Todd Simonson:

All right. We are on, the time is 11:29 in the morning. The date is June the 10th of 2022. My name is Todd Simonson. I'm in a conference room at the Brentwood Police Department with two people. Paul, why don't we start with you? Can you spell your first and last name for me?

Paul Matejcek:

First name is Paul, P-A-U-L, last name is Matejcek, M-A-T-E-J-C-E-K.

Todd Simonson:

Great. And he's represented by?

Julia Fox:

Julia Fox.

Todd Simonson:

F-O-X is the last name?

Julia Fox:

Correct.

Todd Simonson:

All right. You both understand I'm recording this?

Julia Fox:

Yes.

Paul Matejcek:

Yes.

Todd Simonson:

Are either of you recording?

Julia Fox:

No.

Todd Simonson:

Okay. Paul, you got a notice, I believe it was from Chief Hanson about today's interview and the expectations.

Paul Matejcek:

Yes.

Todd Simonson:

And you understood that?

Paul Matejcek:

Yes.

Todd Simonson:

Okay. I'm going to read this Miranda and Lybarger. Okay? All right. The date is June 10th, 2022. The time is 11:29 hours. Present in the conference room at the Brentwood Police Department are Officer Paul Matejcek and me, Attorney Todd Simonson. Also, Officer Matejcek is represented by his attorney, Julia Fox. This interview is being audio recorded by me for the Brentwood Police Department. The purpose of this investigation is to conduct an interview of Officer Paul Matejcek, who is an employee of the Brentwood Police Department in the capacity of a police officer. This is an administrative investigation on the charge that Officer Paul Matejcek allegedly violated Brentwood PD policy. This is an administrative investigation only on this charge. Do you understand that?

Paul Matejcek:

Yes.

Todd Simonson:

However, since that allegation indicated a crime may have been committed, I am advising you that one, you have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer and to have a lawyer present before enduring any questioning. If you cannot afford to hire an attorney, one will be appointed free of charge to represent you before and during questioning, if you desire. Do you understand each of these rights I've explained to you?

Paul Matejcek:

Yes.

Todd Simonson:

Having the rights in mind, do you wish to talk to me now?

Paul Matejcek:

No.

Todd Simonson:

Although you have the right to remain silent and not incriminate yourself, your silence can be deemed insubordination and result in administrative discipline. Since any statement under compulsion of the threat of discipline cannot be used against you in a later criminal proceeding, I am ordering you to answer my questions. If you do not answer my questions, truthfully and fully, your charge of insubordination may be imposed, which could result in discipline up to and including termination. Do you understand this is only an administrative investigation?

Paul Matejcek:

Yes.

Todd Simonson:

Do you understand the charge?

Paul Matejcek:

Yes.

Todd Simonson:

Do you understand that I'm ordering you to answer my questions and that if you do not answer them truthfully and fully, it could result in disciplinary action up to and including termination?

Paul Matejcek:

Yes.

Todd Simonson:

There's initial space for you on the initial line. Having all these rights in mind, are you [inaudible 00:02:47] to give me a statement today?

Paul Matejcek:

For the Miranda rights or for the administrative?

Todd Simonson:

The administrative.

Paul Matejcek:

Yes.

Todd Simonson:

Okay. All right. Prior law enforcement experience before you came to the city?

Paul Matejcek:

No.

Todd Simonson:

Okay. What date did you join the city here?

Paul Matejcek:

I was sworn in as a police officer on, I think, believe it was August 2nd, 2017.

Todd Simonson:

And what assignments have you held here to date?

Paul Matejcek:

Patrol officer.

Todd Simonson:
Where on patrol?

Paul Matejcek:
Where?

Todd Simonson:
Yeah, I mean, what shifts?

Paul Matejcek:
Day shift, swing shift, graveyards.

Todd Simonson:
In April of '22, what team or patrol squad were you on?

Paul Matejcek:
I was on graveyard.

Todd Simonson:
Graveyard? Is there a name for it?

Paul Matejcek:
The A-side Graveyard. A-side.

Todd Simonson:
So there's an A-side and a B-side?

Paul Matejcek:
Yes, sir.

Todd Simonson:
What's B-side mean?

Paul Matejcek:
It's just the opposite side of the week. We have a four on four off schedule, so.

Todd Simonson:
What days off did you have? Did it rotate?

Paul Matejcek:
Yeah, rotating.

Todd Simonson:

What were your hours?

Paul Matejcek:
8:00 PM to 7:00 AM.

Todd Simonson:
And how long had you been on this patrol team for?

Paul Matejcek:
This specific team?

Todd Simonson:
Yeah.

Paul Matejcek:
We rotated to the A-side halfway through January, but I'd been on Graves for the last three years.

Todd Simonson:
With the same group?

Paul Matejcek:
Different group.

Todd Simonson:
Okay. Who was on this group that you started with in-

Paul Matejcek:
It was Sergeant Alvarez, Mitch Alvarez was our sergeant. Dave Franson, Officer Dave Franson.

Todd Simonson:
F-R-A-N-S-O-N?

Paul Matejcek:
Yes, sir.

Todd Simonson:
Yes.

Paul Matejcek:
Joshua Smith, or Flynn had just been assigned to us.

Todd Simonson:
F-L-Y-N-N.

Paul Matejcek:
Yes.

Todd Simonson:
I'm going to spell names just because the transcription sometimes has difficulty.

Paul Matejcek:
Jordan Stroben.

Todd Simonson:
Spell the last name for me.

Paul Matejcek:
S-T-R-O-B-E-N.

Todd Simonson:
Okay.

Paul Matejcek:
And Tanner Kephart, K-E-P-H-A-R-T.

Todd Simonson:
Thank you. With respect to officers Franson and Flynn who are also at this call we're going to talk about, how did you go along with each of them?

Paul Matejcek:
Good, good , yeah. Good with both of them.

Todd Simonson:
No, significant issues with them beforehand?

Paul Matejcek:
No, I enjoyed working with Josh just because he had left and come back and he had been on the SWAT team. I had just got on the SWAT team. So we connected that way. And then Officer Franson is a DRE and I'm big into investigating drugs and people under the influence of drugs.

Todd Simonson:
DRE, meaning Drug Recognition Expert?

Paul Matejcek:
Yes, sir.

Todd Simonson:

Okay. Have you talked to anybody on your team, the folks you just named, about this investigation or the allegations of the incident at all, since it's occurred?

Paul Matejcek:

Since it's occurred?

Todd Simonson:

Yeah.

Paul Matejcek:

I talked to Sergeant Alvarez the morning of to explain to him what had happened.

Todd Simonson:

I'm going to ask you about that a little bit later on.

Paul Matejcek:

Okay.

Todd Simonson:

Go ahead.

Paul Matejcek:

That was it, just from my team, I didn't talk to anybody else. I had talked with Franson and Flynn that morning after the incident, but before we went home for the day. Other than that, I haven't talked to anybody.

Todd Simonson:

Okay. Have you had a chance to review the report?

Paul Matejcek:

Yes.

Todd Simonson:

And what video, if any, have you reviewed in preparation for this?

Paul Matejcek:

Dave Franson's body camera video.

Todd Simonson:

Okay. That's it?

Paul Matejcek:

That's it.

Todd Simonson:
Anything in the report that you want to change?

Paul Matejcek:
I see here that it only says 243B and 647F, there should be a 148 charge on there as well. Other than that? No.

Todd Simonson:
Okay. Defensive tactics training, did you take some in the Academy?

Paul Matejcek:
Yes.

Todd Simonson:
What academy did you go to and when?

Paul Matejcek:
Contra Costa County Academy, I was there from January 2017 to July 2017.

Todd Simonson:
And you did whatever the prescribed defensive tactics block is?

Paul Matejcek:
Yes.

Todd Simonson:
What is that, do you know?

Paul Matejcek:
I don't know.

Todd Simonson:
Okay. What about since the Academy, have you had any like refresher courses?

Paul Matejcek:
Only department approved trainings.

Todd Simonson:
How many of those have you had?

Paul Matejcek:
We usually do two a year.

Todd Simonson:
When was the last one you did?

Paul Matejcek:
I believe early April.

Todd Simonson:
Who taught that, if you remember?

Paul Matejcek:
Officer Doug Morrison, M-O-R-R-I-S-O-N.

Todd Simonson:
Go ahead.

Paul Matejcek:
I'm just thinking.

Todd Simonson:
Okay. Was Sergeant Nance involved? N-A-N-C-E.

Paul Matejcek:
I think he was there. I don't remember him.

Todd Simonson:
Is he a defensive tactic instructor?

Paul Matejcek:
Yes. I believe he's a supervisor.

Todd Simonson:
Okay. Has he trained you and others before?

Paul Matejcek:
Yes. Just in our department trainings. Yes.

Todd Simonson:
Okay. It was somebody else at your academy?

Paul Matejcek:
Yes.

Todd Simonson:

Do you remember who that was?

Paul Matejcek:

No. Taylor Johnson was at the training as well. And then Jason Fish.

Todd Simonson:

Those are all like assistant instructors?

Paul Matejcek:

Yeah.

Todd Simonson:

Okay.

Paul Matejcek:

And then... Yeah.

Todd Simonson:

Okay.

Paul Matejcek:

That seems about right.

Todd Simonson:

In your academy and refresher training here, defensive tactics, have you learned anything about kicking a suspect? Is there any curriculum about kicking a suspect?

Paul Matejcek:

Yes. I specifically remember being taught in defensive tactics, how to kick a suspect, the motions to going through kicking a suspect and when to.

Todd Simonson:

Which defensive tactics do you remember that being taught in?

Paul Matejcek:

At the Academy.

Todd Simonson:

Academy.

Julia Fox:

And just so you know, Todd, he brought the relevant Learning Domains to that point.

Todd Simonson:

Oh? Yeah. Okay, great. Would you be willing to give me copies of that?

Paul Matejcek:

Absolutely.

Todd Simonson:

Okay. Great. Learning domains, LDs. I remember those. Okay. Do you have them marked?

Paul Matejcek:

Yeah, so I have my Use of Force Learning Domain, my Arresting Control, as well as my Custody. What would you like to see?

Todd Simonson:

Tell you what, let's not go through those now. Are there workbook numbers or Learning Domain numbers?

