INTERNAL AFFAIRS INVESTIGATION AUDIT

CASE INFORMATION	
Complainant Name(s)	[redacted]
Case Nos.	20-IA-0002 20-C-0007
Type of Investigation	Excessive Use of Force; Illegal Search; Bias-Based Policing; [redacted]
Incident Date	April 4, 2020
Date/Origin of Complaint(s)	April 6, 2020 (SCSO) April 10, 2020 (IOLERO) April 15, 2020 (IOLERO) April 29, 2020 (IOLERO)
Date IA Sent to IOLERO	April 7, 2021
Date Preliminary Audit Returned to SCSO	November 23, 2022
Date Audit Becomes Final if SCSO Provides No Response	December 14, 2022

TABLE OF CONTENTS

SUMMARY

This Audit reviews an investigation and findings made by the Sonoma County Sheriff's Office (SCSO) regarding the actions of several SCSO officers and employees in connection with the arrest of Jason Anglero-Wyrick and his girlfriend Naustachia Green in Graton, California on April 4, 2020.

The incident involved use of a Taser and K-9 against Mr. Anglero-Wyrick, and resulted in multiple Complaints concerning officers' and SCSO employee's compliance with SCSO policy on (i) use of force (ii) deployment of a K-9 and Taser; (iii) use of Body Worn Cameras ("BWC"); (iv) search of property; (v) [redacted]; and (vi) bias-based policing.

The resulting record is complex and SCSO's Internal Affairs Unit ("IA") issued two reports – a 94-page report and a 13-page report (referred to collectively herein as "IA Report") – concluding that some SCSO policies had been violated while other policies had not.

As discussed below:

1. [redacted]

2. We **AGREE** the record supports a finding that specific SCSO officers **VIOLATED BODY WORN CAMERA POLICY**. However, we further conclude that the record shows broader issues of non-compliance than what the IA Report identified that undermines the integrity of SCSO's investigatory process. Accordingly, the investigation on this issue was **INCOMPLETE**.

3. We **AGREE** the record supports a finding that Taser deployment against Mr. Anglero-Wyrick is consistent with **SCSO USE OF FORCE AND TASER POLICY** and that the deputy should be **EXONERATED**.

4. We **AGREE** that the record supports a finding that the force used to detain Ms. Green is consistent with **SCSO USE OF FORCE POLICY** and that the officers involved with that detention should be **EXONERATED**.

5. We **AGREE** that the record supports a finding that the search of the property as a condition of parole was consistent with **SCSO SEARCH POLICY** and that the involved officers should be **EXONERATED**.

6. We **AGREE** that the record supports a finding that SCSO's response to the incident is consistent with **SCSO BIAS-BASED POLICING POLICY** and the officers and employees involved should be **EXONERATED**.

7. We **DISAGREE** that the record supports a finding that deployment of the K-9 against Mr. Anglero-Wyrick is consistent with **SCSO CANINE POLICY**, and conclude that on the current record the deputy **LIKELY VIOLATED POLICY** in deploying the K-9.

8. We conclude that the investigation was **INCOMPLETE** on a number of additional policies as identified throughout the Audit.

MATERIALS REVIEWED

A list of materials reviewed in connection with this Audit is set forth in **APPENDIX A**.

FACTUAL BACKGROUND

I. THE 9-1-1 CALL

At 4:42 p.m. on April 4, 2020, [redacted], a resident of [redacted], called 9-1-1 reporting that Jason Anglero-Wyrick, accompanied by a female, had come to his home and pointed a gun at him. [redacted] told Dispatch that Mr. Anglero-Wyrick had just left in a white Dodge Durango or pickup truck. [redacted] could not identify the type of weapon. Dispatch relayed to SCSO officers that Mr. Anglero-Wyrick was the suspect [redacted]. In fact, Mr. Anglero-Wyrick [redacted] was on parole [redacted].

Deputy Phil Brazis arrived at [redacted] home. After questioning him, Dep. Brazis informed Dispatch that [redacted] was not sure if he saw a gun, and Dispatch updated officers that Mr. Anglero-Wyrick "may" have a gun. [redacted] eventually conceded that he could not say that it was Mr. Anglero-Wyrick who drove by his home or that the person had a gun. Several minutes *after* Mr. Anglero-Wyrick had been taken into custody, Sgt. Kelly Burris radioed that [redacted] could not identify the suspect and there was no brandishing-a-gun charge against Mr. Anglero-Wyrick, which Dispatch relayed to SCSO officers.

Ultimately the story emerged that [redacted] and Mr. Anglero-Wyrick had an ongoing personal dispute. Earlier that day Mr. Anglero-Wyrick's girlfriend, Naustachia Green, and his mother, [redacted], saw someone they say was either [redacted] or someone associated with his household drive past their Graton home and throw a soda bottle onto their parked vehicle. Ms. Green and [redacted] drove back to [redacted] home to return it. It appears that what [redacted] saw, and what he called 9-1-1 about, was Ms. Green and [redacted] returning the bottle. [redacted] simply *assumed* it was Mr. Anglero-Wyrick and *assumed* that he had a gun.

However, this fuller story was not known to SCSO officers who responded to Mr. Anglero-Wyrick's home based on the original 9-1-1 call. The latest information at that time was that Mr. Anglero-Wyrick had been to [redacted] home and that he "may" have brandished a gun. By the time Dispatch reported there was insufficient evidence to support this claim, SCSO officers had already engaged, and used force to arrest, Mr. Anglero-Wyrick and Ms. Green.

II. SCSO OFFICERS' RESPONSE TO 9-1-1 CALL

A. Initial Contact at Mr. Anglero-Wyrick's Home

Responding to the initial 9-1-1 call, several SCSO officers arrived at Mr. Anglero-Wyrick's home, including Dep. Jeremy Jucutan and his K-9 named "Vader", Dep. William

Mahoney, Dep. Nicholas Miller, Dep. Tyler Villeggiante and Patrol Supervisor Sergeant Brian Parks.

Dep. Mahoney arrived at the rear of the property and asked Ms. Green and [redacted] where Mr. Anglero-Wyrick was. [redacted] stated he was inside asleep and questioned why the deputy was there. Dep. Mahoney stated it was about an incident that just happened, and [redacted] said that Mr. Anglero-Wyrick did not know anything about it. (Mahoney BWC 0:30–3:34).[1]

Dep. Tyler Villeggiante then arrived at the front of the property facing [redacted] Road. Mr. Anglero-Wyrick and Ms. Green emerged through a gateway in a fence surrounding the property, and Dep. Villeggiante pointed his firearm and ordered Mr. Anglero-Wyrick to lay on the ground. Mr. Anglero-Wyrick stepped back through the gateway into the yard and Ms. Green stood in the gateway with her arms extended to her side asking "For what?" Dep. Villeggiante again ordered Mr. Anglero-Wyrick to get on the ground and shouted "Jason, come here, man." By this point, Dep. Jucutan, Dep. Miller, and Sgt. Parks had arrived. Mr. Anglero-Wyrick came through the gateway, moved around Ms. Green, began shouting at the officers and aggressively walked about waving his arms. (Villeggiante BWC 0:30–1:00; Jucutan BWC # 1 0:30–0:52).[2]

Deputy Jucutan stood with his K-9 approximately 10-15 feet away from Mr. Anglero-Wyrick and Ms. Green; Deputy Miller, pointing his Taser at Mr. Anglero-Wyrick, stood to the right of a large tree that was between him and Dep. Jucutan; Sgt. Parks and Dep. Villeggiante stood to Dep. Jucutan's front left approximately 8 feet from Ms. Green and Mr. Anglero-Wyrick. (Villeggiante BWC 0:30–1:00; Jucutan BWC # 1 0:30–0:52; SCSO Community Briefing Video 5:43–5:45).[3]

B. Deputies' Use of Taser and K-9 on Mr. Anglero-Wyrick

Sgt. Parks approached Ms. Green and as he tried to grab her right arm she dodged him. At that moment Dep. Miller discharged his Taser without prior announcement, striking Mr. Anglero-Wyrick who immediately turned to his right and fell to the ground. Ms. Green was still standing in front of Mr. Anglero-Wyrick and Dep. Villeggiante pulled her out of the way. (Villeggiante BWC 1:00–1:08; Jucutan BWC # 1 0:57–1:00; SCSO Community Briefing Video 5:43–5:47).

Prior to Taser discharge, Dep. Jucutan remained with the K-9 about 10-15 feet from Mr. Anglero-Wyrick. After Mr. Anglero-Wyrick was Tased and fell, Dep. Jucutan began walking the K-9 towards him. When Dep. Villeggiante pulled Ms. Green out of the gateway, Dep. Jucutan walked the K-9 further in and finally released the dog when it was approximately 18 inches away from Mr. Anglero-Wyrick's right leg. (Jucutan BWC # 1 0:54–1:00; SCSO Community Briefing Video 5:43–5:49).

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[1] Body Worn Camera video is cited by the officer's name and elapsed time on the video of the referenced event (minutes : seconds).

[2] Mr. Anglero-Wyrick's change to a more aggressive stance may have been triggered by Sgt. Parks' directive that he get on the ground and crawl towards the officers. Sgt. Parks and Mr. Anglero-Wyrick knew each other from prior encounters.

[3] Dep. Jucutan stated in his report that he was approximately "10-15 *yards*" away from Mr. Anglero-Wyrick and Ms. Green. Based on BWC video, this distance is more likely 10-15 *feet*.

The K-9 locked onto Mr. Anglero-Wyrick's right calf as he placed both hands behind his back. Dep. Jucutan intentionally kept the K-9 locked onto Mr. Anglero-Wyrick for approximately 27 seconds until Dep. Mahoney placed handcuffs on him. (Jucutan BWC # 1 0:59– 1:25; SCSO Community Briefing Video 5:48–6:14).

Dep. Jucutan was then unable to disengage the K-9. For the next 63 seconds, Dep. Jucutan repeated verbal commands, lifted the K-9 by the collar and activated an electrical shock in the collar until the K-9 finally released its bite and medical personnel treated Mr. Anglero-Wyrick. (Jucutan BWC # 1 1:25–2:29; SCSO Community Briefing Video 6:14–7:17). The K-9 inflicted a significant injury to Mr. Anglero-Wyrick's right calf.

Mr. Anglero-Wyrick was charged with resisting arrest and obstructing a peace officer. Ms. Green was charged with obstructing a peace officer and battery on a peace officer. Charges against both were ultimately dismissed.

