EVIDENCE AS TO THE ALLEGATIONS:

NOTIFICATION

On May 11, 2020, I received a Memorandum written by Sergeant Daansen documenting a Citizen's Complaint made against Officer Paul Matejcek (refer to "**Correspondence/ Memos**" tab for Memorandum documenting the Citizen's Complaint). Citizen IP called to report to Sgt. Daansen that he believed Ofcr Matejcek used excessive force in his encounter with V2 and believed he was was unprofessional. Mr. IP lives next door to Ms. V2 and observed the incident from outside his home.

Sgt. Daansen provided the Computer-Aided Dispatch (CAD) log and a Brentwood PD case associated with Mr. IP complaint, and the incident he referenced. Ofcr Matejcek had called Sgt. Daansen prior to Mr. IP complaint being received to inform Sgt. Daansen of the incident. Ofcr Matejcek's summary of the incident is written as part of Sgt. Daansen memorandum to document the complaint.

Ofcr McBride was assigned as the primary investigating officer and documented his contact with Ms. V2 Ofcr Matejcek also documented his involvement in a supplemental report, referenced in BPD case #2002074.

On May 11, 2020, Chief Hansen directed me to initiate an Internal Affairs Investigation (IA 20-03) to formally look into the matter.

INVESTIGATION

All digital evidence (digital media, recordings, interviews, videos, etc.) collected during this internal investigation have been stored on a USB drive and attached as **(Exhibit 1)**.

Citizen's Complaint

On May 07, 2020, at approximately 1935 hours, Sgt. Daansen received a request to call Mr. IP and later documented Mr. IP allegations. Mr. IP believes he observed Ofcr Matejcek lose control of his emotions, resulting in his inability to keep the situation from escalating. Rather than de-escalating the encounter with Ms. V2 Mr. IP believes Ofcr Matejcek escalated the event. Mr. IP observed Ofcr Matejcek run after Ms. V2 when she ran away from him, and both fell to the ground with the officer trying to gain control of Ms. V2 Mr. IP did not feel the actions of the officer were excessive at this point. However, he felt the officer's use of profanity during the remainder of the encounter was excessive, believing this escalated the situation. Ms. V2 was belligerent, using profanity, out of control, and was not listening to the officer. When Ms. V2 spit on Ofcr Matejcek he lost control. Mr. IP believed that the officer over-reacted when he threw his forearm into Ms.

V2 chest area in order to put her body position back to the stretcher. Ofcr Matejcek was yelling, "Don't you fucking spit on a police officer."

Ofcr Matejcek's act of throwing his forearm into Ms. V2 chest, while cursing at her, made Mr. IP believe it was out of anger; although not necessarily excessive. Mr. IP was not looking to get anyone in trouble but felt the moment Ms. V2 spit on the officer his behavior became inappropriate.

End of Summary

CAD Incident Report #2005070093

The incident was generated in CAD as incident #2005070093. The CAD incident report (Refer to **Exhibit 2-CAD Summary)** is summarized as follows:

- Officers McBride (X4) and Matejcek (X1) were dispatched to V2 Address for the report of a welfare check.
- The reporting party (RP), IP11 called to report that her friend, V2 was pregnant and made threats to drive her vehicle off a bridge. It was not specified which bridge. Per IP11 Ms. V2 is depressed but not diagnosed with any known illness or depression.
- A related vehicle description was obtained.
- Ms. V2 lives with her parents at the address provided.
- IP11 requested a call.
- Ofcr McBride calls IP11 prior to both officers responding to Ms. V2 address.
- Both officers arrive on scene and advise they have made contact with Ms. V2
- A request is made for an ambulance for AIDX (5150 W&I) by Ofcr McBride.
- Both officers advise they are Code 4 and clear the call on a Brentwood PD case.
- The event is closed.
- Two entries are made later in the event by a Dispatcher to include Medic 57 and EMS Personnel on that unit.

End of Summary

The following BPD personnel were on scene:

- Ofcr McBride
- Ofcr Matejcek

The following American Medical Response (AMR) personnel were on scene:

- Paramedic IP9

- Emergency Medical Technician (EMT) IP10

BPD Case 2002074

This incident was documented by Ofcr McBride under BPD case # 2002074 (Refer to **Exhibit 3-Original Report**)

I reviewed Ofcr McBride's report and it is summarized as follows:

- Ofcr McBride summarized his phone contact with RP- IP11 She provided a statement to include information that Ms. V2 had told her she was feeling depressed and had planned on driving her vehicle off a bridge.
    - Ofcr McBride activated his BWC and placed his cellphone on speaker to capture the conversation.
- Ms. V2 statement was concerning enough that RP- IP11 called to report her concerns and requested a welfare check.
- RP- IP11 has known Ms. V2 since 2012, and have been friends since meeting at a substance abuse program.
- RP- IP11 believed that Ms. V2 is depressed because she is in an abusive relationship, struggles with sobriety, and is nineteen weeks pregnant.
- She believes that because of these factors, it has taken a toll on Ms. V2 mentally and emotionally.
- Officers responded to and arrived at Ms. V2 residence to find her seated in the open rear hatch of her vehicle. She admitted to having feelings of wanting to kill herself and wanted help.
- Ofcr McBride requested an ambulance for a mental health evaluation hold.
- While speaking with Ms. V2 Ofcr McBride observed objective signs and symptoms of being under the influence of an intoxicant. He describes those signs and symptoms.
- Ms. V2 was displaying emotional instability. Ofcr McBride described Ms. V2 instability and displayed mood swings and emotional distress.
- AMR personnel arrived on scene and Ofcr McBride reviewed his observations and advised Ms. V2 met the criteria for a mental health evaluation hold.
- While Ofcr McBride completed documentation for the hold, Ofcr Matejcek and AMR personnel continued to speak with Ms. V2
- Ofcr McBride was not aware that Ms. V2 had fled from Ofcr Matejcek and AMR personnel, until he re-approached and observed she was handcuffed and on a gurney being strapped in.
- He assisted with securing Ms. V2 to the gurney and noted he observed that Ms. V2 was belligerent, uncooperative, yelling, and continuously removing her oxygen mask despite being told not to do so.
- AMR transported Ms. V2 to CCCRMC for evaluation.

End of Summary

I reviewed Officer McBride's VieVu body worn camera (BWC). Ofcr McBride has three segments of video, depicting his phone call with RP- IP11 his initial contact with Ms. V2 and subsequent contact with Ms. V2 after she is being placed in a gurney (refer to **EXHIBIT 1- Officer McBride's BWC; 1) RP IP11 Call; 2) Initial Contact with V2 and 3) Subsequent Contact with V2**

1) **RP IP11 Call-**

- Ofcr McBride establishes that RP IP11 concerns and allegations are consistent with what was related to Dispatch.
- Ms. V2 made statements that she wanted to be 5150'd and was planning to drive her vehicle off a bridge.
- RP IP11 voice inflection and tone appeared to be tearful and concerned for Ms. V2

End of Summary

2) **Initial Contact with V2**

- Ofcr McBride arrives behind Ofcr Matejcek and they park four homes down from Ms. V2 and both move up on foot.
- Ms. V2 is seated in the back of a vehicle with the rear hatch door open. A woman, later determined to be Ms. V2 mother, is standing next to her and is holding a cellphone. A second cellphone is laying on the back of the cargo area.
- Ms. V2 is tearful and refers to the woman present as "mom."
- Ms. V2 becomes upset with her mom after she makes the statement she just learned Ms. V2 5150'd herself.
- Ofcr McBride confirms Ms. V2 made the statement she wanted to drive her car off a bridge. He establishes Ms. V2 meets the criteria for a mental health evaluation. Ms. V2 admitted to depression, feelings that she needs help, having relationship issues, alcohol use, and overwhelmed.
- Ms. V2 mother offers to watch her daughter, and Ms. V2 agrees but expresses reservation about her step-father. Her reservations are due to the conditions in the household and asks both officers to look inside so she could show them. She doesn't want her daughter to remain with her parents long-term. Officer Matejcek diverts her attention to keep her outside.
- Ofcr McBride explains Ms. V2 is being placed on a hold.
- AMR arrives, and Ms. V2 becomes more upset and the tone changes between officers and Ms. V2
- Ofcr McBride turns to make contact with AMR personnel.

End of Summary

3) **Subsequent Contact with** V2

- Ofcr McBride's BWC activates and his camera captures Ofcr Matejeck manipulating handcuffs on Ms. V2 wrist.
- Ofcr Matejcek's BWC is not activated.
- Ms. V2 is laying back in the gurney with an oxygen mask on her face.
- Ofcr Matejcek asks Ms. V2 "Where else do you have injuries ma'am."
- Ofcr Matejcek states, "You said you're face hurts?" "Let me get a picture of it."
- Ms. V2 says something inaudible as Ofcr Matejcek takes a picture of the right side of her face with his cellphone. Ms. V2 refused to let Ofcr Matejcek take a picture of her left side of her face.
- Ofcr McBride asks an approaching male, determined to be Ms. V2 step-father to stay back and he would explain everything in a moment to him.
- Ms. V2 became irate and started demanding her cellphone and wallet. She directed her energy at her mother and step-father to retrieve her belongings.
- Ms. V2 looks forward toward the foot of gurney and says, "Don't even look at me you piece of shit." It is not clear who she is speaking to.
- Ms. V2 mom is on a cellphone and asks her an inaudible question. Ms. V2 response was because, "He just head pounded me into the ground for no reason." "You want to see my face."
- When Ofcr McBride asks Ms. V2 where her cellphone and wallet are located, her mother can be seen in the background holding a cellphone in the air (02:36 lapse time).
- As AMR personnel load Ms. V2 into the ambulance, she expresses being angry over her friend reporting her and says to her parents, "fuck all of you."

