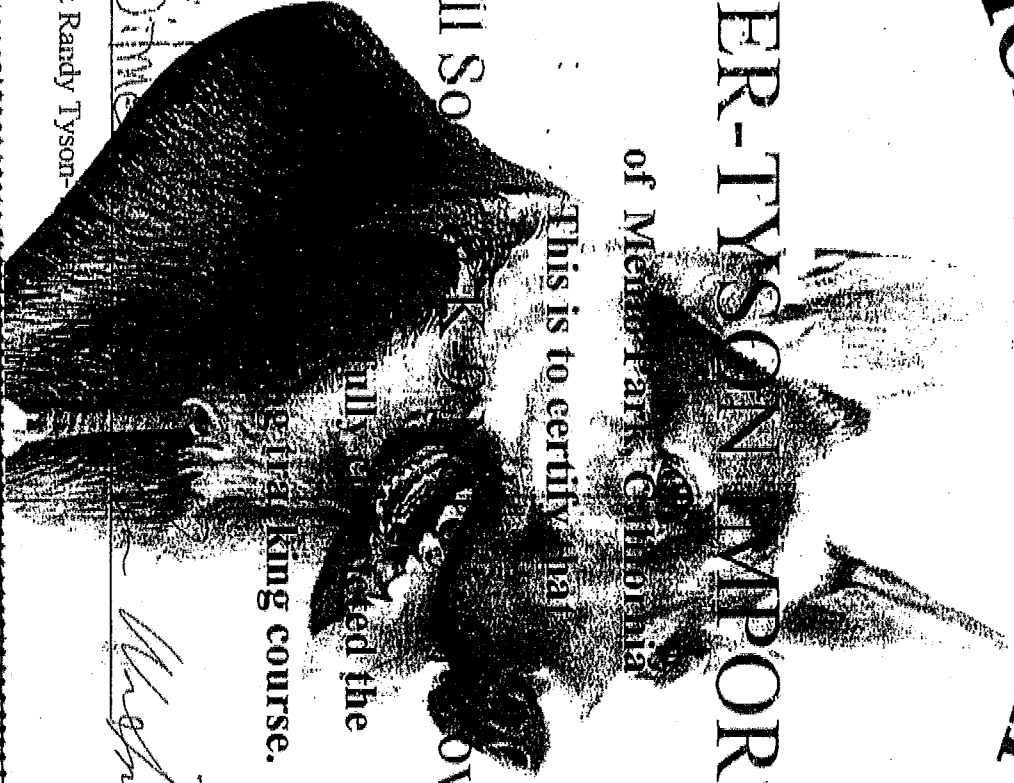
WITTMER-TYSSON IMPORTS, Inc.

of Mendota, California

This is to certify that

Maxwell So
ova Uranie

has successfully completed the
King course.



David F. Witmer

David F. Witmer & Randy Tyson

Witmer

February 27, 2015

Certificate of Completion

Meyer's Police K-9 Training, LLC

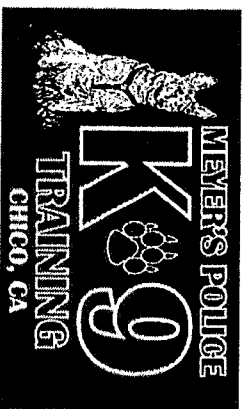
This Certifies that


Max Soeth and K9 Yahtzee
Of Humboldt County Sheriff's Office

have successfully completed the 200 hour Basic Narcotics/Patrol Handler
Course and are certified as a California POST Service Dog Team