C. Dep. Mahoney Points Taser at Witnesses / Mr. Anglero-Wyrick's Head

Prior to handcuffing Mr. Anglero-Wyrick, Dep. Mahoney told [redacted] and [redacted] (daughter of Mr. Anglero-Wyrick and Ms. Green) to stay back. Both were standing in the yard a few feet from Mr. Anglero-Wyrick, and [redacted] was recording the incident with her cell phone.

After Mr. Anglero-Wyrick was handcuffed, [redacted] yelled for the K-9 to be taken off. Dep. Mahoney pointed his Taser directly at [redacted] and [redacted] continuously for 18 seconds while telling them to stay back. When Mr. Anglero-Wyrick looked up as Dep. Jucutan unsuccessfully tried to release the K-9, Dep. Mahoney pointed the Taser approximately 18-20 inches away from, and directly at, Mr. Anglero-Wyrick's face and head for approximately 4 seconds, telling him to place his face toward the ground. Dep. Mahoney then pointed his Taser back at [redacted] and [redacted] for another 33 seconds while Dep. Jucutan continued unsuccessful attempts to release the K-9. Dep. Mahoney withdrew his Taser only when his view of [redacted] and [redacted] was blocked by Dep. Miller. (SCSO Community Briefing Video 6:14–7:17).[4]

D. Detention of Ms. Green

When Ms. Green and Mr. Anglero-Wyrick appeared at the gateway in the fence Ms. Green stood in front of Mr. Anglero-Wyrick with her arms out as deputies ordered Mr. Anglero-Wyrick to get on the ground. Ms. Green stayed in that blocking position throughout this initial encounter telling the deputies that Mr. Anglero-Wyrick had done nothing wrong and questioning why they were trying to detain him. Sgt. Parks approached Ms. Green and she dodged his attempt to grab her arm. (Villeggiante BWC 0:30–1:04).

When Mr. Anglero-Wyrick was hit with the Taser and fell, Dep. Villeggiante grabbed Ms. Green's arm and pulled her out of the way. Ms. Green fell into a sitting position facing Mr. Anglero-Wyrick and resisted the deputies. Dep. Villeggiante and Sgt. Parks moved Ms. Green onto her chest and held on to her hands telling her to place them behind her back. Ms. Green continued to resist. Sgt. Parks placed Ms. Green's legs into a "Figure Four" restraint and Dep. Villeggiante secured Ms. Green with handcuffs. While in this position, Ms. Green continued to protest that Mr. Anglero-Wyrick had done nothing wrong and that the officers

[4] During this exchange, Dep. Mahoney also forcibly stepped on Mr. Anglero-Wyrick's left ankle which he raised off the ground due to the K-9 bite and pulling of his right calf and Dep. Jucutan's unsuccessful efforts to disengage it.

were "out of line." Ms. Green stated that they did not understand that they had been attacked by people, were being harassed, and a person threw a bottle at her car. (Villeggiante BWC 1:04–3:23; Parks BWC # 1 0:01–1:48).

Ms. Green then told Dep. Villeggiante "you know that I'm pregnant" and later stated that the officers were "killing" her child. (Villeggiante BWC 3:23; 3:43–3:45; 4:46–4:54).

Dep. Villeggiante and Sgt. Parks told Ms. Green they would let her up if she did not resist and they moved her into a sitting and then a standing position. (Villeggiante BWC 5:25–5:31). Dep. Villeggiante and Dep. Mahoney then led Ms. Green (over her protests) to a patrol vehicle. Ms. Green refused to get into the vehicle. Dep. Mahoney told her to stop resisting, pinned her back against the vehicle and then pushed her through the open door into the backseat and closed the door. (Villeggiante BWC 5:36).

E. Sgt. Parks and Dep. Negri Deactivate BWCs When Preparing for Property Search

After Mr. Anglero-Wyrick and Ms. Green were handcuffed, Sgt. Parks stood near Mr. Anglero-Wyrick as he received medical assistance and informed deputies "we might need a warrant, but we want to make sure that we clear because we're going to be looking for a weapon here". Dep. Negri was standing next to Sgt. Parks when he stated this, and Sgt. Parks motioned with his hand for Dep. Negri to come with him as he walked to the space between the large tree and the fence. When Dep. Negri came over, Sgt. Parks placed his hand over his BWC unit and Dep. Negri did the same, blocking video. This also blocked audio on Dep. Negri's BWC. (Parks BWC # 1 5:55–6:18; Negri BWC # 1 5:45–6:14).[5]

However, Sgt. Parks' hand appears to have missed the BWC microphone and he can be heard stating to Dep. Negri "Do me a favor and call [west beat]. Let's work on PC. All I got is a 417 [brandishing a weapon]." Dep. Negri replied "Ok." Sgt. Parks and Dep. Negri then removed their hands from their BWCs, resuming video and audio recording. (Parks BWC # 1 6:18–6:29; Negri BWC # 1 6:14). [6]

Dep. Negri then immediately walked to his patrol car and once inside deactivated his BWC. (Negri BWC # 1 6:15–6:53). In the meantime, Sgt. Parks reiterated to deputies that they had to clear the area to conduct the search. Sgt. Parks then informed [redacted] that they would be searching the property over her objection that SCSO had no warrant, with Sgt. Parks eventually telling her "we're getting a warrant. We're going to get a warrant. We're going to get a warrant, ok? We're going to get a warrant." (Parks BWC # 1 6:30–10:01).

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[5] The video lens on the Axon BWC unit is located on the front in the upper right corner of the unit, and the microphone for recording audio is a pin hole located on the front of the unit directly to the upper right of the "event" button used to activate/deactivate recording.

[6] The Investigator interpreted Sgt. Parks as referring to "west beat deputies", meaning Dep. Brazis and Dep. Martinez-Ordaz who were interviewing [redacted]. Based on our review, Sgt. Parks could be saying "westgate" instead of "west beat"—the audio quality is not conclusive. What is clear is that Sgt. Parks was requesting Dep. Negri locate additional probable cause to search the property, and in this context reference to the "west beat" officers interviewing [redacted] is a reasonable interpretation of Sgt. Parks' statement.

F. No Probable Cause for Brandishing a Gun and More BWC Deactivation by Sgt. Parks and Dep. Negri

Dep. Negri left his vehicle, returned to where Mr. Anglero-Wyrick was being treated and reactivated his BWC which had been deactivated for 3:00 minutes. (Negri BWC # 2 0:30).[7]

As Mr. Anglero-Wyrick was placed on a gurney, Sgt. Parks walked to the street edge and stood a few feet from Dep. Negri. The following communication then came over the radio:

> SAM 16 [Sgt. Burris]: At this time the victim cannot identify who the suspects were or are, and at this time we have a negative 417 in line with, um, the RP is saying.
>
> Dispatch: Copy. The victim cannot identify who the suspects were, are, and negative 417 based on what the RP is saying.

Both Dep. Negri and Sgt. Parks heard the broadcast, and Dep. Negri immediately walked to Sgt. Parks asking "Did you hear that last 4-1-1?" to which Sgt. Parks replied "Yeah."[8] (Parks BWC #1 11:45–12:12; Negri BWC # 2 2:20–2:32). Dep. Negri kept walking past Sgt. Parks, pulled out a cell phone and again deactivated his BWC. Dep. Negri's second BWC video had been activated for 2:10.[9] (Negri BWC # 2 2:32–2:40).

After watching Mr. Anglero-Wyrick being placed in the ambulance, Sgt. Parks walked inside the yard and spoke with Dep. Jucutan about who was in the house. Sgt. Parks said "We had a, a, alright, I'll talk to you in a second" and he walked back outside the fence where Dep. Negri (his BWC still deactivated) can be seen speaking on his cell phone. (Parks BWC # 1 14:00–15:13).

About 30 seconds later, Sgt. Parks walked over to Dep. Negri (who no longer was on his phone) and asked Dep. Negri "Want me to go off?" and Dep. Negri replied "yeah let's go off." Sgt. Parks then deactivated his BWC (Dep. Negri's BWC was still deactivated). (Parks BWC # 1 15:35–15:46).

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[7] Sgt. Parks' initial BWC video time stamp was 16 seconds ahead of Dep. Negri's time stamp (*e.g.*, 6:16 on Sgt. Parks' BWC corresponded to 6:00 on Dep. Negri's BWC). Dep. Negri deactivated his BWC at the 7:09 mark on Sgt. Parks' BWC (6:53 on Dep. Negri's unit), and he reactivated just as he walked past a garbage bin at the 10:09 mark on Sgt. Parks' BWC (0:30 on Dep. Negri's unit). Thus Sgt. Parks' BWC shows Dep. Negri's BWC was deactivated for 3:00 (7:09 to 10:09 on Sgt. Parks' BWC).

[8] Dep. Jucutan's BWC video time stamp was 1:25 ahead of Sgt. Parks BWC time stamp (*e.g.*, 14:00 on Sgt. Parks' BWC corresponded to 15:25 on Dep. Jucutan's BWC. The dispatch can be heard on Dep. Jucutan's radio at the 13:10–13:30 mark of his BWC, which corresponds to the 11:45–12:05 mark on Sgt. Parks' BWC.

[9] The BWC retains 30 seconds of soundless "buffer mode" video recorded just prior to activation. Accordingly, a deputy's activation of the BWC is noted at the 30 second mark of the BWC video.

G. The Property Search

After speaking with Dep. Negri, Sgt. Parks reactivated his BWC and walked towards the ambulance, while Dep. Negri walked into the yard where he reactivated his BWC. (Parks BWC # 2 0:01–0:50; Negri BWC # 3 0:30).

Inside the yard, Dep. Negri spoke with [redacted] about searching the house while Sgt. Parks went to Mr. Anglero-Wyrick's white truck and felt the hood. (Parks BWC # 2 0:50–3:00; Negri BWC # 3 0:55–2:45). Dep. Negri then walked into the main house followed by Sgt. Parks who told deputies inside "So, we gotta search this for a gun. His car is warm. He's been driving it for sure. As you heard, the victim's uncooperative now so he doesn't want the prosecution, from my understanding. So, let's, we gotta search the car. He's on parole. Search here. We'll search this [pointing to outside shed where Mr. Anglero-Wyrick was staying]. See if we can find something." (Parks BWC # 2 3:00–4:02; Negri BWC # 3 2:45–3:41).