End of Summary

Officer Matejcek's Supplemental Report

Ofcr Matejcek documented his involvement in this incident as a supplement to BPD case # 2002074 (Refer to **Exhibit 4- Supplement #1 Report**)

I reviewed Ofcr Matejcek's report and it is summarized as follows:

- Ofcr Matejcek describes the details of the incident and Ofcr McBride's investigation factors, determining that a mental health hold for evaluation was necessary on Ms. V2
- Ms. V2 was upset, she displayed objective signs and symptoms of being impaired and those observations.
- Ms. V2 was emotionally upset and would transition from calm to angry. She became verbally aggressive toward Ofcr McBride.
- When AMR arrived, Ofcr McBride returned to his vehicle to complete the necessary forms.

- Ofcr Matejcek remained with Ms. V2 and tried to speak with her but she was uncooperative. She asked to say good-bye to her daughter. Her mother agreed to go inside to get Ms. V2 daughter and bring her outside.
- As soon as Ms. V2 mother entered the residence, Ms. V2 stood up from the vehicle, opened a floor compartment in the rear cargo area, and removed what appeared to be a white plastic bag containing a large bottle with a red twist top.
- She began to walk away, then ran toward the side of the house. As she opened the wooden gate, Ofcr Matejcek told her to stop. He believed that Ms. V2 was attempting to get away to avoid being placed on a hold.
- Ofcr Matejcek heard Medic IP9 state something similar to Ms. V2 had a bottle of alcohol.
- With Ms. V2 actions, coupled with Ofcr Matejcek's concerns she was trying to get away, he believed it was necessary to prevent her from doing so.
- Ms. V2 was able to push open and turn to close the gate behind her. Ofcr Matejcek kicked the gate open. Ms. V2 began to run away from him.
- Ofcr Matejcek grabbed Ms. V2 left wrist, and applied a rear twist lock, placing her arm behind her back.
- Ms. V2 attempted to strike Ofcr Matejcek with the bottle while yelling "let me go, get off me."
- Medic IP9 arrived to assist and held Ms. V2 right arm. They escorted Ms. V2 on her feet to the street where the gurney was staged. Medic IP9 released his grip as Ofcr Matejcek grabbed her right wrist from him.
- Ms. V2 pulled her right hand away from Ofcr Matejcek's grip and she attempted to punch him with her right fist. However, Ofcr Matejcek still had control of her left arm and wrist, preventing her from striking him.
- Ofcr Matejcek used his body to pull Ms. V2 to the ground, and used his right leg to knock her off balance to her stomach. She landed on the cement roadway.
- Ofcr Matejcek placed his knee in her back to hold her down so he could handcuff her. He told her to stop resisting, and directed her to put her right hand behind her back. She did not comply.
- Medic IP9 again stepped in to grab Ms. V2 right arm and pulled it behind her back so Ofcr Matejcek could handcuff her.
- After standing Ms. V2 up to her feet, and to the gurney, she continued to refuse to sit down. With the help of IP9 and IP10 they were able to force Ms. V2 onto the gurney.
- Ms. V2 sucked in air through her nose, making sounds consistent with someone preparing to spit. Ofcr Matejcek said, "Don't you dare spit on me." Ms. V2 spit in Ofcr Matejcek's direction and it landed on the ground. Spray from her spit landed on Ofcr Matejcek, and spittle hit his cap.
- Ofcr Matejcek used his right elbow to hold down Ms. V2 head, and placed his arm on the left side of her face; turning her head to the right and away from him to prevent her from being able to spit on him.

- Ofcr Matejcek stated something similar with "you don't fucking spit at the cops."
- Ms. V2 was belligerent and yelling profanities.
- An oxygen mask was placed over Ms. V2 mouth and nose by AMR personnel. She continuously attempted to remove the mask.
- Ms. V2 was eventually secured to the gurney with soft restraints.
- Ofcr Matejcek observed a cut to Ms. V2 left knee. He photographed the injury. He asked her whether she was injured elsewhere, and she said, "Look at my face." He attempted to photograph her face and she became uncooperative.
- Ofcr Matejcek did not observe any other visible injuries.
- Ofcr McBride returned to the scene from his patrol vehicle and Ofcr Matejcek informed him of the incident.
- Ofcr Matecjek did use profanity during the time he was trying to restrain Ms. V2 from resisting and following his commands. He explained his use of profanity was to get Ms. V2 to realize he was emphasizing the seriousness of his commands.
- Ofcr Matejcek notified Sgt Daansen immediately to make him aware of the incident and force used.
- Ofcr Matejcek did not activate his BWC.