Paul Matejcek:

Yeah.

Julia Fox:

I think it might be helpful. We have sort of paired this down to what's relevant and that might be helpful to you to streamline it too.

Todd Simonson:

Okay.

Julia Fox:

There are two charts. Why don't you just reference those for Todd, the two charts?

Paul Matejcek:

So the first chart is the personal body weapons and it just goes over parts of the body that you can use and what they're used for, for a resisting suspect. And then at the bottom, you'll see there, it says feet and it goes over parts of the feet.

Todd Simonson:

I see. You mind if I take a picture of this?

Paul Matejcek:

Please.

Todd Simonson:

So just for the record, the chart that you're pointing to, it's entitled Body Parts As Personal Weapons. It's in Learning Domain 33, chapter one, page 15. I think that's how that works. Is that right?

Paul Matejcek:

Yes.

Todd Simonson:

Okay. This is by no means a scientific way of doing it, but whatever.

Paul Matejcek:

Okay. And I just took a picture of that page.

Julia Fox:

And then we just draw a nexus between that and the circumstances that Officer Matejcek found himself in. So why don't you go to the next chart just while we're on this? I think it's page 26 or 27.

Paul Matejcek:

Of the same? Was it the same LD? Yeah. So this one just goes over like what type of force you would use in an actively resisting suspect or a passive.

Todd Simonson:

What are you pointing me to?

Paul Matejcek:

This one right here. Basically, it describes like what inactively resisting suspect, how they are and then what types of force to use or is suggested to use.

Todd Simonson:

I see.

Julia Fox:

So in other words, just an nexus between the two charts.

Todd Simonson:

Got it. So this is Learning Domain 20, chapter two, entitled Force Options. We're on chapter two, page six. I'm going to take a picture of that too. Thank you. One more. Okay. All right. Anything else you wanted to show me?

Julia Fox:

No, I think that's it for this.

Todd Simonson:

Okay. Right. Thank you. So those Learning Domain workbooks were from your academy?

Paul Matejcek:

Yes, sir.

Todd Simonson:

Okay. So can you kind of just encapsulate what you just showed me? Let me ask you this and you can correct me if I'm wrong. You believe that the use of a kick was an appropriate use of force for somebody who was actively resisting, depending on the circumstances?

Paul Matejcek:

Yes.

Todd Simonson:

Okay. Had you ever had any kicks as reported uses of forces before April 23rd of this year?

Paul Matejcek:

No.

Todd Simonson:

Do you know anybody who had here?

Paul Matejcek:

At least one officer. I'm not sure of the date or the circumstances. I only know that the officer has been involved in one.

Todd Simonson:

Who's that?

Paul Matejcek:

His name is Officer O2

Todd Simonson:

Spell his last name.

Paul Matejcek:

O2 .

Todd Simonson:

Okay. Do you know when the kick use of force occurred?

Paul Matejcek:

Unfortunately, I don't.

Todd Simonson:

How do you know of it?

Paul Matejcek:

I talked to a retired lieutenant recently who told me that Officer O2 used a kick to kick someone in the head while employed here. And that he was, I believe it was, exonerated during that use of force.

Todd Simonson:

Who's the retired lieutenant?

Paul Matejcek:

The name is Sal DiMercurio.

Todd Simonson:

Sal, S-A-L?

Paul Matejcek:

Mm-hmm. Dimocorio, D-I-M... I'm not sure how to spell Dimocorio. I'm sorry.

Todd Simonson:

It's okay. I'll figure out. DiMercurio. I can find out the exact spelling if I need to. Okay. You have no idea when that occurred though?

Paul Matejcek:

I don't.

Todd Simonson:

Was it before your time here?

Paul Matejcek:

Yes.

Todd Simonson:

You know where Officer O2 is now?

Paul Matejcek:

He's still here.

Todd Simonson:

Oh, he is. Okay.

Paul Matejcek:

He's actually one of our defensive tactics instructors.

Todd Simonson:

Okay. Did you practice kicking in the Academy?

Paul Matejcek:

Yes.

Todd Simonson:

Any of those involving a training or a hypothetical situation where there was a handcuffed suspect involved?

Paul Matejcek:

No.

Todd Simonson:

Okay. So this occurred April 23rd. So if you worked Graves, you started April 22nd, right? The night of April 22nd.

Paul Matejcek:

Yes.

Todd Simonson:

So it was Sunday to Monday, April 22nd to April 23rd. Does that sound right?

Paul Matejcek:

I thought it was a Saturday to a Sunday morning.

Todd Simonson:

Make sure we have that right. I got it. I guess I was looking at the wrong year. It's a Friday to a Saturday morning.

Paul Matejcek:

Yep. That sounds more like it.

Todd Simonson:

Friday to Saturday. Okay. During that shift, you started at about 8:00?

Paul Matejcek:

So that day I actually came in late. I was attending a graduation ceremony earlier that day and I needed to sleep. So I had made arrangements with my sergeant that day to come in a little bit later. So I think I started at 10:00 or 11:00.

Todd Simonson:

Okay. Was this your Friday, so to speak? This shift that occurred?

Paul Matejcek:

So it would've been my Friday for just me, because I was supposed to go to a training on Monday in Anaheim. So they gave me Sunday off to have that day off to be able to adjust to a-

Todd Simonson:

A regular day?

Paul Matejcek:

A regular day. Yeah.

Todd Simonson:

I remember that. So that shift, were there any significant calls leading up to the call at Home Depot, which happened at about 5:20, 5:30 in the morning, that affected your ability to observe?

Paul Matejcek:

No.

Todd Simonson:

So the call that we're looking into came in at about 5:24 AM, was a person screaming in the parking lot. Does that sound right?

Paul Matejcek:

Yes. It was what was described as a male screaming in the Home Depot parking lot and the reporting party believed it was a homeless male who was living in the display sheds in front of Home Depot, in their parking lot.

Todd Simonson:

Okay. Had you found homeless people in those display sheds before?

Paul Matejcek:

Yes.

Todd Simonson:

How many times before this?

Paul Matejcek:

Four or five.

Todd Simonson:

Okay. The RPs name was [redacted] Had you met with her before?

Paul Matejcek:

No.

Todd Simonson:

Okay. Did you meet with the RP in this case?

Paul Matejcek:

Yes.

Todd Simonson:

You did that before you addressed the sheds?

Paul Matejcek:

No. No. So I responded to the sheds first and Officer Franson went and briefly spoke with IP8 and then afterwards, after the incident occurred, I had my contact with V1 that's when I went and recontacted IP8 to get a very more detailed statement.

Todd Simonson:

Oh, right. That's in your report. Yes?

Paul Matejcek:

Yes.

Todd Simonson:

Okay. Just kind of describe the line of sheds at the Home Depot parking lot that we're talking about. How are they positioned?

Paul Matejcek:

So Home Depot itself faces west. There's a giant parking lot in front.

Todd Simonson:

On Lone Tree?

Paul Matejcek:

On Lone Tree. Yeah.

Todd Simonson:

Okay. Go ahead.

Paul Matejcek:

On what would be the north side, so the northwest corner of Home Depot, there's a line of sheds that's parallel to like the edge of the parking lot. Behind that is a Chevron gas station. And then behind that is Lone Tree or yeah, eastbound Lone Tree. The sheds all face south. They all open south, so that way you can park in front of them and go check out the sheds if you want to buy a shed.

Todd Simonson:

And Home Depot apparently keeps them unlocked?

Paul Matejcek:

Yes.

Todd Simonson:

Okay. How did you ultimately come upon the person in the shed?

Paul Matejcek:

So, once I arrived on scene, I got out of my car and Franson had just driven over to me. And once Franson got there, I heard a door slam shut. And I don't remember if I was looking at Franson or if I was looking at Flynn and I said, "I'm going to take a guess and say that whoever we're looking for is in that shed."

Todd Simonson:

That's a clue.

Paul Matejcek:

FBI clue. So we went to the shed that we thought where this person was at was inside. We knocked on the shed.

Todd Simonson:

That's you and?

Paul Matejcek:

Me, Franson, Flynn.

Todd Simonson:

Was Flynn... Who was the assigned cover unit for you?

Paul Matejcek:

Franson.

Todd Simonson:

Is it your beat, Home Depot?

Paul Matejcek:

Yes.

Todd Simonson:

Beat one?

Paul Matejcek:

Beat one. Yes. When this call came out, I had just gotten gas and I was going to head back to the station because I had arrested a guy for a warrant, like an hour before that, so I was going to go back and book some stuff. This call came out and because I had good beat integrity, I'm like, "Nope, I'll head back that way." Flynn and Franson were supposed to go to it or Flynn and Stroben. And then I just had one of them cancel, I think it was Stroben. And then Flynn was in an unmarked car because we had had problems with a Walgreens downtown that was getting burglarized. So he just attached himself and he just showed up. So Franson was my designated cover unit, Flynn just happened to be there.

Todd Simonson:

All right. So Franson talks to the RP. RP talks to Franson. Franson comes and meets with you. Flynn shows up. You guys all kind of park in the same area?

Paul Matejcek:

Yeah.

Todd Simonson:

Okay.

Paul Matejcek:

Yeah, in front of those sheds.

Todd Simonson:

In front of the sheds.

Paul Matejcek:

Yeah.

Todd Simonson:

Where did the RRP go while you were contacting V1

Paul Matejcek:

So she's not directly employed by Home Depot, but the flowers, like the garden center, those flowers. She's employed to manage those.

Todd Simonson:

She's the-

Paul Matejcek:

Gardener.

Todd Simonson:

She tends the garden, but is a third party vendor [inaudible 00:21:15]?

Paul Matejcek:

Yes. Yeah.

Todd Simonson:

Got it.

Paul Matejcek:

So she and another gentleman, her coworker, they show up to tend the flowers early in the morning. And so they were still doing that while we were contacting V1

Todd Simonson:

Had they called before on homeless people in the sheds?

Paul Matejcek:

She said she had, but I hadn't been to any.

Todd Simonson:

Okay. So did you coordinate with Franson and Flynn about checking the sheds or the shed where the door had shut?

Paul Matejcek:

Yes.

Todd Simonson:

All right. At that point, you didn't know who was in the shed?

Paul Matejcek:

No.

Todd Simonson:

If anybody.