Sgt. Parks and Dep. Negri then searched Mr. Anglero-Wyrick's detached room. (Parks BWC # 2 4:50–8:50; Negri BWC # 3 3:34–9:30). When finished, Sgt. Parks walked back to the white Dodge pickup. (Parks BWC # 2 10:50–12:35). Dep. Negri stayed behind and spoke with [redacted] briefly and then followed Sgt. Parks to the vehicle. (Negri BWC # 3 10:00–11:20).[10]

They both then returned to where [redacted] was sitting. (Parks BWC # 2 12:35–13:40; Negri BWC # 3 11:20–13:00). [redacted] told Dep. Negri about her and [redacted] having driven the white Dodge to [redacted] home to return garbage that had been thrown at their house. (Negri BWC # 3 13:50–28:05).

While Dep. Negri spoke with [redacted], Sgt. Parks continued searching outside. Dep. Alan Collier told Sgt. Parks "my guess is he brought it inside" or hid it in the grass, in apparent reference to the gun for which they were searching, and Sgt. Parks responded "or he ditched it completely. I know the last time we had a 417 here with a rifle, we searched pretty darn good everywhere, and we were just looking for a rifle too, and we couldn't find it and then three weeks later, he's arrested with a rifle. So, he's ditching it somewhere". (Parks BWC # 2 13:40–14:36).

H. Sgt. Parks and Dep. Jucutan Deactivate Their BWCs

Sgt. Parks then walked to the front of the property where medical personnel were picking up equipment. Dep. Jucutan asked Sgt. Parks "Are we doing a search warrant?" and Sgt. Parks said they were doing a parole search. Sgt. Parks then pointed to the road and told Dep. Jucutan "Um, I'll talk to you real quick. Just go off for a second." They both walked into the road and deactivated their BWCs. (Parks BWC # 2 14:40–15:45; Jucutan BWC # 1 33:55–34:15).

[10] Dep. Negri listened to [redacted] as she complained about the SCSO response. He told her he arrived afterward and did not know what precipitated the SCSO response, that deputies' BWCs "have been activated this whole time", and that "mine's on right now."

After speaking off-camera, Sgt. Parks and Dep. Jucutan reactivated their BWCs and recorded the final minutes on scene.[11] As he prepared to go to the hospital to interview Mr. Anglero-Wyrick, Dep. Jucutan asked a neighbor (among other things) if they heard him announce "Sheriff's office K-9", stating that this was "one of the warnings we provide prior to deploying the K-9 to try and gain compliance." (Jucutan BWC # 2 7:55–8:10, 9:50–11:15).[12]

III. DEPUTIES' WRITTEN REPORTS

Officers prepared written reports, most of which were completed the day of the incident (April 4, 2020). The IA Report quoted extensively from these reports. Pertinent portions of the excerpts contained in the IA Report are summarized below.

Dep. Brazis: In his April 4 report, Dep. Brazis concluded that [redacted] allegation that Mr. Anglero-Wyrick had threatened him with a gun "was based on assumptions and not facts. Therefore the allegation of brandishing a firearm could not be substantiated and is believed to be unfounded."

Dep. Jucutan: With respect to his K-9 deployment, Dep. Jucutan stated in his April 4 report that when Dep. Villeggiante pulled Ms. Green away from Mr. Anglero-Wyrick, he saw Mr. Anglero-Wyrick "*turn back towards the house* where the unknown subjects were standing". (Italics added). Dep. Jucutan stated that after he "processed and reacted to his movements" he "elected to use [his] K9 partner Vader to apprehend" Mr. Anglero-Wyrick because he could attempt to flee or take a hostage, he could be armed, and Dep. Villeggiante and Sgt. Parks were "unable to assist" in apprehending him. The deputy further stated that Mr. Anglero-Wyrick fell to the ground "[*s*]*imultaneously*" with his use of the K-9 and that he did not know "at the time" that Dep. Miller had discharged his Taser. (Italics added).

Dep. Jucutan further wrote that he did not intend to release the K-9's bite until Mr. Anglero-Wyrick was handcuffed, fearing Mr. Anglero-Wyrick "would have ran back towards the house". The deputy asserted that [redacted] and [redacted] were "within 6 inches to 1 foot" of Mr. Anglero-Wyrick, he and Dep. Mahoney had to "keep close attention" on them to prevent them from assaulting the deputies, and suggested his inability to disengage the K-9 was because he was distracted by [redacted] and [redacted].

Dep. Miller: In his April 4 report, Dep. Miller stated that "*[s]imultaneously* as I deployed my Taser, Deputy Jucutan released his K-9 partner Vader. I deactivated my Taser prior to 'Vader' biting Anglero-Wyrick." (Italics added).

Sgt. Parks: In his April 5 report, Sgt. Parks stated that on the day of the incident he was the patrol supervisor at SCSO's Guerneville substation and heard Dispatch identify Mr. Anglero-Wyrick as the suspect in the gun brandishing call. Sgt. Parks was "familiar" with Mr. Anglero-Wyrick and his criminal history from before the incident, and knew he was on parole. Sgt. Parks further stated that after Mr. Anglero-Wyrick had been detained he "learned that [redacted] was somewhat *uncooperative* and there was not sufficient probable cause to arrest Anglero-Wyrick for brandishing of a firearm". (Italics added). He also stated that his "BWC was activated."

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[11] Dep. Jucutan's 30-second soundless "buffer" video shows that, before reactivating his BWC, Dep. Jucutan was speaking with Sgt. Parks and was making hand movements consistent with demonstrating pulling on the K-9's collar. (Jucutan BWC # 2 0:01–0:30).

[12] After discussing with [redacted] the need to comply with officers, Dep. Negri reunited [redacted] with [redacted], left the scene, and deactivated his BWC.

In a second report dated April 10, Sgt. Parks wrote that "[a]s a supervisor, it is my responsibility to review BWC footage of incidents involving the use of force" and that he had "completed reviewing the majority of the BWC footage of this case." Sgt. Parks did not make any further mention of use of force, but instead suggested that Ms. Green was attempting to help Mr. Anglero-Wyrick flee, which he felt "helps bolster the fact that [Ms. Green] and [Mr. Anglero-Wyrick] purposely and knowingly delayed our investigation".

IV. SUBSEQUENT MEDIA STATEMENTS

A. SCSO Press Release

On April 6, 2020, two days after the arrests, SCSO publicly posted a Press Release stating that a 9-1-1 caller had identified Mr. Anglero-Wyrick as having pointed a gun at him. Deputies arrived at Mr. Anglero-Wyrick's home, pulled Ms. Green away from Mr. Anglero-Wyrick, and

> then [Mr. Anglero-Wyrick] started to *head towards the house*. One deputy used his Taser while another deputy *simultaneously* released K-9 Vader. The first deputy saw Vader being released and deactivated his Taser before Vader bit Anglero-Wyrick. Vader bit him on the right leg but he continued to kick with his left leg. After a struggle, deputies were ultimately able to handcuff Anglero-Wyrick.

(Italics added). The Press Release went on to say that deputies "did not find a gun" and that Mr. Anglero-Wyrick was arrested for resisting arrest and parole violation, but "deputies did not include charges for the threats or gun brandishing" because "the victims became *uncooperative*". (Italics added).

B. [redacted] Cell Phone Video Posted on YouTube

The same day SCSO posted the Press Release, [redacted] cell phone video was posted on YouTube showing, among other things, Mr. Anglero-Wyrick being Tased, the K-9 deployment, unsuccessful attempts to disengage the K-9, and Dep. Mahoney pointing his Taser after Mr. Anglero-Wyrick was handcuffed.

[redacted]

C. SCSO's Community Briefing Video

The following day, April 7, 2020, SCSO posted on Facebook a video prepared by SCSO entitled "Use of Force Community Briefing" (hereinafter "Community Briefing Video"), which included a link to the previous day's press release.[13]

In the Community Briefing Video, SCSO used written captions to describe the 9-1-1 call and included portions of the 9-1-1 audio. The Community Briefing Video then played a portion of Dep. Villeggiante's BWC footage showing Mr. Anglero-Wyrick being Tased, the K-9 initially biting Mr. Anglero-Wyrick, and Ms. Green being handcuffed.

The Community Briefing Video then segued into [redacted] cell phone video. When introducing [redacted] footage, SCSO's written narrative stated that it "shows deputies *simultaneously* deploying a Taser and releasing a K-9". (Italics added). When the

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[13] The post stated "This is a Community Briefing video about the incident in Graton on Saturday. If you missed the Nixle press release, you may read it here: https://local.nixle.com/alert/7918518/."

cell phone video ended, SCSO's written narration concluded with a statement that "a gun was not found at the home" and that the "use of force is the subject of an on-going investigation".

The Press Release and Community Briefing Video generated voluminous public comments and SCSO responses on Facebook, [redacted]

Public Comment: Thank you! Good dog, Vader!!!
SCSO Reply: Vader did a great job time for a treat.

[redacted]

Public Comment: No gun was even found when the search was finished.
SCSO Reply: We did not find a gun but they had time to dispose of it.

SCSO's Facebook page also contained comments [redacted]:

Public Comment: He got teased [sic], fell and then a dog mauled his leg. Correct?
SCSO Reply: All the information is in the video.

***

Public Comment: I love dogs and it's hard to watch one trained to inflict pain! It's hard to watch a human being (no matter his history) being Tasered and latched onto like that. [emoji omitted]. I do not agree with this being ok! Where is the first 30 seconds of audio and why can't the officer get the dog to release?

SCSO Reply: Hi Heidi, we release the videos in compliance with State law AB 748. We're looking into why the K9 didn't release sooner.

***

Public Comment: Why release the dog when he's already being tased and on the ground?

SCSO Reply: Hi Olivia. One deputy used a Taser at the same time another deputy released the K9. As soon as the first deputy saw the dog was released, he deactivated the Taser.

***

Public Comment: I think whoever is in charge of this Facebook should stop replying.

SCSO Reply: We like to interact with our community!

***

Public Comment: Thomas Sandoval here is the full thing [video] rather than the family members cell phone. Chris Gutierrez Lopez

SCSO Reply: Chris Gutierrez Lopez[.] The incident is being reviewed and the findings will be made public.

***

Public Comment: Great job SCSO. I love that you also added the family video. I think considering it all this was handled professionally and effectively with limited damages.

SCSO Reply: Courtney thank you, we want to be transparent and provide our community with the facts.