End of Summary

V2 Recorded Interview

On May 12, 2020, at approximately 1350 hours, I called and interviewed Ms. V2 The interview was recorded with Ms. V2 consent and knowledge (refer to **EXHIBIT 1- V2 V2 Interview**). Ms. V2 related the following to me, in summary:

- Ms. V2 had been consuming vodka prior to officers arriving at her home.
- She is pregnant and has a four year old daughter. Prior to being transported to the hospital she wanted to say goodbye to her.
- She ran up the driveway to say goodbye, and ran to the backyard.
- While handcuffed, she was tackled by being picked up with her arms behind her and dropped to the ground onto her face.
- She was screaming to her mom to record the incident.
- Someone, she believes Ofcr Matejcek, did a factory reset on her cellphone. Her mom denied having wiped her memory from her phone. Mom said she thought Ofcr Matejcek had her phone.
- Ms. V2 did grab a bottle from the vehicle and was going to throw the bottle of Raspberry Smirnoff in the trash can.
- She believed there was 1/3 of the bottle remaining after consuming from the bottle. She admitted to having been feeling the effects of the alcohol.
- She does remember seeing her neighbor, to the right of her home, outside during the incident.

- Ms. V2 was yelling at Ofcr Matejcek for using force. She was upset at him, and did spit towards him.
- She was crying and had phlegm, so she needed to spit. She spat in Ofcr Matejcek's direction but not at him.
- She was also upset over not having her property.
- Ms. V2 knee was bleeding from the incident. She was not attended to by AMR personnel or the emergency personnel at CCCRMC. They never wiped it off or treated her. She has not sought treatment for any injuries.
- She believes her left shoulder was bruised and the left side of her face is sore from the incident.
- Ms. V2 did not see Ofcr McBride during the incident with Ofcr Matejcek. She believed he was in the driveway and didn't get involved.
- Ms. V2 ran from Ofcr Matejcek because he wouldn't let her see her daughter.
- Ms. V2 was not sure why she grabbed the bottle of alcohol to throw it away.

End of Statement

Ms. V2 agreed to allow me to meet with her to obtain photographs of her overall condition, and visible areas (shoulder, knee, face) where she believes she may have been injured.

At approximately 1425 hours, I drove to meet with Ms. V2 at her residence. She met me outside her residence. I took photos of her overall condition and areas she pointed out as being where she believes she may have sustained injuries (Refer to EXHIBIT 1- Photos of V2 Injuries). She agreed to sign a Medical Authorization Release form. She consented to allow me to request medical documentation from any medical evaluation or treatment she receives, related to any injury or injuries she believes were caused from this incident. At the time of my meeting with her in person, she had not decided whether to seek medical treatment for any injuries (Refer to "**Miscellaneous**" tab).

As of June 08, 2020, Ms. V2 has not reported she has sought medical treatment for any injuries sustained in this incident.

AMR Paramedic IP9 Witness Interview

On May 14, 2020, at 1030 hours, I interviewed AMR Paramedic IP9 by phone. Medic IP9 The interview was recorded with IP9 knowledge (refer to **EXHIBIT 1- Medic IP9 Interview**). IP9 agreed to speak with me and related the following to me, in summary:

- IP9 and his medical partner, IP10 responded to V2 Address on May 7th, 2020. He remembers the location and having contact with V2 as well as, Officers McBride and Matejcek.
- IP9 is a Paramedic with AMR and has ten years of experience.

- IP9 remembers Ms. V2 as being extremely emotional when he and IP10 arrived.
- Officer McBride was first to contact him, and he explained Ms. V2 was being placed on a mental health evaluation hold and the circumstances leading to that decision. Ofcr McBride would return to his vehicle to complete paperwork for the hold.
- Ofcr Matejcek was standing near Ms. V2 who was seated in the back of a parked vehicle in the driveway. IP9 and IP10 remained with Ofcr Matejcek and waited for Ofcr McBride to complete his paperwork so they could transport Ms. V2 to the hospital.
- Ms. V2 was asking to speak with her daughter, who is four years old and was inside the residence. Ofcr Matejcek was telling Ms. V2 that her daughter was being dressed by Ms. V2 parents. Ofcr Matejcek was reassuring her she would get to see her daughter to say goodbye to her.
- Ms. V2 had stood up, turned her back to him, and reached into a storage compartment in the back of the vehicle, where a vehicle jack would be stored.
- IP9 stepped back because he didn't know what she was reaching for and remembered thinking he didn't want any part of whatever she was reaching for.
- He initially didn't know what she had grabbed from the storage compartment.
- Ms. V2 began to walk away from the vehicle, toward the side of the house.
- He heard Ofcr Matejcek tell Ms. V2 to stop. She continued walking away from him.
- IP9 saw Ms. V2 begin to run, and he told IP10 she was running. Ofcr Matejcek chased after her and out of view to the side yard.
- When IP9 walked to see if he could help, he observed Ofcr Matejcek and Ms. V2 standing, and she was pushing Ofcr Matejcek away. Ofcr Matejcek had Ms. V2 detained, in an "arm lock" with both arms. Ofcr Matejcek started walking her to the street where the gurney was staged. She was not handcuffed.
- IP9 reached out to grab one of her arms to assist Ofcr Matejcek with directing Ms. V2 to the gurney to be seated. They were not trying to harm her and were trying to convince her to sit down on the gurney.
- As they approached the gurney, she pulled away from both Ofcr Matejcek and his grip.
- Ofcr Matejcek had grabbed Ms. V2 and forced her to the ground to her side.
- IP9 did not believe the takedown was a tackle. It looked more like a hip check or toss.
- IP9 went over to assist and help restrain Ms. V2 while Ofcr Matejcek handcuffed her. He grabbed one arm because she was still flailing.
- Once she was handcuffed, they stood her up and moved her to the gurney.
- IP9 and IP10 were working to place soft restraints on her ankles, when IP9 heard Ms. V2 begin to make sounds that made him believe she was going to spit.
- IP10 placed his gloved hand in front of her mouth to prevent her from spitting. He and Ofcr Matejcek moved back as Ms. V2 maneuvered her head to get around IP10 hand and she spit to the ground.
- Ofcr Matejcek placed his forearm down along the temporal area of Ms. V2 head to restrict her movement. He had his arm pressed down, but he did not strike her.
- She was irate, yelling profanities, and would not calm down.

