AGENDA ITEM REPORT

Title: POST2300017 - PAUL MATEJCEK (POST ID: C65-U31)
LAST EMPLOYING AGENCY: BRENTWOOD POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 11/21/2024	**BUREAU SUBMITTING THE REPORT** Professional Conduct Central Bureau	
RESEARCHED BY Kevin Sherburne	**REVIEWED BY** Brian South	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/01/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Commission for review and action regarding the subject peace officer's certification status. The Commission shall return any determination requiring action to be taken against an individual's certification to the Division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that Act.

BACKGROUND:

On April 23, 2022, Respondent, then a Brentwood Police Officer, responded to a service call of a person screaming near garden sheds at a home improvement store. There, Respondent and other officers found an individual hiding in one of the sheds. Respondent detained the individual, placed her in handcuffs behind her back, and seated her in front of the shed where they found her. About eight minutes later, she suddenly attempted to stand up. Body worn camera (“BWC”) footage showed Respondent took three steps towards her and kicked her with his right foot, knocking her backwards into the shed door, where she fell to the ground. Brentwood Police Department conducted an administrative investigation on the issue whether Respondent's use of force was excessive or unreasonable and found that Respondent's use of force was "not proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance." Brentwood Police Department terminated Respondent.

At its October 17, 2024 meeting, the Peace Officer Standards Accountability Advisory Board voted unanimously to revoke the Respondent's POST certificate(s).

Video Evidence Links:

- BR13 POST2300017 Matejcek Paul REDACTED002 K 4 BPD 2201912 FRANSON DAVID 624D
- BR14 POST2300017 Matejcek Paul REDACTION L 2 BPD 2201912 MATEJCEK PAUL 595P 2

ANALYSIS:

The clear and convincing evidence substantiated that Respondent kicked Victim 1 on April 23, 2022, while she was handcuffed. The clear and convincing evidence substantiated that Respondent's use of force was excessive and unreasonable, either or both. The evidence showed that just prior to and at the time that Respondent kicked Victim 1, she did not pose a threat to Respondent, the other officers, or anyone else, was not resisting, and was not attempting to escape. Reasonable grounds exist for the Respondent's peace officer certification to be subject to disciplinary action, which is either revocation or suspension by the Commission pursuant to California Penal Code Section 13510.85(a)(1).

RECOMMENDATION:

The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding what action, if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence.

In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

ATTACHMENT(S):

BR1_POST2300017_Matejcek_Paul_POST2300017_Matejcek_ISF_Sherburne_FINAL.pdf
BR2_POST2300017_Matejcek_Paul_REDACTED_1_Executive_Review_Division_Recommen

BR3_POST2300017_Matejcek_Paul_REDACTED.pdf
BR4_POST2300017_Matejcek_Paul_REDACTED_B_EDI_Profile.pdf
BR5_POST2300017_Matejcek_Paul_REDACTED_C_1_City_of_Brentwood-Matecjek_Termination-Hearing_Officer_Recommendation_002.pdf
BR6_POST2300017_Matejcek_Paul_REDACTED_D_PM_HO_Appeal_.pdf
BR7_POST2300017_Matejcek_Paul_REDACTED_E_3_Notice_of_Intent_to_Terminate_with_
BR8_POST2300017_Matejcek_Paul_REDACTED_F_4_Notice_of_Termination_Skelly_Opinio
BR9_POST2300017_Matejcek_Paul_REVIEWED_G_2_2022_09_02_JDF_to_Ogden_Appeal_
BR10_POST2300017_Matejcek_Paul_REDACTED_H_Respondent_Interview_Transcript_002ksherburne9132_Redacted.pdf
BR11_POST2300017_Matejcek_Paul_REDACTED_I_26_2022-05-26_Josh_Flynn_interview_trancript.pdf
BR12_POST2300017_Matejcek_Paul_REDACTED_J_25_2022-05-30_David_Franson_interview_transcript_Redacted.pdf
BR15_POST2300017_Matejcek_Paul_REDACTED_M_33_Matejcek_Accomodations.pdf
BR16_POST2300017_Matejcek_Paul_REDACTED_N_IA_Findings_20-03_002.pdf
BR17_POST2300017_Matejcek_Paul_REDACTED_O_1_IA_20-03_Summary_002-ksherburne9132.pdf
POST2300017_Matejcek_Paul_Board_Recommendation_Signed.pdf
POST2300017_Matejcek_Paul_October_2024_POSAAB_Agenda_Record.pdf
POST2300017_Paul Matejcek_10.17.2024 POSAAB Transcript.pdf