These additional comments remain publicly viewable on SCSO's Facebook page.

COMPLAINT ALLEGATIONS

On April 6, 2020, [redacted] submitted a Complaint to SCSO alleging that its officers used excessive force, never took into account [redacted] side of the story, and SCSO officers were "racist and biased". [redacted] also alleged that officers stole a phone and left a vehicle glove box broken.

On or about April 15, 2020, [redacted] submitted another Complaint to IOLERO alleging that officers "shot" Mr. Anglero-Wyrick while his hands were in the air, they used "unnecessary force" by releasing the K-9 and driving the dog's teeth into Mr. Anglero-Wyrick's leg, a deputy threatened to Taser [redacted] and [redacted], officers used excessive force in restraining Ms. Green, the warrantless search was illegal, and officers failed to investigate her side of the story.

[redacted] submitted a separate Complaint to IOLERO dated April 10, 2020, based on her review of SCSO's Community Briefing Video and [redacted] cell phone recording. [redacted] alleged that use of a K-9 was excessive, the Taser was used while Mr. Anglero-Wyrick's hands were in the air "prior to the attack", the deputy improperly handled the K-9 and never gave a command to release the bite, another deputy threatened to Taser witnesses and pointed the Taser in Mr. Anglero-Wyrick's face while he "stomp[ed]" on Mr. Anglero-Wyrick's other leg, and SCSO's comments on Facebook about the incident and the K-9 were inappropriate.

Finally, [redacted] submitted a Complaint to IOLERO dated April 29, 2020. His Complaint referred only to "video" of the incident and otherwise contained no substantive allegations.

THE IA INVESTIGATION

I. [redacted]

SCSO consolidated all of the Complaints' allegations concerning the conduct of five officers—Dep. Jucutan, Dep. Miller, Dep. Mahoney, Dep. Villeggiante, and Sgt. Parks. (No. 20-IA-0002). [redacted]

II. INVESTIGATIVE RECORD

The Internal Affairs Investigator ("Investigator") reviewed, among other things, Dispatch audio, SCSO officer reports, BWC video for several officers, Taser and K-9 training records, and Mr. Anglero-Wyrick's criminal history.

The Investigator also interviewed Dep. Jucutan, Dep. Miller, and K-9 trainer [redacted], and received a written statement from Sgt. Parks. [redacted]

Notably, Dep. Negri did not prepare a written report and he was not interviewed for this investigation.

The IA Report quoted a substantial volume of this record and included lengthy summaries of BWC video, much of which has been referenced in the factual background above. Below are portions of this record with specific relevance to the issues under review:

Dep. Jucutan: In his Interview, Dep. Jucutan affirmed the accuracy of his written report, but after reviewing his BWC video acknowledged that he did not release the K-9 when Mr. Anglero-Wyrick fell but rather 1 to 2 seconds later. Dep. Jucutan ascribed this recall gap to "Force Science" principles. Dep. Jucutan also stated that he waited to release the K-9 until Ms. Green had been moved out of the way.

Dep. Jucutan stated that he was directed to deactivate his BWC by Sgt. Parks after which they spoke about Dep. Jucutan's K-9 decision-making. The Investigator did not further probe this off-record conversation.[14]

Dep. Miller: In his Interview, Dep. Miller affirmed the accuracy of his written report. He worried Mr. Anglero-Wyrick could flee back through the gate and barricade himself after he became aggressive, and the Taser was the least amount of force to take him into custody. He did not announce deployment beforehand because felt his tactical advantage would be lost if Mr. Anglero-Wyrick's attention was diverted from other officers on scene. The Taser contacted Mr. Anglero-Wyrick on the hip and maybe the calf, and based on training he was sure it was effective because he observed neuro-muscular reaction in Mr. Anglero-Wyrick. After discharging his Taser, he saw Dep. Jucutan and the K-9 "coming in" through his peripheral vision and deactivated the Taser cycle.

Sgt. Parks: Sgt. Parks was not interviewed. Instead, on May 16, 2020 he emailed a written response to the Investigator's questions regarding BWC operation, noting that his "narrative was reviewed by Attorney [redacted]"

In explaining why he did not activate his BWC upon arrival, Sgt. Parks stated that "under normal circumstances" he would activate it when exiting his vehicle but due to Mr. Anglero-Wyrick's actions he was "more focused on the officer safety issues at hand and failed to activate my BWC."

With respect to turning off his BWC to speak with Dep. Jucutan and Dep. Negri, Sgt. Parks stated he did so to "talk about the K9 deployment." His purpose in speaking with Dep. Negri was to "have him mentor and help Deputy Jucutan through the post K9 deployment procedures." The sergeant further stated that he was a "former K9 handler and help[s] supervise and train K9 handlers", and that "[i]t is no secret that Dep. Jucutan had difficulties with his K9 partner releasing the hold on Suspect Anglero-Wyrick." He went on to state:

> I wanted to reassure Deputy Jucutan that I was there to support him should he need anything. I wanted to also remind Deputy Jucutan that although we now had an uncooperative Victim, this was not known to me or him at the time force was used. I relayed this information to him in order to build Deputy Jucutan's confidence and

[14] Dep. Jucutan and Dep. Miller were interviewed back-to-back on May 6, 2020. Both deputies, as well as Sgt. Parks, were represented in the investigation by attorney [redacted].

assure him that I supported his initial decision to use his K9 partner to apprehend Suspect Anglero-Wyrick.

Sgt. Parks stated that his off-camera conversations "had no bearing on this investigation."

[redacted]

III. INVESTIGATOR'S CONCLUSIONS

A. [redacted]

[redacted]

B. BWC Activation / Deactivation

The Investigator concluded Sgt. Parks violated policy by failing to activate his BWC and directing "deputies on scene" to deactivate theirs. The Investigator stated that while Sgt.

Parks "offered an explanation" for not activating his BWC immediately upon arrival, other officers did activate their BWCs on the same call. The Investigator further found that although Sgt. Parks "offered an explanation as to why he chose to cease recording", this was not permitted because the "incident was still very active", deputies were verbally engaged with residents, the parole search was ongoing, and medical aid was being rendered.

The Investigator also concluded that Dep. Miller violated policy by not activating his BWC upon arrival on scene.

For Dep. Jucutan, the Investigator concluded that he did *not* violate policy because he deactivated his BWC at Sgt. Parks' direction.

The Investigator did *not* address Dep. Negri's deactivation of his BWC, or Sgt. Parks and Dep. Negri obscuring their BWCs with their hands.

C. Use of Force – Taser

The Investigator found Dep. Miller's decision to deploy his Taser was "reasonable and within law and policy" because Dep. Miller "reasonably believed Anglero-Wyrick was wanted for a violent offense, was potentially armed with a firearm, and was aggressively resisting other efforts to gain his compliance." The Investigator concluded that Dep. Miller's decision to not provide a pre-firing warning was "justified based on his officer safety concerns."

The Investigator did *not* address Dep. Mahoney's pointing his Taser at [redacted] and [redacted], or at Mr. Anglero-Wyrick's head and face.

D. Use of Force – K-9

The Investigator found that Dep. Jucutan "used a reasonable amount of force" when he deployed the K-9, finding that he "reasonably believed Anglero-Wyrick was wanted for a violent offense, was potentially armed with a firearm, and was aggressively resisting" officers. The Investigator further stated that "Deputy Jucutan's delay in deploying his canine can reasonably be attributed to the time it took for him to see, process, and react to Anglero-Wyrick's actions."

However, the Investigator concluded that Dep. Jucutan violated policy because he was unable to release the K-9 bite. The Investigator found that there were "several potential (and plausible) reasons why Deputy Jucutan was unable to remove Vader from the bite", which included using the wrong and possibly defective collar and the wrong "pull" technique, but that these reasons do "not alleviate [Dep. Jucutan] of the responsibility, as required by policy, to ensure the canine releases a suspect once the suspect is apprehended and no longer a threat."

E. Use of Force – Arrest of Ms. Green

The Investigator concluded that Sgt. Parks, Dep. Mahoney, Dep. Miller and Dep. Villeggiante used "only that amount of force" on Ms. Green that was "necessary to overcome her resistance." The Investigator found that Ms. Green engaged in active and passive resistance to officers, was interfering with officers' attempts to detain Mr. Anglero-Wyrick, and was taken to the ground and placed into the vehicle by force only after she resisted other efforts to remove her from the situation.

F. Search of Property

The Investigator found that the parole search of the property by Sgt. Parks, Dep. Jucutan, Dep. Villeggiante, and Dep. Mahoney was limited to areas "known to have been occupied" by Mr. Anglero-Wyrick, and was in accordance with Fourth Amendment law and policy. The Investigator also noted that while Sgt. Parks told [redacted] that he would be

seeking a warrant, it was "unnecessary" because Mr. Anglero-Wyrick was on parole. The Investigator concluded that "[i]t is not uncommon for deputies or investigators to change courses of action based on received information".[15]

G. Biased-Based Policing

The Investigator concluded that Sgt. Parks, Dep. Jucutan, Dep. Miller, Dep. Villeggiante and Dep. Mahoney did not inappropriately rely on race in their use of force. The Investigator's analysis of this issue stated in its entirety:

> [redacted] alleged the force used in this instance was based on race or bias. This investigation did not reveal any evidence indicating the actions of [the officers] during the incident were based on race or bias.

DISCUSSION AND CONCLUSIONS

As the foregoing shows, this incident generated, and SCSO's investigation reviewed, a host of issues involving several officers and employees. The result is a complex record. In order to provide clarity to the analysis, this Audit addresses issues by category which differs, in part, from the order laid out in the Investigator's Report.

We begin with [redacted] and then turn to the investigation of the officers' actions.

I. [redacted]

A. [redacted].[16]

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15 While other SCSO officers took part in the search, the Investigator did not address their conduct. However, the record does not reveal information suggesting that actions by these other officers during the search was any different the actions of officers who were investigated.

16 [redacted]

[17]

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[17]

[redacted][18]

B. [redacted]

[redacted]

[18] [redacted]

[redacted]

II. BWC ACTIVATION / DEACTIVATION

Several officers failed to timely activate their BWCs, deactivated their BWCs during the incident, or both. The Investigator correctly sustained policy violations against Sgt. Parks and Dep. Miller, [redacted] we identified a broader BWC compliance problem that the investigation did not address.