- IP9 does not recall Ofcr Matejcek using profanity directed at Ms. V2
- Ms. V2 said something to Ofcr Matejcek regarding his feeling like he was big, and referenced his star bandana (his neck gator worn to cover his face as an alternative to a mask). IP9 believes she was referencing the face covering Ofcr Matejcek was wearing over his mouth and nose.
- Ms. V2 was using profanity, directed at Ofcr Matejcek. IP9 believes she said "Mother Fucker." She was saying something similar to, "I can't believe you are doing this to a pregnant female."
- Ms. V2 family was outside asking for her to calm down. IP9 felt the family being present made things worse.
- Ms. V2 was secured in four-point soft restraint but continued to pull the oxygen mask off her nose and mouth, despite asking her not to do so.
- Ofcr McBride arrived from his vehicle to join them.
- During transport, Ms. V2 continued being uncooperative. She was verbally demanding, telling IP9 what she needed or wanted.
- When they arrived at Contra Costa County Regional Medical Center, Psychiatric Emergency personnel chose to leave Ms. V2 restrained, and were discussing whether to sedate her to calm her down.
- IP9 believed Ms. V2 was intoxicated and was tested at the hospital. He did not know what her approximate percentage level BAC.
- IP9 did not know whether Ms. V2 was in fact pregnant. She told the hospital staff she was at twenty weeks.
- IP9 believes IP10 may have had Ms. V2 cellular phone but turned the phone over to Ms. V2 mother when they left the scene. IP9 did not see either officer possess the cellphone while he was on scene.

The interview concluded at 1100 hours.

AMR EMT IP10 Witness Interview

On May 14, 2020, at 1135 hours, I interviewed AMR EMT IP10 by phone. The interview was recorded with IP10 knowledge (refer to EXHIBIT 1- EMT IP10 nterview). IP10 agreed to speak with me and related the following, in summary:

- IP10 has been an EMT for AMR for three years.
- IP10 remembers working on May 7th, 2020, and responding to V2 Address for a 5150 W&I and information from dispatch that alcohol may be involved.
- IP10 and partner Paramedic IP9 arrived on scene and met with two officers. He did not recall either officer by name, however, he did remember that one officer was black (McBride) and one officer was white (Matejcek).

- IP10 remembers Ms. V2 as emotional. She was seated in the back of an SUV with the hatch open, and Ofcr McBride was explaining to IP9 that he was placing Ms. V2 on a mental health evaluation hold. Ofcr Matejcek was explaining to Ms. V2 that he could bring her daughter out to her. He seemed to be reassuring her and telling her things would be alright.
- IP10 was preparing the ambulance and gurney for transport and had minimal involvement with conversation. He was 30-40 feet away from IP9
- Ofcr McBride went back to his vehicle to complete paperwork.
- Ofcr Matejcek had gone up to the porch to speak with a female, he believes she was Ms. V2 mother. He believes Ofcr Matejcek was making arrangements with Ms. V2 mother to have her bring Ms. V2 daughter out to say goodbye. Ofcr Matejcek returned to the driveway.
- IP10 remembers seeing Ms. V2 standing up and turning her back to both IP9 and Ofcr Matejcek. He did not see what she had in her hand. It was some sort of a bag.
- IP10 observed both IP9 and Ofcr Matejcek step back.
- She removed something from the back of the vehicle and began to walk away between two parked vehicles, and he heard Ofcr Matejcek tell her to stop. He said it a few times.
- Ofcr Matejcek walked around to the outside of the parked vehicles to follow her.
- IP10 monitored from his position and did not have a visual. He heard a "bang" and did not know what it was.
- IP10 went looking for Ofcr McBride but did not see him.
- He later spoke with IP9 and he believed the "bang" was the sound of garbage cans on the side of the house.
- He heard yelling but believed it was IP9 and Ofcr Matejcek telling Ms. V2 to calm down.
- IP10 was standing at the gurney when he observed Ms. V2 walking toward him, and held by IP9 and Ofcr Matejcek. Her arms were behind her and she was not handcuffed at that time.
- As they approached the gurney, Ms. V2 pulled away and began to run.
- Ofcr Matejcek grabbed her from a step or two away, and did a sweep or used his leg as leverage at her hip or leg to take her to the ground. It was a "lower body heave" to get her to the ground. It was not a tackle.
- Ms. V2 landed on her side or onto her back. He wasn't sure. He did not see her on her face or Ofcr Matejcek pushing down on her face while on the ground. Ofcr Matejcek ended up on top of her to roll her to her stomach, as he was telling her to stop resisting. He gained control of her wrists and was able to get handcuffs on.
- IP10 again went looking for Ofcr McBride but didn't see him.
- Ms. V2 was now on her feet and was yelling at Ofcr Matejcek for taking her to the ground.
- They were able to get her on a gurney, secured the leg soft restraints, and he heard her makes sounds like she was going to spit.