Paul Matejcek:

If anybody.

Todd Simonson:

Okay. Let me ask you this before we get into the video, you ultimately found V1 .

Paul Matejcek:

Yes.

Todd Simonson:

And you knew V1 V1 from prior contacts according to report?

Paul Matejcek:
Yes.

Todd Simonson:
How many prior contacts had you had with [redacted] V1 ?

Paul Matejcek:
Since 2019, I approximate two a month, at least two a month.

Todd Simonson:
Have you checked any records about that or you're just guesstimating?

Paul Matejcek:
Guesstimating.

Todd Simonson:
Okay. So you've had a fair number of contacts with her?

Paul Matejcek:
Yes.

Todd Simonson:
All right. Two per month since 2019. So that would be 24, a year, 48, 2 years. So over 50 contacts?

Paul Matejcek:
I would actually, I'd probably say more like 24 contacts.

Todd Simonson:
Okay.

Paul Matejcek:
We'll say.

Todd Simonson:
Okay.

Paul Matejcek:
We deal with her quite often.

Todd Simonson:
Sounds like it. Can you kind of give me a general description of prior contacts you've had?

Paul Matejcek:

With that I've had, or that everybody's had?

Todd Simonson:

Well, that you've had and I'm going to ask you what you knew about her from everybody.

Paul Matejcek:

Yeah. So my prior contacts with her have always been for her doing something that she's not supposed to, whether she's in violation of a restraining order that her dad has against her. Or she's burglarizing.

Todd Simonson:

Is the dad local?

Paul Matejcek:

Yes.

Todd Simonson:

He's in Brentwood?

Paul Matejcek:

Yes.

Todd Simonson:

Okay. Burglarizing vehicles. She found a vacant apartment complex and she destroyed it as far as like breaking plumbing, defecating everywhere, that kind of stuff. Shoplift, drug usage, big time drug user, alcohol, steals alcohol. Those are like the calls that I've gone to for her. Whenever I contact her, and there's only been one time where I've contacted her where I believe she was completely sober, but other than that, she's either high on meth or drunk and or both.

Todd Simonson:

How do you know she's high on meth?

Paul Matejcek:

I've arrested her for methamphetamine or for possession.

Todd Simonson:

She's actually possessed meth during some of your contacts?

Paul Matejcek:

Yeah. As well as paraphernalia, probation violations.

Todd Simonson:

Okay. During your prior contact with her, has she been combative, violent, aggressive?

Paul Matejcek:

Yes.

Todd Simonson:

Can you describe what you mean?

Paul Matejcek:

So in my last, not including the contact that we're talking about right now, but in my last two contacts prior, I arrested her for 647F and I believe it was 148 as well. While she was in the back of the car. She's tried kicking at me, she's tried spitting. The contact after that, I responded to a liquor store because she was reported to have been acting suspicious and possibly stealing from the liquor store. When I showed up on scene, she started yelling at me. Then I didn't have a cover unit with me and I couldn't confirm if anything was taken or if the liquor store wanted anything done. So I saw her, told her to get out, and then she immediately started yelling and then she just ran off and I just let her run away because I wasn't going to chase after her by myself for no reason.

Todd Simonson:

When did those two prior contacts take place, if you remember?

Paul Matejcek:

The second one was probably in January of this year and the first one was sometime last year, maybe summer of last year.

Todd Simonson:

Okay. Pretty easy to find if I ask somebody?

Paul Matejcek:

I'd say, yeah.

Todd Simonson:

You mentioned in your report that she, V1 has been flagged for officer safety in Brentwood PD records. What does that mean?

Paul Matejcek:

If we get a call on, we'll say V1 and she has a two officer minimum, that means I don't get to respond to that call by myself. I only go when I have a partner with me because that person is so dangerous that it's more than likely that they're going to try and hurt me or there's something about that person where we need to have at least two officers there at all times.

Todd Simonson:

So that's an alert to dispatch, like when her name pops up?

Paul Matejcek:

Yeah. Dispatch will see it. So if I'm responding there and I'm driving and that name pops up, they'll see on there, it says officer safety. And it'll say like combative towards law enforcement, known to have needles on them, whatever the issue is.

Todd Simonson:

How do you know her name's flagged for officer safety records?

Paul Matejcek:

Because I've dealt with her multiple times before.

Todd Simonson:

I mean, do the dispatchers put something out that indicates that, or?

Paul Matejcek:

Officer usually request it and then the supervisor will bring it up to the dispatchers and the dispatchers are usually the ones that put it in.

Todd Simonson:

But do you know for a fact that V1 has that flagged next to her name in dispatch?

Paul Matejcek:

At the time, I don't know if she had it. I know that since then, yes.

Todd Simonson:

Okay. Okay. Obviously, other officers in this agency have had contact with V1.

Paul Matejcek:

Mm-hmm.

Todd Simonson:

That's yes?

Paul Matejcek:

Yes.

Todd Simonson:

Have you heard anything from other officers about her behavior and demeanor during contacts you weren't part of?

Paul Matejcek:

Yes.

Todd Simonson:

Tell me what you mean.

Paul Matejcek:

She absolutely fights. She has no problem kicking and running away and spitting at officers. Between the times of my last contact with her and the date of this incident, she had been reported to have been stealing from the same liquor store where I contacted her. That officer chased after her.

Todd Simonson:

Who was that?

Paul Matejcek:

Officer Michelle Hall, H-A-L-L. That officer ended up getting into a ground fight with V1 until V1 was taken into custody.

Todd Simonson:

Did you know about that contact with Officer Hall before this call in April?

Paul Matejcek:

Yes.

Todd Simonson:

When did that contact with Officer Hall occur?

Paul Matejcek:

I believe it was March, so maybe a month before.

Todd Simonson:

Okay. Do you know what V1 was arrested for pursuant to that one?

Paul Matejcek:

I think it was 148, a 647F and I think 48 or 47. I'm not a hundred percent sure on that.

Todd Simonson:

Just out of curiosity, do you know if V1 actually been convicted of like a 148 or a 243B?

Paul Matejcek:

Yes.

Todd Simonson:

She has?

Paul Matejcek:

Yes. So she was supposed to be on probation for a 148, I think it was out of Alameda County, until, was it, 2019 when they changed the law from misdemeanor. You get two years for a misdemeanor or two years for felony, one year for a misdemeanor, probation. So once that kicked in, she was taken off probation because the start day of her probation was more than a year out or was more than a year ahead of what happened. So after that, she was taken off probation.

Todd Simonson:

Okay. So when you contacted her on April 23rd, she was not on probation?

Paul Matejcek:

No.

Todd Simonson:

Okay. In the report-

Paul Matejcek:

And I think when I ran her rap sheet, she had been arrested a minimum of 16 times for a 148. And I think there was a couple felony PC69s in there as well.

Todd Simonson:

What's 69? Remind me.

Paul Matejcek:

Like more than just resisting. It's like if somebody broke my arm. Trying to get out [inaudible 00:29:52].

Todd Simonson:

So it's like with injury?

Paul Matejcek:

Yeah. Yeah.

Todd Simonson:

Okay.

Julia Fox:

Is it threat to a police officer?

Paul Matejcek:

I thought that was like a criminal threat, like a punch.

Julia Fox:

Okay.

Paul Matejcek:

Whatever it was, it was in there. The more serious of the fighting penal codes.

Todd Simonson:

Okay. Got it. She's listed in the police report, your police report, as 5'7", 145. Is that about the height and weight that she was, if you could guesstimate?

Paul Matejcek:

She's definitely heavier than that now.

Todd Simonson:

She's heavier than 145?

Paul Matejcek:

Yeah.

Todd Simonson:

Huh.

Paul Matejcek:

Yeah. I'd probably say she's closer to 170, 180.

Todd Simonson:

The pictures don't show that.

Paul Matejcek:

Which pictures did you see?

Todd Simonson:

The ones that were taken at the scene.

Paul Matejcek:

Oh, okay. Yeah.

Todd Simonson:

It just doesn't look 170.

Paul Matejcek:

I thought you looked at her previous booking photos.

Todd Simonson:

No. So has she changed quite a bit lately?

Paul Matejcek:

Yes.

Todd Simonson:

How so?

Paul Matejcek:

Shaves her head, hair grows back. She gets thin, she gets big. That kind of thing. Even when I first contacted V1 when we opened up the shed door and V1 was standing there, I immediately recognized her. And that's why... And I remembered everything that I've done with her, every contact that I've had with her, as far as her being combative, resisting, all of the above, as well as other officers. And that's why I put her in handcuffs right on the spot.

Todd Simonson:

Yeah. I'm going to talk to you about that.

Paul Matejcek:

Okay. At that point, Officer Flynn, who was right there with me, was like, "Who's this?" And I said, "V1 V1 And he goes, "Really? I didn't recognize her because she changes."

Todd Simonson:

I see. Okay. All right. So I'm going to go to the video. It looks like your agency's body worn camera videos as with other agencies are, there's no sound the first 30 seconds.

Paul Matejcek:

Yes.

Todd Simonson:

That's a setting on the Axon body cameras.

Paul Matejcek:

Mm-hmm.

Todd Simonson:

And then you can hear things after 30 seconds. So I'll kind of narrate what we're looking at. So at the beginning, this is the line of sheds we're talking about.

Paul Matejcek:

Yes.

Todd Simonson:

Okay. I'm going to fast forward to-

Paul Matejcek:

Would it be easier if you came over here and then we could all watch it from one side?

Todd Simonson:

Yeah, I'll do that. Okay. Okay. We're all on the same side of the table. This is the line of sheds. This is Franson's video so he's kind of focused on one of the sheds. I'm going to move it up to when she comes out. So there's flashlights on the shed. This is 5:30 or so in the morning?

Paul Matejcek:

Yep. So what she had done at this point, so we heard the door shut. We said, "Okay, we're probably going to take a guess and say, whoever we're looking for is in there." Then we hear, it sounded like someone had thrown themselves on the ground or against a wood wall. So we're like, "Okay, somebody's definitely in there." So that's when we announced, "Police, come out." We started shining our lights in the window. We can't see anything because what she had done was lay down on the ground, like right up against the door so that way we can't see her.

Todd Simonson:

Okay. You narrow it down to this shed with like a red door with some white trim. This is Flynn over here shining a flashlight in the window?