A. Sgt. Parks and Dep. Miller Violated Policy by Late BWC Activation

SCSO Policy 425 provides that "[u]nless it would be unsafe, impossible, or impractical for the situation, members are required to activate their BWC prior to making contact when responding to all calls for service". (§ 425.6).

Dep. Miller acknowledged that he did not activate his BWC upon arrival, explaining he thought he activated his camera when he arrived on scene and did not notice it was not activated until after Mr. Anglero-Wyrick was in custody. Similarly, Sgt. Parks acknowledged he did not activate his BWC upon arrival, explaining that while he normally would activate his BWC when exiting his vehicle, in this instance he was more concerned with officer safety due to Mr. Anglero-Wyrick's actions.

The Investigator observed, however, that other officers activated their BWCs upon arrival and that neither Sgt. Parks nor Dep. Miller was excused under Policy 425 from activating their BWC under the same circumstances. We **AGREE** the record supports that finding and the officers' violation of Policy 425 should be **SUSTAINED**.

B. Sgt. Parks Violated Policy by Deactivating His BWC; Investigation of Dep. Jucutan's Deactivation of His BWC was Incomplete

Policy 425 requires the BWC to "remain on continuously" until certain requirements have been met (*e.g.*, the officer's direct participation in the incident is complete or during significant periods of inactivity). Officers must document BWC use in their reports, "including any instance where . . . the member deactivated the recording" along with the "reason for not recording". (§ 425.5(k)).

Policy 320 further prohibits supervisors from "knowingly" issuing orders that if carried out would violate "office policy". (§ 320.3.1). If directed to take action in violation of office policy, the deputy "shall" notify the supervisor of the conflict unless doing so "would jeopardize the safety of an individual". Once the supervisor has been notified (or if notice is excused), the deputy is given safe harbor for violating office policy as a result of the supervisor's directive. (§ 320.3.1).

We agree with the Investigator that Sgt. Parks' deactivation of his BWC to speak with Dep. Jucutan and Dep. Negri did not meet the criteria under Policy 425 (*e.g.*, the officer's direct participation in the incident is complete or during significant period of inactivity). Sgt. Parks made this decision on his own authority and thus it does not come within the § 320.3.1 safe harbor. Accordingly, we **AGREE** that Sgt. Parks' violation of Policy 425 should be **SUSTAINED**.[19]

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[19] Sgt. Parks' April 5 report stated that his BWC was activated, but it did *not* document that he deactivated his BWC during the incident as required by Policy 425. The investigation did not address this and was therefore **INCOMPLETE**.

However, we disagree with the Investigator's exoneration of Dep. Jucutan. As with Sgt. Parks, the circumstances did not permit Dep. Jucutan to deactivate his BWC under Policy 425. Dep. Jucutan is excused from violating Policy 425 only if he informed Sgt. Parks of the conflict between the sergeant's directive and Policy 425 or was excused from doing so due to safety issues. (§ 320.3.1). The investigation did not address either criteria and therefore it did not "clearly establish" that Dep. Jucutan's deactivation of his BWC was within policy. In this regard, the investigation was **INCOMPLETE**.[20]

C. Investigation Failed to Address Conduct by Sgt. Parks and Dep. Negri That Raises Policy Compliance and Credibility Issues

The record also shows larger and unaddressed BWC compliance issues by Sgt. Parks and Dep. Negri.

First, Dep. Negri and Sgt. Parks obscured and deactivated their BWCs in order to discuss acquiring additional probable cause to support a search of the property. Initially, Sgt. Parks and Dep. Negri intentionally used their hands to obscure their BWC video and audio when discussing probable cause. Following this conversation, Dep. Negri deactivated his BWC when he entered his vehicle to contact other deputies regarding probable cause. After hearing the Dispatch that probable cause was lacking for a gun-brandishing charge Dep. Negri asked Sgt. Parks if he heard (he did), and deactivated his BWC again as he used his cell phone. When Dep. Negri got off his cell phone, Sgt. Parks then deactivated his BWC (with Dep. Negri's concurrence) to speak with Dep. Negri.

"The purpose of body worn cameras (BWC) and audio recorders is to provide documentary evidence for criminal investigations, internal or administrative investigations and civil litigation." (§ 425.1). Officers are required to activate the BWC in "*all* calls for service" and "during *any* law enforcement related *encounters and activities*" that occur "while on duty." (§ 425.6) (italics added).

Establishing probable cause to search is a fundamental component of a "criminal investigation", and is very often the subject of administrative investigations and civil lawsuits. By its terms, Policy 425 does not permit BWC deactivation to discuss probable cause during an active incident, and there is no legitimate basis in the record for why Sgt. Parks and Dep. Negri would intentionally obscure and deactivate their BWC units for that purpose.[21]

The investigation neither identified nor addressed this problem. Dep. Negri did not prepare a written report and he was not interviewed, even though he was directly involved with the incident immediately after the K-9 was deployed through the conclusion of the call. Sgt. Parks was also not questioned about this issue or about using his hand to obscure his BWC. The manipulation of BWC units in this manner presents a serious concern and the investigation into this was **INCOMPLETE**.[22]

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[20] Dep. Jucutan also did not document his BWC deactivation in his April 4 report as required by Policy 425. The investigation did not address this and was therefore **INCOMPLETE** on this point as well.

[21] In this regard, there is no difference between obscuring BWC audio and video with a hand and deactivating the unit altogether. Both equally undermine the function and purpose of the BWC.

[22] The investigation was also **INCOMPLETE** by not addressing Dep. Negri's failure to prepare a written report. Policy 323 requires a written report from a deputy when (among other things) they

Second, Sgt. Parks engaged in conduct that was contrary to his heightened obligations as a supervisor. In that role, Sgt. Parks is "required" to review BWC video known to have captured "incidents related to the Use of Force" involving deputies supervised by them. (§ 425.10). Moreover, as a supervisor Sgt. Parks is prohibited from "knowingly" issuing directives to Dep. Jucutan that if carried out would violate office policy. (§ 320.3.1).

Sgt. Parks stated in writing that he did not believe deactivating the BWC was outside of policy. However, Sgt. Parks was not interviewed and he did not identify the basis for his belief that he was acting within policy. Because Sgt. Parks is responsible for providing directives to deputies that are within policy, the basis for Sgt. Parks' understanding of what that policy required should have been addressed. In this regard, the investigation was **INCOMPLETE**.

Third, Sgt. Parks' written statement about why he turned off his BWC (and why he directed Dep. Jucutan to do so) was incomplete. Sgt. Parks stated that he turned off his BWC to speak with Dep. Negri and Dep. Jucutan "about the K9 deployment". However, the initial sequence of BWC obscuring and deactivation by Sgt. Parks and Dep. Negri appeared in the context of identifying probable cause to conduct a search and was facially unrelated to the K-9 deployment. Sgt. Parks' statement does not address the BWC issues related to his probable cause discussions with Dep. Negri, and the investigation on this point was **INCOMPLETE**.

Fourth, Sgt. Parks's written explanation that he deactivated his BWC to discuss the K-9 deployment undermines the integrity of the subsequent investigation. Sgt. Parks stated that "[i]t is no secret that Deputy Jucutan had difficulties with his K9 partner releasing the hold he had on Suspect Anglero-Wyrick" and that he "wanted to reassure Deputy Jucutan that I was there to support him", to "remind Deputy Jucutan that although we had an uncooperative Victim, this was not known to me or him at the time force was used", and that he wanted to "build Deputy Jucutan's confidence and assure him that I supported his initial decision to use his K9 partner to apprehend Suspect Anglero-Wyrick".

The issue of whether force and K-9 use was appropriate under SCSO Policy, however, is subject to subsequent investigation and review. Assuring Dep. Jucutan, *before* the incident had even ended, that he supported the decision to use the K-9 against Mr. Anglero-Wyrick creates the appearance of prejudging the subsequent use of force review (in which Sgt. Parks was responsible for reviewing the BWCs). And because the discussion was held off-camera, it is impossible to assess whether and to what extent the conversation may have prejudiced the subsequent record, including the officers' written reports or other subsequent statements. [redacted] Sgt. Parks' explanation that he deactivated his BWC to discuss the K-9 deployment serves to undermine the integrity of any subsequent investigation and its findings. The investigation did not address this problem and was therefore **INCOMPLETE**.[23]

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respond to a call for service concerning criminal activity or when force is used against any person. (§ 323.2.1; § 323.2.2). A delay in preparing a report "without supervisory approval are not acceptable." (§ 323.3). Dep. Negri was intimately involved with this incident and his failure to prepare a report is inexplicable.

[23] Sgt. Parks asserted that discussing the K-9 deployment "had no bearing on this investigation", by which he was presumably referring to the "investigation" of [redacted] 9-1-1 call. The K-9 deployment, however, was undoubtedly part of the investigation into the [redacted] 9-1-1 call, and Sgt. Parks clearly understood when he spoke with Dep. Jucutan off-camera that use of the K-9 would be an issue under review in the future.

III. USE OF FORCE – TASER

We **AGREE** that SCSO's Investigation supports **EXONERATING** Dep. Miller's deployment of his Taser against Mr. Anglero-Wyrick.

"It is the policy of [SCSO] that deputies shall use only that force which is objectively reasonable, given the facts and circumstances known at the time of the event to effectively bring an incident under control. 'Reasonableness' of the use of force will be determined from the perspective of a reasonable deputy on scene at the time of the incident." (§ 300.2). The Policy provides a non-exhaustive list of factors informing whether force is reasonable, including the apparent immediacy of threat to deputies and others, the individual's conduct, proximity of weapons, whether the person is resisting, risk of escape, prior contacts with the person or awareness of propensity for violence. (§ 300.3.2).[24]

The investigative record establishes that Dep. Miller responded to a report that Mr. Anglero-Wyrick had brandished a gun. Mr. Anglero-Wyrick was known to SCSO [redacted] and he was on parole [redacted]. When directed to lay on the ground, Mr. Anglero-Wyrick did not comply, showed visible anger, engaged in aggressive physical movements and yelled at officers. Dep. Miller stated that he believed from these actions that Mr. Anglero-Wyrick would fight if officers had to physically engage him, and he was concerned Mr. Anglero-Wyrick, who reportedly had a gun, could escape behind the fence and back into the house which would escalate danger for everyone.