- IP10 placed his hand up in front of her face to stop her from spitting. IP10 told her not to spit twice.
- She turned her head and spit between IP9 and Ofcr Matejcek.
- Ofcr Matejcek was closest to Ms. V2 upper torso, and IP9 near her feet.
- IP9 went to the ambulance to retrieve an oxygen mask to place over her face, to prevent her from spitting, and to provide oxygen.
- Ofcr Matejcek placed his forearm across Ms. V2 head to turn and hold her head to the side to keep her from spitting again. He did not strike her with his arm but was using force to keep her head against the gurney to control her from spitting again. It was a forceful press.
- IP10 did not hear anyone yelling profanities. He did not hear Ofcr Matejcek or Ms. V2 saying anything specific. Both were upset with each other.
- Ms. V2 continued to yell at them, and at her family. She was distressed.
- Ms. V2 cellphone was with a woman whom he believed to be her mother. The officers did not have the phone.
- When transported, Ms. V2 continued to remain upset. She would not calm down.
- While at the hospital, the emergency admitting medical personnel were considering whether to keep her in soft restraints because she would not calm down. They were discussing whether or not to medicate her.
- Ms. V2 was left in their same gurney, in soft restraints, rather than taking her out of restraints. IP9 and IP10 secured a different gurney to use to go back in service.

The interview concluded at 1201 hours

Witness Officer Interview

On May 18, 2020, at approximately 1000 hours, I interviewed Ofcr Christopher McBride in the Professional Standards Unit (PSU) office. The interview was recorded with Ofcr McBride's knowledge (refer to **EXHIBIT 1- Officer McBride's Interview**).

- Ofcr McBride was working and on duty on May 07, 2020. He recalled the incident and his encounter with Ms. V2 at V2 Address He responded with Ofcr Matejcek. Ofcr McBride was the primary investigating officer.
- Ofcr McBride placed a call to Ms. V2 friend, and Reporting Party, IP11 IP11
- RP IP11 told him that Ms. V2 told her that she was depressed, wanted to drive her vehicle off a bridge, and was 19 weeks pregnant. IP11 was asking for a welfare check on Ms. V2
- After speaking with IP11 he and Ofcr Matejcek responded to V2 Address to contact Ms. V2 Ms. V2 was contacted while seated in the back of a vehicle in the driveway. Her mother was present with her. Ms. V2 admitted to having made

statements to [IP11] consistent with wanting to harm herself and agreed to get help for depression.

- Ofcr McBride did observe signs and symptoms of intoxication, and he smelled the odor of alcohol coming from Ms. [V2] He did not know what her approximate level of intoxication was.
- Ms. [V2] was upset over leaving her four year-old daughter and wanted to say good-bye. Her mother agreed to get the child and bring her outside to allow Ms. [V2] to see her before she left.
- Ofcr McBride determined Ms. [V2] met the criteria to place a mental health hold for evaluation and requested an ambulance.
- Ofcr McBride returned to his vehicle, parked two or three houses down the street to complete paperwork. He could see Ofcr Matejcek and AMR personnel and could tell they were speaking with Ms. [V2] When he completed his paperwork, he returned to the scene.
- As he approached, Ofcr McBride observed Ms. [V2] was being secured to a gurney. She was upset, yelling, and he was not aware of what had changed since he walked away. Ms. [V2] mother was standing in the driveway with Ms. [V2] daughter. Ms. [V2] was calling Ofcr Matejcek an "asshole," and she complained about being "face planted."
- Ofcr McBride began to assist with restraining Ms. [V2] to the gurney.
- Ofcr Matejcek explained to him that Ms. [V2] had run from him, tried to hit him with a bottle, and he had to use force to subdue her. AMR had to help to control her. Ms. [V2] had become irritated, and walked away from him. Ms. [V2] had made it to the side yard gate, and tried to hold the gate closed on him. It was then that she tried to hit Ofcr Matejcek with a bottle. Ofcr Matejcek had to take Ms. [V2] to the ground. Ofcr McBride did not remember how Ofcr Matejcek described how he took her to the ground.
- Ofcr McBride wished that he had known what had happened while it was occurring so he could have been present to assist. He did not hear Ofcr Matejcek broadcast via radio what was occurring. He did not hear anyone yelling.
- Ofcr McBride did not know where Ms. [V2] cellphone was during the incident and did not recall ever seeing one. AMR had stated the hospital wouldn't allow her personal property.
- Ofcr McBride did not believe Ofcr Matejcek took Ms. [V2] to the ground in the street, but rather at the gate.
- Ofcr Matejcek called an on-duty supervisor by cellphone after Ms. [V2] was loaded on to the ambulance.
- Ofcr McBride remembered hearing Ofcr Matejcek say to Ms. [V2] that she should never spit on a cop. He believes he heard, "You should never fucking spit on a cop."
- Ofcr Matejcek was upset when he said it.
- Ofcr McBride did not remember hearing Ofcr Matejcek use any other profanity.
- He did not see Ms. [V2] spit at Ofcr Matejcek.