On September 27th, 2019


Training Director




Trainer

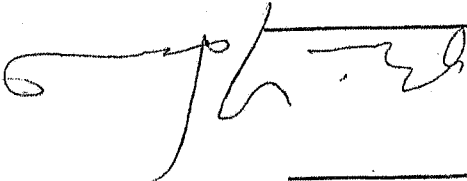
Meyer's Police Canine Training

K-9 Team Evaluation

Name of Agency Humboldt County Sheriff's Office

Name of Handler Max Soeth

Name of K-9 Yahzee

Name of Evaluator Brian Howard


Equipment Used 6' LEAD / HARNESS / FLAT COLLAR / MOUTH

Date 9-19-19

Obedience Test

Critical Tasks: Obedience and control of K-9

1. On Leash
Normal—Fast—Left Turn—Right Turn—About Turn—
Pass X Fail _____

2. Off Leash
Normal—Fast—Left Turn—Right Turn—About Turn—
Pass X Fail _____

3. Down in Motion
Down/Stay—Recall—Finish
Pass X Fail _____

4. Down from a distance
Stand/Sit—Sit—Down—Recall—Finish
Pass X Fail _____

Distractions: _____

Comments: _____

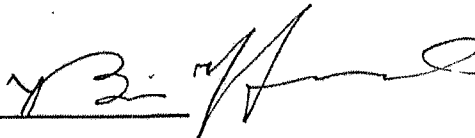
Meyer's Police Canine Training

K-9 Team Evaluation

Name of Agency Humboldt County Sheriff's Office

Name of Handler Max Soeth

Name of K-9 Yabtree

Name of Evaluator BLIAN HOWARD 

Equipment Used PINCH / FLAT / HARNESS

Date 9-19-19

Search Test

Critical Tasks: Reasonable Control, Locate Suspect, Signal Recognition

1. Building Search

Pass Fail

Control---Locate---Recognition---Reasonable---Search Time

2. Outdoor Search

Pass Fail

Control---Locate---Recognition---Reasonable---Search Time

Comments: _____


Meyer's Police Canine Training

K-9 Team Evaluation

Name of Agency Humboldt County Sheriff's Office

Name of Handler Max Soeth

Name of K-9 Yahtzee

Name of Evaluator BRIAN HOWARD 

Equipment Used PINCH / FLAT / HARNESS

Date 9-19-19

Apprehension Test

Critical Tasks: Control, Pursuit, Contact, and Call Off

1. **Apprehension Without Contact** Pass Fail

Control---Pursuit on Command---Call Off without Contact

2. **Apprehension With Contact** Pass Fail

Control---Pursuit on Command---Contact---Call Off

Comments: _____

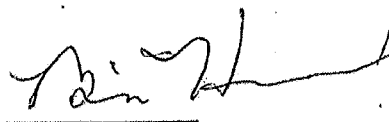
Meyer's Police Canine Training

K-9 Team Evaluation

Name of Agency Humboldt County Sheriff's Office

Name of Handler Max Soeth

Name of K-9 Yahtzee

Name of Evaluator BRIAN HOWARD 

Equipment Used PINCH / FLAT / HARNESS

Date 9-19-19

Handler Protection

Critical Tasks: The dog makes physical contact with aggressor, the dog "calls off" on verbal command, the dog remains under control.

- | | |
|--------------------------|--------------------------|
| 1. Physical Contact | Pass <u>X</u> Fail _____ |
| 2. Calls Off | Pass <u>8</u> Fail _____ |
| 3. Remains Under Control | Pass <u>8</u> Fail _____ |

Comments: _____

Meyer's Police Canine Training

Narcotic K-9 Team Evaluation

Name of Agency Humboldt County Sheriff's Office

Name of Handler Max Soeth

Name of K-9 Yahtzee

Name of Evaluator BRIAN HOWARD



Equipment Used PINCH / FLAT / HARNESS

Date 9-19-19

Narcotic Search Test

Critical Tasks: Reasonable Control, Find One of Two Narcotics in each of the three locations.