Paul Matejcek:

Yeah. He should have been over there.

Todd Simonson:

Okay.

Paul Matejcek:

We had coordinated like, "All right, Franson you're going to stand in front of the door. You've got taser." Flynn's off to the side, I'm not sure if he had any [inaudible 00:33:37] options out. And then I was going to throw the door open.

Todd Simonson:

Okay. And that's what happened, right?

Paul Matejcek:

That's what happened.

Todd Simonson:

Okay. Playing at 43.

Speaker 1:

Hey, let me see your hands.

Todd Simonson:

V1 coming out.

Speaker 1:
Sit down. Sit down. Sit down. V1 sit down.

V1
What?

Speaker 1:
Sit down, sit down, sit down.

V1 :
No. What are you doing?

Speaker 1:
Put your hands behind your back.

V1 :
Why?

Speaker 1:
Because I said so.

Speaker 2:
Just watch your back, if anybody else-

V1 :
[inaudible 00:33:56] shot in my fucking nose, dude. I just got shot in my nose.

Speaker 1:
Can I get some light over here please?

Speaker 2:
Absolutely.

Speaker 1:
V1 drop your stuff.

V1 :
Oh, what?

Speaker 1:
Drop your stuff.

V1 :
Oh.

Speaker 2:
Are you hurt, V1

V1 :
Somebody just fucking shot me in my nose.

Speaker 1:
[inaudible 00:34:15] 29, V1 bare with us.

V1
Thank God.

Todd Simonson:
Let me just stop it real quick. I'm going to stop at 1:22. So I just want to... I'm going to stand up.

Paul Matejcek:
You're fine. Yeah. That's all right.

Todd Simonson:
So you pulled her to the ground, I think it was around 53 seconds, and handcuffed her. Why did you do that?

Paul Matejcek:
Just because the call that we had responded to was someone screaming for whatever reason. And then I see her and I remember how physically combative she becomes. That she actively resists, all of the above, or she doesn't like the cops, that kind of thing. So I see her. I know that if we're dealing with her, it's probably best that she goes in handcuffs.

Todd Simonson:
Right. I noticed that you said her name several times and told her to sit down.

Paul Matejcek:
Yeah.

Todd Simonson:
And she didn't appear to go with the program?

Paul Matejcek:
No.

Todd Simonson:
Okay. Is that reason you kind of pulled her down to the ground?

Paul Matejcek:
Yes.

Todd Simonson:
I'm not going to go through the whole search. Did you pat search her for weapons?

Paul Matejcek:
At that time, no.

Todd Simonson:
Okay. Did you know if she had any weapons on her after you had searched her?

Paul Matejcek:
No.

Todd Simonson:
There were some beer cans that were later removed from her jacket.

Paul Matejcek:
Yes.

Todd Simonson:
Did you feel those when you were securing her there?

Paul Matejcek:
At that point, I didn't. I didn't pat search her.

Todd Simonson:
You didn't pat her at all.

Paul Matejcek:
I just put her in handcuffs and put her down.

Todd Simonson:
I think she had some stuff in her hands, if I remember.

Paul Matejcek:
Yes she had, I believe it was a lighter.

Todd Simonson:

Let me just put play.

V1 :
Right.

Speaker 2:
Why didn't you step outside when we told you to?

V1 :
Because I didn't know who it was.

Speaker 1:
We said police department.

V1
Oh, somebody shot me in my nose. Fucking shot me in my nose. Look on the corner of it.

Speaker 1:
Shot you in your nose?

V1 :
Yeah.

Speaker 1:
With what?

V1
I have no clue. It looked like a razor.

Speaker 1:
Who was it?

V1 :
It was that guy, the fucking one with the hawk nose or whatever.

Speaker 1:
The hawk nose?

V1 :
Yeah.

Speaker 1:
I don't know what you're talking about.

V1 :
He fucking called me up or whatever and he is like, "Hey, Alex, wow." He's like, "Stop by." He's like tough shit or whatever.

Speaker 1:
What did he look like?

V1 :
Fucking like a big ass fucking nose on him.

Speaker 1:
Yeah. But like, was he Black, white, Hispanic? What happened?

V1
He's Mexican.

Speaker 1:
He's Mexican?

V1
Yeah.

Todd Simonson:
I'm going to stop it here. I thought we were going to... I saw the lighter and the whatever else she had in her hand at some point.

Paul Matejcek:
I think it's in my body camera footage where you see that.

Todd Simonson:
Oh, okay. So your body camera footage stops while you're conversing with her.

Paul Matejcek:
Yes.

Todd Simonson:
You turned it off maybe two or three minutes in?

Paul Matejcek:
Yes.

Todd Simonson:
But why'd you turn it off?

Paul Matejcek:

After she was in handcuffs and she was sat down and myself Flynn and Franson had triangulated her, we were comfortable with the situation at that time. It was static. And I was having an administrative conversation on where to go with V1 from then.

Todd Simonson:

Okay. I'm going to talk to you about that. So this back and forth that you're having with her during this where she's telling you about being shot in the nose by some male, did you have any idea what she was talking about at the time?

Paul Matejcek:

No.

Todd Simonson:

Okay. Did you ever find another male?

Paul Matejcek:

No.

Todd Simonson:

She had some injuries on her face at the time. Did you notice that when she was sitting outside the shed?

Paul Matejcek:

Yes.

Todd Simonson:

What kind of injuries?

Paul Matejcek:

There were like small cuts to her nose.

Todd Simonson:

Okay. Did she ever explain how she got those?

Paul Matejcek:

She just said that she was shot in the face. After she was put in the back of the car, I think even maybe before, Flynn had gone into the shed and seen how there were glass shards. And then there was also glass on the parking lot where she was sitting. So we think that she had thrown a glass bottle down, it hit her or like ricocheted, cut her in the face and that's why she was screaming. And then that's when the RP, the reporting party, IP8 heard her screaming. And that's how we got the call.

Todd Simonson:

Okay. Unless you want to, I'm not going to play the entire back and forth conversation you had with her.

Paul Matejcek:

That's fine.

Todd Simonson:

Okay. I mean, unless you...

Julia Fox:

No, I've watched it before.

Todd Simonson:

There was really nothing of note to me. And do you remember anything of note to you? Okay. You've had these types of conversations with her in the past?

Paul Matejcek:

Yes.

Todd Simonson:

She's kind of going on and on about whatever and you're trying to kind of get to more of the point.

Paul Matejcek:

Yes.

Todd Simonson:

Okay. Let me fast forward it then. Flynn takes off and starts searching other sheds. Do you remember that?

Paul Matejcek:

Yes.

Todd Simonson:

Okay. And Franson kind of stays with you and she just kind of talks to Franson for a while. What are you doing while she's talking to Franson?

Paul Matejcek:

Just kind of watching her, thinking about, "Okay, where are we going to go from here? Is there anything else that we need to look for?" She's saying that she's shot in the face. Flynn's looking for somebody else, that kind of thing.

Todd Simonson:

Okay.

Speaker 2:

[inaudible 00:39:34].

Todd Simonson:

What am I going to? 6:42. Before I start asking questions again? What were you going to do with her? I mean, she was detained at this point?

Paul Matejcek:

Yes.

Todd Simonson:

What was the thought process, if you know?

Paul Matejcek:

Yeah. So while I was watching her and I'm listening to her, I can smell alcohol on her breath. I can hear the slurred speech. I can see the watery eyes. So I'm more than certain that she's under the influence of at least alcohol.

Todd Simonson:

All right. So you think you have a 647F?

Paul Matejcek:

Yes.

Todd Simonson:

Okay.

Paul Matejcek:

So I know that she gets combative when she finds out she's going to jail. So I'm like, okay. And this is the administrative conversation that I have with Flynn where I'm like, "What do you think? Where should we go from here? What do we have?" That kind of thing. We kind of cancel out that there was a fight, as far as her fighting with somebody else and it was just her at the scene that morning. So I'm kind of thinking like, "Okay, let's call AMR. Let's just have her get on the gurney and we'll send her away for intoxication because-"

Todd Simonson:

Why would you call an AMR for a 647F?

Paul Matejcek:

To say that she's... Well, I mean, we already asked her if she would be willing to go on the gurney, because she's more than willing to go into gurney to go to the hospital to get checked out than to go to jail. And then we can say that she's so intoxicated that she needs to be medically evaluated.

Todd Simonson:

Yeah. So normally a 647F would be... Is there a drunk tank in this department or-

Paul Matejcek:

We don't have one. No.

Todd Simonson:

So you have to bring her to MDF?

Paul Matejcek:

Yes.

Todd Simonson:

Okay.

Paul Matejcek:

Yeah, but that's when she became combative and that's when it switched from, this is not just an AMR, right? This is you're going to the drunk tank.

Todd Simonson:

Okay. Was there a thought about 5150?

Paul Matejcek:

Tried. I asked her the questions. Do you feel like hurting anybody? She says no. Ask her if she's thinking about hurting herself, she says no.

Todd Simonson:

Okay. I think Flynn actually might have asked that. Let me just play it. I'm going to play it from 6:28.

Speaker 2:

[inaudible 00:41:48].

Todd Simonson:

If I stop it here, it looks like you have a flashlight and Flynn is talking to you. Is that what you're talking about, like what are we taking her for?

Paul Matejcek:

Yes.

Todd Simonson:

Okay.

Paul Matejcek:

Well, not what are we taking her for, but where should we go from here?

Todd Simonson:

Okay. That's right. But I mean, was there a thought of about just leaving her there?

Paul Matejcek:

Absolutely not.

Todd Simonson:

Why not?

Paul Matejcek:

Because if she's to the point where she's throwing bottles down and she's hurting herself and she's not caring about it, who is to say that once people start to arrive more for work or be in that general area, who's to say that she's not going to throw them at them or she's going to walk out in traffic or something like that next to Lone Tree, which is a busy fairway, busy thoroughfare. If anybody goes and contacts her and says leave, it's more than likely that they're going to get into confrontation with her because of her actions.

Todd Simonson:

Right. So you didn't want to just leave her there to consort with the public?

Paul Matejcek:

No.

Todd Simonson:

Okay. So you're trying to figure out how to resolve this by having some reason to take her for either 647F or some other applicable legal means.