Dep. Miller's interpretation of events is objectively reasonable based on the facts presented to him at that time. An officer in Dep. Miller's position could reasonably conclude that use of force in the form of a Taser was necessary to detain Mr. Anglero-Wyrick under these circumstances, and that such force was limited to accomplishing its purpose. Dep. Miller appeared to have targeted Mr. Anglero-Wyrick at his hip area (and not his groin, head, neck or chest), and he deactivated the Taser once he saw the K-9 approaching Mr. Anglero-Wyrick.

[redacted] and [redacted] both later claimed that Dep. Miller "shot" Mr. Anglero-Wyrick while his hands were in the air, suggesting that Mr. Anglero-Wyrick was in the process of complying with officers. The record does not support this. Early in the encounter Mr. Anglero-Wyrick *did* have his hands in the air, but he later put them down when he moved around Ms. Green in an aggressive manner. BWC video shows that when struck by the Taser, Mr. Anglero-Wyrick had his arms stretched out to his sides and was not complying with officers' directions. On this record, Dep. Miller could reasonably conclude that Mr. Anglero-Wyrick was not submitting to officers' directions and intended to continue to resist.

We also **AGREE** that the investigative record supports **EXONERATING** Dep. Miller's compliance with SCSO's Taser-specific policy.

The Investigator applied Policy 303 concerning use of "Control Devices" which provides that devices such as Tasers "may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices."

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[24] This Policy appears to adhere to the minimal standard for use of force outlined in *Graham v. Conner*, 490 U.S. 386 (1986) and California Penal Code § 835a which generally requires that a peace officer's use of force be objectively reasonable.

While not cited by the Investigator, Policy 304 specifically permits use of a Taser when the person has demonstrated "by words or actions" an "intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, him/herself or others." Mere flight from a "pursuing" deputy, alone, is not good cause to use a Taser without other known circumstances justifying its use. (§ 304.5). As with Control Devices, the Taser policy provides that advance warning of use "should" be given unless it would endanger the deputies' safety or "when it is not practicable".

As noted above, based on the investigative record an officer in Dep. Miller's position could reasonably believe that Mr. Anglero-Wyrick "demonstrate[d] the intent to be violent" and that use of the Taser was reasonable to control him in order to effectuate an arrest. Dep. Miller's belief that providing advance warning of the Taser could divert Mr. Anglero-Wyrick's attention away from the other deputies and cause his to try and escape back into the yard, while subject to legitimate questioning, is one objectively reasonable interpretation of events (even if it may not be the best or only interpretation).[25]

Accordingly, we agree that the investigative record clearly establishes that Dep. Miller's use of the Taser was an objectively reasonable action under these specific circumstances, and was therefore within SCSO Policy.

IV. USE OF FORCE – K-9

We **DISAGREE** with the Investigator's finding **EXONERATING** Dep. Jucutan in connection with his deployment of the K-9. Instead, we conclude that the investigation was **INCOMPLETE.** Moreover, the record as it presently stands shows Dep. Jucutan's deployment of the K-9 **LIKELY VIOLATED POLICY**.

Separately, we **AGREE** with the Investigator **SUSTAINING** Dep. Jucutan's violation of policy by failing to timely disengage the K-9, but further conclude that the investigation into this issue was also **INCOMPLETE**.

A. Deployment of K-9

As noted above, SCSO Use of Force Policy requires "that deputies shall use only that force which is objectively reasonable, given the facts and circumstances known at the time of the event to effectively bring an incident under control." (§ 300.2).

With respect to K-9s, SCSO Policy 309 further provides that they may be used to "locate and apprehend" a person if, as relevant here, the deputy "reasonably believes" that the person has "committed" "any serious offense", and the person is "physically resisting or threatening to resist arrest *and* the use of a canine reasonably appears to be necessary to overcome such resistance." (§ 309.6(b)) (italics added). Before deployment, the deputy should consider the seriousness of the offense and whether a weapon was used, the degree of resistance, the potential for injury to deputies and others, and risk the person may flee. (§ 309.6.1). Prior to deployment, the deputy "will" provide a "clearly audible warning announcing that a canine will be used" if the person does not surrender unless such announcement would "increase the risk of injury or escape". (§ 309.6.2).

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[25] Policy 304 further states that the purpose of a pre-announcement is to provide the person an opportunity to comply and to warn other deputies. It is possible that a pre-announcement by Dep. Miller could have affected Dep. Jucutan's decision to release the K-9 but given the chaotic nature of the scene that is by no means certain. We also note that Dep. Miller did not document in his report the fact that he did not pre-announce his Taser deployment as required by policy.

The investigative record shows that when he deployed the K-9, Dep. Jucutan reasonably believed that Mr. Anglero-Wyrick had brandished a weapon, was potentially armed, and had been resisting officers' commands.

What the record does *not* demonstrate is that use of a K-9 "reasonably appears to be necessary to overcome such resistance" when Dep. Jucutan deployed it.

BWC videos show that Mr. Anglero-Wyrick was Tased and fell to the ground where he placed his hands behind his back. Dep. Jucutan then walked the K-9 towards Mr. Anglero-Wyrick while he was on the ground and released the K-9 only after it was within 18 inches of his leg. A minimum of 2-3 seconds elapsed from when the Taser was fired and the K-9 was deployed.[26]

Generally, by terms of this policy, use of a K-9 is not "reasonably necessary" to overcome resistance 2-3 seconds *after* a person has been incapacitated by a Taser and was placing hands behind their back. Absent some additional and credible explanation, Dep. Jucutan's decision to deploy the K-9 under these circumstances appears to facially violate policy.

The various explanations provided by Dep. Jucutan for releasing the K-9, however, are incomplete, vague and contradictory. In his report, Dep. Jucutan stated that he feared Mr. Anglero-Wyrick could attempt to flee. But there is nothing in the videos suggesting that Mr. Anglero-Wyrick made any attempt to rise from the ground or flee *after* he was Tased.

Dep. Jucutan further stated that he did not know the Taser had been discharged. The Taser discharge can clearly be heard on Dep. Jucutan's BWC, and Dep. Miller stated that based on his training he could clearly see the Taser worked due to Mr. Anglero-Wyrick's neuro-muscular response. It is certainly possible that Dep. Jucutan did not hear the discharge even though his BWC recorded the sound, but presumably Dep. Jucutan would have had the same training that clearly informed Dep. Miller, by observation, that Mr. Anglero-Wyrick had been hit by the Taser.[27]

Moreover, Dep. Jucutan does not appropriately explain the 2-3 second period between when Mr. Anglero-Wyrick was Tased and when he released the K-9. In his April 4, 2020 written report, Dep. Jucutan stated that he saw Mr. Anglero-Wyrick "turn towards the house" and he deployed the K-9 "simultaneously" with the Taser. As noted above, video of the incident shows the Mr. Anglero-Wyrick did not turn towards the house (he fell) and the K-9 release was *not* simultaneous with the Taser.

In his later Interview, Dep. Jucutan acknowledged that deployment of the K-9 came after the Taser had been deployed and attributed his lack of recall to "Force Science" principles.[28]

This explanation is inadequate. First, the Investigator accepted Dep. Jucutan's invocation of "Force Science" without question. Dep. Jucutan was not asked to provide any

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[26] Dep. Miller stated that when he deactivated his Taser just before the K-9 bit Mr. Anglero-Wyrick, it had gone through 3 seconds of its 5-second cycle.

[27] In addition, the angle by which Dep. Jucutan and the K-9 approached Mr. Anglero-Wyrick would have either crossed or come within close proximity of the Taser wires. Dep. Jucutan was not questioned about this.

[28] This is an apparent reference to publications from the Force Science Institute which purports to study human behavior in high stress and deadly force encounters. *See* www.forcescience.com.

explanation as to how "Force Science" applied to his specific case, and the Investigator did not independently evaluate this issue. For example, reference to "Force Science" does not explain why Dep. Jucutan and Dep. Miller *both* stated in their reports that the Taser and K-9 deployment were "simultaneous", a word choice that suggests that the deputies had conferred about the timing before the reports were written. Second, while stating he could not recall the 2-3 second delay in deploying the K-9, Dep. Jucutan stated that he recalled deciding to wait until Ms. Green was moved out of the way before deploying the K-9, a decision he had to have made during the same 2-3 second period that Dep. Jucutan stated he did not recall. Third, Dep. Jucutan did not discuss (and he was not asked about) walking the K-9 towards Mr. Anglero-Wyrick as he lay on the ground during that 2-3 second period, and the Investigator did not explore what that deliberative action said about Dep. Jucutan's state of mind at that point.

To be exonerated, the investigatory record must "clearly establish" that Dep. Jucutan's deployment of the K-9 was within policy. In this instance, the explanations for why and how the K-9 was deployed are contradictory and unresolved. Therefore, they do not clearly establish policy compliance and the investigation on this specific issue was **INCOMPLETE**. Moreover, absent further development, the current investigative record suggests that Dep. Jucutan **LIKELY VIOLATED POLICY** by his decision to deployment the K-9 after Mr. Anglero-Wyrick had been incapacitated by the Taser.[29]

B. Dep. Jucutan's Delayed K-9 Disengagement Violated Policy

We **AGREE** with the Investigator that Dep. Jucutan's delay in disengaging the K-9 *after* handcuffs had been applied to Mr. Anglero-Wyrick violated policy and should be **SUSTAINED**.

Policy 309 requires a deputy to "promptly command" the K-9 to release its bite on a suspect if the deputy believes the person no longer poses a threat. (§ 309.6). Assuming (for arguments sake) that this obligation arose only after Mr. Anglero-Wyrick was handcuffed, the record shows Dep. Jucutan did attempt to disengage the K-9 soon after handcuffs were secured. However, the record also shows that his attempt was unsuccessful for 63 seconds due, in part, to Dep. Jucutan's use of an ineffective collar, inadequate pulling motion on the collar, and defective shock mechanism. We agree with the Investigator's implicit interpretation of Policy 309 that a deputy not only must give a disengagement command promptly, but that the deputy be sufficiently proficient to ensure the command is carried out by the K-9. Accordingly, we agree that the record supports the Investigator's finding sustaining a policy violation by Dep. Jucutan in the delayed disengagement of the K-9.[30]

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[29] Policy 309.6.2 also provides that a clearly audible warning that the K-9 will be used if the person does not surrender should be made unless it would increase the risk of injury or escape. Dep. Jucutan yelled "Sheriff's office, K-9 get on the f***ing ground" when he first arrived, and commented to a witness at the end of the incident that this was the announcement used before deploying a K-9. While informing Mr. Anglero-Wyrick that a K-9 was present, Dep. Jucutan did not explicitly warn that the K-9 would be used unless he surrendered. Whether Dep. Jucutan's announcement was sufficient to satisfy Policy 309.6.2 was also not addressed by the investigation.