1. Building Search

Pass Fail

Heroin ~~NO~~ Cocaine Marijuana Meth Other

2. Vehicle Search

Pass Fail

Heroin Cocaine Marijuana Meth Other

3. Outside Area Search

Pass Fail

Heroin Cocaine Marijuana Meth Other

Comments: _____

Certificate of Completion

Meyer's Police Canine Training

This Certifies that

Max Soeth

Of Humboldt County Sheriff's Office

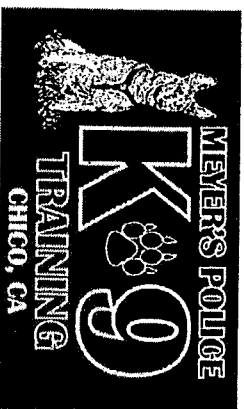
Has successfully completed 8 hours of training in

K-9 Legal Update And Opinions Class

On September 11th, 2019



Instructor Elizabeth Norton



Instructor Brad Meyer



This is to certify that

MAXWELL SOETH

has successfully completed the certification test for

Less Than Full Access Operator

on

June 15, 2019

This certificate is good through

June 15, 2021



HUMBOLDT COUNTY SHERIFF'S OFFICE

WILLIAM F. HONSAL, SHERIFF/CORONER

MAIN STATION

CIVIL/COURTS
(707) 445-7335

826 FOURTH STREET • EUREKA CA 95501-0516
PHONE (707) 445-7251 • FAX (707) 445-7298

CUSTODY SERVICES
(707) 441-5159

K9 Training Log

Handler: M. Soeth

K9: *Gusto YAHITZEE*

Location: *TCSO*

Date: *12-10-19*

Check mark each of the boxes that were completed at this training

1. Building Search

10. Handler Protection

2. Area Search

11. High Find

3. Article Search

12. Gun Fire/Courage

4. Tracking/Trailing

13. Felony Car Stop

5. Obedience

14. Multiple Subjects

6. Agility

15. Running Bite

7. Call Off

16. Crowded Control

8. Call out/Bite

17. Behind Door/Cage

9. Muzzle

18. Other

Controlled Substance Training

Indoor Outdoor Vehicle

Cocaine

Methamphetamine

Heroin

1st Search

Yes No

Yes No

Yes No

*- MISSED W/ TAIL WIND
-> ROADSIDE*

2nd Search

Yes No

Yes No

Yes No

3rd Search

Yes No

Yes No

Yes No

4th Search

Yes No

Yes No

Yes No

5th Search

Yes No

Yes No

Yes No

6th Search

Yes No

Yes No

Yes No

7th Search

Yes No

Yes No

Yes No

8th Search

Yes No

Yes No

Yes No

Proofing

Currency Toys Food Other

Evaluator: *[Signature]* 12-10-19



HUMBOLDT COUNTY SHERIFF'S OFFICE

WILLIAM F. HONSAL, SHERIFF/CORONER

MAIN STATION

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(707) 445-7335

826 FOURTH STREET • EUREKA CA 95501-0516
PHONE (707) 445-7251 • FAX (707) 445-7298

CUSTODY SERVICES
(707) 441-5150

K9 Training Log

Handler: M. Soeth

K9: ~~Gusto~~ YANTZEE

Location: TCSO

Date: 11-12-19

Check mark each of the boxes that were completed at this training

1. Building Search

10. Handler Protection

2. Area Search

11. High Find

3. Article Search

12. Gun Fire/Courage

4. Tracking/Trailing

13. Felony Car Stop

5. Obedience

14. Multiple Subjects

6. Agility

15. Running Bite

7. Call Off

16. Crowed Control

8. Call out/Bite

17. Behind Door/Cage

9. Muzzle OB

18. Other _____

Controlled Substance Training

Indoor Outdoor Vehicle

Cocaine Methamphetamine Heroin

1st Search Yes No

Yes No

Yes No

1-4 = INSIDE

2nd Search Yes No

Yes No

Yes No

3rd Search Yes No

Yes No

Yes No

4th Search Yes No

Yes No

Yes No

EXTASY YES

5th Search Yes No

Yes No

Yes No

6th Search Yes No

Yes No

Yes No

> OUT

7th Search Yes No

Yes No

Yes No

8th Search Yes No

Yes No

Yes No

Proofing

Currency Toys Food Other MARIJUANA INSIDE

Evaluator: B.