Paul Matejcek:

Yes.

Todd Simonson:

Okay. I'm starting at 6:46.

Speaker 1:

Yeah, why is it so dirty over here? What do you do with all this stuff?

Todd Simonson:

Is that you?

Paul Matejcek:

Yes.

V1 :

You know what? I'm sick and tired of you following me, dude. Why don't you stand down, quit following me.

Paul Matejcek:
It's at this point where-

V1 :
I can do whatever the fuck I want, man. You two fucking shining lights in my eyes and shit.

Speaker 1:
Yeah?

V1 :
I mean, how often do you guys fucking kill these fools, like murder me?

Speaker 2:
Why are you yelling?

Todd Simonson:
Okay, so I'm going to stop it at 7:16. Was that Flynn who said, why are you yelling?

Paul Matejcek:
No, that was Dave Franson.

Todd Simonson:
Oh, that Dave Franson. Okay.

Paul Matejcek:
[inaudible 00:43:43].

Todd Simonson:
So V1 kind of erupts at a question you asked, like, was it, why is it so dirty around here?

Paul Matejcek:
Yeah.

Todd Simonson:
What was the point of that question?

Paul Matejcek:
Just to see if she was the one that was causing like all the garbage that was on the ground. It looked like somebody had just taken their trash can and just dumped it right in front.

Todd Simonson:
Okay. Were you trying to antagonize her in any way?

Paul Matejcek:
No.

Todd Simonson:
Okay. She starts yelling, quit following me, dude and complains about shining flashlights in her face.

Paul Matejcek:
Mm-hmm.

Todd Simonson:
Had she erupted like that at you in the past?

Paul Matejcek:
Yes.

Todd Simonson:
Okay.

Paul Matejcek:
She goes through... And this is why I think she was under the influence of drugs as well, because she just does giant mood swings and that's one of them. She's low. She's calm at first or not calm, but calmer at first. And then on the blink of an eye, she's just erupting like that.

Todd Simonson:
So kind of a roller coaster of emotions?

Paul Matejcek:
Yes.

Todd Simonson:
And that's typical with her?

Paul Matejcek:
Yes.

Todd Simonson:
Okay. When she said quit following me, dude. I mean-

Paul Matejcek:
I have no idea what she's talking about.

Todd Simonson:
You've never like followed her anywhere?

Paul Matejcek:
No.

Todd Simonson:
You've only responded to calls where you're dispatched to them?

Paul Matejcek:
Yeah.

Todd Simonson:
Okay. Flynn asks if she's thinking about harming herself or others and he's about to ask it-

Paul Matejcek:
Was it Flynn or was it me? I believe it was me.

Todd Simonson:
Oh, I'm sorry. It's hard to tell.

Speaker 1:
You thinking about harming-

Paul Matejcek:
That's me.

Todd Simonson:
Okay. So it's 7:17 you're the one who say, are you thinking you're harming yourself? Right?

Speaker 1:
... yourself?

[redacted]:
No.

Speaker 1:
You thinking of harming anybody else?

[redacted]:
Yeah.

Speaker 1:

Yeah. That was a softball question. You did not hit that one.

V1 :
I don't play softball.

Speaker 2:
I don't either.

V1 :
And thank you for following me.

Speaker 1:
For finding you?

V1 :
No quit following me.

Speaker 1:
Oh, okay.

V1 :
Yeah. Yeah. Thank you.

Speaker 1:
Why you have so much beer?

V1 :
What do you mean beer? I can drink beer whenever the fuck I want. It's not beer, dude.

Speaker 1:
It is. It's Budweiser.

V1 :
So the fuck what?

Paul Matejcek:
I think there was Budweiser cans at that point.

V1
I don't give a fuck if it's beer or not. I drink as much beer as I fucking want.

Paul Matejcek:

All right. No, excuse me. At that point I could see the beer cans in her pocket because they were extended out.

Todd Simonson:

I think there were three total.

Paul Matejcek:

Yes.

Todd Simonson:

And they were in her jacket pocket?

Paul Matejcek:

Yes.

Todd Simonson:

She was wearing kind of like a denim jacket.

Paul Matejcek:

So she has three jackets on. Sh had a denim jacket underneath and then another sweater underneath that and then like another jacket. She was wearing three.

Todd Simonson:

Okay. I'm going to play it. Franson is about to mute his microphone in a second. I'm going to ask a question 8:01. So I'm going to stop it at about 8:10 on the video, Franson mutes his microphone. How do you do that?

Paul Matejcek:

There's a button on the side.

Todd Simonson:

Do you know why he did at the time?

Paul Matejcek:

Yeah, we were going... Or she was just going in circles. There was nothing really else that we were going to get out of her as far as the statement, but he just decided I'm going to take... I guess, and say that he just decided just to keep the video rolling just in case.

Todd Simonson:

So, I mean, I've looked at your policy. Is there a provision that says you can just turn off your camera when you don't think it's going to capture anything anymore?

Paul Matejcek:

I'm not sure if it says that in our policy.

Todd Simonson:

Oh, so why did you deactivate yours?

Paul Matejcek:

Just because I was having an administrative conversation with Flynn.

Todd Simonson:

So that's allowable to mute or turn off your video when you're having an administrative conversation?

Paul Matejcek:

Yes.

Todd Simonson:

An administrative conversation includes like trying to figure out what you're going to detain or arrest somebody for?

Paul Matejcek:

What we're going to do with them after they're arrested.

Todd Simonson:

Okay. And that's what you were doing with Flynn and Franson?

Paul Matejcek:

Yes.

Todd Simonson:

Okay. So the remainder of the video is without audio.

Paul Matejcek:

Yes.

Todd Simonson:

For the next minute or so before you ended up kicking V1 what's being discussed?

Paul Matejcek:

So I looked at Flynn and I was like, "What do you think?" He's like, "Well, she's 647." And I'm like, "Yes, but what else aside from that?" Should we... And that's where I was bringing up, should we just call AMR and just have her go and get medically evaluated for her level of intoxication? Or is she going to go to the MDF and then she explodes again. I'm like, okay, this is, we're obviously past the point of just AMR.

Todd Simonson:

And what's she saying this time when she exploded?

Paul Matejcek:

The same stuff. "Why are you following me? Why... I see you in my dreams," just nonsense.

Todd Simonson:

Did she get upset that you called her some other name?

Paul Matejcek:

I think Franson actually called her a different name.

Todd Simonson:

What did he call her?

Paul Matejcek:

I don't remember, like Jennifer or something.

Todd Simonson:

Okay.

Paul Matejcek:

Just a different female name. Maybe it was Flynn, but she became, if I remember correctly, she became pissed about that too.

Todd Simonson:

Yeah. I'll tell you what? There's another video. I think it's Franson's dash cam that picks up a little bit of the conversation. Have you reviewed that?

Paul Matejcek:

No.

Todd Simonson:

Okay. Let's just do this video and then I'll play a little [inaudible 00:49:11] before we talk after that. So there's about a minute of more back and forth where you can't hear anything. Does that sound right?

Paul Matejcek:

Yes. And I'm just letting her yell at me that whole time.

Todd Simonson:

Was there any coordination during this audio-less minute about like deescalating? About how we're going to get her off the ground or what we're going to do to put her in a car or anything like that?

Paul Matejcek:

Yeah. So my deescalation in my head was if we don't put her in the back of the car, if we just let her sit here and we get the ambulance to come and take her, this is going to resolve her from finding out that she's going to go to jail and she's going to explode. So if we just keep her here, say, "Hey, we've got the ambulance on the way." She'll stay calm. I believe she'll stay calm. And then she'll be on her merry way to the hospital, which is something that she would much rather do instead of go to jail. If we put her in the back of the car now we're opening the door for her to go after us.

Todd Simonson:

So did you tell her that there was an ambulance on the way?

Paul Matejcek:

No. We hadn't made the call yet.

Todd Simonson:

Okay. So during this minute or so of silence, there's a conversation going on. We just can't hear it. And she's exploded at some point as you describe it.

Paul Matejcek:

Yes.

Todd Simonson:

Meaning she's ramped up her volume on her voice.

Paul Matejcek:

Yes.

Todd Simonson:

And she's saying what?

Paul Matejcek:

Random things. The, I see you in my dreams. I remember that specifically. You know, "Fuck this, fuck you." That kind of stuff.

Todd Simonson:

All right. So at some point, did you believe she was trying to stand up?

Paul Matejcek:

Yes.

Todd Simonson:

All right. Tell me when. I'm going to play it and then I don't know if you can see her. So she's down. Can you see her head right here? Like under the 30 second sign?

Paul Matejcek:

A little bit. Yeah.

Todd Simonson:

So if I manipulate this, it's going to continue to be a little in the way. So really just look closely. So we're at 8:36. I'm going to start just kind of going through if you can... Actually, I'll just play it. Tell me where she starts standing up.

Paul Matejcek:

Right there-

Todd Simonson:

Okay. So I'm going to stop it at-

Paul Matejcek:

... is when she like... So her legs were crossed because from my training in the Academy and being on the streets, we had people cross their legs.

Todd Simonson:

When you have them sat down?

Paul Matejcek:

When we have them sat down, when they're sitting on the curb, they cross their legs. Because it's, now if they uncross their legs, it's more likely that they're going to stand up or they're going to try and run away. So we always have them cross their legs. So that's how she was when she was placed on the ground. She's crossed her legs. So when she uncrossed her legs, I'm like, "Okay, now she's going to try and make a move." She has a history of running and fighting cops. This is it. This is where she's going to start to make that decision. And she rolled forward, or she uncrossed her legs and then she rolled forward. And [inaudible 00:52:21]-

Todd Simonson:

When you say she rolled forward, she was still on her butt.

Paul Matejcek:

Yeah.

Todd Simonson:

Yes.

Paul Matejcek:

But she's like trying to tuck her legs underneath her to stand straight up.

Todd Simonson:

Okay. So she was making movements that indicated she was going to try to stand?

Paul Matejcek:

Yes.

Todd Simonson:

Did she say she was going to try to stand?

Paul Matejcek:

No.

Todd Simonson:

Did she say I'm going to get out of here? Say anything about running? Anything like that?

