Memo

Date: January 13, 2023

To: Andrew Bates, Commander

From: Roman Kehm, Sergeant
Professional Standards Unit

Subject: ***EXECUTIVE SUMMARY***
Internal Affairs Investigation – IA23-001

COMPLAINANT: Internal

DATE OF OCCURRENCE: January 2, 2023

EMPLOYEE(S) INVOLVED: Officer Richard Mathiesen

EMPLOYEE'S SUPERVISOR: Sergeant Scott Somersett

SYNOPSIS:

On January 2, 2023, a possible D.U.I. was reported by a citizen. The reporting party observed the vehicle driving all over the roadway and the vehicle stuck a curb. The reporting party also gave the vehicle's license plate. Sergeant Scott Somersett responded to the residence which was listed on the vehicle's registration. As Sergeant Somersett arrived at the residence he observed the vehicle parked in front of the residence. Sergeant Somersett made contact with a male outside who advised the vehicle was driven by his wife and she had just recently arrived home. The male agreed to get his wife and have her speak with Sergeant Somersett outside. At some point Officer Mathiesen arrived. Based on statements made by the female it was clear that she had been driving the vehicle during the time the vehicle was reported by the reporting party. Sergeant Somersett also observed the obvious signs of intoxication. Sergeant Somersett started to discuss with Officer Mathiesen the circumstances to the DUI investigation to which Officer Mathiesen responded by saying there was not an original reporting party (RP) and if Sergeant Somersett saw the female driving. Sergeant Somersett responded to Officer Mathiesen's questions and then had to asked

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Officer Mathiesen if he was going to handle the DUI investigation or was Officer Mathiesen going to handle it. Officer Mathiesen responded with “Okay.” Sergeant Somersett took Officer Mathiesen’s tone as flippant. Officer Mathiesen completed the DUI investigation and made the determination the female was under the influence and unable to drive a motor vehicle. Officer Mathiesen placed the female under arrest. The female completed a breath test and was issued a citation. The female was released to her husband.

Sergeant Somersett spoke with Officer Mathiesen later that evening related to what Sergeant Somersett observed and Officer Mathiesen’s attitude towards the DUI investigation. Officer Mathiesen admitted he did not agree with the DUI and it did not sit well with him.

Officer Mathiesen wrote and submitted a report which Sergeant Somersett reviewed. After review Sergeant Somersett directed Officer Mathiesen to make corrections to his report and to watch body worn camera footage to assist with his corrections. Officer Mathiesen submitted the report a second time after he made changes to the report. Sergeant Somersett again reviewed the report and found the report to be inaccurate. This was confirmed by Sergeant Somersett watching body worn camera footage and comparing the video to the report. Sergeant Somersett went to Lieutenant VerHalen for direction and was instructed to write a memo documenting the incident.

ALLEGATIONS

FPPM 339 STANDARDS OF CONDUCT

339.5.1(b) LAWS, RULES, AND ORDERS

Disobedience of any legal directive or order issued by any department member of a higher rank.

FPPM 339 STANDARDS OF CONDUCT

339.5.8(a) PERFORMANCE

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Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work related investigation.

FPPM 339 STANDARDS OF CONDUCT

339.5.9(m) CONDUCT

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

SUMMARY

On January 2, 2023 around 1854 hours, a report of a possible drunk driver was called into Folsom Police Dispatch. The reporting party observed a [redacted] hit a couple of curbs and advised the vehicle was all over the roadway. The vehicle was traveling west bound on Oak Avenue Parkway from Folsom Auburn Road. The vehicle then turned north bound on Baldwin Dam Road. The reporting party also gave the license plate of the vehicle which Dispatch ran a records check on the registration which gave the address off Mosswood Circle. Sergeant Scott Somersett responded to the area and drove to the listed address on the registration. When Sergeant Somersett arrived he located the vehicle which was reported to Dispatch.

Sergeant Somersett made contact with a male subject who was identified as one of the listed registered own of the vehicle. Sergeant Somersett asked who was driving the vehicle and the male subject informed Sergeant Somersett that his wife had just arrived home after driving the reported vehicle. Sergeant Somersett made contact with the wife he came outside and she confirmed she was the driver of the reported vehicle. During this time Sergeant Somersett observed the objective signs of intoxication. Sergeant Somersett started to discuss with Officer Mathiesen the circumstances to the DUI investigation to which Officer Mathiesen responded by saying there was not an original reporting party (RP) and if Sergeant Somersett saw the female driving. Sergeant Somersett responded to Officer Mathiesen's questions and then had to ask Officer

Mathiesen if he was going to handle the DUI investigation or was Sergeant Somersett going to take it. Officer Mathiesen responded with “Okay.”

The tone of Officer Mathiesen could be construed as hesitation towards the decision of the DUI or disagreement. After the investigation Sergeant Somersett spoke to Officer Mathiesen at the Folsom Police Department. During their conversations Officer Mathiesen made it clear to Sergeant Somersett that he did not want to do the investigation and it did not sit right with him.

Officer Mathiesen submitted a report for the D.U.I. investigation which Sergeant Somersett reviewed. Officer Mathiesen listed the reporting party as anonymous which he was not. The reporting party’s information was listed in the call along with his name, that he was an off duty fire fighter, and phone number. The reporting party also gave description of the vehicle, the vehicle license plate, and driving observations. Officer Mathiesen’s descriptions of the field sobriety test were lacking. Sergeant Somersett directed Officer Mathiesen to correct his report by adding more details to the field sobriety test (FST’s) and to add the reporting party to the report. Sergeant Somersett also directed Officer Mathiesen to review his and the other officer’s on scene body worn camera (BWC) footage to help him with his correction to the report. Sergeant Somersett gave Officer Mathiesen the option to correct his report the following day due to there only being approximately an hour left of their shift for that evening. Sergeant Somersett knew that Officer Mathiesen regularly worked out the last hour of his shift and Sergeant Somersett wanted to give him that option. Officer Mathiesen informed Sergeant Somersett that he would work on the report that night.

Officer Mathiesen submitted the report with changes. The following day Sergeant Somersett again reviewed the submitted report. While looking over the report Sergeant Somersett saw that Officer Mathiesen had added a supplemental report with the reporting party’s information and statement to what he observed that evening. As Sergeant Somersett continued his review of the report he immediately realized the report details of the F.S.T.’s were not accurate at all based on his own recollection of what occurred at the scene. Due to this, Sergeant Somersett reviewed the body worn camera footage which confirmed Officer Mathiesen’s report was not accurate to what actually happened. Sergeant Somersett reviewed all three officer’s body worn camera footage to confirm he was not missing something. Sergeant Somersett reviewed the audit list for the body worn camera footage and noticed Officer Mathiesen did not watch the footage of any of the three cameras which were on scene. At this time Sergeant

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Somersett notified Lieutenant VerHalen and was directed to write a memo documenting the situation.

On January 6, 2023 the Professional Standards Unit was instructed to conduct an investigation into the situation.

On January 9, 2023 Officer Mathiesen was released from probationary status with the City of Folsom pursuant to sections 1.07.170 of the City of Folsom Personnel Rules and Regulations (Appointments and Probationsary Periord, Release of Probationer.)

It was confirmed through the audit trail for all three involved officers, Officer Mathiesen did not access the video footage.

After reviewing the report with the body worn camera footage there were several discrepancies found in the field sobriety test portion.

In Officer Mathiesen's report he wrote, "I asked [redacted] is she understood, [redacted] stated yes". After reviewing the body worn camera footage what actually is said is [redacted] saying, "Yes, I want you to repeat it because I'm really scared and terrified and ….".

In Officer Mathiesen's report he wrote, "[redacted] once again stated she understood the test". After reviewing the body worn camera footage what actually is said is [redacted] saying, "I don't think so. I do not think so and this is being filmed."

In Officer Mathiesen's report he wrote, "I told [redacted] to begin". After reviewing the body worn camera footage what actually occurred is [redacted] started the test on her own.

In Officer Mathiesen's report he wrote, "[redacted] made 8 steps forward without touching heel to toe". After reviewing the body worn camera footage what actually occurred was [redacted] took 7 steps.

In Officer Mathiesen's report he wrote, "[redacted] then turned around on the wrong foot and made 9 steps back while having her arms raised". After reviewing the body worn camera footage what actually occurred was [redacted] took 4 steps back with her arms crossed by her abdomen.

In Officer Mathiesen's report he wrote, "[redacted] raised her left arm straight out like an airplane". After reviewing the body worn camera footage what actually occurred was

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[redacted] raised her left leg with her left arm raised approximately 6 inches from her side and her right arm raised before crossing it over her abdomen area.

In Officer Mathiesen's report he wrote, "[redacted] did this same act approximately 4 times before just stopping the test in all". After reviewing the body worn camera footage what actually happened was [redacted] raises her left foot and places it on the ground two times before Officer Mathiesen stops the test himself.

On January 11, 2023 at 1657 hours I conducted and interview with Sergeant Somersett. At the beginning of the interview Sergeant Somersett was admonished and ordered to answers all my questions fully and honestly.

Sergeant Somersett confirmed what he wrote in his memo to Lieutenant VerHalen and what I observed in the body worn camera footage. Sergeant Somersett described Officer Mathiesen as flippant at the scene when he was asked if he was taking the DUI and how he responded. Sergeant Somersett stated it always felt like Officer Mathiesen had a general resistance to advise or during conversations with him. Sergeant Somersett stated he was aware that Officer Mathiesen was a lateral police officer from a much larger agency and that he probably handled calls differently at the other agency, but it continued over numerous incidents.

Sergeant Somersett confirmed that he had instructed Officer Mathiesen to review his body worn camera footage when making the corrections to his report.

Sergeant Somersett stated he looked to see if Officer Mathiesen had written other DUI reports while with the Folsom Police and there was only one other report.

On January 12, 2023 at 1648 hours I interviewed Officer Personius. At the beginning of the interview Officer Personius was admonished and ordered to answers all my questions fully and honestly.

Officer Personius stated he overheard Sergeant Somersett asking Officer Mathiesen if he was going to take the DUI or was Sergeant Somersett taking it himself. Officer Personius stated he even said he would take it and he only said it because he could feel there was some discomfort regarding DUI investigations. Officer Personius clarified his statement saying he was referring to Officer Mathiesen and his possible discomfort with handling DUI's. Officer Personius stated it was just his assumption. Officer Personius did not feel there was any unprofessionalism or insubordination from Officer Mathiesen.

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When Officer Personius was asked he described Officer Mathiesen's demeanor as uncomfortable with the whole thing.

On January 24, 2023 around 1000 hours I met with Officer Mathiesen and his lawyer, Atterney Tony Brass, in the Folsom Police Department administrative conference room. I gave Officer Mathiesen and his lawyer copies of the CAD report, Officer Mathiesen's report, and the body worn camera footage of all officers on scene during the DUI investigation. They were able to review all the material and take notes but they were not allowed to leave with any of the documents or video that I provided for the meeting.

On February 7, 2023 at 1318 hours I interviewed Officer Mathiesen at the Folsom Police Department in the administration conference room. Officer Mathiesen had brought his representative, Attorney Tony Brass. I informed Officer Mathiesen that the interview was voluntary and he was free to leave at anytime. I advised Officer Mathiesen that he was not obligated to answer any of my questions. I cautioned Officer Mathiesen if any of his answers or responses to my questions were determined to be false or misleading statements our department is mandated to report our findings to the California Commission on Peace Officer Standards and Training (P.O.S.T.).

Officer Mathiesen described what occurred during the DUI investigation and his conversation with Sergeant Somersett after the investigation.

Officer Mathiesen stated when Sergeant Somersett asked him if he wanted Sergeant Somersett to handle the DUI or was he going to handle it that he responded saying, "Okay." Officer Mathiesen clarified his response saying he said okay, meaning he was going to do the DUI investigation because he wasn't going to let his sergeant take the DUI.

Officer Mathiesen stated during his conversation with Sergeant Somersett he explained that he was hesitant because it was his first DUI and he did not see the female driving. She was at her house and he was already out of his element. Officer Mathiesen stated he did not disagree with Sergeant Somersett.

Officer Mathiesen stated after Sergeant Somersett reviewed his report he told Officer Mathiesen to be more descriptive on the FST's. Officer Mathiesen stated Sergeant Somersett was not distinctive with him regarding the corrections.

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He told me to be more -- um -- descriptive on the FSTs. Yeah, the FST portion of it. But he did not write like a dis -- distinctive, you know, hey, correct this, correct that, or correct -- it was just word of mouth. You need to be more elaborative on FSTs. (Officer Mathiesen's interview, pg. 6)

Officer Mathiesen confirmed that Sergeant Somersett told him to review the body worn camera footage.

R.K.: Okay. Um -- did Sergeant Somersett tell you to review body worn camera footage and the body worn camera footage of the other officers on scene, yours and theirs as well?

R.M.: He told me to review mine, yes.

R.K.: Okay. Uh -- did you re -- uh -- did you review any body worn camera footage for the incident after Somer -- Serg -- Sergeant Somersett directed you to?

R.M.: No, I did not.

(Officer Mathiesen's interview, pg.7)

When I asked Officer Mathiesen why he didn't watch the body worn camera footage he reponded saying he had notes and his memory of the incident that were sufficient enough.

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R.K.:	Uh -- why not?
R.M.:	The reason being is I had the notes on my notebook, and -- um -- also on that field card, and therefore -- uh -- I did not review just for the fact of there's other calls that we're handling, and there -- there's so many of us to -- to work, and I believe that the notes I took and the memory that I had of the incident was sufficient enough.
R.K.:	Okay. And so, you did take notes -- uh -- during the DUI investigation?

(Officer Mathiesen's interview, pg. 7)

Officer Mathiesen stated he used a notebook and his CHP form to take notes. Officer Mathiesen stated he used the notes when he wrote his report.

After review of the body worn camera footage Officer Mathiesen is seen using a notepad initially and then a CHP DUI field card given to him by Sergeant Somersett. Officer Mathiesen used the CHP DUI card during the medical questions prior to the start of the FST's. Once Officer Mathiesen starts the FST's he is not seen with any type of notepad or CHP card.

I reviewed the inaccuracies I found in his report (the ones listed above) with Officer Mathiesen

In Officer Mathiesen's report he wrote, "I asked [redacted] is she understood, [redacted] stated yes". After reviewing the body worn camera footage what actually is said is [redacted] saying, "Yes, I want you to repeat it because I'm really scared and terrified and ….".

After I had Officer Mathiesen watch the body worn camera footage, I asked him if he felt his report was correct and accurate.

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R.M.: So, I mean, she said yes, but then I had to repeat it. So, the second instruction would be that she wanted me to repeat it.

(Officer Mathiesen's interview, pg. 11)

In Officer Mathiesen's report he wrote, "[redacted] once again stated she understood the test". After reviewing the body worn camera footage what actually is said is [redacted] saying, "I don't think so. I do not think so and this is being filmed."

After I had Officer Mathiesen watch the body worn camera footage I asked him if he felt his report was correct.

R.K.: Okay, this is where picks up. Okay. Is that a correct statement then?

R.M.: That is not a correct statement on the report. No.

(Officer Mathiesen's interview, pg. 11)

Officer Mathiesen stated he used a DUI template for his report which he got from Corporal Hedgepeth when he was in training.

In Officer Mathiesen's report he wrote, "I told [redacted] to begin". After reviewing the body worn camera footage what actually occurred is [redacted] started the test on her own.

After I had Officer Mathiesen watch the body worn camera footage I asked him if he felt his report was correct.

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R.M.:	That is a correct statement as to the fact of when I first started it and I gave her the instructions of when to begin.
R.K.:	Okay.
R.M.:	So, but according to --
R.K.:	You mean the --
R.M.:	-- the report on this time, that I did not -- and when she started that, I did not tell her to begin, no.

(Officer Mathiesen's interview, pg. 13)

In Officer Mathiesen's report he wrote, "[redacted] made 8 steps forward without touching heel to toe". After reviewing the body worn camera footage what actually occurred was [redacted] took 7 steps.

After I had Officer Mathiesen watch the body worn camera footage I asked him if he felt his report was accurate.

R.M.:	I believe that that statement that I wrote in the report was made off of my field notes.
R.K.:	Okay.
R.M.:	So, looking at -- uh -- the BWC now that I probably should have done during the report, I see seven and then a -- like a hop at the end to come -- to make a turnaround.
R.K.:	Okay.
R.M.:	But they were not -- I couldn't tell how many were heel to toe in that aspect.

(Officer Mathiesen's interview, pg. 14)

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In Officer Mathiesen's report he wrote, "[redacted] then turned around on the wrong foot and made 9 steps back while having her arms raised". After reviewing the body worn camera footage what actually occurred was [redacted] took 4 steps back with her arms crossed by her admin.

After I had Officer Mathiesen watch the body worn camera footage I asked him if he felt his report was accurate.

R.M.:	Based off my field notes, that's what I'd believed it was, but reviewing the BWC, she takes four steps.
R.K.:	Okay.
R.M.:	And that's just an honest mistake. There's -- I did not -- there's no -- I -- there's no intention from me to -- to lie on this aspect of it.

(Officer Mathiesen's interview, pg. 15)

In Officer Mathiesen's report he wrote, "[redacted] raised her left arm straight out like an airplane". After reviewing the body worn camera footage what actually occurred was [redacted] raised her left leg with her left arm raised approximately 6 inches from her side and her right arm raised before crossing it over her abdomen area.

After I had Officer Mathiesen watch the body worn camera footage I asked him if he felt his report was accurate.