HUMBOLDT COUNTY SHERIFF'S OFFICE

WILLIAM F. HONSAL, SHERIFF/CORONER

MAIN STATION

826 FOURTH STREET • EUREKA CA 95501-0516

PHONE (707) 445-7251 • FAX (707) 445-7298

CIVIL/COURTS
(707) 445-7335

CUSTODY SERVICES
(707) 441-5159

K9 Training Log

Handler: M. Soeth

K9: ~~Custo~~ **YAHITZEE**

Location: **WEAVERVILLE**

Date: **10-8-19**

Check mark each of the boxes that were completed at this training

1. Building Search

10. Handler Protection

2. Area Search

11. High Find

3. Article Search

12. Gun Fire/Courage

4. Tracking/Trailing

13. Felony Car Stop

5. Obedience

14. Multiple Subjects

6. Agility

15. Running Bite

7. Call Off **2-SUCCESSFUL 1-FAIL**

16. Crowed Control

8. Call out/Bite

17. Behind Door/Cage

9. Muzzle

18. Other

Controlled Substance Training

Indoor Outdoor Vehicle

Cocaine Methamphetamine Heroin

	Yes	No	Yes	No	Yes	No
1 st Search	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 nd Search	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 rd Search	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 th Search	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 th Search	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 th Search	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 th Search	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 th Search	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Proofing

Currency Toys Food Other

Evaluator:



HUMBOLDT COUNTY SHERIFF'S OFFICE

WILLIAM F. HONSAL, SHERIFF/CORONER

CIVIL/COURTS
(707) 445-7335

MAIN STATION
826 FOURTH STREET • EUREKA CA 95501-0516
PHONE (707) 445-7251 • FAX (707) 445-7298

CUSTODY SERVICES
(707) 441-5150

K9 Training Log

Handler: M. Soeth

K9: ~~Custo~~ **YAHITZEE**

Location: **TCSO**

Date: **10-29-19**

Check mark each of the boxes that were completed at this training

- 1. Building Search
- 2. Area Search
- 3. Article Search
- 4. Tracking/Trailing
- 5. Obedience
- 6. Agility
- 7. Call Off
- 8. Call out/Bite
- 9. Muzzle
- 10. Handler Protection
- 11. High Find
- 12. Gun Fire/Courage
- 13. Felony Car Stop
- 14. Multiple Subjects
- 15. Running Bite
- 16. Crowed Control
- 17. Behind Door/Cage
- 18. Other VERBAL OUTS w/ 2 SUSPECTS

Controlled Substance Training

Indoor Outdoor Vehicle

Cocaine _____ Methamphetamine _____ Heroin _____

1 st Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2 nd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
3 rd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
4 th Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
5 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
6 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
7 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
8 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Proofing

Currency Toys Food Other

Evaluator: **B. O'Shea** 10-29-18
THASING



HUMBOLDT COUNTY SHERIFF'S OFFICE

WILLIAM F. HONSAL, SHERIFF/CORONER

MAIN STATION

CIVIL/COURTS
(707) 445-7335

826 FOURTH STREET • EUREKA CA 95501-0516
PHONE (707) 445-7251 • FAX (707) 445-7298

CUSTODY SERVICES
(707) 441-5159

K9 Training Log

Handler: M. Soeth

K9: YAHTZEE

Location: TCSO.