[30] The Investigator did not *expressly* interpret Policy 309.6 as requiring proficiency by the deputy in promptly disengaging the K-9, but he noted that the deputy's explanations for the delay were plausible but nevertheless insufficient to satisfy his duties under Policy 309.6. This suggests SCSO interprets Policy 309.6 as requiring not only "prompt" command to disengage, but a proficiency by the

With respect to Dep. Jucutan's decision to intentionally maintain the K-9 bite for approximately 27 seconds *before* handcuffs were applied, Policy 309.6 requires disengagement of the K-9 when a deputy "believes" the person "no longer poses a threat". Dep. Jucutan stated in his report that he had no intention of disengaging the K-9 until handcuffs were applied because he feared that Mr. Anglero-Wyrick "would have run back towards the house".

As with other policies, the deputy's "belief" must be objectively reasonable. (§ 309.6) ("objective reasonableness standard applied to the decision to use a canine"). However, the record reveals no basis upon which Dep. Jucutan's stated belief could objectively be based.

[redacted] video shows that once he was incapacitated by the Taser, Mr. Anglero-Wyrick (laying prone face down) immediately placed his hands behind his back in a handcuff position just as the K-9 bit his leg. Other than two brief moments when he used his left arm to stabilize himself from the K-9 shaking his leg, Mr. Anglero-Wyrick kept his hands behind his back in a handcuff position. There is no indication after he had been Tased that Mr. Anglero-Wyrick intended to flee, attempted to flee, or that he was physically capable of fleeing.

Thus, contrary to Dep. Jucutan's general statement that he feared Mr. Anglero-Wyrick could escape, the record discloses no factual basis objectively showing that Mr. Anglero-Wyrick continued to pose a threat after he had been incapacitated by the Taser. The investigation did not address this contradiction between the record and Dep. Jucutan's explanation, and it was therefore **INCOMPLETE**. Moreover, the record as it currently stands would support a finding that Dep. Jucutan **LIKELY VIOLATED POLICY** by intentionally retaining the K-9 bite for the 27 seconds before handcuffs were applied.

V. TASER POINTED AT WITNESSES AND MR. ANGLERO-WYRICK'S HEAD

Policy 304.5 permits Taser use when the circumstances perceived by the deputy indicate that it is "reasonably necessary to control a person" who has "demonstrated, by words or action, an intention to physically resist, *and* reasonably appears to present the potential to harm deputies, him/herself or others." When used, a deputy should make "reasonable efforts" to target "lower center mass and avoid the head, neck, chest and groin."

Before handcuffs were applied, [redacted] approached Mr. Anglero-Wyrick and was directed by Dep. Mahoney to get back. [redacted] complied. Once Mr. Anglero-Wyrick was handcuffed, [redacted] and [redacted] stood several feet from Mr. Anglero-Wyrick yelling to get the dog off but neither of them approached Mr. Anglero-Wyrick. During this time, Dep. Mahoney pointed his Taser at [redacted] and [redacted] and directly at Mr. Anglero-Wyrick's face and head from approximately 18-20 inches away.

There is no indication that at this point [redacted] or [redacted] intended to "physically resist" or that they "reasonably appear[ed] to present" potential harm to the deputies, as required under Policy 304.5. Moreover, the record shows that Mr. Anglero-Wyrick was not resisting or presenting a harm to the deputies. By this time, Mr. Anglero-Wyrick had already been disabled with a Taser strike and a K-9, and he remained prone on the ground in handcuffs and under a K-9's active bite. The videos show that the K-9 continued to vigorously shake Mr. Anglero-Wyrick's leg back and forth, and when Dep. Jucutan pulled on the K-9's collar it lifted Mr. Anglero-Wyrick's right leg off the ground causing him to bend his

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deputy to reasonably ensure the "prompt" command will be obeyed by the K-9. Alternatively, the Investigator could be interpreting Policy 309.6 as making a deputy *strictly* liable for any delay in disengaging the K-9 after a command has been given "promptly". Either way the records support a finding that Dep. Jucutan violated Policy 309.

left knee and lift his left foot. It is reasonably apparent that Mr. Anglero-Wyrick's physical movements at this point were caused by the K-9, Dep. Jucutan's pulling, and pain from the bite.

Nevertheless, Dep. Mahoney targeted his Taser at all three persons, and presumably he intended to use it. Use of a Taser under these circumstances does not come within the terms of Policy 304. Dep. Mahoney also pointed the Taser directly at Mr. Anglero-Wyrick's face and head from approximately 18 to 20 inches, violating the requirement that he target away from the head and neck.

In his report, Dep. Mahoney explained that before he handcuffed Mr. Anglero-Wyrick, he was concerned about [redacted] and [redacted] proximity and that they could interfere with his attempts to place handcuffs, and he ordered them to step back which they did. However, Dep. Mahoney did not report anything about pointing his Taser at [redacted] and [redacted] and at Mr. Anglero-Wyrick's head *after* handcuffs were on, and the Investigator did not address this. Accordingly, the investigation on this issue was **INCOMPLETE**. Moreover, the record as it currently stands shows that Dep. Mahoney's use of the Taser in this manner **LIKELY VIOLATED POLICY**.[31]

VI. USE OF FORCE TO DETAIN MS. GREEN

We **AGREE** that the record supports the Investigator's conclusion **EXONERATING** Sgt. Parks, Dep. Mahoney and Dep. Villeggiante under Policy 300 in their use of force to detain Ms. Green.

Policy 300 provides that deputies shall use only that force which is objectively reasonable, given the facts and circumstances known at the time of the event, "to effectively bring an incident under control" and "accomplish a legitimate law enforcement purpose". (§§ 300.2, 300.3). Policy 300 sets out factors to consider in assessing the reasonableness of using force, including "the conduct of the individual being confronted" and "the apparent need for immediate control of the subject or a prompt resolution of the situation". (§ 300.3.2(p)).

The record shows that Ms. Green was intentionally blocking deputies from approaching Mr. Anglero-Wyrick even as they pointed their service weapons. Ms. Green was also protesting that Mr. Anglero-Wyrick had not done anything wrong and held her arms out to the side while standing in front of him. An officer in these circumstances could objectively and reasonably conclude that Ms. Green was interfering with their duties. Because the call involved a reported brandishing of a gun, an officer in that circumstance could further objectively and reasonably conclude that it was necessary to remove Ms. Green to bring the situation under control. Sgt. Parks and Dep. Villeggiante grabbing and pulling Ms. Green out of the way employed minimal force and was objectively reasonable under these circumstances.

Moreover, the record shows that when removed from Mr. Anglero-Wyrick's side, Ms. Green continued to resist deputies and struggled to stand up. Sgt. Parks and Dep. Villeggiante forced Ms. Green onto her chest, handcuffed her, placed her legs in a "Figure Four" hold and

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[31] Similarly, videos show Dep. Mahoney forcibly step on Mr. Anglero-Wyrick's left ankle while Dep. Jucutan tried to disengage the K-9. The record shows Mr. Anglero-Wyrick was not resisting or attempting to flee—he had been disabled by a Taser, was handcuffed, and had a K-9 attached to his leg. Accordingly, while it may have been reasonable for Dep. Mahoney to stabilize Mr. Anglero-Wyrick's leg from moving while Dep. Jucutan tried to disengage the K-9, there is nothing in the record showing that Dep. Mahoney reasonably needed to do so by forcibly stomping on his leg. Again, the investigation did not address this and was therefore **INCOMPLETE**.

Dep. Villeggiante held her upper body down with his arm. The record does not indicate any physical strikes against Ms. Green. While this position is not comfortable, the force being used to restrain Ms. Green was minimal and objectively reasonable under these circumstances.

The record also shows that Ms. Green resisted getting into the patrol vehicle. Dep. Mahoney pinned Ms. Green against the vehicle and then pushed her into the back seat, but the record does not show any physical strikes were used. Again, being pinned and forced into a vehicle is not comfortable, but the force used by Dep. Mahoney to secure Ms. Green was minimal and objectively reasonable under these circumstances to safety detain her.[32]

VII. SEARCH OF PROPERTY

Policy 311 provides that searches will be conducted in "strict observance of the constitutional rights of persons being searched". (§ 311.2). Search protocol includes explaining to the persons involved "the reason for the search and how the search will be conducted" and conducting a search "with due regard and respect for private property interests and in a manner that minimizes damage". (§ 311.4).

The record shows that Mr. Anglero-Wyrick was on parole and was therefore subject to search as a condition of that parole. The record also shows that prior to the search, Dep. Negri explained to [redacted] the search process. After entering the home, deputies informed Sgt. Parks that some rooms had indicia of Mr. Anglero-Wyrick and the subsequent searches all appear to have been limited to areas occupied by Mr. Anglero-Wyrick or where indicia of occupancy had been found.[33]

Accordingly we **AGREE** that the record supports the Investigator's conclusion that the officers' search of the property was consistent with SCSO Policy 311 and therefore they should be **EXONERATED**.[34]

VIII. BIAS-BASED POLICING

The Investigator concluded that Sgt. Parks, Dep. Villeggiante, Dep. Mahoney, Dep. Miller and Dep. Jucutan did not rely on race or other "bias" in their "use of force." As discussed below, we **AGREE** the record supports this conclusion and that the allegation as to

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[32] Ms. Green stated several times that she was pregnant and that the officers were "killing" her unborn child by restraining her as she lay prone on the ground. The BWC videos do not show officers placing direct force on Ms. Green's abdomen and they moved Ms. Green into a sitting and then standing position soon thereafter and later transported her for medical evaluation. Policy 302 states that handcuffing a person "known to be pregnant" behind the back should be "avoided" absent "extreme safety concerns". (§ 302.3). Policy 302 is not clear whether a verbal statement alone is sufficient to establish that a person is "known to be pregnant", or whether some additional indicia is needed. Officers subsequently determined that Ms. Green was not pregnant, but that was not known at the time of the incident. The Investigator's review of this specific issue was **INCOMPLETE**.