Paul Matejcek:

No. But because of my prior history with her and her being violent and her running away multiple times from me, from other officers, I knew that this was not... She wasn't just going to stand up and just hang out.

Todd Simonson:

Did you give her any verbal commands?

Paul Matejcek:

Two. V1 stay seated. V1 sit down.

Todd Simonson:

Did Franson or Flynn give her any verbal commands?

Paul Matejcek:

I don't think so. No.

Todd Simonson:

V1 please stay seated.

Paul Matejcek:

V1 stay seated. V1 sit down.

Todd Simonson:

Did she seem to hear you?

Paul Matejcek:

Yes. I don't think she cared, but I know she heard me because I hadn't changed my distance. I had said it louder than I would have when we were conversating, as far as like, "Hey, are you thinking of hurting yourself or are you thinking of hurting anyone else?" So I know she could hear me, but as far as her acknowledging me, she did not make any acknowledgement.

Todd Simonson:
Okay. So about how far are you from her at this point?

Paul Matejcek:
I would say four to five feet.

Todd Simonson:
Is Flynn about the same?

Paul Matejcek:
Flynn's a little bit farther back. He's maybe like a foot or two behind.

Todd Simonson:
What about Franson?

Paul Matejcek:
Franson, the same distance. We all gave her her space.

Todd Simonson:
Okay. Is there anybody else in the parking lot that you know of?

Paul Matejcek:
In that area? No.

Todd Simonson:
Where's the RP, if you know?

Paul Matejcek:
So right here, Franson is looking westbound, Home Depot's behind. She was farther behind Franson.

Todd Simonson:
Okay. All right. I'm going to play, the kick's coming up right here, I think, 9:07.

Paul Matejcek:
So-

Todd Simonson:
So we just did the kick. So to me it looked like about three quick steps toward her. You raise your right foot and you kick her kind of in the left torso area.

Paul Matejcek:
Yes. So I know it sounds crazy, but when she undid her feet and she rolled forward, I thought at that point she was going to jump out at me because that's a V1 thing.

Todd Simonson:

What do you mean?

Paul Matejcek:

As far as like being unpredictable and how she comes at you. So in my head I was thinking, "Okay, she's hopped up on drugs and she's hopped up on alcohol. This would not surprise me if she jumped forward towards me." And then if she wasn't going to jump forward towards me, she was going to stand all the way up. And then she was going to come after us or she was going to try and run away or she's going to spit at us.

Todd Simonson:

Okay. She was handcuffed at the time?

Paul Matejcek:

Yes.

Todd Simonson:

Did that enter into your calculus about kicking her?

Paul Matejcek:

Yes. So you can see that she was standing in front of the door and I knew that if I go hands on with her, my face is going to be right next to her. And she's more than likely going to spit in my face because now her hands are tied behind her, they're handcuffed behind her back and she's likely to spit in my face because she's done that before to other people.

Todd Simonson:

Has she actually hit you in the face with spit?

Paul Matejcek:

Me, personally? No. So where she's standing, I was like, if I grab her, one, I'm going to get spit in the face, but I'm also going to have to try and throw her down to the ground to get her back onto her stomach, to be able to pick her back up or handle her however we need to, as far as putting her in a wrap or whatever it is to control her legs. So that way now she can't kick at us or slip her cuffs, which she has done before as well.

Todd Simonson:

When you say slip her cuffs, what do you mean?

Paul Matejcek:

Underneath and brings them-

Todd Simonson:

So she puts the cuffs underneath her feet and then brings them in front of her?

Paul Matejcek:

Yes.

Todd Simonson:

So she can do more with the hands in front of her?

Paul Matejcek:

Yes.

Todd Simonson:

Okay.

Paul Matejcek:

Which she's done before with me.

Todd Simonson:

Okay. Did she try that here?

Paul Matejcek:

No, because she was sitting on... She was on her butt at the time and then when she ruled forward as she was standing up, that's when I acted because I was trying to prevent all the above from happening. So if she wasn't going to spit at me and I go hands on with her and now I'm trying to put her back on the ground, on her stomach so that way we can control her, just in a prone position where that's the easiest to handle people. That's the safest way for us to do it. Or put her in a wrap or whatever it is, now she can't put her hands out to break her fall and she was more likely to hit her head or something like that. So what I saw here was she's got this solid backdrop behind her, as far as the wooden door. If I push her into the door, now she'll be thrown off balance. She could slide down the door, back onto her butt and not hit her head on anything.

Todd Simonson:

Okay. So let me just continue playing it at 9:12. Let me just back it up and see the whole kick. I want to start at 9:02. Okay. There's a kick at 9:08. She goes against the door kind of on the ground, on her butt. Is that right?

Paul Matejcek:

Yes, sir.

Todd Simonson:

And you pick her up?

Paul Matejcek:

Yes.

Todd Simonson:

And kind of hustle her over to your car?

Paul Matejcek:

Yes.

Todd Simonson:

Okay. I'm going to stop there and ask you some questions. 9:25, as you're hustling her back to your car, did you intend to kick her with as much force as you did?

Paul Matejcek:

What do you mean?

Todd Simonson:

Well, I mean, it looks like you kicked her with enough force to send her back into the door. Did you intend to do that?

Paul Matejcek:

So the amount of force that I used would... And if you slow the video down, you can see where only the top of... like the ball of my foot actually contacts her where I'm extended. So my thinking was only an amount of force in order to knock her off balance into this door. I wasn't trying to field goal punt her through the shed. I wasn't trying to like harm her or break any bones or anything like that. I wasn't trying to hurt her. I was just trying to get her off balance into the door so that way she would go back down and that way I can get behind her, pick her up.

Julia Fox:

Slide down the door.

Paul Matejcek:

Slide down the door.

Todd Simonson:

So what you did is what you intended to do.

Paul Matejcek:

Yes. And I didn't use... I used only enough to push her off, but I wouldn't have used any more force if I had pushed her back down with my hands, if that makes sense.

Todd Simonson:

No, explain that to me.

Paul Matejcek:

I used the same amount, right? So regardless if I was pushing her with my foot or if I was pushing her with my hands, the same amount.

Todd Simonson:

You would've used the same amount of force to knock her off balance to get her on her butt in a position you could handle her without her spitting on you?

Paul Matejcek:

No, with my foot. So I would've used the same amount of force to push her with my foot as I would have with my hands to push her into that door so that way she would be off balance.

Todd Simonson:

Okay. So, you think if you used your hands, you would've shoved her-

Paul Matejcek:

The same amount of force.

Todd Simonson:

Okay.

Paul Matejcek:

The same amount of pressure.

Todd Simonson:

So I guess I'm just kind of asking in a roundabout way because it happens, kind of the, I don't know my own strength kind of thing. Did you intend to use the amount of force behind that kick as you did?

Paul Matejcek:

Yes, because I believe that was the least intrusive force method as well as that was the smallest amount of force to get her to do what I wanted her to do.

Todd Simonson:

Okay. Well, so when she had come out of the shed, initially you grabbed her by the arm and pulled her down to her butt. Why not just do that there?

Paul Matejcek:

Well, now my face is right next to hers. Say, if I approach her, how she was, how she's standing up, now my face was very close and she's more than likely going to spit on me. And I did not want to be spit on or in my face.

Todd Simonson:

So the kick was to prevent being spit on?

Paul Matejcek:

The kick was to allow as much distance between my face and hers as possible while still being able to put her into a seated position.

Todd Simonson:

Okay.

Paul Matejcek:

It was to keep that distance. I wanted to keep as much distance from between my face and hers so that way, if she does spit, well, now I have time to move my head. Whereas if I'm pushing her or if I'm right in front of her, now there's limited space or a shorter amount of space. It's more likely that she's going to spit in my face or in my mouth.

Todd Simonson:

Okay. Well, so Franson and Flynn are there. Why not ask them to grab her and escort her to the car or bring her to the ground or something like that?

Paul Matejcek:

After the kick or before?

Todd Simonson:

No, before the kick. I mean, Franson's to the side of her so I guess he's not in direct spitting range. Why not have him just go over?

Paul Matejcek:

Because she was already standing up here. She was already on her way up at that point and I wanted to... I knew that it was going to either be a fight or she was going to run away or she was going to spit on us like she has done in the past. So I knew that if I act now, act quickly, then I'm going to resolve the situation and she wouldn't be able to do any of those.

Todd Simonson:

Well she's handcuffed so why not just let her stand up and spit and run all she wants and then just grab her after that?

Paul Matejcek:

Because if she runs, then it's more than likely that we're going to have to tackle her. And now her hands are behind her back. And if she falls, how is she going to brace herself?

Todd Simonson:

So you were thinking about all those things before you actually kicked her?

Paul Matejcek:

Yes, as this is all going down.

Todd Simonson:

Okay. Did V1 say anything before you kicked her that might have prompted you to do the kick when you did?

Paul Matejcek:

Like a threat?

Todd Simonson:

Anything?

Paul Matejcek:

I don't recall her threatening me. I just remember her being aggressive in the tone that she was using, the fuck yous and stuff like that.

Todd Simonson:

Okay. Let me just... I'm going to toggle to another video. I usually have this screen and two other screens in front of me, so manipulating this is a little different. Okay. So I've got Franson's dash cam from his vehicle. I'm going to queue it up to 8:30 or so. Okay. I didn't know I was going to get some exercise. So just got to take my word for it. This is the dash cam from Franson's video. Okay? We have it at 8:30 and you can catch some of the conversation, bits of the conversation. Let me just make sure I have it as loud as it can go. So I'm going to start playing and I'll ask you some questions once I hit stop. Okay?

Paul Matejcek:

Mm-hmm.

V1 :

My name's not Jen. Okay? [inaudible 01:03:07].

Todd Simonson:

So at about 8:54, that's the sound of the kick, I believe.

Paul Matejcek:

Mm-hmm.

Todd Simonson:

I'm going to stop at 9:02. Could you tell what she was saying before that, the kick sound?

Paul Matejcek:

Not really.

Todd Simonson:

What I caught was quit calling me something. My name's not something, call me... Do you know what that meant?

Paul Matejcek:

So I think that's where somebody mixed up.

Julia Fox:

I thought she said my name's not Annette and you're not French.

Todd Simonson:

I think she said, you ain't rich. That's what I heard. You remember her saying, you ain't rich?