Date: 12-31-19

Check mark each of the boxes that were completed at this training

- 1. Building Search
- 2. Area Search
- 3. Article Search
- 4. Tracking/Trailing
- 5. Obedience
- 6. Agility
- 7. Call Off
- 8. Call out/Bite
- 9. Muzzle
- 10. Handler Protection
- 11. High Find
- 12. Gun Fire/Courage
- 13. Felony Car Stop
- 14. Multiple Subjects
- 15. Running Bite
- 16. Crowed Control
- 17. Behind Door/Cage
- 18. Other

Controlled Substance Training

Indoor Outdoor Vehicle

Cocaine Methamphetamine Heroin

1 st Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2 nd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
3 rd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
4 th Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
5 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
6 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
7 th Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
8 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Proofing

Currency Toys Food Other MARIJUANA

9: Y-V

10-EXTACY - YES ✓

Evaluator: B. [Signature]



HUMBOLDT COUNTY SHERIFF'S OFFICE

WILLIAM F. HONSAL, SHERIFF/CORONER

CIVIL/COURTS
(707) 445-7335

MAIN STATION
826 FOURTH STREET • EUREKA CA 95501-0516
PHONE (707) 445-7251 • FAX (707) 445-7298

CUSTODY SERVICES
(707) 441-5159

K9 Training Log

Handler: M. Soeth

K9: YAHTZEE

Location: TCSO

Date: 1-14-2020

Check mark each of the boxes that were completed at this training

- 1. Building Search
- 2. Area Search
- 3. Article Search
- 4. Tracking/Trailing
- 5. Obedience
- 6. Agility
- 7. Call Off
- 8. Call out/Bite
- 9. Muzzle
- 10. Handler Protection
- 11. High Find
- 12. Gun Fire/Courage
- 13. Felony Car Stop
- 14. Multiple Subjects
- 15. Running Bite
- 16. Crowed Control
- 17. Behind Door/Cage
- 18. Other

Controlled Substance Training

Indoor Outdoor Vehicle

Cocaine Methamphetamine Heroin

1 st Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2 nd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
3 rd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
4 th Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
5 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
6 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
7 th Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
8 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Proofing

Currency Toys Food Other TOYS (STUFFED ANIMALS)

Evaluator:



HUMBOLDT COUNTY SHERIFF'S OFFICE

WILLIAM F. HONSAL, SHERIFF/CORONER

MAIN STATION

CIVIL/COURTS
(707) 445-7335

826 FOURTH STREET • EUREKA CA 95501-0516
PHONE (707) 445-7251 • FAX (707) 445-7298

CUSTODY SERVICES
(707) 441-5159

K9 Training Log

Handler: M. Soeth

K9: YAHTZEE

Location: TCSO

Date: 2-11-2020

Check mark each of the boxes that were completed at this training

- | | |
|--|--|
| 1. Building Search <input checked="" type="checkbox"/> | 10. Handler Protection <input checked="" type="checkbox"/> |
| 2. Area Search <input type="checkbox"/> | 11. High Find <input checked="" type="checkbox"/> |
| 3. Article Search <input type="checkbox"/> | 12. Gun Fire/Courage <input checked="" type="checkbox"/> |
| 4. Tracking/Trailing <input type="checkbox"/> | 13. Felony Car Stop <input type="checkbox"/> |
| 5. Obedience <input checked="" type="checkbox"/> | 14. Multiple Subjects <input type="checkbox"/> |
| 6. Agility <input checked="" type="checkbox"/> | 15. Running Bite <input type="checkbox"/> |
| 7. Call Off <input checked="" type="checkbox"/> | 16. Crowded Control <input type="checkbox"/> |
| 8. Call out/Bite <input checked="" type="checkbox"/> | 17. Behind Door/Cage <input checked="" type="checkbox"/> |
| 9. Muzzle <input checked="" type="checkbox"/> | 18. Other <input type="checkbox"/> |

Controlled Substance Training

Indoor Outdoor Vehicle

Cocaine Methamphetamine Heroin

1 st Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2 nd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
3 rd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
4 th Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
5 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
6 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
7 th Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
8 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Proofing

Currency Toys Food Other MARIJUANA

Evaluator: B. [Signature]



HUMBOLDT COUNTY SHERIFF'S OFFICE

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MAIN STATION
826 FOURTH STREET • EUREKA CA 95501-0516
PHONE (707) 445-7251 • FAX (707) 445-7298