R.M.:	She raised her arm to a certain point, but it's not like an airplane, no.
R.K.:	Okay.
R.M.:	And like I said, that's based off of the field notes that I was writing down at the time.

(Officer Mathiesen's interview, pg. 15)

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After reviewing the body worn camera footage Officer Mathiesen is seen holding a flashlight and no note taking material.

In Officer Mathiesen's report he wrote, "[redacted] did this same act approximately 4 times before just stopping the test in all". After reviewing the body worn camera footage what actually happened was [redacted] raises her left foot and places it on the ground two times before Officer Mathiesen stops the test himself.

After I had Officer Mathiesen watch the body worn camera footage I asked him if he felt his report was accurate.

R.M.: I do not find it an accurate statement. And once again, that's off of the field notes and my memory. That's -- I -- I never reviewed the BWCs to write the report.

(Officer Mathiesen's interview, pg. 16)

Officer Mathiesen was asked if, after watching the body worn camera footage of the DUI investigation and reviewing his report, did he believe his report was a true and accurate depiction of what occurred. Officer Mathiesen responded saying no he did not.

R.M.: No, I do not. But I also submitted it to Sergeant Somersett, and he -- he never came back to me and said, hey -- give me any form of corrections. He just said be more elaborative on the report.

(Officer Mathiesen's interview, pg. 16-17)

Officer Mathiesen explained that this was his first DUI investigation as a solo police officer. He went off his notes and memory for his report. Officer Mathiesen stated he had just attended a standard field sobriety test course about two weeks before this DUI investigation. I asked Officer Mathiesen if they talked about watching body worn camera footage in the course and Officer Mathiesen stated they talked about notes, and he wasn't sure about the body worn cameras being used every time you wrote a report.

Officer Mathiesen Attorney, Tony Brass requested to asked Officer Mathiesen some questions of his own at the conclusion of my interview questions.

He asked Officer Mathiesen if it was his intention to make his report sound more inculpatory for the suspect and Officer Mathiesen said no it was not his intention to falsify the document of make the report better or worse.

Attorney Brass asked Officer Mathiesen if he believed he was capturing an accurate memory of the event and was it to his best effort. Officer Mathiesen responded by saying yes and without further guidance from Sergeant Somersett or Corporal Davis on how to fix the report.

Attorney Brass asked Officer Mathiesen what was his reason for not reviewing his body worn camera footage and Officer Mathiesen stated he typically doesn't review body worn camera footage for every report. Officer Mathiesen said his memory of the incident and his field notes were sufficient enough to write his report.

Attorney Brass asked Officer Mathiesen if it was his understanding that Sergeant Somersett gave him an order to watch his body worn camera footage before he wrote his report and Officer Mathiesen said yes it was an order.

Attorney Brass asked Officer Mathiesen if he had explained to Sergeant Somersett that he did or did not watch the body worn camera footage and Officer Mathiesen stated he never talked to Sergeant Somersett about the report again.

Attorney Brass asked Officer Mathiesen if it was his intention to be insubordinate to Sergeant Somersett and Officer Mathiesen said no. Officer Mathiesen stated he has written thousands of reports based off of memory.

Officer Mathiesen stated it was an honest mistake and it was his first DUI as a solo officer. Officer Mathiesen said he did not deliberately lie or falsify anything on purpose. There was nothing for him to gain from doing that.

STATEMENTS:

Sergeant Somersett's Statement:

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On January 11, 2023 at 1657 hours I interviewed Sergeant Somersett in the administration conference room located within the Folsom Police Department. Sergeant Somersett was admonished and ordered to cooperate with the investigation and to be truthful in all his statements, and answer all questions fully and honestly. I asked Sergeant Somersett if he recalled an incident on Monday January 2, 2023 around 1852 hours involving a reported drunk driver and Sergeant Somersett responded, “yes.” I asked Sergeant Somersett to tell me what occurred during this incident and Sergeant Somersett stated the following in summary:

The driver called in and said they were behind a [redacted] and they believed that the driver of the [redacted] may have been intoxicated and described the vehicle. They had struck a couple curbs. They provided a license plate, and the license plate returned to an address off Mosswood. I was in the area, so I started driving that direction and the reporting party said that the vehicle turned down Baldwin Dam, which leads to Mosswood. And so I responded to the registered owner’s address, and saw that the vehicle was in the driveway. I saw a male resident was coming out to check the mail at the house. I asked him if he had been driving the [redacted], and he said that his wife had, and I told him that we had gotten a report that the vehicle was a possible DUI driver. He said that his wife had just got home, and he hadn’t really had a chance to talk to her. I asked to talk with her, and I went up to the front door with him. He went inside the house. I stayed outside. He went in and got his wife, who is also one of the registered owners of the vehicle. She came out, and she appeared to be intoxicated. I could smell alcohol on her. She was slurring her speech. A short time later, like a couple minutes at most Officer Mathiesen arrived followed by Officer Personius. I was still speaking with her and she was saying she had not been drinking. I verbalized that I could smell alcohol and she made some statements about her drinking some in the past, like the day before, or something like that. And I kept saying, well, I can smell it on your breath now. She had made statements that she had been driving. She said she had a hard time seeing at night. She said she has a hard time, and she was bouncing off curbs because it’s hard for her to see at night. At some point, I asked Officer Mathiesen, and prompted him to take over the investigation because I was the patrol sergeant, and he was the beat unit who was dispatched for the call. It appeared as though he did not want to conduct the investigation and had made a comment about there not being a reporting party. I don't remember exactly what he said. And I had said that she’s HBD or has been drinking. He eventually began the DUI investigation, and she was subsequently arrested for DUI.

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It definitely appeared as though Officer Mathiesen was resistant to doing the investigation. It appeared to me, he didn't want to do it. To the point where even Officer Personius offered to do it himself. My thought was because you could tell that there was tension between Officer Mathiesen and myself. That I wanted him to take over the investigation, and he clearly did not. Finally, when he did, he was reluctant to the point where later in that evening after she was cited and released, I actually brought him into the sergeant's office to discuss what was going on.

His response was a little bit flippant when he said something like, okay. It was the way he said it. Clearly, he didn't want to do it.

I brought him into the sergeant's office and addressed what had happened. I told him it was very clear that he didn't want to do the investigation. And he confirmed it. He told me he didn't want to do it. I asked why and he said that it didn't sit well with him and he thought it was a spirit of the law versus the letter of the law situation. He said something to the effect that when people have bad days. I explained to him that we're not making a judgement of somebody or their character or anything like that when we conduct these investigation, but we don't have the luxury of determining whether or not we want to conduct a DUI investigation when we have evidence of someone showing the signs of impairment, and they're driving DUI. Especially when we have someone calling them in based upon their bad driving. We had recently talked about it in briefing about the fact that the courts have said very clearly that we don't need to actually witness someone driving as long as we can articulate they were. Which you had based on her statement, her husband's statement, the reporting party's calling this in in the first place. After explaining this to him he made a comment that it still didn't sit right with him. This kind of left me believing that had I not been out there or if he was presented with the same situation again in the future, that he would not have investigated the DUI.

(I asked Sergeant Somersett if form Officer Mathiesen had written a report for the DUI and if he did, did Sergeant Somersett review the report?)

Ya he did. Yes. I did have some concerns. He had mentioned the reporting party was anonymous which they weren't. They had provided his name and his phone number to dispatch. He also shared that he was an off-duty firefighter. As I continued to read the field sobriety test he administered were the Nystagmus, the walk and turn, and the one leg stand. On both of those field sobriety test there was very, very little detail. Much less detailed than what actually happened on scene because he had to explain it to her multiple times, and she was having a tough time understanding how to do the tests and

all that. He had to repeat himself and none of that was documented. So I brought all this to his attention.

I believe this was the day after, Tuesday the 3rd. I read the report and brought it to his attention and I said you need to change the statement you made about the reporting party because they were not anonymous. You need to get into detail about the walk and turn test, and the one leg stand. I instructed him to watch his body worn camera footage and to go into detail about what he saw. Which he told me he would take care of. It was the end of his shift. I think it was one hour before the end of shift and I know he often would go workout. He would use his on-duty fitness time the last hour of the shift. Since she was not booked it was a cite and release so there was no exigency for those changes to be made. So I told him if he wanted to work out to go ahead and do so and that he could make the changes the next day, but he told me he was going to make them right then.

(I asked Sergeant Somersett if there was any indication from former Officer Mathiensen during their conversation or out at the scene that would show that he had knowledge that there was an actual reporting party?)

Yes he had told me that he called the RP while enroute to the registered owner's address. He did not get ahold of them. He made a comment that the RP didn't want to be involved. When I asked what he meant that's when he told me that he had called them and they didn't answer. But yeah, he knew. He had called the RP and the RP's name was actually listed in the incident in the top where the caller's information is listed along with their phone number.

(I asked Sergeant Somersett if former Officer Mathiesen resubmitted his report after he was given Sergeant Somersett's concerns and directions on the corrections he needed to make?)

Yes he did. On Wednesday I looked at the report and saw that it was in the approval box for supervisors. I noticed he had updated the information about the reporting party. He had written a supplemental report about contacting the RP and the RP's statement. Then I went down and noticed that he added detail regarding the walk and turn and one leg stand tests. But when I read it the details he provided were not congruent with what I recalled when I was on scene. I was on scene for the entirety of the field sobriety tests. There were some very specific details in there with the one leg stand test. He stopped her very quickly once she actually began the test, but in the report he

documented quite a few things that she had done while the test or he documented things that I didn't recall happening from where I was. Including the walk and turn, but the one leg stand was what really stood out to me. I didn't have an intention of comparing his report to the body worn camera but after I saw what he had written and it not matching up with what I saw. Then I pulled up the body worn camera to make sure that I was right. I pulled it up and I watched the body worn camera. I watched mine, Officer Personius's, and Mathiesen's. You can watch all three at the same time. I had all three going at the same time and confirmed what had actually happened. What was captured by body worn camera was completely different than what was documented in the report. I was surprised by this. Then I checked the audit trail for all three cameras and found that Officer Mathiesen had not reviewed any of the cameras that were on scene.

(And so, it was your own recollection from being on scene that drove you to compare the body worn camera footage to what he had written in his report)

Correct. I didn't have any intention to compare them. I just wanted to be more detailed, but when I saw the details, and they didn't match at all that I remembered seeing on scene. That's what prompted me to actually pull up the body worn camera to compare.

(I confirmed with Sergeant Somersett during his previous conversation with former Officer Mathiesen, if he indicated for former Officer Mathiesen to review the body worn camera footage prior to or as he made the corrections to his report?)

Yes, and in that conversation I'm just recalling now that Corporal Davis was in the Sergeant's office with me. She wasn't part of the conversation, but she was sitting right next to me working on something when I instructed him to review body worn camera.

I watched the camera footage again because it appeared to me what he had written in his report was not factual. It was completely different than what had actually happened. Not just a little bit different but things were documented that just absolutely did not happen that were on camera. I wanted to be 100 percent certain. So, I watched from the beginning of the video until the point where FST's were done and confirmed. Okay, yes what is documented in this report is not what happened in actuality. At that point I approached Lieutenant VerHalen for direction on what I should do to proceed.

(I asked Sergeant Somersett prior to the incident if there were any issues with former Officer Mathiesen)

Memo

Yeah, coming from a different agency in [redacted], I was sensitive to the fact that the way they do things there especially considering they're a very busy agency and they're going to be different than Folsom PD. It's a growing pain for all officers coming from other agencies. I totally understand that. On multiple occasions, I had talked to him about some, like a perfect example would be on where credit cards are stolen then used in the city and the report is submitted. There's no follow up done at a patrol level and the recommendations were to give it to investigations. Which is pretty typical for an officer coming from a busier agency. So, I'm totally okay with that, but I talked to him about it and let him know that this is stuff we need to follow up on at a patrol level. Investigations aren't going to take cases with follow up that we can do ourselves. Some of these conversations about that type of thing appeared to be a general resistance to what I was sharing with him. He would agree to make the changes, but it appeared as though he was resistant to the fact that there's a different level of service that is expected of officers in Folsom because the reality is, we're a slower agency, and we have time to provide an extra level of service. And that's what is expected of us from the community and from our department all the way up to the chief. I couldn't tell if it was actual resistance, or I don't know. I don't know him personally, so maybe that's just him and he's just a little bit more stoic. It was never anything where he was outwardly insubordinate, but it appeared to be kind of a pattern. When this incident happened for this DUI it appeared that his demeanor was resistant to taking over the investigation, and he confirmed he was resistant to do it. His demeanor appeared to be very similar to other conversations that we had had in the past about basically doing things the way that are expected of him or all officers that come to work here from other agencies.

(I asked Sergeant Somersett if there was any discipline or documented counseling regarding these issues?)

No, because as I said he never made any comments or when I would ask him to make changes, he would do so. But there is nothing that rose to the level of any documentation because I absolutely didn't want to make something out of nothing. If it was he just has a different personality than me, and a different way of responding, then that's fine, and we're all different. I didn't want to make something out of nothing, but I was starting to take note of a pattern. I wasn't sure if I was picking up on a personality difference or some passive defiance from him.

(I asked Sergeant Somersett how long had he supervised former Officer Mathiesen?)

I would estimate a couple of months. I believe that he was placed on my shift right outside of training. Initially I was the corporal on the shift. He's been on my team since I was promoted to Sergeant the 1st of December. As a corporal I would guess at least a month and maybe a little bit longer.

(I asked Sergeant Somersett based on his first conversation with former Officer Mathiesen and him being reluctant and not wanting to do the DUI investigation, had Sergeant Somersett, looked see if he had done any DUI investigations, or had he attended any training related to DUIs, or anything like that?)

Yeah, I looked because I wanted to be certain. I know that officers will often times use a template when writing DUI's just to make sure the FST's they did and all the points that are important to document on a DUI are hit. So, I looked back at his previous DUI's to see if maybe this was just an error where a copy and paste was done. I found that he had done a DUI investigation a few months back, I believe it was October. And that was the only one that I could find. Then I did notice when looking at this report that we're talking about, that he had actually named the suspect multiple times like within the field sobriety test. So, it didn't appear to be a copy and paste. And maybe he copied and pasted from somebody else, but he had actually named the suspect multiple times while describing FST's. So, it was the actual suspect's name, not somebody else's. Then he had gone to the standardized Field Sobriety Test class about a month prior to this DUI investigation which included a wet lab portion where they actually were able to do FST's on people who had been drinking alcohol.

End of statement.

The interview was concluded at 1725 hours and Sergeant Somersett was advised not to discuss this investigation with anyone other than myself.

Officer Jon-Mikkal Personius

On January 12, 2023 at 1628 hours I interviewed Officer Jon-Mikkal Personius in the administration conference room located within the Folsom Police Department. Officer Personius was admonished and ordered to cooperate with the investigation and to be truthful in all his statements, and answer all questions fully and honestly. I asked Officer Personius what his current shift was and who his current supervisors were and Officer Personius stated the following in summary:

Weekdays, swing shift from 3:00 PM to 1:00 AM. Monday through Thursday. Sergeant Somersett and Corporal Davis.

(I asked Officer Personius if he recalled an incident on Monday, January 2, 2023 around 1852 hours involving a reported drunk driver?)

Yes, I believe so.

(I asked Officer Personius to describe what occurred during the incident.)

I'm assuming this is the one on Folsom-Auburn. I remember that someone had called in that they were following a drunk driver and they had gotten a plate, I think, that went to a residence where we ended up all going. I think me, Officer Mathiesen, and Sergeant Somersett. Sergeant Somersett was already there, I think, talking to the arrestee at the front door of the house, or on the porch, or at the front of the house. And the vehicle that was described as being driven by the drunk driver was somewhere parked under like a carport in the driveway. And I can't remember if I was there before Officer Mathiesen, or if he was there before me, or if we got there at the same time. I don't recall, but I know Sergeant Somersett was there first. And I think he was talking to the arrestee.

If I remember correctly, I think Sergeant Somersett had already elicited from the arrestee that she had been driving the vehicle or some such thing. I don't remember if she had said that when I was there. I think Officer Mathiesen was the primary officer, and I overheard some sort of discussion about do we need the RP or where is the RP, or something like that. Is the RP here. Did the RP witness this person driving, and some sort of like sidebar conversation between them. I was a little bit in the back. I mean I was there. Between Sergeant Somersett and Mathiesen. Then I recall Sergeant Somersett saying, well, are you going to take this, or I am going to take this. I want to say I maybe even said, well, I'll take this. But I only said that because I assumed that there was some sort of discomfort about doing the regular DUI investigation. I don't mind doing DUI investigations, which was the only reason that I had volunteered. Then we did FST's on the female on the front porch. And she was arrested for a DUI.

(I asked Officer Personius who he was referring to when he was talking about discomfort about doing the DUI investigation?)

I was referring to Officer Mathiesen. I maybe thought that there was discomfort in doing DUI's maybe. Some people don't like to do DUI's and other people do them which was the only reason that I volunteered. Well, I'll do it.

(I asked Officer Personius his opinion at the scene and hearing the conversation between Sergeant Somersett and former Officer Mathiesen if he felt there was any form of unprofessionalism on former Officer Mathiesen's part, or insubordination.)

I didn't notice anything necessarily over the top, but like I said, I could have not heard something or missed something. There was also a 10-15 there and a husband in the house, so there was some other things going on a little bit. The only comment I really recall that I guess would stand out to me was that Sergeant Somersett said, well, are you going to take this or am I going to take this? Which was the only thing that indicated to me that maybe there was some sort of issue with taking the arrest. But I could have missed some other stuff.