- Ofcr Matejcek did have his forearm against Ms. V2 collar bone area to hold her down in the gurney. He was not striking her but holding her down forcibly.
- AMR personnel had to hold Ms. V2 arms down. Ofcr McBride also had to hold her arms down to keep Ms. V2 from sitting up on the gurney.
- Ofcr McBride did see a fresh injury to Ms. V2 left knee. He did not see any other injuries. He believes she injured her knee when she was taken to the ground. He is not aware of any other injuries or complaints of pain.

I concluded my interview with Ofcr McBride at approximately 1030 hours.

End of Statement

CAD Event #2005070104 Summary

The CAD incident report (Refer to **Exhibit 5- CAD 2005070104 Summary)** is summarized as follows:

- An incident is created at 1930 hours relating the call as a service to citizen at V2 Address V2 Address
- Mr. IP is the RP. He requests to speak with a Sergeant regarding an earlier incident.
- Sgt. Daansen makes the call and closes the event.

IP Witness Interview

On June 1st, 2020 at approximately 1240 hours, I called Mr. IP to clarify his statement. He agreed to speak with me and consented to my recording the interview (Refer to EXHIBIT 1- IP Recorded Statement). He related the following to me, in summary:

- His attention was first drawn to movement along the side of his residence, as though someone was running.
- He headed toward the front door and after exiting to the front yard, he observed Ofcr Matejcek and AMR personnel standing Ms. V2 up to her feet.
- They walked her to the gurney, where she was being restrained.
- He did not see or hear Ms. V2 spit, however he heard Ofcr Matejcek say, "Don't fuckin spit on me." Mr. IP believes Ms. V2 must have spit.
- Ofcr Matejcek had his back to him, and he could not see whether he struck Ms. V2 with his arm or elbow.
- The body motion of Ofcr Matejcek was clearly his arm going down and his body forcing Ms. V2 back into the gurney.
- Mr. IP did not record the incident and does not have outside surveillance.

- Mr. IP believes that it was the officer's lack of ability to control his emotions that effected his ability to de-escalate the situation, and this affected his decision making.
- Mr. IP believes that an officer whom can't control his emotions should not be in law enforcement.

End of Statement

Subject Officer Interview

On June 04, 2020, at approximately 1834 hours, I interviewed Ofcr Matejcek in the Administrative Conference room. Ofcr Matejcek elected to be represented by Attorney Justin Buffington with Rains, Lucia, and Stern. The interview was recorded with Ofcr Matejcek's knowledge (refer to EXHIBIT 1- Ofcr Matejcek's Recorded Statement). Ofcr Matejcek told me the following, in summary:

- Ofcr Matejcek was on duty and responded with Ofcr McBride to V2 Address for a welfare check, and had contact with V2
- Ofcr Matejcek's role on scene was to cover Ofcr McBride while he investigated the welfare check on a pregnant female who made suicidal statements.
- Ofcr McBride had called the RP and informed Ofcr Matejcek that Ms. V2 was feeling depressed, and wanted to drive her vehicle off a bridge.
- Ofcr Matejcek did have his BWC on his uniform and did not have it activated. He did not believe there was reason to have it on initally. Ms. V2 was somber and wanted help so he did not sense there was a need to have the BWC on.
- Ofcr Matejcek was in an observer capacity and noticed Ms. V2 was unstable, and he could smell the odor of an alcoholic beverage emanating from her person.
- Ofcr McBride determined Ms. V2 met the criteria to be placed on a mental health hold for evaluation.
- Ms. V2 became upset and tension increased after she began asking to see her daughter. AMR had arrived and tension between Ofcr McBride and Ms. V2 increased.
- Ms. V2 asked Ofcr McBride if she could deal with this situation another time. This was an indication to Ofcr Matejcek she was not wanting to go to the hospital.
- Up to this point, Ofcr Matejcek did not have much in the way of conversation. In an attempt to calm things down, Ofcr Matejcek told Ofcr McBride to begin his required paperwork and he would remain with Ms. V2
- Ofcr Matejcek believed Ms. V2 was more relaxed with him. She made some statement about his being understanding. He wanted to keep things calm and tried to accommodate her request to see her daughter. Ofcr Matejcek asked Ms. V2 mother to get the child and bring her out to them.
- Medic IP9 was asking Ms. V2 questions and she seemed to be ignoring him.