CUSTODY SERVICES
(707) 441-5159

K9 Training Log

Handler: M. Soeth

K9: YAHTZEE

Location: TCSO

Date: 2-25-2020

Check mark each of the boxes that were completed at this training

- 1. Building Search
- 2. Area Search
- 3. Article Search
- 4. Tracking/Trailing
- 5. Obedience
- 6. Agility
- 7. Call Off
- 8. Call out/Bite
- 9. Muzzle
- 10. Handler Protection
- 11. High Find
- 12. Gun Fire/Courage
- 13. Felony Car Stop
- 14. Multiple Subjects
- 15. Running Bite
- 16. Crowed Control
- 17. Behind Door/Cage
- 18. Other _____

Controlled Substance Training Indoor Outdoor Vehicle

Cocaine Methamphetamine Heroin

1 st Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2 nd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
3 rd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
4 th Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
5 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
6 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
7 th Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
8 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Proofing

Currency Toys Food Other

Evaluator: 2-25-20



HUMBOLDT COUNTY SHERIFF'S OFFICE

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K9 Training Log

Handler: M. Soeth

K9: YAHTZEE

Location: TCSO

Date: 3-10-2020

Check mark each of the boxes that were completed at this training

1. Building Search

10. Handler Protection - IN + OUT OF CAR

2. Area Search

11. High Find

3. Article Search

12. Gun Fire/Courage

4. Tracking/Trailing

13. Felony Car Stop

5. Obedience

14. Multiple Subjects

6. Agility

15. Running Bite

7. Call Off

16. Crowed Control

8. Call out/Bite

17. Behind Door/Cage

9. Muzzle

18. Other Dark Pops / control + SILENT BITE

Controlled Substance Training

Indoor Outdoor Vehicle

Cocaine Methamphetamine Heroin

1 st Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2 nd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
3 rd Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
4 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
5 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
6 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
7 th Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
8 th Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

INDOOR
OUTDOOR

Proofing

Currency Toys Food Other RUBBER GLOVES 9-(M)

Evaluator: 3-10-20 3086

10 - CHINA WHITE (H)
11 - C



HUMBOLDT COUNTY SHERIFF'S OFFICE

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CUSTODY SERVICES
(707) 441-5159

K9 Training Log

Handler: M. Soeth

K9: YAHTZEE

Location: FORUMMA 3 HOURS

Date: 4-8-2020

Check mark each of the boxes that were completed at this training

1. Building Search

10. Handler Protection

2. Area Search

11. High Find

3. Article Search

12. Gun Fire/Courage

4. Tracking/Trailing

13. Felony Car Stop

5. Obedience

14. Multiple Subjects

6. Agility

15. Running Bite

7. Call Off

16. Crowed Control

8. Call out/Bite

17. Behind Door/Cage

9. Muzzle

18. Other DOOR-POP / SLIP SLEEVE / HIDDEN SLEEVE

Controlled Substance Training

Indoor Outdoor Vehicle

Cocaine Methamphetamine Heroin

	Cocaine	Methamphetamine	Heroin
1 st Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2 nd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
3 rd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
4 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
5 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
6 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
7 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
8 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Proofing

Currency Toys Food Other

Evaluator: NONE; ESGET AND I ONLY PER LT. MUSSON.

COVID-19



HUMBOLDT COUNTY SHERIFF'S OFFICE

WILLIAM F. HONSAL, SHERIFF/CORONER

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826 FOURTH STREET • EUREKA CA 95501-0516
PHONE (707) 445-7251 • FAX (707) 445-7298

CUSTODY SERVICES
(707) 441-5159

K9 Training Log

Handler: M. Soeth

K9: YAHTZEE

Location: FORTUNA TRAP CLUB 3.5 HRS Date: 4-15-2020

Check mark each of the boxes that were completed at this training

- 1. Building Search
- 2. Area Search
- 3. Article Search
- 4. Tracking/Trailing
- 5. Obedience
- 6. Agility
- 7. Call Off
- 8. Call out/Bite
- 9. Muzzle
- 10. Handler Protection
- 11. High Find
- 12. Gun Fire/Courage
- 13. Felony Car Stop
- 14. Multiple Subjects
- 15. Running Bite
- 16. Crowed Control
- 17. Behind Door/Cage
- 18. Other LONG LINE "WATCH HIM" COMMAND