(I asked Officer Personius to describe form Officer Mathiesen's demeanor or attitude at the scene)

I thought he seemed kind of confused or maybe just not comfortable with the whole thing, is sort of how it seemed to me.

(I asked Officer Personius if former Officer Mathiesen had a conversation with him or made any comments to him regarding the DUI investigation or if he expressed his opinion about conducting the investigation?

Not that I recall. I want to say I maybe came back and asked him if he needed help with anything, and I think he said no, and I think that was the end of my involvement in all that.

(I asked Officer Personius if former Officer Mathiesen said anything about Sergeant Somersett having made him conduct the DUI investigation?)

Not that I recall.

End of statement.

The interview was concluded at 1638 hours and Officer Personius was advised not to discuss this investigation with anyone other than myself.

Former Officer Richard Mathiesen

On February 7, 2023 at 1318 hours I conducted an interview with former Officer Richard Mathiesen in the administration conference room which is located inside the Folsom Police Department. Also present during the interview was Sergeant Warner Herndon, and former Officer Mathiesen's attorney Tony Brass. I admonished former Officer Mathiesen of the allegations against him. Former Officer Mathiesen was also informed that the interview was on a voluntary basis and he was free to leave at any time. Former Officer Mathiesen was also cautioned that if any answer to a question was determined to be false or misleading that the department is mandated to report the findings to the California Commission on Peace Officer Standards and Training (P.O.S.T.).

I asked former Officer Mathiesen what shift he was assigned to in January 2023 and former Officer Mathiesen stated he was assigned to swing shift, Monday through Thursday. I asked former Officer Mathiesen what were the hours and he responded saying 1500 to 0100. I asked former Officer Mathiesen who his supervisors were and he stated Sergeant Somersett and Corporal Davis.

I asked former Officer Mathiesen if he recalled and incident on Monday, January 2, 2023 around 1852 hours involving a reported drunk driver in which he responded saying yes. I asked former Officer Mathiesen if he got an opportunity to review the CAD incident, his report, and the body worn camera footage for all involved related to the incident prior to the interview and he responded saying yes. I asked former Officer Mathiesen to describe the details of the event as far as when he arrived on scene to when he cleared the call. Former Officer Mathiesen stated the following in summary:

The call came out as a DUI driver. The RP was able to provide a license plate, at which point I don't know what that is right now because I don't have the report in front of me, but it was a [redacted] SUV from the best of my knowledge. Who stated that the vehicle was swerving left to right, almost hit the bridge. I don't know if that's the Rainbow Bridge next to the whatever that is down through Old Town, onto Folsom-Auburn or Auburn-Folsom Road. The RP said that he stopped following the vehicle at, I don't recall, I think it was Old Oak Avenue or some street off of Folsom-Auburn. The vehicle proceeded on

whatever street that was. I arrive, Sergeant Somersett was already on scene, and I believe Officer Personius was also en route with me. When I arrived, Sergeant Somersett was at the front door talking to the husband, or the male. I don't remember what Sergeant Somersett asked him, and then the male went and got the wife. The wife came to the front door. At that time, Personius arrives on scene, and we were talking to her. Sergeant Somersett was doing the initial investigation. He was talking 90 percent of the time asking her questions relative to was she driving, was she drinking, where was she coming from. She was hesitant, and I don't remember the exact statement she made, but she did make a statement saying that she was driving. At that point, Somersett and I could smell alcohol on her, I could see the redness on her eyes. The, you know, constantly moving back, and she just kept saying do we really have to do this, do we really have to do this. Then Sergeant Somersett looked at me and said do you want me to do the DUI, or do you want it. Do you want to do it? And I looked at him, and I said okay, and I continued with the investigation.

At that point I told Sergeant Somersett okay. I started doing the initial questions which I at the time, I did not have the CHP form, I think 22 questions. I don't know what that CHP form is called. I didn't have one on me. Sergeant Somersett was nice enough to get one for Officer Personius. I looked at that card, and I had my notebook, and I started asking her the questions. Question, by question, by question. And whatever she responded; I wrote down. And then based off of her answers and based off the smell of alcohol, and based off of the redness of her eyes and her statement saying that she was driving I asked her to conduct FST's. She was extremely resilient. She just kept saying we don't have to do this. Why are you guys doing this? I conducted the FST's. During the FST's, I had to well, at first, I did the horizontal Nystagmus. During that test, I had to tell her, I think I believe two to three times to keep her eyes on my finger and not look at me. During that course of tests, I could see that she didn't have or she had Nystagmus at max deviation and then whatever those other two were. I don't remember the names of them. I determined that she was under the influence of alcohol. And then I asked her to conduct FST's. I demonstrated FST's, she was resilient again. She began the FST's. I think I had to instruct her three times for the walk and turn. And then during the one-leg stand, I had to explain it to her, I believe one or twice and that was my first DUI I've done as a solo officer. And I just came from the CHP course. The FST school. So my FST's weren't great, and I know that. And even Sergeant Somersett said the same thing afterwards, he said, you know, you definitely need to work on these, and I said this is my first one I've done. But during the one-legged stand, she didn't pass it. And at that point, I asked her to do the PAS

device. She refused, and then based off of probable cause of her driving and the tests, I placed her under arrest for a DUI.

(I confirmed with former Officer Mathiesen that Sergeant Somersett and Officer Personius were on scene which he confirmed. I confirmed that former Officer Mathiesen was asked by Sergeant Somersett if former Officer Mathiesen was going to take over the DUI investigation or was Sergeant Somersett going to take it and former Officer Mathiesen stated that was correct. I asked former Officer Mathiesen what his response was to Sergeant Somersett)

Okay, meaning I'm going to take it because I'm not going to have my sergeant take the DUI. It only happened once with Lieutenant well, now, he's Lieutenant VerHalen. And that was because I was honest with him. Obviously, I don't know how to do DUI's and that was before the FST school.

(I asked former Officer Mathiesen if he disagreed with the DUI investigation?)

No, I agreed. Me and Sergeant Somersett had a conversation afterwards and he said that you were hesitant. And I told him that, you know, the reason I was hesitant is, number one, it's my first DUI I've done. Number two, I didn't see her driving. She was at the house. I was already out of my element in doing the DUI aspects of it. That's the first one I've done, so typically you pull over a car, you know, you can see things like that. But at that time, I did not disagree with him. I said okay. I conducted the investigation. I even did follow up with the original RP. The next day, I wrote a supplemental report with it. But I did not disagree with him at all. I just stated that I didn't know how to go about that DUI based on the fact that it being in a house. I told him that personally it didn't sit well with me for the reason of we didn't have the original RP. I wasn't able to do a cold show with, or excuse me you guys call it an infield, that's what you guys call it, an infield, with the original RP to say if that was the vehicle. And that was the person that was driving. And when I called the RP back the next day, he told me, he said that it was a [redacted]. He couldn't tell me the plate. He said he gave the plate to dispatch, but he said that he had no idea who was driving, or how many people were in the vehicle, or anything like that.

(I confirmed with former Officer Mathiesen that he and Sergeant Somersett had a conversation regarding the investigation in which he responded yes. I asked former Officer Mathiesen if he wrote a report regarding the DUI investigation and he stated he did. I asked former Officer Mathiesen who reviewed the report once it was turned in

and former Officer Mathiesen stated he believed it was Sergeant Somersett. I asked former Officer Mathiesen if Sergeant Somersett gave him directions on what he wanted him to correct on his report after former Officer Mathiesen turned it in?)
He told me to be more descriptive on the FST's. Yeah, the FST portion of it. But he did not write like a distinctive, you know, hey, correct this, correct that, or correct, it was just word of mouth. You need to be more elaborative on FST's. And that was it.

(I asked former Officer Mathiesen in his original submission, the first time he turned it in, did he list the reporting party as anonymous?)

I don't remember. I would have to see a copy of the report to say. I don't remember if I listed it as anonymous or not.

(I asked former Officer Mathiesen if Sergeant Somersett told him to review body worn camera footage and the body worn camera footage of the other officers on scene?)

He told me to review mine, yes.

(I asked former Officer Mathiesen if he reviewed body worn camera footage for the incident after Sergeant Somersett directed him to?)

No, I did not.

(I asked former Officer Mathiesen why not?)

The reason being is I had the notes on my notebook, and also on that field card, and therefore I did not review just for the fact of there's other calls that we're handling, and there's so many of us to work, and I believe that the notes I took and the memory that I had of the incident was sufficient enough.

(I asked former Officer Mathiesen if her took notes during the DUI investigations?)

Yes. There was a notebook and the CHP form.

(I asked former Officer Mathiesen if he referred to his notes when he wrote his report?)

Yes.

(I asked former Officer Mathiesen if he believed his report was true and if it accurately depicts what occurred during the investigation?)

There is one thing on there that is not true. I believe that was when I asked her the question of where you had been drinking and I put Vodka instead of Folsom. That is the one correction I saw.

(I read a quote from former Officer Mathiesen's DUI report, Case #23-0013, saying, "I asked [redacted] if she understood. [redacted] stated yes." I then had former Officer Mathiesen confirm the quote by having him review the report. After former Officer Mathiesen confirmed the quote I showed him Sergeant Somersett's body camera footage at the scene. After former Officer Mathiesen watched the camera footage related to the section in his report I asked him if the statement in his report was correct and accurate?)

That statement is yes, she wants me to repeat the instructions. So, I mean, she said yes, but then I had to repeat it. So, the second instruction would be that she wanted me to repeat it.

(I read a quote from former Officer Mathiesen's DUI report saying, "[redacted] once again stated that she understood the test." I then had former Officer Mathiesen confirm the quote by having him review the report. After former Officer Mathiesen confirmed the quote I showed him Sergeant Somersett's body camera footage at the scene. After former Officer Mathiesen watched the camera footage related to the section in his report I asked him if the statement in his report was correct and accurate?)

That is not a correct statement on the report. No. But to give you perspective on to why that is like that, it is issued a, what's that called? When I did the DUI with Corporal Hedgepeth. He gave me a summary of how DUI's are supposed to be. I basically followed that guideline on this report as well. Just like I followed it on the one that I believe or no, this was the first one I had at Folsom. So, the same that I followed with Corporal Hedgepeth.

(I asked former Officer Mathiesen if he did not do another DUI with Corporal Hedgepeth when he was in training?)

No, so when I did it with Corporal Hedgepeth, he took over the entire investigation. He made me write it, but he showed me how to do FST's and gave me a piece of

paperwork to do FST's. I did them with his guidance and then he's the one that did the paperwork. Then when I wrote the report, because I haven't done a DUI like this before he gave me a format or a template of how to do DUI's. So, that's what I used on this report.

Now that statement I made in there, that is off of the video, that is not what she said. But that's what I understood it to be because of the fact that she began to continue the DUI aspect of it.

(I read a quote from former Officer Mathiesen's DUI report saying, "I told [redacted] to begin." I then had former Officer Mathiesen confirm the quote by having him review the report. After former Officer Mathiesen confirmed the quote, I showed him Sergeant Somersett's body camera footage at the scene. After former Officer Mathiesen watched the camera footage related to the section in his report, I asked him if the statement in his report was correct?)

That is a correct statement as to the fact of when I firest started it and I gave her the instructions of when to begin. So according to the report on this time when she started I did not tell her to begin, no. I did initially when I said if you understand the things, understand the terms or the instructions I gave you, you can begin.

(I asked former Officer Mathiesen to clarify if he was referring to the beginning of the instructions for the walk and turn?)

Yes.

(I read a quote from former Officer Mathiesen's DUI report saying, "[redacted] made eight steps forward without touching heel to toe." I then had former Officer Mathiesen confirm the quote by having him review the report. After former Officer Mathiesen confirmed the quote I showed him Sergeant Somersett's body camera footage at the scene. After former Officer Mathiesen watched the camera footage related to the section in his report I asked him if the statement in his report was accurate?)

I believe that statement that I wrote in the report was made off of my field notes. So looking at the BWC now I probably should have done during the report, I see seven and then a hop at the end to make a turnaround. But I couldn't tell how many were heel to toe in that aspect.

Memo

(I read a quote from former Officer Mathiesen's DUI report saying, "[redacted] then turned around on the wrong foot and made nine steps back while having her arms raised." I then had former Officer Mathiesen confirm the quote by having him review the report. After former Officer Mathiesen confirmed the quote I showed him Officer Personius's body camera footage at the scene. After former Officer Mathiesen watched the camera footage related to the section in his report, I asked him if the statement in his report was accurate?)

Based off my field notes, that's what I'd believed it was, but reviewing the BWC, she takes four steps. That's just an honest mistake. There's no intention from me to lie on this aspect of it.

(I read a quote from former Officer Mathiesen's DUI report saying, "[redacted] raised her left arm straight out like an airplane." I then had former Officer Mathiesen confirm the quote by having him review the report. After former Officer Mathiesen confirmed the quote I showed him Sergeant Somersett's body camera footage at the scene. After former Officer Mathiesen watched the camera footage related to the section in his report I asked him if the statement in his report was accurate?)

She raised her arm to a certain point, but it's not like an airplane, no. And like I said, that's based off of the field notes that I was writing down at the time. I have nothing to hide.

(I read a quote from former Officer Mathiesen's DUI report saying, "[redacted] did the same act approximately four times before just stopping the test in all." I then had former Officer Mathiesen confirm the quote by having him review the report. After former Officer Mathiesen confirmed the quote I showed him Sergeant Somersett's body camera footage at the scene. After former Officer Mathiesen watched the camera footage related to the section in his report, I asked him if the statement in his report was accurate?)

I do not find it an accurate statement. And once again, that's off of the field notes and my memory. I never reviewed the BWC's to write the report.

(I asked former Officer Mathiesen if after reviewing his report and watching the BWC footage from all involved officers on scene, did he believe his report to be true and accurate in an accurate depiction of what occurred?)

No, I do not. But I also submitted it to Sergeant Somersett, and he never came back to me and gave me any form of corrections. He just said be more elaborative on the report.

(I asked former Officer Mathiesen if he was referring to the first time he turned in his report?)

First time. That's all I turned it in was one time. Or I turned it in initial, he came back like three or four days later after I've thrown away the field notes, the CHP form, and said you need to be more elaborative.

(I clarified the timeline of the incident and of the report with former Officer Mathiesen. I asked if he and Sergeant Somersett had a conversation the night after the DUI investigation?)

I believe that night. I don't remember. I believe it was either that night or the next day. I'm not too sure.

(I asked if former Officer Mathiesen believed it was that night when he had the conversation with Sergeant Somersett?)

Yeah. I wrote the report I believe I started it that night. I don't know if I finished it that night or I finished it the next day.

(I asked former Officer Mathiesen if Sergeant Somersett reviewed the report the next day and then spoke to him regarding the corrections of being more descriptive and to watch the BWC?)

Advised me to watch the BWC, yeah. I wrote the report based off of my memory and my field notes that I had.

(I asked former Officer Mathiesen if there were any further conversations regarding the report?)

There was nothing. And based off of him not talking to me again about it or even bringing up any questions about it, I didn't think anything of it so. I mean, I told him that that was my first DUI I've ever done as a solo officer.

(I confirmed that former Officer Mathiesen had just attended the standard field sobriety test course.)

Yeah. I don't remember the dates, but I believe it was the week before or two weeks before.

(I asked former Officer Mathiesen if in the class did the instructors talk about watching body camera footage or referring to notes?)

They were saying refer to notes. I don't remember if they say review your BWC every single time you write a DUI report.

(I asked former Officer Mathiesen if there was anything else he wanted to add related to this interview?)

Former Officer Mathiesen's Attorney Tony Brass requested to asked his client Mr. Mathiesen some questions.

(Attorney Brass asked former Officer Mathiesen if it was his intention to make his report sound more inculpatory for this suspect?)

No, I had no intention of falsifying a document or writing something that would make this case better or worse. I just wrote the report.

(Attorney Brass asked former Officer Mathiesen if when he wrote the report, did he believe that he was capturing an accurate memory of the event?)

Yes.

(Attorney Brass asked former Officer Mathiesen if that was his best effort to do so?)

At that time, without any further guidance from either Sergeant Somersett or Corporal Davis in telling me that I had to fix anything, yes.

(Attorney Brass asked former Officer Mathiesen what was the reason why he didn't review his BWC as he wrote?)

Well, typically, I mean, out of my career in law enforcement, you don't typically review your BWCs every time you write a report. I know I was told to, and I didn't because I believe that my memory of the incident and the the field documents that I had, I was able to write a sufficient enough report to submit to Sergeant Somersett. And that's why I didn't. Also, you know, there's other calls for service. It's going to take time for me to review it and write the report which, looking back, I should have, you know, definitely looked back and review my BWC, but that was an honest mistake. That was an honest just error of me being stressed writing my first DUI, of having to deal with the paperwork, you know, coming from a bigger department, we work as a two-man unit to working solo with a DUI that I've never done before. There was lot of things on my mind in trying to make sure the documents were correct and everything like that.

(Attorney Brass asked former Officer Mathiesen if it was his understanding that Sergeant Somersett was giving him an order when Sergeant Somersett told him to watch his BWC before he wrote the report?)

Yeah, I would take that as an order, yes.

(Attorney Brass asked former Officer Mathiesen did you tell Sergeant Somersett that you did, or did you ever explain to him that you had not watched?)