Julia Fox:

I thought she said my name's not Annette.

Todd Simonson:

Okay. And then at the end it sounded like she says, so you got to undo the handcuffs.

Paul Matejcek:

Yeah. Yeah. In her head, she thought that she wasn't in trouble or that she had done nothing wrong. So take off the handcuffs.

Todd Simonson:

That was the last thing she said before the kick. So you got to undo the handcuffs. Had she been complaining about the handcuffs at all?

Paul Matejcek:

No. And I was able to get my finger in there to make sure that they were good.

Todd Simonson:

Okay.

Paul Matejcek:

No, at that point, I didn't double lock them. I had just put them on and then I had later checked them for proper fit and double locked them.

Todd Simonson:

Okay. So you bring V1 back to your car. You search her there?

Paul Matejcek:

Yes.

Todd Simonson:

You find the three Budweisers and some other stuff on her?

Paul Matejcek:

Yes.

Todd Simonson:

What other stuff? I forget.

Paul Matejcek:

Just miscellaneous stuff. Napkins, I think there was a couple lighters. Yeah, just random little things. I want to say there was like a piece of broken glass or something in her pocket, but just a whole lot of nothing.

Todd Simonson:

Junk?

Paul Matejcek:

Yes.

Todd Simonson:

Okay. And then once you searched her, you put her in the back of your car?

Paul Matejcek:

Yes.

Todd Simonson:

Any incident with that?

Paul Matejcek:

No.

Todd Simonson:

Did you discuss what had occurred with Flynn and Franson there in the parking lot?

Paul Matejcek:

Yes.

Todd Simonson:

Tell me about that.

Paul Matejcek:

So I searched her, put her in the back of the car. They were like, "What the heck?" Like they were kind of caught off guard.

Todd Simonson:

Did you know what they were caught off guard about?

Paul Matejcek:

Yes. About that, obviously, because I pushed her with my foot. So they were like, "Run us through what's going on? Or why you did that?" Franson hadn't had the same kind of contact. Both Franson and Flynn hadn't had the same kind of contacts that I had with her so I explained to them, "Hey look, she fights, she kicks, she bites, she spits. She does everything to not go to jail and because she's standing up, I was confident that she was going to either try and run. She was going to spit. She was going to kick us. She's going to try to slip out of her cuff, whatever it is, to not go to jail." And Franson was like, "Okay." He was just like, "I just haven't had that kind of contact with her or as many contacts with her as you have where she's like that." And yeah, Flynn, I remember him saying after because we watched the body camera footage together on scene still, waiting for AMR to show up. And he was like, "If she had taken a step forward, it would've been more justified." And I was like, "I didn't want her to get to that point. I didn't want to have to wait for her to try to attack us, actively attack us or actively run away. I wanted to stop it before all of that happened."

Todd Simonson:

So she had stood up before you kicked her, but she had not taken a step forward. Is that right?

Paul Matejcek:

Yes.

Todd Simonson:

Okay. So did you have the feeling that Franson and Flynn thought your kick was excessive?

Paul Matejcek:

Yes.

Todd Simonson:

Did they say those things to you?

Paul Matejcek:

No.

Todd Simonson:

Just the way they were acting and Flynn saying I would've done something like that if she had taken a step?

Paul Matejcek:

He said that it was justified, or he said that he wouldn't have done something. He didn't say I would've done it. He said it would've been more justified if she had taken a step forward.

Todd Simonson:

I see. Did you call your Sergeant Alvarez?

Paul Matejcek:

Yes.

Todd Simonson:
While you were there at the scene?

Paul Matejcek:
On scene? No. On the way back to the department. Yes.

Todd Simonson:
Why didn't you call him on scene? I mean, it was a use of force. You knew that, right?

Paul Matejcek:
Yes. Yeah. I knew that he was going to get notified [inaudible 01:08:07].

Todd Simonson:
I'm sorry. I looked at your use of force policy. A kick is a use of force?

Paul Matejcek:
Yes.

Todd Simonson:
Okay. Flynn wrote a supplemental because he took his taser out, that's considered a use of force too?

Paul Matejcek:
A display, yeah.

Todd Simonson:
A display.

Paul Matejcek:
Yeah.

Todd Simonson:
Okay. So you're required, if you have a use of force, you tell the sergeant.

Paul Matejcek:
Yes.

Todd Simonson:
One of the things in, I think it's a use of force policy, under Supervisor's Responsibility is if possible the sergeant goes out to the scene. Any reason you didn't call him when you were out at the scene?

Paul Matejcek:

Between me, Franson, Flynn, I believe that we had enough experience that we were getting all the things that whatever Alvarez was going to need to take care of, we were doing it there. All we needed to do was notify him.

Todd Simonson:
Okay. Did you call an ambulance at the scene?

Paul Matejcek:
Yes.

Todd Simonson:
For what reason?

Paul Matejcek:
To have her checked out for as far as being kicked and the injuries to her face.

Todd Simonson:
Okay. Did AMR go to Home Depot?

Paul Matejcek:
Yes.

Todd Simonson:
And they checked her out in the parking lot there?

Paul Matejcek:
Yes.

Todd Simonson:
And they cleared her?

Paul Matejcek:
Yes.

Todd Simonson:
Did she complain of any pain to her torso where you kicked her?

Paul Matejcek:
No.

Todd Simonson:
Did she complain about the kick at all in your presence?

Paul Matejcek:

No.

Todd Simonson:

Okay. So once AMR clears her, what do you do?

Paul Matejcek:

I transport her back to the station. Call the Sergeant, "Hey, meet me at the Sally Port. Meet all three of us because I'd like to explain what happened in front of Franson and Flynn in case they saw something different than what I'm telling. Whatever it is, I just want to make sure that we're all on the same page."

Todd Simonson:

You told Alvarez that over the radio?

Paul Matejcek:

No. I told him.. That was my conversation with Flynn and Franson like, "All right cool. You guys... " They were more worried about duty to intercede type things.

Todd Simonson:

But duty to intercede is kind of a new addition to the use of force policy, correct?

Paul Matejcek:

Yes. Yeah. So they were worried like, "Okay, well are we going to get in trouble if we don't say anything?" I'm like, "It's not like I'm not going to say anything. I'm going to tell the Sergeant what happened. That's why we're going to go back to the station. That's why she's getting cleared. I've taken photos of her while she's in the back of the car. I'm going to take some more [inaudible 01:10:16] back at the station. We'll see if we can find or see if there's any injury on her at the station while the sergeant's there as well." So they're like, "Okay." So we all go back to the station. We all have this little powwow at the station, while I'm explaining to Sergeant Alvarez what happened.

Todd Simonson:

And how do you explain to Sergeant Alvarez what happened? What are you telling him?

Paul Matejcek:

We get this call. She's sitting down, she's in handcuffs. I know her to be combative and run and all of the above. She goes to stand up. In order to prevent her from escaping or spitting at us or fighting with us, I push her to end of the shed and she slides down.

Todd Simonson:

Why do you describe it as a push? It was a kick, right?

Paul Matejcek:

It was a push. I used it as a push.

Todd Simonson:

You used a push with your foot?

Paul Matejcek:

Yes.

Todd Simonson:

Okay. You understand why people might describe it as a kick?

Paul Matejcek:

It's with a foot.

Todd Simonson:

And you described it as a kick in your report at one point, right?

Paul Matejcek:

A discretionary kick. Yes. But my intent was to push her into the shed, push her off balance into the shed. If I wanted to kick someone... I could see how that would be a kick, but that was not... My intent was to not... I didn't want to injure her so that's why I'm pushing her to the ground. Not kicking her. Like I said before, not throwing her through the shed, I'm just pushing her off balance with enough force with my foot.

Todd Simonson:

With your foot, while she's handcuffed.

Paul Matejcek:

While she's handcuffed.

Todd Simonson:

And you tell the Sergeant that she was handcuffed when you pushed her with your foot?

Paul Matejcek:

Yes.

Todd Simonson:

Did Franson and Flynn chime in with their input?

Paul Matejcek:

They said that I said everything exactly how it happened.

Todd Simonson:

Okay. Did they raise any issue with Sergeant Alvarez in your presence about the kick, whatever you want to call it, the push with your foot being excessive?

Paul Matejcek:

No.

Todd Simonson:

Did Alvarez asking you questions about what you had done during that meeting?

Paul Matejcek:

He asked if AMR had checked her out. I said, yes. He said, "Did you get any photos of her injuries?" I said, "I tried. I'm going to try again." She wasn't wearing a shirt underneath all her jackets. So I didn't lift up her jackets to get a picture of where to search for anything. We didn't have any females working to check either.

Todd Simonson:

So did you ever get to see the area of the torso that you contacted?

Paul Matejcek:

Only from like here down.

Todd Simonson:

So kind of mid thorax down?

Paul Matejcek:

Yes.

Todd Simonson:

You had lifted up that much?

Paul Matejcek:

She, yeah lifted. Yeah, because I asked her, "Hey, are you wearing your shirt," as I'm like picking it up to here.

Todd Simonson:

All right. How long was the conversation with you, Sergeant Alvarez, Flynn and Franson outside the Sally Port?

Paul Matejcek:

A few minutes.

Todd Simonson:

Did Sergeant Alvarez give you any directions about booking her, writing the report or anything?

Paul Matejcek:

He just said... He asked like, "Okay, where is she going now?" I was like, "Well, we're going to put her in the back of the transport van with CSO Sheffield. She's going to be going to MDF. She's already checked out by AMR. We're going to try photographing her again because she didn't want to be photographed while she was in the back of the car on scene." And then he's like, "Okay, well this is your Friday. You need to get the report in today." I'm like, "That's no problem," because at that time it was almost 7:00 so it was almost time for everybody to leave. I said, "Yeah, that's fine." He notified, I believe it was Sergeant Tonkel.

Todd Simonson:

Can you spell that?

Paul Matejcek:

T-O-N-K-E-L.

Todd Simonson:

He's a Sergeant where?

Paul Matejcek:

Here.

Todd Simonson:

But different shift?

Paul Matejcek:

Different shift. So Alvarez is the night, graves time, the graveyard guy. We were getting ready to get off, so Tonkel was starting his shift at 6:00. So he was going to be the one. I guess, they had coordinated that he would be the one to review the report and checked to make sure all the elements were made and whatnot before I go on my off time and then go into training.