Controlled Substance Training
Indoor Outdoor Vehicle

	<u>Cocaine</u>	<u>Methamphetamine</u>	<u>Heroin</u>
1 st Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2 nd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
3 rd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
4 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
5 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
6 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
7 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
8 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Proofing
Currency Toys Food Other

Evaluator: [Signature] 4-15-20



HUMBOLDT COUNTY SHERIFF'S OFFICE

WILLIAM F. HONSAL, SHERIFF/CORONER

MAIN STATION

CIVIL/COURTS
(707) 445-7335

826 FOURTH STREET • EUREKA CA 95501-0516
PHONE (707) 445-7251 • FAX (707) 445-7298

CUSTODY SERVICES
(707) 441-5150

K9 Training Log

Handler: M. Soeth

3 HRS

K9: YAHTZEE

Location:

FORTUNA TRAP/AIRPORT

Date:

4-28-2020

Check mark each of the boxes that were completed at this training

1. Building Search

10. Handler Protection

2. Area Search

11. High Find

3. Article Search *3*

12. Gun Fire/Courage

4. Tracking/Trailing

13. Felony Car Stop

5. Obedience

14. Multiple Subjects

6. Agility

15. Running Bite

7. Call Off

16. Crowed Control

8. Call out/Bite

17. Behind Door/Cage

9. Muzzle

18. Other *LEG WORK*

Controlled Substance Training

Indoor Outdoor Vehicle

Cocaine Methamphetamine Heroin

1 st Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2 nd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3 rd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
4 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
5 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
6 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
7 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
8 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Proofing

Currency Toys Food Other

Evaluator: *none*
m/ES 6/07



HUMBOLDT COUNTY SHERIFF'S OFFICE

WILLIAM F. HONSAL, SHERIFF/CORONER

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826 FOURTH STREET • EUREKA CA 95501-0516
PHONE (707) 445-7251 • FAX (707) 445-7298

CUSTODY SERVICES
(707) 441-5159

K9 Training Log

Handler: M. Soeth

K9: YAHTZEE

Location: TCSO

Date: 5-12-2020

Check mark each of the boxes that were completed at this training

1. Building Search

10. Handler Protection

2. Area Search

11. High Find

3. Article Search

12. Gun Fire/Courage

4. Tracking/Trailing

13. Felony Car Stop

5. Obedience

14. Multiple Subjects

6. Agility

15. Running Bite

7. Call Off

16. Crowed Control

8. Call out/Bite

17. Behind Door/Cage

9. Muzzle

18. Other _____

Controlled Substance Training
Indoor Outdoor Vehicle

Cocaine Methamphetamine Heroin

1 st Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2 nd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3 rd Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
4 th Search	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
5 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
6 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
7 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
8 th Search	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Proofing 9

Currency Toys Food Other

10 - mott

Evaluator:

[Signature] 5-12-20

Gregory Tawney
3801 Murphy Ranch Rd
Placerville, Ca 95667
(916) 802-8264

Gregg has been involved in police dog training for twenty-eight years. He has handled four different dogs as a police K-9 handler and has been a K-9 Sergeant and a K-9 Lieutenant. He has been a SWAT team member, SWAT team leader and a Tactical Commander.

Gregg has had the opportunity to train with the Dutch police as well as numerous KNPV clubs throughout the Netherlands. Gregg has taught classes on marker training and the importance of positive reinforcement at K-9 Conferences across the country.