We never talked about it again. So, he told me to do that, I didn't. I looked at my field notes, like I said before, and based off of my memory and the DMV form or the DUI form, the yellow/pink copy, the big one. Yeah, it has like the blood alcohol content. I looked at that in the field notes, and I wrote the report as best as I could.

(Attorney Brass asked former Officer Mathiesen if it was his intent to be insubordinate to Sergeant Somersett?)

No.

(Attorney Brass asked former Officer Mathiesen if it was simply because former Officer Mathiesen thought he had a clear enough memory at hand to write it based on his memory?)

I've written thousands of reports based off of memory including murders, homicides, drug deals, more or less every report I write is off of memory.

Memo

I would like to just add something that this is an honest mistake. I did not have any deliberation to throw the case or make the case better. Like I've stated before, this is my first DUI I've done as an officer by myself throughout my whole career of four and a half years which isn't a lot but I did not deliberately lie or falsify anything on purpose. There's nothing for me to gain out of doing that. If there are mistakes, which there are mistakes in the report, that is an honest and truthful mistake. That's all that is.

(I asked former Officer Mathiesen if there was anything else?)

That's all I have.

End of statement.

The interview was concluded at 1354 hours.

Memo

To: Commander Andrew Bates

From: Lieutenant Aaron Zelaya

Date: 04/03/2023

Subject: **LETTER OF TRANSMITTAL-PERSONNEL INVESTIGATION #23-0001**

I. SUBJECT

Letter of Transmittal – I. A. Case# 23-0001 – Officer Richard Mathiesen

II. CHARGES

Allegation #1

It is alleged that on January 2, 2023 at about 1854 Hours Officer Mathiesen was dispatched to a call for service involving a suspected motorist driving under the influence (D.U.I.). Officer Mathiesen conducted a D.U.I. investigation and, based on that investigation, arrested the involved driver for D.U.I. Officer Mathiesen completed a police report for this case and subsequently turned the report into his direct supervisor, Sergeant Somersett, for review and approval.

Upon reviewing the report initially submitted by Officer Mathiesen, Sergeant Somersett noted several discrepancies and inaccuracies within the report. Consequently, Sergeant Somersett directed Officer Mathiesen to make necessary corrections to his report to provide greater detail and to reflect what had actually occurred during the D.U.I. investigation. Furthermore, Sergeant Somersett specifically directed Officer Mathiesen to review his body worn camera (BWC) footage and that of the other involved officers for this incident in order to accurately and thoroughly document what had occurred during the investigation for this case.

Officer Mathiesen made some changes to his initial report and then resubmitted it to Sergeant Somersett for review and approval. These changes included a supplemental report. However,

upon further review, Sergeant Somersett determined that the details in the updated report were still inaccurate and factually untrue, specifically with regard to the Standardized Field Sobriety Tests (S.F.S.T.'s). Sergeant Somersett made this determination based on his own recollection of what he had observed while on scene during the entire investigation. Furthermore, Sergeant Somersett reviewed the BWC footage for all officers on scene, which corroborated his assertation that Officer Mathiesen's report included not only errors, but factually incorrect content. Sergeant Somersett then reviewed the audit trail for the aforementioned BWC footage. He noted that Officer Mathiesen did not access and, therefore, did not review any of the BWC footage for this case, despite having been ordered to do so.

Folsom Police Policy Manual 339– STANDARDS OF CONDUCT

339.5.1(b) LAWS, RULES, AND ORDERS

Disobedience of any legal directive or order issued by any department member of a higher rank.

A review of the associated BWC for this incident revealed that, as part of his investigation, Officer Mathiesen asked the suspect her name and driver's license number. He appeared to write this information down on a small notebook. The associated BWC footage further revealed that Sergeant Somersett handed Officer Mathiesen a California Highway Patrol (CHP) D.U.I. Evaluation Notes card (CHP 202S). Officer Mathiesen then used the CHP D.U.I. Evaluation Notes card to document the suspect's responses to the investigative questions. Upon completing those questions, Officer Mathiesen put his small notebook and the CHP D.U.I. Evaluation Notes card away in the pocket located on the lower right portion of his exterior vest. A review of the BWC for this incident in its entirety clearly showed that former Officer Mathiesen did not take any handwritten notes of any kind whatsoever during the remainder of his investigation.

According to the BWC footage, Officer Mathiesen proceeded to conduct a series of Standardized Field Sobriety Tests (S.F.S.T.'s), which included the Horizontal Gaze Nystagmus (HGN), the Walk-and-Turn, and the One-Leg Stand. He did not document any of his observations for any of these tests at any time. Although not impossible, this would have made it highly unlikely that Officer Mathiesen could have accurately and thoroughly recollected his findings during the S.F.S.T. portion of his investigation once it came time to write his report. This would have included several investigative cues that would have been necessary in developing probable cause

to make the arrest, and also relevant to the prosecution for this case and, therefore, necessary to include as part of the report. Furthermore, whereas Officer Mathiesen felt it necessary to take notes during the initial portion of his investigation, he did not take any notes during the latter portion of his investigation.

Typically, officers make handwritten notes during D.U.I. investigations to document cues during the administration of the S.F.S.T.'s. Such notes can then be later used to document this information in a written police report. However, Officer Mathiesen made no such notes and, therefore, could not have relied upon these when he completed his report as he asserted (reference page 8, lines 13-18 of Officer Mathiesen's transcribed interview). Thus, Officer Mathiesen would have had to have relied solely upon his memory and/or the BWC in order to have sufficiently and accurately documented his investigation in the report.

According to (page 6, line 7 of) Sergeant Somersett's transcribed interview, "there was very, very little detail" regarding the S.F.S.T.'s in Officer Mathiesen's initial report. Therefore, Sergeant Somersett directed Officer Mathiesen to watch the BWC footage so that he could provide more, "detail about the walk and turn test, and the one leg stand" (page 6, line 22 of Sergeant Somersett's transcribed interview). In reviewing the BWC for this incident, the suspect's actions during both the instruction stages and test stages of the walk and turn, and the one leg stand provided several cues indicative of intoxication and, thus, an inability to operate a motor vehicle safely.

Further, according to (page 10, lines 14-17 of) Sergeant Somersett's transcribed interview, he stated that Officer Mathiesen's report was, "completely different than what had actually happened" and, "(n)ot just a little bit different version but things were documented that just absolutely did not happen that were on camera." The fact that Officer Mathiesen's report for this case was inconsistent with what was depicted in the BWC was indicative that his personal memory would have been wholly inadequate for this investigation. Thus, by directing him to review the BWC, Sergeant Somersett had given Officer Mathiesen a legal directive or order pursuant to Folsom Police Policy Manual section 339.5.1(b).

In his interview with Sergeant Kehm on February 7, 2023, Officer Mathiesen acknowledged that he did not review the BWC footage for this incident, but rather that he believed, "that the notes (he) took and the memory that (he) had of the incident was sufficient enough" (reference page 8, lines 13-18 of Officer Mathiesen's transcribed interview). Officer Mathiesen's transcribed interview with Sergeant Kehm further revealed that Sergeant Somersett directed him to review the BWC for this incident, but that he did not do so (see page 8, line 11 of Officer Mathiesen's transcribed interview). On page 27, line 1 of Officer Mathiesen's transcribed interview he further

acknowledged that, "Yeah, I would take that as an order, yes" when asked by his legal representative, Tony Brass, if his understanding was that Sergeant Somersett had ordered him to watch the BWC before writing his report.

Based on the foregoing, in ordering Officer Mathiesen to review the BWC for this incident, Sergeant Somersett's instructions served as a legal directive or order. As his direct supervisor, Sergeant Somersett was acting in the capacity of a department member of a higher rank. Lastly, Officer Mathiesen's failure to review the BWC in response to Sergeant Somersett's direct order was disobedience in violation of Folsom Police Policy Manual section 339.5.1(b).

Disposition: Sustained

Allegation #2

It is alleged that Officer Mathiesen completed a police report for this incident to document his investigation and the arrest of the suspect. Upon completion, Officer Mathiesen submitted the report to Sergeant Somersett for review and approval. In reviewing Officer Mathiesen's initial report, Sergeant Somersett noted several discrepancies and inaccuracies within the report. Therefore, Sergeant Somersett returned the report to Officer Mathiesen to provide him with an opportunity to make the necessary corrections and to add further relevant detail in the report, specifically regarding the S.F.S.T.'s administered by Officer Mathiesen. Sergeant Somersett directed Officer Mathiesen to review the BWC of all officers involved in this incident in order to assist him in properly documenting what had occurred.

Officer Mathiesen subsequently made some corrections to his report, which included a supplemental report regarding the initial reporting party for this incident. However, upon further review of Officer Mathiesen's newly submitted report, Sergeant Somersett noted several factually incorrect portions of the report based upon Sergeant Somersett's own recollection of what had occurred while on scene during the entire investigation, coupled with what the BWC footage depicted. According to the BWC audit trail, Officer Mathiesen did not review the BWC for this incident at any time.

Memo

Folsom Police Policy Manual 339 – STANDARDS OF CONDUCT

339.5.8(a) PERFORMANCE

Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

According to the Executive Summary for this case, several factual errors and/or omissions were included as part the updated report Officer Mathiesen submitted to Sergeant Somersett. This included the following:

> In Officer Mathiesen's report he wrote, "I asked [redacted] if she understood, [redacted] stated yes." After reviewing the body worn camera footage what actually is said is [redacted] saying, "Yes, I want you to repeat it because I'm really scared and terrified and…."
>
> In Officer Mathiesen's report he wrote, "[redacted] once again stated she understood the test." After reviewing the body worn camera footage what actually was said is [redacted] saying, "I don't think so. I do not think so and this is being filmed."
>
> In Officer Mathiesen's report he wrote, "I told [redacted] to begin." After reviewing the body worn camera footage what actually occurred is [redacted] started the test on her own.
>
> In Officer Mathiesen's report he wrote, "[redacted] made 8 steps forward without touching heel to toe." After reviewing the body worn camera footage what actually occurred was [redacted] took 7 steps.
>
> In Officer Mathiesen's report he wrote, "[redacted] then turned around on the wrong foot and made 9 steps back while having her arms raised." After reviewing the body worn camera footage what actually occurred was [redacted] took 4 steps back with her arms crossed by her abdomen.
>
> In Officer Mathiesen's report he wrote, "[redacted] raised her left arm straight out like an airplane." After reviewing the body worn camera footage what actually occurred was [redacted] raised her left leg with her left arm raised approximately 6 inches from her side and her right arm raised before crossing it over her abdomen area.

Memo

In Officer Mathiesen's report he wrote, "[redacted] did this same act approximately 4 times before just stopping the test in all." After reviewing the body worn camera footage what actually happened was [redacted] raised her left foot and placed it on the ground two times before Officer Mathiesen stopped the test himself.

Furthermore, in his transcribed interview (page 10, lines 14-17), Sergeant Somersett stated that Officer Mathiesen's report did not simply contain minor mistakes or slight oversights, but rather that the contents of his report was, "completely different than what had actually happened." Sergeant Somersett further related that Officer Mathiesen's report was, "Not just a little bit different version but things were documented that just absolutely did not happen that were on camera."

Based upon the final report he submitted to Sergeant Somersett, Officer Mathiesen failed to disclose and/or misrepresented facts in an official report. A review of the BWC footage for this incident for all 3 officers on scene clearly depicted the aforementioned numerous factual misrepresentations. Furthermore, Officer Mathiesen did so during the course of a work related investigation in violation of Folsom Police Policy Manual section 339.5.8(a).

Disposition: Sustained

Allegation#3

It is alleged that, although initially reluctant, Officer Mathiesen conducted a D.U.I. investigation on the evening of January 2, 2023 at the behest of Sergeant Somersett. Officer Mathiesen subsequently submitted a corresponding police report to Sergeant Somersett for review and approval. According to Sergeant Somersett's account, as he reviewed the report former Officer Mathiesen had submitted, he identified several inconsistencies and factual errors. Sergeant Somersett further determined that the report submitted by former Officer Mathiesen lacked sufficient detail, particularly regarding the S.F.S.T.'s. Therefore, Sergeant Somersett specifically instructed former Officer Mathiesen to watch his BWC footage and that of the other officers on scene in order to accurately document what had actually occurred during the investigation.

A review of the BWC audit trail revealed that Officer Mathiesen did not review any of the BWC footage for this incident at any time whatsoever. Therefore, Officer Mathiesen disobeyed Sergeant Somersett's legal directive or order to review the BWC footage. Furthermore, Officer Mathiesen

Memo

resubmitted his report to Sergeant Somersett after making some corrections. However, the report Officer Mathiesen resubmitted still contained several factual misrepresentations.

Folsom Police Policy Manual 339 – STANDARDS OF CONDUCT

339.5.9(m) CONDUCT

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

The text of the dispatched call revealed that, a citizen called the Folsom Police Department Communications Center to report a subject possibly driving under the influence (D.U.I.) travelling westbound on Oak Avenue Parkway from Folsom Auburn Road. The reporting party further related that the involved vehicle, "hit a couple of curbs" and described the vehicle as, "all over the road." The reporting party additionally provided a vehicle description ([redacted]), the license plate, and his contact information (name and telephone number). The reporting party updated that the vehicle had turned northbound onto Baldwin Dam Road.

Folsom Police Department Communications Center personnel subsequently conducted a records check of the vehicle license plate provided by the reporting party. The records check revealed that the license plate number was assigned to a [redacted] utility vehicle. The associated registered address was a residence located on Mosswood Circle in Folsom, CA. Mosswood Circle runs east off of Baldwin Dam Road less than 1 mile north of the intersection with Oak Avenue Parkway.

Officer Mathiesen was the assigned beat unit for this incident and was, therefore, dispatched to this call for service as the primary officer at about 1854 Hours. Officer Personius was dispatched as the cover officer for this incident at about 1855 Hours.

Sergeant Somersett was assigned as the patrol supervisor for this shift (Team 5) on this date and time. According to Sergeant Somersett's account, he was in the area, and elected to drive to the listed registered address for the [redacted] According to the RIMS incident, Sergeant Somersett was the first unit to arrive on scene at about 1859 Hours. Sergeant Somersett located the involved vehicle parked at the residence on Mosswood Circle. Sergeant Somersett initially spoke with a male resident, and later with a female resident. Based on his conversations with the male and female residents, Sergeant Somersett determined that the female had been driving the

Memo

[redacted] just prior to his arrival. The female verbally admitted to having driven the vehicle home just recently. Furthermore, Sergeant Somersett stated that he observed the female driver display objective symptoms of having consumed an alcoholic beverage. Collectively, the information related by the reporting party, coupled with Sergeant Somersett's preliminary investigation, it appeared that the facts and circumstances obtained at that point supported the decision to investigate the matter further.

Despite this information, Sergeant Somersett stated that he had to prompt Officer Mathiesen to take over the investigation (see page 3, line 8 of Sergeant Somersett's transcribed interview). Sergeant Somersett further stated that Officer Mathiesen, "appeared as though he did not want to … conduct the investigation" (see page 3, lines 11-12 of Sergeant Somersett's transcribed interview). Sergeant Somersett later spoke with Officer Mathiesen in his office later that night regarding his hesitation or reluctance to conduct the D.U.I. investigation. Sergeant Somersett described Officer Mathiesen's response as, "a little bit flippant" (see page 4, lines 12-13 of Sergeant Somersett's transcribed interview). By his own account, Officer Mathiesen admitted that he, "could smell alcohol on her," and he, "could see the redness on her eyes" (see page 3, lines 27-28 of Officer Mathiesen's transcribed interview).

Ultimately, Officer Mathiesen completed a D.U.I. investigation, arrested the involved driver, and authored a police report to document the facts and circumstances of this case. However, Sergeant Somersett found several inaccuracies within the report. In response, Sergeant Somersett directed Officer Mathiesen to review the BWC footage for this incident to assist him in writing his report. Officer Mathiesen did not adhere to Sergeant Somersett's directive and failed to review the associated BWC. The BWC audit trail, Sergeant Somersett's transcribed interview, and Officer Mathiesen's transcribed interview all supported the assertion that Officer Mathiesen did not review the BWC for this incident at any time, and, therefore, was insubordinate in failing to follow a legal directive or order issued by a department member of a higher rank, Sergeant Somersett. Furthermore, the BWC audit trail, Sergeant Somersett's transcribed interview, and Officer Mathiesen's transcribed interview all supported the assertion that Officer Mathiesen knowingly submitted a report wherein he failed to disclose and/or misrepresented facts on an official report during the course of a work related investigation.

Based on the foregoing, Officer Mathiesen should have reasonably known that had he been summoned to testify in any court proceeding related to this matter that any testimony he may have provided could have been used to impeach him by defense counsel. Furthermore, he should have reasonably known that the District Attorney's Office could not have relied upon his written report for prosecution due to the factual errors and inaccuracies. Taken together with his failure to abide

by a direct order, Officer Mathiesen should have reasonably known that his on-duty conduct related to this incident was unbecoming a member of this department, contrary to good order, efficiency, or morale, or tended to reflect unfavorably upon this department or its members in violation of Folsom Police Policy Manual section 339.5.9(m).

Disposition: Sustained

III. DISCIPLINE RECOMMENDATION

None.

IV. ADMINISTRATIVE INSIGHT

I have reviewed Internal Affairs investigation #23-0001 and through the application of administrative insight have determined that former Officer Mathiesen should not receive any discipline because he was released from his probationary employment and is no longer employed with the City of Folsom as of January 9, 2023.

V. COMMAND CONCURRENCE

I have discussed my findings with Command Staff and they are in concurrence.