[33] The Investigator noted that although Sgt. Parks told [redacted] that he would be obtaining a warrant, he ultimately did not need one because of the parole condition and "[i]t is not uncommon for deputies or investigators to change courses of action based on received information." (IA Report at 78).

[34] [redacted] alleged that officers stole Ms. Green's phone but the record shows Ms. Green later retrieved her phone from SCSO. The Investigator did not address [redacted] claim that the glovebox in her vehicle was broken during the search.

these specific officers was **UNFOUNDED** but we **NOTE** that the investigation framed this issue too narrowly.

Policy 401 defines bias-based policing as "an inappropriate reliance on characteristics such as race, ethnicity, national origin" and other specified categories "as the basis for providing differing law enforcement service or enforcement". (§ 401.1.1). Bias-based policing is "strictly prohibited". (§ 401.3).

The record does not provide any basis to suggest that Dep. Villeggiante, Dep. Jucutan, Dep. Miller, Dep. Mahoney or Sgt. Parks specifically used force against Mr. Anglero-Wyrick or Ms. Green based on their race. Accordingly, we agree with the Investigator on this point.

However, framing biased-based policing solely in terms of whether specific officers' decision to "use force" relied on race is too narrow and does not address the broader issue of bias.

Policy 401 prohibits "inappropriate reliance on . . . race" by SCSO in providing *all* law enforcement services, not just in the use of force. (§ 401.1.1). In this regard, [redacted] complaint was not limited to use of force by specific officers, but more broadly challenged an alleged difference between SCSO's overall response to Mr. Anglero-Wyrick's home and [redacted] home.[35]

Although SCSO framed the issue too narrowly, the record shows that there was no inappropriate bias in SCSO's overall law enforcement service. At time of the incident Mr. Anglero-Wyrick was on parole [redacted]. SCSO received a 9-1-1 call reporting Mr. Anglero-Wyrick had just brandished a weapon at [redacted] and therefore dispatched several officers to Mr. Anglero-Wyrick's home. The number of responding officers was significant, but this is reasonably consistent with the nature of the reported crime and Mr. Anglero-Wyrick's criminal background. Although [redacted] is White and Mr. Anglero-Wyrick is Black, there is nothing in the record suggesting that race had any impact on the scope and nature of SCSO's response to this 9-1-1 call.

[redacted] and Ms. Green stated to various officers during the incident that they had been harassed by [redacted] and/or his family and accused SCSO of racial bias because SCSO had not responded to [redacted] home in the same way. The record shows, however, that the difference in SCSO's response was based on the basic fact that SCSO actually received a 9-1-1 call from [redacted] which arose because [redacted] and Ms. Green went to [redacted] home to personally handle their disagreement. [redacted] acknowledged during the incident that she could have called the police instead of driving to [redacted] home. [redacted] is essentially accusing SCSO of bias by comparing SCSO's response to a 9-1-1 call *it did receive* from [redacted] with SCSO's non-response to a call for service *it never received* from [redacted]

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[35] For example in her Complaint submitted to IOLERO [redacted] alleged that an officer knew the person who had made a "false report" and questioned why that person ([redacted]) was not arrested for "harassment, trespassing, false reporting".

Accordingly, the record shows that SCSO's overall response to this matter, including the use of force against Mr. Anglero-Wyrick and Ms. Green, did not rely on their race or any other prohibited characteristic outlined in Policy 411.

Date: November 23, 2022 Respectfully Submitted:

BY: [redacted]
Matthew Chavez, Esq.
Law Enforcement Auditor III

APPENDIX A

MATERIALS REVIEWED

- Complaint by [redacted] (Apr. 10, 2020)
- Complaint by [redacted] (Apr. 6, 2020)
- Complaint by [redacted] (Apr. 15, 2020)
- Complaint by [redacted] (Apr. 29, 2020)
- SCSO Letter of Reprimand to Dep. Jeremy Jucutan (Mar. 30, 2021)
- SCSO Letter of Reprimand to Sgt. Brian Parks (Mar. 30, 2021)
- SCSO Letter of Reprimand to Dep. Nicholas Miller (Mar. 30, 2021)
- Internal Affairs Investigative Report (20-IA-0002)
- Internal Affairs Investigative Report (20-C-0007)
- Audio of Dispatch (parts 1 and 2)
- Event Chronology (SD 200950106) (Apr. 4, 2020)
- K-9 Team Evaluation for Dep. Jucutan and K-9 Vader (Feb. 25, 2020)
- SCSO Internal Affairs Notice to Dep. Jeremy Jucutan re 20-IA-0002 (Apr. 11, 2020)
- SCSO Internal Affairs Notice to Dep. Nicholas Miller re 20-IA-0002 (Apr. 11, 2020)
- SCSO Internal Affairs Notice to Dep. Tyler Villeggiante re 20-IA-0002 (Apr. 11, 2020)
- SCSO Internal Affairs Notice to Dep. William Mahoney re 20-IA-0002 (Apr. 11, 2020)
- SCSO Internal Affairs Notice to Sgt. Brian Parks re 20-IA-0002 (Apr. 11, 2020)
- [redacted]
- [redacted]
- IA request to Sgt. Greg Piccinini Requesting Canine Training Records for Dep. Jeremy Jucutan (undated)
- 9-1-1 Audio (Apr. 4, 2020)
- CAD Notes (Call I.D. 200950120) (Apr. 4, 2020)
- Taser Record Dep. Nicolas Miller
- Taser Certification Dep. Nicholas Miller
- K-9 Training Certificate 2019 for Dep. Jeremy Jucutan (Sept. - Oct. 2019)
- K-9 Patrol Training 2019 - 2020 for Dep. Jeremy Jucutan
- Statistic Sheet for K-9 Vader
- Administrative Admonishment Dep. Jeremy Jucutan (May 6, 2020)
- Administrative Admonishment Dep. Nicholas Miller (May 6, 2020)
- Audio and Transcript of Interview with Dep. Jeremy Jucutan (May 6, 2020)

- Audio and Transcript of Interview with Dep. Nicholas Miller (May 6, 2020)
- Audio and Transcript of Interview with [redacted] (May 18, 2020)
- [redacted]
- [redacted]
- Incident / Investigation Report Case No. 200404-014
- Body Worn Camera video for Dep. William Mahoney (Apr. 4, 2020) (42:44)
- Body Worn Camera video for Dep. Tyler Villeggiante (Apr. 4, 2020) (47:54)
- Body Worn Camera video for Dep. Jeremy Jucutan # 1 (Apr. 4, 2020) (34:15)
- Body Worn Camera video for Dep. Jeremy Jucutan # 2 (Apr. 4, 2020) (11:43)
- Body Worn Camera video for Sgt. Brian Parks # 1 (Apr. 4, 2020) (15:46)
- Body Worn Camera video for Sgt. Brian Parks # 2 (Apr. 4, 2020) (15:45)
- Body Worn Camera video for Sgt. Brian Parks # 3 (Apr. 4, 2020) (13:46)
- Body Worn Camera video for Dep. Daniel Negri # 1 (Apr. 4, 2020) (6:53)
- Body Worn Camera video for Dep. Daniel Negri # 2 (Apr. 4, 2020) (2:40)
- Body Worn Camera video for Dep. Daniel Negri # 3 (Apr. 4, 2020) (28:05)
- SCSO Community Briefing Video (Apr. 7, 2020) (Facebook), with associated link to Nixle Press Release dated Apr. 4, 2020 (including public comments), https://www.facebook.com/sonoma.sheriff/videos/community-briefing-for-graton-incident-on-april-4-2020/299507084375956/

APPENDIX B

Text of SCSO Post on Nixle dated April 6, 2020 (2:36 p.m. PDT)
(locasl.nixle.com/alert/9718518).

Two people arrested in Graton with help from K9 Vader.

Deputies arrested two people in Graton on Saturday afternoon after they both physically resisted.

On April 4 at approximately 4:40 p.m., deputies responded to a call in the 8500 block of Trenton Road in Forestville. The caller reported a man and a woman came to the house earlier in the day making threats. The suspects had just returned, pointed a handgun at the caller, then drove away. Deputies were able to obtain a description of the suspects, the pickup, and the identity of one of the suspects. The man was identified as Jason Anglero-Wyrick, 35, Graton. Anglero-Wyrick is known to law enforcement and has a history of violent felonies. They learned he is on parole for assault with a deadly weapon.

Deputies found a pickup matching the description at Anglero-Wyrick's home in the 8900 block of Graton Road in Graton about 20 minutes later. Deputies were met by his uncooperative family members, who said he was asleep inside. More deputies responded and CHP closed nearby streets for the community's safety.

Anglero-Wyrick and a woman later identified as Naustachia Green, 35, Graton, walked out of the house and towards the street. Both suspects were confrontational and refused repeated commands from deputies. Deputies warned them that K-9 Vader could be used. Green stood between Anglero-Wyrick and deputies, which prevented them from safely arresting him. Deputies continued to give commands to try to safely detain both suspects, including telling Anglero-Wyrick to crawl towards them. Both suspects continued to yell expletives and refuse commands.

Anglero-Wyrick then pushed the woman aside and took several steps towards deputies, still yelling expletives. At the same time, two more people came out of the house and towards the scene and started yelling at deputies.

Deputies grabbed Green and pulled her away from Anglero-Wyrick, then he started to head towards the house. One deputy used his Taser while another deputy simultaneously released K-9 Vader. The first deputy saw Vader being released and deactivated his Taser before Vader bit Anglero-Wyrick. Vader bit him on the right leg but he continued to kick with his left leg. After a struggle, deputies were ultimately able to handcuff Anglero-Wyrick. Emergency medical personnel were immediately brought in to treat him.

Green fought deputies when they pulled her away from Anglero-Wyrick, trying to escape and refusing to be handcuffed. They were ultimately able to handcuff her and put her in a patrol car while she was yelling and physically resisting. Deputies searched the house and car but did not find a gun.

Anglero-Wyrick was arrested for felony violation of parole and felony resisting arrest. He

was taken to the hospital for his injuries and has since posted $5,000 bail. Green was arrested for misdemeanor battery on a peace officer and misdemeanor resisting arrest. To keep staff and inmates as safe as possible during the coronavirus pandemic, Green was booked and released on a citation to appear in court.

The victims became uncooperative, so deputies did not include charges for the threats or gun brandishing. We'd like to thank AMR, Graton Fire Department, and CHP for their assistance.

Prepared by: Misti D. Wood, Community Engagement Liaison
Case no: 200404-014
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