- Ms. V2 stood up, reached into a compartment in the back of the vehicle she was seated in, and removed a white plastic bag containing something with a red cap. He didn't know what was inside the bag. He thought that it looked like a bottle, but he didn't know what type of bottle. Ms. V2 started to walk away. He thought she was going to enter the front interior compartment of the vehicle. Ofcr Matejcek did not feel threatened at this point because he was still just watching her and following her to see what she was doing.
- Ms. V2 walked passed the vehicle and began to run toward the side yard.
- Ofcr Matejcek believed she was now trying to flee to avoid being placed on a hold.
- Ofcr Matejcek followed her to the side yard, where she had gone beyond a wooden gate. She tried to slam the gate closed on him. He kicked the gate open and caught up to her in the backyard. She again tried to run from him.
- Based on Ofcr Matejcek's experience, he did not believe Ms. V2 was running to the backyard to throw the bottle away. He believed she was attempting to escape.
- Ofcr Matejcek was able to grab Ms. V2 by the left arm with both his hands. She swung at him with her right hand, which was still holding the plastic bag containing a bottle. Ofcr Matejcek was able to move out of the way and avoided being struck with the bottle. Medic IP9 followed him into the backyard. IP9 grabbed and removed the bottle from Ms. V2 Ofcr Matejcek does not know where the bottle ended up.
- Ofcr Matejcek did not take Ms. V2 to the ground but controlled her arms behind her back.
- Ofcr Matejcek did not request for assistance over the radio to alert Ofcr McBride. He did not yell or announce Ms. V2 was fleeing. Ofcr McBride was still seated in his vehicle filling out paperwork.
- Ofcr Matejcek believed that he was going to be able to stop Ms. V2 and bring her out from the backyard without incident, but it didn't turn out that way.
- He and IP9 walked Ms. V2 out to the front yard, to the street, where the gurney was staged. Ms. V2 pulled her right arm away from his grip and tried to punch him again but missed.
- He held onto his grip of Ms. V2 left arm and felt it was necessary to pull her to the ground to control her from striking him, and from trying to escape.
- He was conscious of Ms. V2 being pregnant and did not want to use any more force than necessary to control her.
- Ofcr Matejcek extended his right leg out and pulled Ms. V2 across his body to knock her off balance. He forced her to the ground, to her stomach, and placed her left wrist in a handcuff. Ms. V2 had her right arm under her stomach. She had stretched her arm out to brace her fall. She would not free her right arm when told to do so. Ofcr Matejcek and Perez had to pull her arm out from under her in order to handcuff her.
- Ms. V2 was yelling, "Get the fuck off me." Ofcr Matejcek was saying, "Stop fucking resisting."

- Ofcr Matejcek did not alert or use the radio to request assistance from Ofcr McBride because he was pre-occupied with restraining Ms. V2
- Ofcr Matejcek and IP9 stood Ms. V2 up and walked her back to the gurney, where she continued to resist and not cooperate. They had to push Ms. V2 onto the gurney. Ms. V2 was still handcuffed with her hands behind her back.
- As IP9 and IP10 were applying soft restraints on her ankles, Ofcr Matejcek had to physically hold Ms. V2 down. As he was doing so, he heard her suck in air through her nose and he believed she was about to spit. Ofcr Matejcek said, "Don't you dare spit on me."
- Ms. V2 ignored him and spit in his direction. She missed but spray struck his face and ballcap. Ofcr Matejcek did not have gloves on and wanted to prevent her from spitting again, so he used his elbow to direct her face to one side and away from him. He said to her, "You don't fucking spit at cops."
- IP9 applied an oxygen mask over her face to prevent her from spitting again. She kept trying to remove the mask from her face.
- Ofcr Matejcek did not strike Ms. V2 He applied his elbow to Ms. V2 left cheek and held her face down against the gurney. He did apply his elbow to Ms. V2 face quickly because she had just spit and he was trying to prevent her from spitting again. His sunglasses had fallen off his head during the struggle with Ms. V2 as he leaned in to hold her down.
- Ofcr McBride had arrived on scene and Ofcr Matejcek explained to him what happened. Ofcr McBride appeared shocked at what had happened while away from the scene.
- Ofcr Matejcek did take photos of Ms. V2 and documented her injury to her knee. Ms. V2 would not allow him to take a photo of her left cheek. She did not complain of any other injuries.
- Ofcr Matejcek called an on-duty sergeant and reported the incident and use of force.
- Ofcr Matejcek does not believe he let his emotions influence his ability to make decisions. He did not believe he became angry and lost control. He believed he remained as calm as he could, considering Ms. V2 behavior.
- Ofcr Matejcek used profanity to emphasize he was being serious when Ms. V2 would not cooperate.

I concluded my interview with Ofcr Matejcek at 1917 hours.

I took no further action and submitted this file to the office of Captain Herbert for review on June 09, 2020.