Memo

To: Lieutenant VerHalen

From: Sergeant Somersett

Date: 01/05/2023

Subject: Officer Mathiesen

On January 2, 2023, a citizen called to report a possible DUI driver. The caller provided his name and contact information regarding this incident and reported he had seen the vehicle strike a couple of curbs and was all over the road. I arrived at the registered owner's address first, contacted the driver, and turned over the DUI investigation to Officer Mathiesen prior to conducting any FSTs. Officer Mathiesen had gone to a three day SFST class, which included a wet lab, approximately one month prior to this incident. The call was within his beat and he was dispatched as the primary officer. I had to ask him to get engaged in the investigation, after I told him the suspect had been drinking, and he flippantly responded to me making it clear he did not want to. Not only was it clear to me, but Officer Personius interjected by offering to take the investigation himself despite the fact he was dispatched from another beat as a cover officer. Officer Mathiesen did begin a DUI investigation and subsequently arrested the driver for DUI and later released her with a citation for violation of 23152(a) and 23152(b) of the vehicle code. It should be noted the suspect had a BAC of 0.28%. Our BWCs were activated for the entirety of the administration of FSTs

Later in the evening I brought Officer Mathiesen into the Sergeant's Office to discuss his response to me when I asked him about taking over the investigation. He acknowledged I was correct when I told him it appeared clear he did not want to conduct the investigation because it "did not sit right with him" and explained people sometimes have bad days. He told me this was spirit of the law versus letter of the law in his eyes. I told him we are not making a judgement of people's character when we arrest for DUI, but it is an essential function of the police department and we do not have discretion on whether to investigate and/or arrest if appropriate. After our discussion Officer Mathiesen made it clear to me it still did not sit right with him to have investigated and arrested the suspect for DUI. I believe had I not been on scene Officer Mathiesen would not have investigated the suspect for DUI and based upon his remarks after our discussion I believe if placed in a similar situation in the future would not conduct a DUI investigation.

On January 3, 2023, I reviewed Officer Mathiesen's report, which he had submitted for supervisor approval. I brought to his attention he had written the reporting party was anonymous, which he was

not, and there was not enough detail provided for the driver's performance on the FSTs administered. I instructed him to correct the information regarding the reporting party and watch BWC footage to help him document the FSTs in greater detail. This conversation was approximately one hour before we went off-duty. I told him if he wanted to use his on-duty fitness time the last hour of shift he could make the corrections the following day, but he told me he was going to take care of it right then.

On January 4, 2023, I opened Officer Mathiesen's report to review the changes he had made. When I read his description of the "Walk and Turn" and "One Leg Stand" FSTs, I saw he had added more description to each, but it did not match what I had witnessed while on scene. I reviewed the BWC and found the description he added to the report to be wholly inaccurate and inconsistent with what had occurred. He provided very specific details about the suspect's actions during the two FSTs, but these details were in no way consistent with what I observed while on scene or with what was captured on BWC. Upon review, I discovered he had not reviewed the BWC footage from any of the three cameras on scene. I reviewed footage from all three BWCs and found they provided an unobstructed view of the suspect while she completed the FSTs. I found Officer Mathiesen has only written one other DUI report while an officer with FPD and the report was completely different than the one described here. In addition, he references the suspect by name multiple times within each FST's documentation, which led me to believe the inconsistencies were not due to using a template and not modifying it appropriately.

Based upon the specific details added to the report being completely inconsistent with what had actually occurred and Officer Mathiesen making no attempt to document the incident as accurately as possible by reviewing BWC, it would appear he was intentionally untruthful in his report.

Folsom Police Department

Richard D. Hillman

CHIEF OF POLICE

April 6, 2023

Richard Mathiesen
5795 Casa Grande Avenue
Rocklin, CA 95677

Re: *Folsom Police Department Internal Affairs #23-001*

Dear Mr. Mathiesen,

You are hereby notified that the Internal Affairs complaint, IA #23-001, has been concluded. As a result of information disclosed/ discovered after a thorough investigation conducted by the Professional Standards Unit and a final review from Command Staff there was a final deposition of the following allegations:

Folsom Police Policy Manual 339.5.1(b) Laws, Rules, and Orders - **SUSTAINED**

Folsom Police Policy Manual 339.8(a) Performance - **SUSTAINED**

Folsom Police Policy Manual 339.5.9(m) Conduct – **SUSTAINED**

Respectfully,

Andrew Bates
Police Commander

Memo

To: Mr. Richard Mathiesen

From: Sergeant Roman Kehm
Professional Standards Unit

Date: January 10, 2023

Subject: *Internal Affairs Investigation #IA 23-001*

The Department is investigating a personnel complaint received about *alleged* City of Folsom Personnel Rules and Regulations and/ or Folsom Police Department Policy Manual violations related to:

- *Disobedience of any legal directive or order issued by any department member of a higher rank*
- *Failure to disclose or misrepresenting material facts, or making any false or misleading statements on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation*
- *Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.*

I will be the Officer in charge of the investigation. You are asked **not to discuss** this investigation or the allegations with anyone other than myself or your representative. This includes, but is not limited to, any conversation, either in person or by telephone, or any written communication, either on or off duty.

I will contact you or your representative to schedule a date and time to conduct an interview.

Being that you are no longer employed with the City of Folsom you are not obligated to participate in any investigation, and you will not be compensated for any of your time if you choose to participate in the investigation.

You will be allowed to have a representative of your choice present during your interview. Your representative can be an attorney, or anyone else not connected with this investigation.

Memo

You or your representative will be provided with a copy of the transcript and audio recording of your original interview. Please contact me directly or have your representative contact me to coordinate this.

Folsom Police Department

INTERNAL AFFAIRS INVESTIGATION
23-001

The date of this interview is __February 7, 2023____, the time is _1:19PM_____. The location of this interview is _the Folsom Police Dept - _Admin Conference Room__. This investigation is under the direction and command of myself, *PSU Sergeant, Roman Kehm.*

Also present for this interview is _Sergeant Warner Herndon_.
(name/rank/command)

- This interview is in reference to Personnel Complaint **# IA 23-001** in which *the City of Folsom-Administration* alleges that *former* ***Officer Richard Mathiesen*** *failed to disclose or gave misrepresenting material facts or made false or misleading statements on an official document, report or form during the course of a work related investigation.*
- *Was disobedient of a legal directive or order issued by a department member of a higher rank*
- *Was any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order efficiency, or morale, or tends to reflect unfavorably upon this department or its members*

This interview is voluntary, and you are free to stop the interview at any time if you so choose. You are free to leave at any time if you so choose. This interview is being recorded. You are cautioned to answer all questions asked of you completely, and that all of your answers are truthful. If it is determined that you knowingly made false or misleading statements during this interview, we are mandated to report our findings to the California Commission on Peace Officer Standards and Training (P.O.S.T.) under SB2.

Do you understand this? _Yes_

A. You have the right to have a representative of your choice present during this interview.
(Representative may include an attorney, an association member, or anyone else not connected with this investigation)

And you have chosen: _Tony Brass 3223 Webster St. SF 94123_
(name/title of representative)

B. You have the right to make your own tape recording of this interview.

- INTERVIEW -

R.K.: All right. The date is -- the date of this interview is February 7th, 2023. This is -- uh -- regarding Internal Affairs Investigation 23-001. The time is 1:18 p.m. The location of this interview is the Folsom Police Department Admin Conference Room. The investigation is under the direct and command of myself, PSU Sergeant Roman Kehm. Also present for the interview is Sergeant Warner Herndon. This interview is in reference to a personnel complaint, IA 23-001 in which the City of Folsom Administrative alleges that former officer, Rich Mathiesen, failed to close or gave misrepresenting material facts, or made false or misleading statements on an official document report or form during the course of work related -- cour -- in the course of a work-related investigation. Was disobedient of a legal directive or order issued by a department member of a higher rank. Was any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order efficiency or morale, or tends to reflect unfavorable upon this department or it's members. This interview is voluntary, and you are free to stop the interview at any time if you so choose. You are free to leave at any time if you so choose. This interview is being recorded. You are cautioned to answer all questions asked of you completely, and that all your answers are truthful. If it is determined that you knowingly made false or misleading statements during this interview, we are mandated to report our findings to the California Commission on Peace Officer Standards and Training POST under SB-2. Do you understand this?

R.M.: Yes, I do.

R.K.: All right. You have the right to a representative of your choice during this interview, and you have chosen -- sorry, it's Tony?

T.B.: Yes, Tony Brass, B-R-A-S-S. of 3223 Webster Street, San Francisco, California.

R.K.: 3223?

T.B.: Yeah.

R.K.: What was it?

T.B.: Uh -- Webster Street, San Francisco, California 94123.

R.K.: Okay. Thank you.

T.B.: Uh-huh.

R.K.: And -- uh -- you have the right to make your own tape recording of this interview if you choose. Okay. All right. Okay. In January 2023, what shift were you assigned to and what days and hours of the shi -- were your shift?

R.M.: I was assigned to swing shift, Monday through Thursday.

R.K.: Okay. And what were the hours?

R.M.: 1500 to 0100.

R.K.: Okay. And -- uh -- who were your supervisors of that shift?

R.M.: Um -- that's when Cor -- or Sergeant Somersett got promoted, so Sergeant Somersett and Corporal Davis.

R.K.: Okay. All right. Do you recall an incident on Monday, January 2nd, 2023 around 1852 hours involving a reported drunk driver?

R.M.: Yes.

R.K.: Okay. Did you get an opportunity to review the CAD incident, your report, and the body worn camera footage for all involved related to this incident prior to the interview?

R.M.: Yes.

R.K.: Can you describe the details of that event as far as when you

arrived on scene to when you cleared the call.

R.M.: Um -- so, the call came out as a DUI driver. The RP was able to provide a license plate, at which point I don't know what that is right now because I don't have the report in front of me, but it was a black SUV from the best of my knowledge. Um -- who stated that the vehicle was swerving left to right, almost hit -- um -- the bridge, which I think is called -- I don't know if that's the Rainbow Bridge next to the whatever that is.

R.K.: Down through the Old Town.

R.M.: Down through Old Town, in -- onto -- uh -- I think it's Folsom-Auburn or Auburn-Folsom Road. The RP said that he stopped following the vehicle at -- I don't recall, I think it was Oak -- Old Oak Avenue or some street off of Folsom-Auburn. Uh -- that the vehicle proceeded on whatever street that was. Uh -- I arrive -- before -- before I arrive, Sergeant Somersett was already on scene, and I believe officer -- uh -- Personius was also en route with me. When I arrived, Sergeant Somersett was at the front door talking to the husband, or the male. And -- uh -- I don't remember what Sergeant Somersett asked him, and then the male went and got the wife. The wife came to the front door. At that time, Personius arrives on scene, and we were talking to her -- Sergeant Somersett was doing the initial investigation. He was talking 90 percent of the time. Um -- asking her questions relative to was -- was she driving, was she drinking, where was she coming from. Um -- she was hesitant, and she -- I don't remember the exact statement she made, but she did make a statement saying that she was driving. Uh -- at that point, Somersett and me -- I could smell alcohol on her, I could see the redness on her eyes. The, you know, constantly moving back, and

she just kept saying do we -- do we really have to do this -- do we really have to do this. Um -- and then, Sergeant Somersett looked at me and said do you want to -- or do you want me to do the DUI, or do you want it -- do you want to do it? And I looked at him, and I said okay, and I continued with the investigation.

R.K.: Okay. Anymore to add to that or --

R.M.: Um -- do you want to go through the entire process?

R.K.: Yeah. You can -- you just -- uh -- more or less a synopsis style.

R.M.: Okay. So -- um -- at that point, I'll start where I -- where I ended. I told Sergeant Somersett okay. I started doing the -- um -- the initial questions which I -- at the time, I did not have -- um -- the CHP form, I think 22 questions. I don't know what that CHP form --

R.K.: DUI --

R.M.: -- is called.

R.K.: -- card.

R.M.: DUI card. I didn't have one on me. Uh -- Sergeant Somersett was nice enough to get one for Personius. Um -- I looked at that -- that card, and I had my notebook, and I started asking her the questions. Question, by question, by question. And -- and whatever she responded; I wrote down. And then based off of her answers and based off the smell of alcohol, and based off of the redness of her eyes -- uh -- and her statement saying that she was driving -- um -- I asked her to conduct FSTs. She was extremely resilient. Um -- she just kept -- uh -- saying we don't have to do this. Why are you guys doing this? I conducted the FSTs. Um -- during the FSTs, I had to -- well, at first, I did the horizontal Nystagmus. Um -- during that test, I had to tell her, I think -- I believe two to three times to keep her eyes on my finger and not

look at me. Um -- but during that course of -- um -- tests, I could see that she had -- didn't have -- or she had -- um -- Nystagmus at max deviation -- um -- and then whatever those other two were. I don't remember the names of them. Um -- but I determined that she was under the influence of alcohol. And then I asked her to conduct FSTs. I demonstrated FSTs, she was -- um -- resilient again. She began the FSTs. I think -- I think I had to it -- instruct her three times for the -- uh -- nines -- for the walk and turn. And then during the -- uh -- one-leg stand, I had to explain it to her, I believe one -- or twice -- uh -- and that was my -- that's my first DUI I've done as a solo officer. And I just came from the -- um -- the CHP course. The -- uh -- FST school.

R.K.: Uh-huh.

R.M.: So -- uh -- my FSTs weren't great, and I know that. And even Sergeant Somersett said the same thing afterwards, he said, you know, you -- you definitely need to work on these, and I said this -- this is my first one I've done. Uh -- but during the one-legged stand, she -- uh -- she didn't pass it. And at that point, I asked her to do the PAS device. She refused, and then I -- uh -- based off of probable cause of her driving and the tests, I placed her under arrest for a DUI.

R.K.: Okay. Okay. And you mentioned -- uh -- Sergeant Somersett and Officer Personius were also on the scene with you?

R.M.: Yes.

R.K.: Okay. Uh -- and you said at some point, Sergeant Somersett asked if you were going to take the DUI investigation or was he going to take it?

R.M.: Correct.

R.K.: Okay. Uh -- and what -- what was your response to his question?

R.M.: I said okay.

R.K.: Okay.

R.M.: Okay, meaning I'm going to take it because I'm not going to have -- uh -- my sergeant take the DUI. It only happened once with Lieutenant -- well, now, he's Lieutenant VerHalen. And that was because I told -- I was honest with him. Obviously, I don't know how to do DUI's and that was before the FST school.

R.K.: Okay. Um -- did you disagree with the DUI investigation?

R.M.: No, I -- I -- uh -- I agreed. Me and Sergeant Somersett had a conversation afterwards and he said that you were hesitant. And I told him that, you know, the reason I was hesitant is, number one, it's my first DUI I've done. Number two, I didn't see her driving. She was at -- she was at the house. I was already out of my element in doing the DUI aspects of it. Um -- and that's the first one I've done, so typically you pull over a car, you know, you -- you can see things like that. But -- um -- at that time, I did not disagree with him. I said okay. I conducted the investigation. I even did follow up with the original RP. The -- the next day, I wrote a supplemental report with it. Uh -- but I did not disagree with him at all. I -- I just -- I stated that I didn't know -- um -- I didn't know how to go about that DUI based of the fact that it being in a house. Um -- and I told him that personally it didn't sit well with me for the reason of we didn't have the original RP. I wasn't able to do a cold show with -- or excuse me, you guys call it -- it's an infield, that's what you guys call it, an infield, with the original RP to say if that was the vehicle. And that was the person that was driving. And when I called the RP back the next day, he told me, he said that it

was [redacted]. He couldn't tell me the plate. He said he gave the plate to dispatch, but he said that he had no idea who was driving, or how many people were in the vehicle, or anything like that.

R.K.: Okay. So, you and Officer -- or Sergeant Somersett did have a conversation -- uh -- regarding this after the investigation?

R.M.: Yes.

R.K.: Okay.

R.M.: It was just me and him.

R.K.: Okay. Did you write a report regarding the DUI investigation?

R.M.: Yes.

R.K.: Okay. Uh -- who reviewed that report once you -- uh -- turned it in?

R.M.: Um -- I believe it was Sergeant Somersett. I don't know if Corporal Davis got her hands on it or not. I believe it was Somersett.

R.K.: Okay. So -- uh -- did Sergeant Somersett give you directions on what he wanted you to correct on your report after you had turned it in, and you reviewed it?

R.M.: He told me to be more -- um -- descriptive on the FSTs. Yeah, the FST portion of it. But he did not write like a dis -- distinctive, you know, hey, correct this, correct that, or correct -- it was just word of mouth. You need to be more elaborative on FSTs.

R.K.: Okay.

R.M.: And that was it.

R.K.: Did he -- uh -- did he -- or let me backup. In the original submission to the one where this is the first time you turned it in --

R.M.: Okay.

R.K.: Um -- did you list the reporting party as anonymous?

R.M.: I don't remember.

R.K.: Okay.

R.M.: I would have to see a copy of the report to say -- I don't remember if I listed it as nomy -- anonymous or not.

R.K.: Okay. Um -- did Sergeant Somersett tell you to review body worn camera footage and the body worn camera footage of the other officers on scene, yours and theirs as well?

R.M.: He told me to review mine, yes.

R.K.: Okay. Uh -- did you re -- uh -- did you review any body worn camera footage for the incident after Somer -- Serg -- Sergeant Somersett directed you to?

R.M.: No, I did not.

R.K.: Uh -- why not?