Todd Simonson:

Okay. So you wrote this report at the end of that shift?

Paul Matejcek:

Yes.

Todd Simonson:

Okay. It wasn't approved until May 10th.

Paul Matejcek:

Yes.

Todd Simonson:

By Sergeant Aguiar.

Paul Matejcek:

Yes.

Todd Simonson:

Where does he work?

Paul Matejcek:

Here.

Todd Simonson:

I know, but where? What part of the department?

Paul Matejcek:

The, was it Professional Standards Unit? PSU.

Todd Simonson:

So why did he end up approving the report?

Paul Matejcek:

So after I wrote my report and Tonkel reviewed it and then I believe Alvarez reviewed it that night, Alvarez had also notified Lieutenant Louwerens of this situation.

Todd Simonson:

Louwerens is spelled not like a Lawrence would normally be spelled.

Paul Matejcek:

You're right. It's L-O-U-W-E-R-E-N-S.

Todd Simonson:

Yeah, go ahead.

Paul Matejcek:

They reviewed it. And then I guess they still had questions after I had left, even though Sergeant Tonkel had already told me that it was good. It was, everything was there that needed to be there. A few weeks passed by, I guess. I thought my report was turned in at that point, I thought it was approved and ready to go. Then Sergeant Aguiar notified me that it was not approved and submitted. That it had been reviewed by several other, I guess, lieutenants and detectives and as well as a captain and they had questions, so they wanted me to come in and answer those questions until the report was finalized.

Todd Simonson:

What type of questions? Was it in an email kind of thing?

Paul Matejcek:

No, it was as far as like what happened to the beer cans and then it was grammatical stuff.

Todd Simonson:

Okay. So nothing about your description of why you kicked and what happened with the kick?

Paul Matejcek:

No. No.

Todd Simonson:

Okay. So your original draft of this report that you turned in, were there a lot of changes made between the original draft and this final draft?

Paul Matejcek:

No, just like medical stuff.

Todd Simonson:

Okay. All right. I noticed that you charge her with 243B, battery on a peace officer. Why is that?

Paul Matejcek:

So as I'm writing this report and she's being transported to MDF, CSO Sheffield is the one that transported her. So when he goes into the back to take her out of the back of the transport van, she tells him something similar to, "I have [redacted] or [redacted] and then proceeds to spit into his mouth." So that's where.

Todd Simonson:

That's the 243B?

Paul Matejcek:

Yes, sir.

Todd Simonson:

I see. Okay. And you said you intended to add a 148.

Paul Matejcek:

There should have been a 148 charge on there as well as she had resisted me. And that was why I was forced to act.

Todd Simonson:

So the resistance was her standing to her feet when you told her not to?

Paul Matejcek:

Yes.

Todd Simonson:

Okay. How many drafts of this report were there, if you know?

Paul Matejcek:

Mine and then that.

Todd Simonson:

Okay, so there's two.

Paul Matejcek:

Yeah.

Todd Simonson:

Okay. Okay. I kind of reached the end of my questions. Is there anything you want to add?

Julia Fox:

No. I was just going to ask about whether the spitting post-event substantiated your understanding that she's a spitter? That you just referenced that.

Paul Matejcek:

So from all my contacts with her, I know her to be a violent person, non-cooperative with law enforcement, regardless if... whatever the circumstances are. If it's a small infraction for jaywalking or for her beating up her dad to the point where she's getting felony charges and convicted with felonies. I know her to be-

Todd Simonson:

She beat her up her dad?

Paul Matejcek:

Yes.

Todd Simonson:

And got convicted of felony charges for it?

Paul Matejcek:

Yes.

Todd Simonson:

Okay.

Julia Fox:

Convicted or charged?

Paul Matejcek:

I believe it was both.

Julia Fox:

Okay.

Paul Matejcek:

Yeah. Yeah. And just my knowledge of her rap sheet because I've arrested her before, with lengthy charges. Continuous resisting arrest, fighting with officers, spitting at officers, kicking at officers, biting officers, all the above. That's why I acted the way that I did.

Todd Simonson:

Okay. At the end of your report, you actually put down like the results of the criminal history search of V1 I assume, based on your prior context, you knew what her criminal history was?

Paul Matejcek:

Yes, but I was just detailing it even more so in the report.

Todd Simonson:

Okay. Had you ever used force on her before?

Paul Matejcek:

Just pulling her to the ground, that kind of thing.

Todd Simonson:

But nothing reportable?

Paul Matejcek:

No.

Todd Simonson:

Okay. Had you ever put a criminal history in her report before?

Paul Matejcek:

I believe so.

Todd Simonson:

Okay. Anything else you want to add? Julia, anything else you want to clarify?

Julia Fox:

No.

Todd Simonson:

Okay. I tell this to everybody I interview. If there's anything else that pops into your head, I want you feel free to contact me. Of course, contact Julia first. If there's emails or whatever, send them to my email. I'm willing to take whatever you want to give me. If there's stuff in those workbooks I didn't take a picture of.

Paul Matejcek:

So there is one picture. I'm not sure if we didn't... I don't know if we looked at it, but there is kind of a diagram of the best places or target places for a person to be struck as far as what... It says for impact weapon, but that also goes with like personal body weapons as well. And it says chest, ribs, midsection, legs, and arms. So where I kicked her or kicked pushed her was on that left abdomen, right where they're telling us to target.

Todd Simonson:

Yeah. Let me just take a picture of that one too. Learning Domain 33, chapter seven, page six. Cool. Guidelines for Impact Weapons. Okay. Got it.

Paul Matejcek:

And my intention is not to hurt her. I didn't want to use any force. If we could have avoided this altogether, then we wouldn't be sitting here. And if that option had come up, then we obviously we wouldn't be here. But she forced my hand to do something. And in order to prevent us from having to go more hands on with her, now she's got three officers on top of her on the ground. Possibly could hit her head because she's got her handcuffs and whatnot. She runs away, we tackle her, she hits her head. Whatever it is. Or she tries to kick at us tries to bite us, spits at us, whatever it is, that's why I acted the way I did. And that's based on my training and experience, with her being resistive and whatnot. So I don't think the amount of force that I used, I believe it was at like the least intrusive and reasonable. And I can see how it looks bad on camera, but where I was standing and from my point of view, I knew that there was a danger if she was to get to her feet.

Todd Simonson:

One thing I noticed in watching the video is what Flynn and Franson did or didn't do. They didn't move when you took those three steps and kicked her. Did you have any discussion about that with them? I've talked to both of them, they didn't perceive the same threat you did. They were surprised by the kick. They thought there were less intrusive means. Namely kind of pulling her to the ground with the arms or just escorting her to the car.

Paul Matejcek:

Yeah. So that would mean I would have to bring my face closer to hers. Right? And I know that she spits, which she eventually did, and that's why I didn't want to use my hands and just simply grab her and take her to the car.

Todd Simonson:

What about just deescalating, deescalating? Just sit down, sit down, sit down. Keep your distance until she does, or doesn't do that.

Paul Matejcek:

If she gets to her feet, that wasn't going to happen. There was no deescalating her from there.

Todd Simonson:

Just based on your prior experience?

Paul Matejcek:

Based on my priors.

Todd Simonson:

Okay. Yeah. All right. All right.

Julia Fox:

I did have one question very much on the periphery of all of this. And I meant to ask it earlier. Given the Home Depot events, would she have been eligible for a trespass arrest?

Paul Matejcek:

I don't think so because they weren't Home Depot employees. If there had been Home Depot employees, she could have been, but because Home Depot hadn't called on her, I don't think so. Yeah.

Julia Fox:

Yeah. And that's not an academy question. I mean, to me, it appears as though it's potentially a misdemeanor committed in your presence. She's in an area where she shouldn't be, circumstantially it's after hours. They're not open for business. These are items for sale, not habitation on site. So I was just curious.

Paul Matejcek:

I mean, if you look at it like that, yes. But is Home Depot at that time, were they available to be like, "Yeah, we don't want her here." No. So I don't know if I could have arrested her for that at that point.

Julia Fox:

Yeah. Okay.

Todd Simonson:

Let me ask you this. V1 is a local transient. Yeah?

Paul Matejcek:

Yes.

Todd Simonson:

Is there a local homelessness issue in Brentwood?

Paul Matejcek:

Yes. It's a growing problem.

Todd Simonson:

Okay. So do you deal... I imagine as a graveyard officer you deal with transients regularly?

Paul Matejcek:

Yes.

Todd Simonson:

I think I saw a video of you dealing with an African American transient earlier that evening somewhere in a big mall area. I don't remember where.

Paul Matejcek:

Across the street, literally across the street.

Todd Simonson:

It was not too long before this call with V1 right?

Paul Matejcek:

That was the warrant arrest.

Todd Simonson:

That was the warrant arrest?

Paul Matejcek:

Yes.

Todd Simonson:

Okay. Do you think you harbor any animosity toward transients since that you deal with that kind of stuff all the time?

Paul Matejcek:

Absolutely not. I regularly contact them. I specifically picked beat one because I know that there's a large homelessness population that's growing and I want to help minimize it by helping them get to where they need to be. And if you ask Sergeant Peart, who is our homeless liaison-

Todd Simonson:

Sergeant?

Paul Matejcek:

Peart, P-E-A-R-T.

Todd Simonson:

Okay.

Paul Matejcek:

I contact homeless people and I ask them what they need and what we can do to get them out of where they currently are. One specific one, maybe like a week or two before this incident, I contacted a homeless guy who's living underneath the overpass at Highway 4 and Sand Creek Road that we had multiple contacts with. His name is IP12. "Hey, IP12 what do you need to get out of where you are right now? Is there anything that we can do? If I go and find you a home, can I take you to that home tonight? If your answer's yes, hop in the car, let's go." And I've relayed that information to Sergeant Peart. So to say that there's animosity towards homelessness-

Todd Simonson:

Well, I'm not saying there is, I'm just asking you if maybe that might have-

Paul Matejcek:

Absolutely no.

Todd Simonson:

Okay.

Paul Matejcek:

There is none. No.

Todd Simonson:

All right. Okay. Anything else you want to add? We're going to go off. The time is 12:54. Thank you.