Gregg has trained dogs for over twenty law enforcement agencies throughout Northern California. He is a certifying official for P.O.S.T. (Peace Officers Standards and Training). In addition, Gregg is a Judge and certifying official for W.S.P.C.A. (Western States Police Canine Association). Gregg has been recognized as a subject matter expert and was selected as a consultant for P.O.S.T. for the newly revised State of California K-9 Evaluation guidelines.

Current Police K-9 Trainer for following Law Enforcement Agencies:

Placer County Sheriff's Department
Elk Grove Police Department
Citrus Heights Police Department
Folsom Police Department (Patrol and EOD K9s)
Pleasanton Police Department
Amador County Sheriff's Department
South Lake Tahoe Police Department
Sutter County Sheriff's Department
Nevada Couth Sheriff's Department
Yuba City Police Department
Marysville Police Department
Grass Valley Police Department
Pittsburg Police Department (Patrol and EOD K9s)
Antioch Police Department
Union City Police Department
Napa Police Department
San Ramon Police Department
Pleasant Hill Police Department

Experience

1991 – 1996 Trained under Heinz Peters
1995 – 1998 Trained under Brian Mowry (Current K-9 trainer for Secret Service)
1996 Founded Diensthunde of Greater Sacramento (D.O.G.S.)
1996 – 2006 Trainer for NAPD / PSA clubs (earned several NPL and PSA titles)
1997 – 1999 Police K-9 Handler for City of Rio Vista
2001 – 2005 Police K-9 Handler for City of Placerville
2002 – 2006 SWAT team Leader for Foothills Integrated Regional SWAT team
2003 – 2006 Police K-9 Supervisor for City of Placerville (K-9 Sergeant / Lieutenant)
2006 – 2016 Police K-9 Handler/Trainer for the City of Elk Grove
2017 – 2018 Police K-9 Sergeant for the City of Elk Grove

Handler Accomplishments

1998 Overall highest team score at the Art O'Keefe K-9 Invitational with K-9 Max
1999 Sacramento Police K-9 Trial Top team award / 1st place obedience with K-9 Max
2004 CHP K-9 Challenge / 1st Place Narcotics (Building search) with K-9 Rebel
2007 Desert Dog Competition (Arizona) / 1st place Tactical Challenge with K-9 Rombo
2008 Folsom Police K-9 Trial 1st place Overall Narcotics with K-9 Rombo
2008 Capitol K-9 Challenge / 1st place Narcotics (Vehicle search) with K-9 Rombo
2010 Modesto K-9 Trial / 1st place Overall Narcotics with K-9 Rombo
2011 Top Dog award for TAC DOGS training camp in Colorado with K-9 Rombo
2013 Western States Police Canine Assoc. / Top Dog / Top Competitor with K-9 Rango
2014 Western States Police Canine Assoc. / Top Dog / Top Competitor with K-9 Rango

Training Accomplishments

1995 Decoy for the California Police Olympics
1997 Western States Police Canine Assoc. Decoy
1999 California P.O.S.T. K-9 Team Evaluator
2000 Pro Trainer for Tri-tronics
2004 U.C. Davis Appreciation award for assisting with K-9 Unit
2006 Western States Police Canine Assoc. Judge
2007 Recognized as subject matter expert by California P.O.S.T. / Consultant for P.O.S.T. on K9 training DVD that was distributed to law enforcement agencies
2010 Certified as Judge for SDA (Service Dogs of America)
2010 Vice President of the WSPCA (Western States Police Canine Assoc)
2011 Trainer of Top Team (Yuba County S.O.) for the Western States Police Canine Assoc
2012 TAC Dogs Instructor
2013 Selected as a consultant by P.O.S.T. to assist in revising the K-9 Evaluation Guidelines

2018 Instructor at Western States Police Canine Conference in Reno

2018 Trainer for Top Team (Yuba City PD) for the Western States Police Canine Assoc.

2018 Owner and Host of "Police K-9 Radio" Podcast

2019 Instructor at the California Narcotics Canine Assoc Conference in Palm Springs

2019 Instructor at the Los Angeles Police Canine Conference in Torrence