R.M.: The reason being is I had the notes on my notebook, and -- um -- also on that field card, and therefore -- uh -- I did not review just for the fact of there's other calls that we're handling, and there -- there's so many of us to -- to work, and I believe that the notes I took and the memory that I had of the incident was sufficient enough.

R.K.: Okay. And so, you did take notes -- uh -- during the DUI investigation?

R.M.: Yes.

R.K.: And you said a notebook then the --

R.M.: There was a notebook and then that --

R.K.: CHP --

R.M.: The CHP form, yeah.

R.K.: Okay. All right. Did you -- uh -- refer to your notes -- uh -- when you wrote the report?

R.M.: Yes.

R.K.: Okay. Do you believe your report is true and accurately depicts what occurred during the investigation?

R.M.: There is one mis -- there is one thing on there that is not true.

R.K.: What would that be?

R.M.: And I believe that that was -- do you remember what question that was?

T.B.: Where had -- she had drank.

R.M.: Yeah, so when I asked her the question of where you -- where had you been drinking, and I put Vodka instead of Folsom.

R.K.: Okay.

R.M.: That is the one correction I saw.

R.K.: Okay. All right. I'm just going to -- a little bit of a pain here -- I tried to put time marks on it, but it won't let me in the sys -- system, so we'll have to go from here. So, this first one, I believe is Sergeant Somersett's -- uh -- body worn camera footage.

(Video Recording Playing)

T.B.: That's the same one where you reviewed, right?

R.M.: Yes.

R.K.: Okay. Okay. Pause it there. All right. So, in your report, and I quote, "I asked [redacted] if she understood. [redacted] said -- [redacted] stated yes." Is this correct?

R.M.: Um -- to the best of my knowledge, yes.

R.K.: Okay. And then I have the report here if you need to refer to it --

R.M.: Okay.

R.K.: -- during these questions. All right, now. So, it's going to be in the walk and turn section.

R.M.: Okay.

R.K.: So, this could be a nightmare. Let me see if I can find this.

(Video Recording Playing)

R.K.: Seven-1635. This is terrible. It wasn't even giving me a timestamp.

(Video Recording Playing)

R.M.: So, what time?

R.K.: You had those, but I mean, I have to --

(Video Recording Playing)

R.K.: Come on. All right. Sorry -- uh -- what was your answer to that?

R.M.: What was the question?

R.K.: Okay. In your report, you wrote, "I asked [redacted] if she understood. [redacted] stated yes." Is that correct?

R.M.: To the best of my knowledge, yes.

R.K.: You have the report there if you want to refer to it -- if you want.

R.M.: Yes, in my report I put that she stated --

R.K.: Okay.

R.M.: -- yes.

R.K.: All right, I'm going to play this clip here.

(Video Recording Playing)

R.K.: Okay. After viewing that, do you find that statement is correct and accurate?

R.M.: That statement is yes, we wants me to repeat the -- the instruction. So, does that keep going to where --

R.K.: Then you go -- from there you go --

R.M.: -- then you --

R.K.: -- into the -- into inst -- teaching her again.

R.M.: Okay.

R.K.: So, it should be --

R.M.: Okay, is it this one or this one?

R.K.: I asked [redacted] if she understood the test, she said yes. Okay.

R.M.: So, I mean, she said yes, but then I had to repeat it. So, the second instruction would be that she wanted me to repeat it.

R.K.: Okay. Okay, and then from there, you go into [redacted] then pro -- uh -- proceeded to step off line pleading with me as to why this was necessary or is necessary, right?

R.M.: Yes.

R.K.: All right. In your report, [redacted] asked again -- or [redacted] -- uh -- sorry, start over. In your report you wrote, "[redacted] asked again" -- "[redacted] once again stated that she understood the test." Is this correct? And that's going to be -- [redacted] once again stated that -- that she understood the test, is that correct?

R.M.: If that's in the report, yes.

R.K.: Okay. Here we go. God, this is a mess. I wish I could just play it on the network. Sorry about this guys.

(Video Recording Playing)

R.K.: Okay, this is where picks up. Okay. Is that a correct statement then?

R.M.: That is not a correct statement on the report. No.

R.K.: Okay.

R.M.: But to give you perspective on to why that is like that, it is -- I got sense -- or issued a -- uh -- what's that called? When I did the DUI with Corporal Hedgepeth. He gave me a summary of how DUIs are supposed to be. Uh -- and I basically followed that guideline on this report as well. Just like I followed it on the one that I believe I -- or no, this was the first one I had at -- at Folsom. So, that we the same that I followed with Corporal Hedgepeth.

R.K.: So, you didn't do a -- another with Corporal Hedgepeth?

R.M.: No, so I when I did it with Corporal Hedgepeth, he took over the

entire investigation. He made me write --

R.K.: This was when you were in training?

R.M.: Yes.

R.K.: Okay.

R.M.: He made me write it -- uh -- but he did the -- um -- or no, he -- he showed me how to do FSTs, and gave me a piece of paperwork to do FSTs. I did them with his guidance and then he's the one that did the paperwork. And then when I wrote the report, because I've never -- haven't done a DUI like this before, he did --

R.K.: This -- this one?

R.M.: Uh -- this one. He -- no -- no. When I did the overview, I was with Corporal Hedgepeth, he gave me a format or --

R.K.: Like a template.

R.M.: Like a template --

R.K.: Okay.

R.M.: -- of how to do DUIs. So, that's what I used on this report.

R.K.: Okay.

R.M.: Now, that statement I made in there, that is off of the videos, she -- that is not what she said. Um -- but that's what I understood it to be because of the fact that she began to continue the DUI aspects of it.

R.K.: Okay. All right. All right. In your report, you wrote, "I told [redacted] to begin." Is this correct?

R.M.: Uh --

R.K.: So, I don't know where my plain copy was but --

R.M.: Is this on the third aspect of the D -- or the --

R.K.: Yeah, this was the --

R.M.: -- walk and turn?

R.K.: -- third time now. So, I told [redacted] to begin. Does that match?

R.M.: Yes, it's correct.

R.K.: Yeah.

R.M.: Okay.

(Video Recording Playing)

R.K.: Okay, so at 42 is when it will kick on. Okay. So, the quote, "I told [redacted] to begin." Is that a correct statement after viewing this?

R.M.: That is a correct statement as to the fact of when I first started it and I gave her the instructions of when to begin.

R.K.: Okay.

R.M.: So, but according to --

R.K.: You mean the --

R.M.: -- the report on this time, that I did not -- and when she started that, I did not tell her to begin, no.

R.K.: Okay. You're referring to when you --

R.M.: I did the initial --

R.K.: -- initially --

R.M.: Correct.

R.K.: -- first started --

R.M.: When I said --

R.K.: -- with [redacted].

R.M.: -- if you understand the things, you can -- understand the -- uh -- terms, or the instructions I gave you, you can begin.

R.K.: Okay. So, just to clarify, at the --

R.M.: Yes.

R.K.: -- very beginning of the instructions --

R.M.: Correct.

R.K.: -- for the walk and turn, is what you're referring to?

R.M.: Yes.

R.K.: Okay. All right. In your report you wrote, "[redacted] made eight steps forward without touching heel to toe." Is this correct?

R.M.: Based off the report, yes.

R.K.: Okay.

(Video Recording Playing)

R.K.: After viewing the video, do you find that an accurate statement, her taking -- uh -- eight steps forward without touching heel to toe?

R.M.: I believe that that statement that I wrote in the report was made off of my field notes.

R.K.: Okay.

R.M.: So, looking at -- uh -- the BWC now that I probably should have done during the report, I see seven and then a -- like a hop at the end to come -- to make a turnaround.

R.K.: Okay.

R.M.: But they were not -- I couldn't tell how many were heel to toe in that aspect.

R.K.: Okay. All right, this one I have to jump to a different video so we can get a clear view. This is Officer Personius's -- uh -- video.

R.M.: Okay.

(Video Recording Playing)

R.K.: Okay. In your report you wrote, "[redacted] then turned around on the wrong foot and made nine steps back while having her arms raised." Is this correct? Um -- where are we at here. Uh -- [redacted] then turned around, wrong foot, nine steps back while having her arms raised.

R.M.: Okay. So, that report is --

R.K.: Okay.

R.M.: -- it's in the report.

R.K.: Yes. Okay. Okay. So, it's going to be at 1633.

(Video Recording Playing)

R.K.: After viewing the video, do you find that an accurate statement?

R.M.: Based off my field notes, that's what I'd believed it was, but reviewing the BWC, she takes four steps.

R.K.: Okay.

R.M.: And that's just an honest mistake. There's -- I did not -- there's no -- I -- there's no intention from me to -- to lie on this aspect of it.

R.K.: Okay. All right now. So, I'm going to go back to this. Sergeant Somersett's --

(Video Recording Playing)

R.K.: Okay. Sorry about that. In your report you wrote, "[redacted] raised her left arm straight out like an airplane." Is this correct?

R.M.: Uh --

R.K.: This is going to be for the one-leg stand. [redacted] raised her left arm straight out like an airplane.

R.M.: Yes.

R.K.: Okay.

(Video Recording Playing)

R.K.: After watching the body cam footage, do you feel that's an accurate statement?

R.M.: She raised her arm to a certain point, but it's not like an airplane, no.

R.K.: Okay.

R.M.: And like I said, that's based off of the field notes that I was writing down at the time.

R.K.: Okay. Do you -- I have -- uh -- one more. Do you want to keep

going on these or --

R.M.: Yeah.

R.K.: Okay.

R.M.: I have nothing to hide. It's all right.

R.K.: This one -- so, it's actually in the --

(Video Recording Playing)

R.K.: Okay. In your report -- quote -- in the report you wrote, "[redacted] did the same act approximately four times before just stopping the test in all." Is this correct?

R.M.: (No audible response.)

R.K.: [redacted] did the same act approximately four times --

R.M.: Yes.

R.K.: -- before -- okay. Oh, this must be --

T.B.: That's the one-legged stands.

R.K.: Correct. Still the one-legged stand, yes. This supposed to be Sergeant Somersett video, so we'll see if it plays.

(Video Recording Playing)

R.K.: Okay, after watching the body cam footage, do you find that as an accurate statement?

R.M.: I do not find it an accurate statement. And once again, that's off of the field notes and my memory. That's -- I -- I never reviewed the BWCs to write the report.

R.K.: Okay. All right. I'm going to stop the videos. Okay. After reviewing your report and watching the BWC footage from all involved officers on scene, do you believe your report is true and accurate in an accurate depiction of what occurred?

R.M.: No, I do not. But I also submitted it to Sergeant Somersett, and he -- he never came back to me and said, hey -- give me any form of

corrections. He just said be more elaborative on the report.

R.K.: That was the first time you turned it in.

R.M.: First time. That's all I turned it in was one time. Or I turned it in initial, he came back like three or four days later after I've thrown away the field notes, the CHP form, and said you need to be more elaborative.

R.K.: All right. I'm going to go to the timeline.

R.M.: Uh-huh.

R.K.: So, the DUI investigation occurs, you and Sergeant Somersett had a conversation in the --

R.M.: I believe that night or the next -- I don't remember. I think -- I believe it was either that night or the next day. I'm not too sure.

R.K.: Okay. You believe it was that night --

R.M.: Yeah.

R.K.: -- you wrote your initial report --

R.M.: I wrote the report -- I believe -- I started it that night. I remember -- I don't know if I finished it that night or I finished it the next day.

R.K.: Okay. Um -- Sergeant Somersett reviewed it the next day, and then you -- he spoke to you regarding corrections being more --

R.M.: Just being more --

R.K.: -- descriptive.

R.M.: -- decribidive [sic] -- descriptive.

R.K.: And advised you to watch the BWC --

R.M.: Advised me to watch the BWC, yeah.

R.K.: Okay. And then you wrote --

R.M.: I wrote the report based off of my memory and my field notes --

R.K.: Okay.

R.M.: -- that I had.

R.K.: And then at that point, there was no further conversation regarding the report?

R.M.: There's nothing. And I -- based off of him not talking to me again about it or even bringing up any questions about it, I -- I didn't think anything of it so.

R.K.: Okay. All right.

R.M.: And also, I mean, I told him that that was my first DUI I've ever done as a solo officer.

R.K.: And you had mentioned you had just -- uh -- attended the standard field sobriety --

R.M.: Correct.

R.K.: -- test course.

R.M.: Yeah. I just -- I don't remember the dates, but I believe it was like the week before or two weeks before.

R.K.: Okay. Do they talk about in that class about watching -- uh -- body cam footage or referring to notes, and stuff like that.

R.M.: The were saying refer to notes, I don't remember if they say like review your BWC every single time you write a DUI report.

R.K.: Okay. All right. That is all I have at this point. Is there anything else --

R.M.: Uh-huh.

R.K.: -- you guys would like to add related to this -- uh -- interview.

T.B.: I'd like to ask some questions if that's okay.

R.K.: Okay.

T.B.: Thank you. Just briefly. Um -- uh -- was it your intention to make your report sound more inculpatory for this suspect?

R.M.: No, I had no intention of falsifying a document or writing something that could pre -- would make this case better or worse. I -- I just

wrote the report.

T.B.: As you wrote the report, did you believe that you were capturing an accurate memory of the event?

R.M.: Yes.

T.B.: Um -- was that your best effort to do so?

R.M.: At that time, without any further guidance from either Sergeant Somersett or Corporal Davis in telling me that I had to fix anything, yes.

T.B.: Okay. And -- and what's the reason you didn't review your BWC as you wrote?

R.M.: Well, typically, I mean, out of my career in law enforcement, I -- you don't typically review your BWCs every time you write a report. I know I was told to, and I didn't because I'd -- I believe that my memory of the incident and the d -- and the -- the field documents that I had, I was able to -- to write a sufficient enough report to submit to Sergeant Somersett. Um -- and that's why I didn't -- also, you know, there's other calls for service. It's going to take time for me to review it and write the report which, looking back, I should have, you know, definitely looked back and -- and review my BWC, but that was an honest mistake. That was an honest just error of me being stressed writing my first DUI, of having to deal with the paperwork, you know, coming from a -- a bigger department, we work as a two-man unit to working solo with a DUI that I've never done before -- um -- there was lot of things on my mind in trying to make sure the documents were correct and everything like that.

T.B.: Now, let me ask you, did -- was it your understanding that Sergeant Somersett was giving you an order when he told you to watch your BWC before you wrote the report?

R.M.: Yeah, I would take that as an order, yes.

T.B.: Okay.

R.M.: And --

T.B.: So, did you -- did you tell him that you did, or did you ever explain to him that you had not watched --

R.M.: We never talked about it again.

T.B.: Okay.

R.M.: So, he told me to do that, I didn't. I re -- I looked at my field notes, like I said before, and -- uh -- based off of my memory and the DMV form -- D -- or the DUI form, the --

R.K.: The CHP --

R.M.: -- yellow/pink copy, the big one?

R.K.: Oh, the DS367.

R.M.: Yeah, it has like the blood alcohol content. I looked at that in like -- in the field notes, and I wrote the report as best as I could.

T.B.: Was it your intention to be insubordinate to Sergeant Somersett?

R.M.: No. Um --

T.B.: Was it simply because you thought you had a clear enough memory at hand to write it based on your memory?

R.M.: I've written thousands of reports based off of memory including murders, homicides, drug deals -- uh -- more or less every report I write is off of memory.

T.B.: Okay. I have nothing else.

R.K.: Okay. All right.

R.M.: I would like to just add something that --

R.K.: Yeah.

R.M.: -- this is an honest mistake. I did not have any deliberation to throw the case or make the case better. Um -- this is my f -- like I've

stated before, this is my first DUI I've done as an officer by myself with -- throughout my whole career of four and a half years which isn't a lot but I did not deliberately lie or falsify anything on purpose. There's nothing for me to gain out of doing that. If there is mistakes, which there are mistakes in the report, that is an honest and truthful mistake. That's all that is.

R.K.: Okay. Anything else?

R.M.: That's all I have.

R.K.: Okay. All right. 1:54, we will conclude this interview and stop the recording. (Recording Ends)

- INTERVIEW CONCLUDED -

Folsom Police Department

INTERNAL AFFAIRS INVESTIGATION
WITNESS EMPLOYEE ADMONITION

Today is: January 11, 2023_____ _1657_____
Date Time

This is regarding internal affairs investigation **# _23-001_____.**

Present for this interview is **_Sgt. Somersett__** *(rank/title/name being interviewed).*

Representing Professional Standards is myself, ***___Sergeant Roman Kehm_____.***

I am conducting an interview with you regarding allegations of:
False or Misleading statements on an official document, report/ Insubordination/ Conduct Unbecoming by (accused emp) _Former Officer Richard Mathiesen_, to which you may be a witness.

This is an administrative investigation only. *Do you understand this?* Yes
This interview is being tape-recorded. *Do you understand this?* Yes
The result of this investigation could lead to disciplinary action, up to and including termination of the accused employee. *Do you understand this?* Yes

At this time, I order you to cooperate with this investigation. This means you must be truthful in all of your statements - and answer all questions fully and honestly. You are ordered to provide all information you may know regarding this incident. Failure to answer a question - or failure to answer it truthfully and fully - will be considered a lack of cooperation and could subject you to disciplinary action, up to and including termination for insubordination. Do you understand this?

CLOSING ADMONISHMENT

1. Is there anything else relating to this matter which I have not covered that needs to be added, clarified or changed? No
2. I am advising you not to discuss this interview or investigation with anyone other than myself. Do you understand? Yes
3. Should you remember any additional pertinent information or become aware of new, related information, you are ordered to advise me immediately. Do you understand? Yes

That concludes this interview. The time is _1725_____.

- INTERVIEW -

R.K.: Okay. Uh -- today is January 11th, 2023 at 4:57 p.m. This is regarding Internal Affairs Investigation 23-001. Present for the interview is Sergeant Scott Somersett. Representing the Professional Standards Unit is myself, Sergeant Roman Kehm. I'm conducting an interview with you regarding allegations of false or misleading statements on an official document report -- uh -- insubordination, and conduct unbecoming by former Officer Richard Mathiesen, to what you may be a witness. This is an administrative investigation only. Do you understand this?

S.S.: Yes.

R.K.: This interview is being tape recorded. Do you understand this?

S.S.: Yes.

R.K.: This result -- uh -- sorry. The result of this investigation could lead to disciplinary action up to and including termination of the accused employee. Do you understand this?

S.S.: Yes.

R.K.: Okay. At this time, I order you to cooperate with this investigation. This means you must be truthful in all of your statements, and answer all questions fully and honestly. You are ordered to provide all information you may know regarding this incident. Failure to answer a question or failure to answer it truthfully and fully will be considered a lack of cooperation and could subject you to disciplinary action up to and including termination for insubordination. Do you understand this?

S.S.: Yes.

R.K.: Okay. All right. Um -- do you recall an incident on Monday, January 2nd, 2023 around 1852 hours involving a reported drunk

driver?

S.S.: Yes.

R.K.: Okay. Can you tell me -- uh -- what occurred during this incident?

S.S.: Yes. Uh -- driver called in and said they were behind a -- a [redacted] and they believed that the driver of the [redacted] may have intoxicated and described that the vehicle had -- uh -- struck a couple curbs. Uh -- provided a license plate, and the license plate returned to a -- a address off of Mosswood. I was in the area, so I started driving that direction and -- um -- the reporting party said that the vehicle turned down Baldwin Dam, which leads to Mosswood. And -- um -- so I responded to the registered own -- owner's address, and saw that the vehicle was -- um -- in the driveway. And I saw that a -- um -- the male resident was coming out to check the mail -- um -- at the house. And I asked him if he had been driving the [redacted], and he said that his wife had, and -- uh -- I told him that we had gotten a report that -- um -- that vehicle was a possible DUI driver. And -- um -- he had said that his -- his wife had just got home, and he hadn't really had a chance to talk to her. Um -- so -- um -- I asked to talk with her, and -- and I went up to the front door with him. He went inside the house. I stayed outside. He went in and got his wife, who is also -- um -- one of the re -- they're both registered owners of the vehicle. Um -- and she came out, and -- um -- she appeared to be intoxicated, and -- and I could smell -- um -- alcohol on her. And she was slurring her speech. Um -- a short time later, like a couple minutes at most -- um -- Officer Mathiesen arrived -- uh -- followed by Officer Personius. Uh -- I was still speaking with her and -- uh -- she was saying she had not been drinking. I verbalized that I could -- um --

smell alcohol and she made some statements about her drinking like, you know, some -- in the past, like the day before, or something like that. And I kept saying, well, I -- I can smell it on your breath now. Um -- and she had made statements -- um -- that she had been driving. Um -- like that she has a hard time -- she was bouncing off curbs because -- because it's hard for her to see at night. So -- uh -- at some point, I -- um -- asked Officer Mathiesen, and prompted him to -- uh -- take over the investigation -- uh -- as I was the -- um -- patrol sergeant and he was the beat unit who was dispatched for the call. Um -- and -- uh -- it -- it appeared as though he did not want to -- um -- conduct the investigation -- um -- and had made a comment about -- um -- the -- like not having the reporting part -- reporting party. I don't remember exactly what he said. And -- um -- I had said that she's HBD or ha -- has been drinking. Um -- and he -- um -- he eventually did s -- begin a -- the DUI investigation. Um -- and she was -- uh -- subsequently arrested for -- he did arrest her for DUI.

R.K.: Okay. Um -- can you describe former Officer Mathiesen's demeanor or attitude at the scene?

S.S.: Um -- yeah, it -- it -- it definitely appeared as though he -- he did not -- uh -- he was resistant to -- to doing -- um -- the investigation. It appeared to me, he didn't -- yeah, he didn't want to do it. Um -- and -- uh -- uh -- to the point where even -- uh -- Officer Personius offered to -- to do it himself. Um -- my thought was because you could tell that there was a tension between -- um -- Officer Mathiesen and myself. That I was -- wanted him -- clearly wanted him to take over the investigation, and he clearly did not. Um -- and then -- um -- and finally, when he did -- um -- yeah, there was s --

clearly re -- reluctantly -- um -- to the point where later in that -- that evening after she was cited and released, I actually brought him into the sergeant's office to actually discuss what was going on and -- and what his reluctance was. Um -- I don't know if you want to talk about that part right now or --

R.K.: Uh -- we'll get to that.

S.S.: Okay.

R.K.: Um -- did he make any comments out at the scene that would indicate his -- uh -- attitude towards the investigation?

S.S.: Uh --

R.K.: Or your orders?

S.S.: Ye -- ye -- yeah, it -- he -- uh -- just -- his response was a little bit flippant when he had -- he said some -- something like okay. Um -- it was just the way he said it. It -- it was -- yeah.

R.K.: Okay.

S.S.: Cl -- clear -- clearly, he didn't want to do it.

R.K.: Okay. Um -- in your memo to Lieutenant VerHalen, you talked about having a conversation with former Officer Mathiesen which you also brought up just now. Um -- can you tell me what was said during that conversation?

S.S.: Uh -- yes, so I -- I brought him into the sergeant's office, and -- and addressed what had happened. And -- uh -- you know, I told him it was -- it was very clear he didn't want to do it. And he confirmed that. He said -- he told me he did not want to. And so, I had asked why -- um -- and he said that it didn't sit right with him, and he thought that it was a -- a spirit of the law versus letter of the law -- um -- situation. Um -- and said something to the effect of that -- um -- when people have bad days, when she was having a bad day --

um -- and I explained to him that we're not making a -- a judgement of somebody or their character or anything like that when we conduct these investigations, but we don't have -- we don't have the luxury of determining whether or not we want to conduct a DUI investigation when we have evidence. Um -- somebody's showing -- uh -- signs of impairment, and they're driving -- um -- DUI. Especially, when we have someone calling them in based upon their -- their bad driving. Um -- and -- um -- talked to him about -- uh -- we had re -- re -- recently talked to him briefing about the fact that the courts have said very clearly that we don't need to actually witness -- uh -- someone driving as long as we can articulate that they were. Um -- which you -- you had -- um -- enough t -- based on her statement, her husband's statement, the reporting party's -- um -- calling this in in the first place. Um -- and --- um -- after -- uh -- after explaining this to him -- um -- he made a comment that it still -- it still didn't sit right with him. Um -- which kind of left me believing that had I not been out there or if he was presented with the same situation again in the future, that he would not have -- he wouldn't have investigated that DUI.

R.K.: Okay. Uh -- did former Officer Mathiesen submit a report related to this DUI investigation?

S.S.: Yes, he did.

R.K.: Okay. Uh -- did you review that report?

S.S.: Yes.

R.K.: Uh -- when you reviewed the report, did you notice, or did you have any concerns regarding the report?

S.S.: Uh -- yes, I did. The -- he had mentioned that -- um -- the reporting party was anonymous, which they weren't. They had provided their

-- um -- he had provided his name and his phone number -- uh -- to dispatch. And had pr -- uh -- shared that he was a off-duty firefighter. And -- uh -- and then as I continued to -- to read -- uh -- the -- the field sobriety tests he administered were the -- uh -- Nystagmus, which he had documented, and the -- uh -- walk and turn and one leg stand. And on both of those field sobriety tests -- um -- the -- there was very, very little detail over each of them, or with each field sobriety test. Um -- definitely, not a -- much less detailed than -- than -- uh -- like what actually happened on scene because she -- he had to explain it to her multiple times, and she was having a -- a tough time understanding -- um -- what was -- you know, how to do the tests, and all that. And he had to repeat himself and -- and all of -- none of that was documented. Um -- so, I'd -- um -- which I brought -- I brought all this to his attention. I don't know if you want me to get into that or --

R.K.: Yeah. That's fine.

S.S.: So -- um -- I believe this was -- this was the day -- the day after -- um -- it's a Tuesday of the 3rd, that I -- uh -- that I read the report and brought his -- to his attention and asked, I said you need to change -- um -- the statement you made about the reporting party because they were not anonymous. Um -- and you need to get into detail about the walk and turn test, and the one leg stand. Um -- I instructed him to watch his body worn camera footage and to -- uh -- go into detail about what he saw. Which he told me -- um -- which he told me he'd take of. I told him -- it was at the end of the shift. I think it was like -- uh -- one hour before the end of shift, and I know that he often would go workout, use his on-duty fitness time the last hour of the shift. And so, I told him it wa -- because -- be -- she had

not -- uh -- been booked. It was a cite and release. So, there wasn't great exigency for those changes to be made, so I -- I told him if he wanted to work out -- um -- to go ahead and do so and that he could make the changes the next day, but he told me he was going to make them right then.

R.K.: Okay. Did -- were there any indications -- you had mentioned that he listed the RP as anonymous in the report. Were there any indications based on the statement -- uh -- former Officer Mathiesen may have said during your conversation or out at scene that would -- uh -- show that he had knowledge that there was an actual RP?

S.S.: Yes, he -- uh -- he had told me that he had called the RP while en route to the -- to the -- uh -- registered owner's address. And -- um -- that he did not get ahold of them. Um -- and -- and made a comment that the -- the RP didn't want to be involved. And when I asked -- uh -- what he meant, that -- that's when he told me that he had called them and that they didn't -- uh -- they didn't answer. And -- um -- but, yes, he -- yeah, he knew that there were -- yeah. He -- he had called the RP and the -- and the RP's name was actually listed in the incident -- like in the top where the caller sh -- caller's information is listed. Uh -- the -- their name was listed there -- uh -- along with the phone number.

R.K.: So, there's a pretty clear indication that an RP was definitely involved with contact information.

S.S.: Correct.

R.K.: Okay. Uh -- so after you spoke with Off -- former Officer Mathiesen regarding his -- uh -- report and the concerns you had and the direction you had given him for the corrections, did -- uh -- former

Officer Mathiesen resubmit the report after making changes?

S.S.: Uh -- yes, he did.

R.K.: Okay. Um -- did you review that report again?

S.S.: Yes. On Wednesday, I -- I looked at the report and saw that it was in the approval box for supervisors. Um -- so I opened it up to review it.

R.K.: Okay. And when you reviewed it, were the -- did you notice wa -- wa -- uh -- what did you notice and/or were there any concerns related to that --

S.S.: Uh --

R.K.: -- report.

S.S.: -- I noticed that he had updated the information about the -- the reporting party. Um -- and he had written a -- a supplemental -- uh -- report -- um -- about -- um -- contacting the RP and the RP's statement. And -- um -- and then I went down, I noticed that he had added detail -- um -- regarding the walk and turn and one-leg-stand test. Uh -- but when I read it, the -- the -- the details that he provided were not congruent with what I recalled -- um -- when I was on scene, as I was on scene for the entirety of the field sobriety test. And -- um -- there were some very specific details in there -- um -- specifically with like the -- the one -- one-leg-stand test. He stopped her very quickly -- um -- once she actually began the test -- um -- and -- but within a few seconds, but in the report, he documented -- um -- quite a few things that she had done whi -- whi -- while the test -- um -- or he documented things that I didn't recall happening -- um -- bu -- from when I was there. And in -- including with the -- the walk and turn, but the one leg stand was what -- what really stood out to me. It's because of that, then I -- I

-- uh -- didn't have any intention of -- of -- um -- comparing his report to the body worn camera, but after I saw what he had written and it not -- um -- matching up with what I saw. Then I pulled up the body worn camera to -- to make sure that I was -- I was right. Um -- and I pull it up and I watched -- uh -- the body worn camera, and I watch it -- uh -- mine, Officer Per -- Personius's, and Mathiesen's -- uh -- you can watch all three of them at the same time. And so, I had them all three going at the same time and watched it. And -- and confirmed that what had happened -- what had actually happened and was captured by body worn -- body worn camera was completely different than what was documented in the report. And -- um -- I was surprised by this. So, then I checked the audit trail for all three cameras, and found that Officer Mathiesen had not reviewed, at any point, any of the cameras -- um -- that were on scene. Uh -- yeah.

R.K.: Okay. And so, it was your own recollection from being on scene that drove you to -- to compare the body worn camera footage to what he had written in his report.

S.S.: Correct. Yeah. I -- I -- as I said, I -- I didn't have any intention to -- to compare them. Um -- I just wanted him to be more detailed, but when I saw the details, and yeah, they didn't -- they -- the fact that they didn't match at all what I remember se -- seeing on scene, that's what prompted me to actually pull up the body worn camera to -- to compare.

R.K.: Okay. And you had -- uh -- previously in your conversation with former Officer Mathiesen, you had -- uh -- indicated for him to review the body worn camera footage prior to -- or as he made the corrections to his report?

S.S.: Yes.

R.K.: Okay. Um --

S.S.: And in that -- that conversation -- um -- I'm just recalling now, when that -- when I had that conversation with him -- um -- Corporal Davis in the sergeant's office -- um -- with me. Um -- and was a -- a party to the -- she wasn't part of the conversation, but was sitting -- sitting right next to me working on something -- um -- when I instructed him -- um -- to review body worn camera.

R.K.: Okay. Um -- at that point -- uh -- what was -- what -- what were your actions?

S.S.: So, it -- I -- I watched the -- watched the camera footage again, and I -- this time -- uh -- because it appeared to me that what he had written in his report was not factual. Um -- and it was -- yeah, it was as I said, com -- completely different than -- um -- than what had actually happened. Not just a little bit different version but things were documented that just absolutely did not happen that were on camera. I wanted to be absolutely 100 percent certain. So, I watched from the beginning of the video until the -- to the point where FST's were done and confirmed. Okay, yes, what -- what is documented in this report is not -- this is not what happened -- um -- in actuality. And at that point -- um -- approached Lieutenant VerHalen -- um -- for direction on -- on what I should do to proceed.

R.K.: Okay. Um -- prior to this incident -- um -- were there any issues with former Officer Mathiesen?

S.S.: Um -- yeah, we -- we had had a -- you know, he had -- coming from a different agency in [redacted], I was sen -- sensitive to the fact that the way that they do things there, especially considering

they're a very busy agency, they're going to be different than Folsom PD. And that's -- it's a -- it's a growing pain that all officers have coming fro -- fro -- fro -- from -- uh -- other agencies. Um -- and I totally understand that. Um -- and so, on -- on multiple occasions, I had talked to him about some -- like a perfect example would be one where like cards -- credit cards are stolen then used in the city, and a report was submitted, and -- um -- there's no follow up done at a patrol level, and it was -- uh -- the recommendations were to give it to investigations. And -- which is pretty typically for officer coming from busier agencies. And so, totally okay with that, and -- but talked to him about it and let him know -- um -- that this is stuff that we need to -- um -- follow up at a patrol level. Investigations aren't going to take cases that -- with follow up that we can -- that we can do ourselves. Um -- and -- um -- and -- and s -- some of these conversations about -- about that type of thing -- um -- there appear to be a general resistance to -- um -- to what I was sharing with him. Um -- he would -- you know, he would agree to -- to make the changes, but it -- it -- uh -- it -- it appeared as though it -- it -- it -- yeah, he was resistant to -- um -- the best way to say it, resistant to -- um -- you know, the fact that there -- there's a different level of service that is expected of officers in -- in Folsom because the reality is, is that we do have -- we're a slower agency, and we have time to provide an extra level of service. And that is -- that's what is expected of us from -- from the community and from our -- fro -- from our department all the up to the chief. Um -- and -- um -- but I -- I couldn't tell if that resistance was just -- you know, I couldn't tell if it was actual resistance or if -- um -- that -- I -- I don't know the -- know him

personally, so if -- maybe that's just he -- he -- he's just a little bit more stoic. Um -- and so it was never anything where -- um -- he was com -- you know, very outwardly in -- like insubordinate, but it appeared to be kind of a pattern. Um -- but when this incident happened for this DUI -- um -- uh -- it -- it appeared that his -- um -- his demeanor -- um -- about -- uh -- resisting taking over this investigation, and that he confirmed wa -- he was resistant to -- to do it. His demeanor appeared to be very similar to other conversations that we had had in the past -- um -- about -- about ba -- basically doing -- doing things the way that are -- that -- that is expected of him -- um -- or all officers that -- that come to work here -- um -- from other agencies.

R.K.: Okay. And there was no -- uh -- discipline or documented counselings regarding these issues at this time?

S.S.: No, because -- yeah, as I said, I -- I -- you know, I didn't -- there was -- he never made any -- any comments or, you know, when I would ask him to make changes, he would do so. And -- um -- but there is nothing that -- that rose to the level of any -- um -- any documentation -- um -- because I didn't -- I absolutely didn't want to make something out of -- out of nothing. Um -- and if it was just -- if he just has a -- a different personality than me, and a different way of responding, then -- then that's fine, and I -- I -- I didn't want to -- we're all different. And -- um -- yeah, I didn't -- didn't want to make -- didn't want to make something out of nothing, but I -- I -- as I said, it -- it -- I was starting to take note of a -- of a pattern -- um -- but wasn't sure if -- if I was -- yeah, actually just picking up on a personality difference or some passive defiance from him.

R.K.: And about how long had you supervised former Officer Mathiesen?

S.S.: Yeah, I would estimate a -- a couple of months. I believe that he was placed on -- on my shift right outside of training. Initially, I was the -- the corporal on the shift. Um -- and so, I know -- I'm -- I was his -- he's been on my team since I was promoted to sergeant the 1st of December. Um -- but as a corporal -- um -- I would guess at least a month -- um -- and maybe a little bit longer.

R.K.: Um -- based on your first conversation with -- uh -- former Officer Mathiesen -- um -- and him being reluctant and not wanting to do the DUI investigation, had you, at a later time -- uh -- looked into see if he had done any DUI investigations, or had he attended any training related to DUIs, or anything like that?

S.S.: Yeah, he had -- I looked -- um -- because I wanted to -- to be certain. I know that officers will -- uh -- often times use a -- um -- a template wh -- when -- when writing DUIs just to make sure that -- um -- like the FSTs that they did and all the points that are important to document on a DUI are -- are hit. So, I looked back at his previous DUI's to see if maybe this was just an error where a copy and paste was done. Um -- I found that he had -- uh -- done a DUI investigation a few months back, I believe it was October. And that was the only one that I could find. Um -- but then I did notice when looking at this -- the report that we're talking about, that he had actually named the suspect multiple times like within the field sobriety test. So, it didn't appear to be a copy and paste. And maybe he copied and pasted from somebody else, but he had actually named the suspect multiple times while describing FST. So, it wouldn't -- and it was the actual suspect's name, not somebody else's. Um -- but then he had gone to -- I know he'd gone to the -- the standardized Field Sobriety Test class about a

month prior to this DUI investigation which -- uh -- included a wet lab portion where they actually were able to do FSTs and all that on people who had been drinking alcohol.

R.K.: Okay. Uh -- is there anything else that you would like to add or you think I should know about this incident for former Officer Mathiesen?

S.S.: Uh -- I don't believe so.

R.K.: Okay. All right. Uh -- is there anything else related to this matter which I have not covered that needs to be added, clarified, or changed?

S.S.: Not -- not that I know of.

R.K.: Okay. Um -- I'm advising you not to discuss this interview or investigation with anyone other than myself, do you understand?

S.S.: Yes.

R.K.: Should you remember any additional pertinent information or become aware of new related information, you are ordered to advise me immediately. Do you understand?

S.S.: Yes.

R.K.: Okay. This concludes -- uh -- this interview. The time is 5:25 p.m. And I'm stopping the recording. (Recording Ends)

- INTERVIEW CONCLUDED -

Interview Questions/ Notes

Sgt. Somersett

Do you recall an incident on Monday January 2, 2023 around 1852 hours involving a reported drunk driver? YES

Can you tell me what occurred during this incident?

R/P CALLED IN POSSIBLE DUI

Who was present during this incident?

OFF MATHIESEN
OFF PERSONS

Can you describe former Officer Mathiesen's demeanor or attitude at the scene.

FLIPPANT

Did former Officer Mathiesen make any comments?

In your memo to Lt. Verhalen you talked about having a conversation with former Officer Mathiesen. Can you tell me what was said during that conversation.

Did former Officer Mathiesen submit a report related to the DUI investigation?

YES

Did you review the report?

YES

What did you notice or did you have concerns regarding the report?

YES

What were those concerns?

Did you have a conversation with former Officer Mathiesen regarding his report? If so what was said?

Did former Officer Mathiesen re-submit the report with changes to it?

YES

What did you notice or what were your concerns related to the report?

P/P STATEMENT

FST

Did you order former Officer Mathiesen to review body worn camera footage?

Did former Officer Mathiesen follow your orders?

Did you review body worn camera footage of the incident?

Was the description of what occurred in former Officer Mathiesen's report accurate to what you observed yourself and/ or from what you observed from body camera footage?

Did you have any further conversations with former Officer Mathiesen regarding his report or any other topic related to his actions?

NO

Were there any other issues with former Officer Mathiesen that you had concerns about beside this incident?

Is there anything else you would like to add or you think I should know about?

Folsom Police Department

INTERNAL AFFAIRS INVESTIGATION
WITNESS EMPLOYEE ADMONITION

Today is: January 12, 2023 (Date) 4:28 pm (Time)

This is regarding internal affairs investigation **# _23-001_____.**

Present for this interview is **_Off. Personius__** *(rank/title/name being interviewed)*.

Representing Professional Standards is myself, ___***Sergeant Roman Kehm***_____.

I am conducting an interview with you regarding allegations of:
False or Misleading statements on an official document, report/ Insubordination/ Conduct Unbecoming by (accused emp) _Former Officer Richard Mathiesen_, to which you may be a witness.

This is an administrative investigation only. *Do you understand this?* Yes
This interview is being tape-recorded. *Do you understand this?* Yes
The result of this investigation could lead to disciplinary action, up to and including termination of the accused employee. *Do you understand this?* Yes

At this time, I order you to cooperate with this investigation. This means you must be truthful in all of your statements - and answer all questions fully and honestly. You are ordered to provide all information you may know regarding this incident. Failure to answer a question - or failure to answer it truthfully and fully - will be considered a lack of cooperation and could subject you to disciplinary action, up to and including termination for insubordination. Do you understand this? Yes

CLOSING ADMONISHMENT

1. Is there anything else relating to this matter which I have not covered that needs to be added, clarified or changed? No
2. I am advising you not to discuss this interview or investigation with anyone other than myself. Do you understand? Yes
3. Should you remember any additional pertinent information or become aware of new, related information, you are ordered to advise me immediately. Do you understand? Yes

That concludes this interview. The time is 1638.

- INTERVIEW -

R.K.: Okay. Today is -- uh -- January 12th, 2023. The time is 4:28 p.m. Uh -- this is re -- in regards to an Internal Affair Investigation 23-001. Present for the interview is Officer Personius. Am I saying that right?

J.P.: Uh-huh.

R.K.: Okay. Um -- representing Professional Standards is myself, Sergeant Roman Kehm. Um -- I'm conducting an interview with you regarding allegations of false or misleading statements on an official document report, insubordination, and conduct unbecoming by former Officer Richard Mathiesen, to which you may be a witness.

J.P.: Okay.

R.K.: This is an adminis -- stra -- stration -- administrative investigation only. Do you understand that?

J.P.: Yes.

R.K.: Okay. The interview is being tape recorded; do you understand this?

J.P.: Yes.

R.K.: The result of this investigation could lead to disciplinary action up to and including termination of the accused employee. Do you understand this?

J.P.: Yes.

R.K.: Okay. Okay. At this time, I order you to cooperate with this investigation. This means you must be truthful in all your statements and answer all questions fully and honestly. You are ordered to provide all information you may know regarding this incident. Failure to answer a question or failure to answer it

truthfully and fully will be considered a lack of cooperation and could subject you to disciplinary action up to and including termination for insubordination. Do you understand this?

J.P.: Yes.

R.K.: Okay. All right. Uh -- so, what's your -- uh -- current shift that you work on?

J.P.: Uh -- weekdays, swing shift.

R.K.: Okay. And those hours are --

J.P.: 3:00 till 1:00 --

R.K.: 3:00 to 1:00?

J.P.: 3:00 p.m. to 1:00 a.m.

R.K.: So, Monday through --

J.P.: Monday through --

R.K.: -- Friday.

J.P.: -- Thursday.

R.K.: 215 to 01. Okay And -- uh -- who are you current supervisors right now?

J.P.: Uh -- Sergeant Somersett and Corporal Davis.

R.K.: Okay. Okay. Do you recall an incident on Monday, January 2nd, 2023 around 1852 hours involving a reported drunk driver?

J.P.: Yes.

R.K.: Okay.

J.P.: I believe so.

R.K.: Okay. Uh -- can you tell me what occurred during this incident.

J.P.: If it's the one I'm thinking of -- uh -- someone had called in a drunk driver --

R.K.: I have a copy of the --

J.P.: Okay.

R.K.: -- the CAD --

J.P.: Okay.

R.K.: -- incident, if you would like to --

J.P.: Sure.

R.K.: -- see the --

J.P.: I mean, I'm --

R.K.: -- do that.

J.P.: -- assuming this is the one on -- um -- Folsom-Auburn. Um -- yeah, okay. Um -- so I remember that someone had called in that they were following a drunk driver -- um -- and that they had gotten a plate, I think, that went to a residence where we ended up all going. I think me -- uh -- Officer Mathiesen, and Officer Somer -- or Sergeant Somersett.

R.K.: Okay.

J.P.: Um -- yeah.

R.K.: Okay. And then -- uh -- when you arrived -- uh -- what did you observe?

J.P.: Um -- Sergeant Somersett was already there, I think, talking to the arrestee at the front door of the house, or on the porch, or at the front of the house. And the vehicle that was described as being driven by the drunk driver was somewhere parked under like a carport in the driveway. And I can't remember if I was there before Officer Mathiesen, or if he was there before me, or if we got there at the same time. I don't recall, but I know Sergeant Somersett was there first. And I think he was talking to the arrestee.

R.K.: Okay. Um -- how did the -- the call progress? Just tell me like while you were there, what was happening, who was doing what -- um -- if there was stuff said. Uh -- if --

J.P.: Um --

R.K.: -- you recall.

J.P.: -- I thi -- if I remember correctly, I think Sergeant Somersett had already did -- or elicited from the arrestee that she had been driving that vehicle or some such thing. Um -- I don't remember if she had said that when I was there. Um -- and I think Officer Mat -- Mat -- Mathiesen was the primary officer, and there was some -- I overheard some sort of discussion about like are -- do -- do we need the RP -- or where is the RP, or something like that. Is the RP here. Did the RP witness this person driving, and some sort of like sidebar conversation between them. I was a little bit in the back. I mean I was there --

R.K.: Between --

J.P.: -- but --

R.K.: -- them meaning --

J.P.: Sergeant Somersett and Mathiesen. Um -- and then -- um -- I recall Sergeant Somersett saying, well, are you going to take this, or I am going to take this. Um -- I want to say I maybe even said, well, I'll take this. But I -- I only said that because I assumed that there was some sort of like discomfort about like just doing like the regular DUI investigation. I don't mind doing DUI investigations, which was the only reason that I had volunteered that, I guess. Um -- and then we did FSTs on the female on the front porch. And -- uh -- she was arrested for a DUI.

R.K.: When you talk about -- uh -- discomfort about doing the DUI investigation --

J.P.: Uh-huh.

R.K.: -- uh -- what -- who were you referring about that. It was --

J.P.: Um -- I mean, I -- I pers -- I was referring to Officer Mathiesen. Um -- and I just maybe thought that there was like just discomfort in doing DUI's, maybe.

R.K.: Just like a --

J.P.: Just --

R.K.: -- lack of knowledge or --

J.P.: Or maybe just like -- yea, like I just -- that's just what I assumed. Um -- because I know some people don't like to do DUI's and like other people to do them, which was the only reason that I volunteered. Well, I'll do it.

R.K.: Okay.

J.P.: So.

R.K.: In your opinion at the scene and hearing -- uh -- the conversation between Sergeant Somersett and former Officer Mathiesen, did you feel there was any form of -- uh -- unprofessionalism on Officer -- former Officer Mathiesen's part, or insubordination, or did you deem it as something else, like you had -- uh -- described earlier.

J.P.: Um -- I didn't notice anything like necessarily over the top, but like I said, I was -- I could have, you know, not heard something. or missed something, or you know, there was also a -- a 10-15 there and a husband in the house, so there was other -- you know, there was some other things going on a little bit. Um -- you know, the only comment I really like recall that I guess would stand out to me was that Sergeant Somersett said like, well, are you going to take this or am I going to take this? Which was the only thing that indicated to me that maybe there was some sort of issue with taking the arrest. But I could have missed some other stuff. Nothing that I heard or really --

R.K.: All right. Um -- so, you're already -- you already -- uh -- stated that you had offered at one point to take the DUI investigation over.

J.P.: I -- I think I said that. I'm -- I believe so.

R.K.: Okay.

J.P.: If not, I s -- thought it.

R.K.: Okay.

J.P.: I think I did maybe say that so.

R.K.: Um -- how would you describe former Officer Mathiesen's demeanor or attitude at the scene?

J.P.: Um -- like I said I -- I thought he seemed like kind of confused or maybe just not comfortable with the whole thing, is sort of how it seemed to me.

R.K.: Okay. Okay. Did -- uh -- former Officer -- uh -- Mathiesen have a conversation with you or make any comments regarding the DUI investigation and his opinion of conducting the investigation --

J.P.: Not that I --

R.K.: -- at any point?

J.P.: -- not that I recall.

R.K.: Okay. And not at a later time or anything?

J.P.: Not that I recall. I -- I want to say I maybe came back and asked him if he needed help with anything, and I think he just said no, and I think that was the end of my involvement in all that.

R.K.: Um -- did former Officer Mathiesen say anything about Sergeant Somersett having made him conduct the DUI investigation?

J.P.: Not that I recall.

R.K.: Okay. Um -- okay. That's all I have. Uh -- so, again, I'll read you this and then -- uh -- we'll go from there. Okay. Is there anything else regarding this matter which I have not covered that needs to

be added, clarified, or changed?

J.P.: Uh -- no.

R.K.: Okay. All right. I'm advising you -- uh -- you not to discuss this interview or investigation with anybody other than myself, do you understand?

J.P.: Uh-huh.

R.K.: Okay. Should you remember any additional pertinent information or become aware of new related information, you are ordered to advise me immediately, do you understand?

J.P.: Uh-huh.

R.K.: All right.

J.P.: Yes. I'm sorry.

R.K.: All right. That concludes this interview. The time is 4:38 p.m.

(Recording Ends)

- INTERVIEW CONCLUDED -

Interview Questions/ Notes

Officer Personius

What is your current shift you work on?

M-TH 1500 - 0100

Who is your current supervisors?

SGT SOMERSETT
CPL DAVE

Do you recall an incident on Monday January 2, 2023 around 1852 hours involving a reported drunk driver? ✓ [illegible]

Can you tell me what occurred during this incident?

Who was present during this incident?

MATHIESEN
SGT SOMERSETT
HANSEN

Was there any conversation between Sgt Somersett and former Officer Mathiesen? If so what was said?

Did you offer to take the DUI investigation? If so why?

Can you describe former Officer Mathiesen's demeanor or attitude at the scene?

CONFUSED

Did former Officer Mathiesen have an conversation with you or make any comments regarding the DUI investigation and his opinion of conducting the investigation?

Did former Officer Mathiesen say anything about Sgt Somersett having him conduct the DUI Investigation?

Report Number: IA23-001

Please note that the records provided in this release do not include records or portions of records that are exempt from disclosure pursuant to applicable law. Without limiting other arguments against disclosure that may exist, the following records or portions of records are specifically prohibited or exempted from disclosure:

Personal Information

Records or information that constitutes the personal data or information of an officer or their family members (Cal. Pen. Code §§ 832.7(b)(5) and (b)(6)(A));

Complainant/Witness Information

Records or information, the disclosure of which would compromise the anonymity of whistleblowers, complainants, victims or witnesses (Cal. Pen. Code § 832.7(b)(6)(B));

Employee/Personnel Information Not Subject to Disclosure

Records or information, the disclosure of which would constitute an unwarranted invasion of personal privacy (Cal. Gov. Code § 7927.700; see also City of San Jose v. Superior Court (1999) 74 Cal.App.4th 1008);

Peace Officer Personnel File

Records or information, the disclosure of which is exempted or prohibited pursuant to federal or state law (Cal. Gov. Code § 7927.705; see also Cal. Const. art. 1 § 1; Cal. Pen. Code § 832.7(a); Cal. Evid. Code § 1040);

Officer Safety

Records or information, the disclosure of which would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person (Cal. Pen. Code § 832.7(b)(6)(D));

Balancing Test/Weighing Principle

Records or information, the disclosure of which would reveal personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information (Cal. Pen. Code § 832.7(b)(7));

Records or information wherein the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure (Cal. Gov. Code § 7922.000);

Investigative

Records or information, the disclosure of which would reveal or compromise official law enforcement security and investigative procedures (Cal. Gov. Code §§ 7923.600(a) & 7923.615(a));

Federal/State Law Prohibitions

Records or information that constitute confidential medical, financial, or other information, the disclosure of which is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy (Cal. Pen. Code § 832.7(b)(6)(C));

Other IA/Blue Team Incidents

Records or information from separate or prior investigations not independently subject to disclosure (Cal. Pen. Code § 832.7(b)(4) & 832.7(b)(5));

Applicable State Prohibitions

Records or information, the disclosure of which is exempted or prohibited pursuant to federal or state law (Cal. Gov. Code § 7927.705; see also

- Cal. Const. art. 1 Sec. 1; PRIVACY
- Cal. Pen. Code § 15150 et seq.; CLETS
- Cal. Pen. Code § 1203.05; PROBATION FILE/BINDER
- Cal. Pen. Code §§ 11105 and 13300; CORI (STATE/LOCAL)
- Cal. Evid. Code § 954; ATTORNEY-CLIENT PRIVILEGE
- Cal. Code Civ. Proc. § 2018.030; ATTORNEY-CLIENT PRIVILEGE
- Cal. Evid. Code § 1040; OFFICIAL INFORMATION
- Cal. Code Civ. Proc. § 129; AUTOPSY PHOTOS
- Cal. Welfare & Inst. Code § 827; JUVENILE CORI
- HIPAA 45 CFR Part 160 and Subparts A and E of Part 164) HEALTH CARE

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