

# OFFICER-INVOLVED FATAL INCIDENT REPORT



Employer Agency: Santa Rosa Police Department  
Lead Agency: Sonoma County Sheriff's Department  
Decedent: Jordon Bordoso Pas  
Date of Incident: November 18, 2021

Report Prepared by:  
SONOMA COUNTY DISTRICT ATTORNEY  
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## **APPENDIX A: PHYSICAL EVIDENCE EXAMINATION REPORT**

## I. INTRODUCTION

On November 18, 2021, Jordon Bordoso Pas, age 40, while under the influence of cocaine, died as a result of cardiopulmonary arrest during or shortly after his struggle with Santa Rosa Police Department (SRPD) officers, where a taser was applied, as officers attempted to gain control of Mr. Pas. The officers had responded to an incident on Peach Court in Santa Rosa, where Mr. Pas was randomly firing an assault rifle in a residential neighborhood and yelling incoherently.

Following Mr. Pas' death, the Santa Rosa Police Department invoked the Sonoma County Law Enforcement Employee-Involved Fatal Incident Protocol ("protocol"). The purpose of this protocol is to set forth procedures and guidelines to be used by Sonoma County law enforcement agencies in the criminal investigation of specifically defined incidents involving law enforcement employees. Under this protocol an outside law enforcement agency is designated to investigate officer-involved fatalities.

In this case, members of the Sonoma County Sheriff's Office assumed responsibility for the investigation of the incident. Members of the Sonoma County District Attorney's Office participated in the investigation in a supporting role, in accordance with the protocol. Under the protocol the role of the Sonoma County District Attorney's Office is to review the investigation to determine if there exists any criminal liability on the part of involved parties including the law enforcement employees, to provide assistance to the investigating agency regarding legal issues, to supplement the investigation when necessary, and, when appropriate, prosecute those persons believed to have violated the law.

Once the investigation is complete the District Attorney is required by the protocol to complete a thorough review of the investigation and prepare a report summarizing the investigation and documenting her conclusions. A copy of this report is to be submitted to the foreperson of the Sonoma County Grand Jury.

This report includes a summary of facts surrounding the death of Jordon Pas, a statement of the applicable law, legal analysis and conclusions, and a copy of the autopsy report. This report does not and cannot include all the information contained in the hundreds of pages of reports, video and audio tapes, transcripts, photographs, and diagrams reviewed in its preparation. However, every effort has been made to include in this report a summary of all the relevant, material evidence gathered by the involved agency over the course of its extensive investigation of this death.

## II. SCOPE OF REVIEW

The purpose of the District Attorney's investigation and review of any critical incident is to establish the presence or absence of criminal liability on the part of any involved party, including law enforcement employees. The specific question to be resolved in this case is whether the officers' use of force was reasonably necessary under the circumstances to accomplish a lawful law enforcement purpose.

The District Attorney does not examine issues such as compliance with the policies and procedures of any law enforcement agency, police training, or issues involving civil liability. This report should not be interpreted as expressing an opinion on those matters.

## III. STANDARD OF REVIEW

The District Attorney is the chief law enforcement official of Sonoma County. The District Attorney is responsible for deciding what cases to prosecute and has the responsibility to review and approve the filing of all criminal cases in the county. The District Attorney's discretion in this regard is well defined. The California Rules of Professional Conduct, Rule 5-110, provides that prosecutors shall not institute criminal charges when the prosecutor knows or should know that the charges are not supported by probable cause. Additional restraint on the charging authority is found in the *Uniform Crime Charging Standards*, a publication of the California District Attorneys Association.<sup>1</sup> These standards provide the following guidelines:

The prosecutor should consider the probability of conviction by an objective fact-finder hearing the admissible evidence. The admissible evidence should be of such convincing force that it would warrant conviction of the crime charged by a reasonable and objective fact-finder after hearing all the evidence available to the prosecutor at the time of charging and after hearing the most plausible, reasonably foreseeable defense that could be raised under the evidence presented to the prosecutor.

In criminal cases the District Attorney has the burden of proving guilt "beyond a reasonable doubt," the highest burden of proof found in the law.<sup>2</sup> A jury of twelve people from the community must vote unanimously for guilt before a conviction may be entered. When determining whether criminal charges are appropriate, the District Attorney must consider all the evidence, including evidence that supports an affirmative defense, such as a claim of "self-defense" or "defense of others." Criminal charges are warranted only when the District Attorney determines that the evidence of guilt is of such convincing force that it would warrant conviction of the crime charged by a reasonable and objective fact finder after hearing all the admissible evidence, including evidence of such an affirmative defense.

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<sup>1</sup> California District Attorneys Association, *Uniform Crime Charging Standards* (1996) p. 12.

<sup>2</sup> California Penal Code section 1096.

## **IV. SUMMARY OF FACTS**

### **A. DECEDENT'S BACKGROUND**

Jordon Bordoso Pas was born on July 18, 1981. In November of 2021, he was living with his wife and children at their home in Santa Rosa. He was working as a junk collector for Junk King in Petaluma. His criminal history, all out of Sonoma County, is lengthy, dates to his youth, and includes a prison commitment. At the time of his death, Mr. Pas had an open case for felony fleeing a pursuing officer's vehicle while driving recklessly, misdemeanor driving under the influence and misdemeanor hit and run, which occurred on July 15, 2021.

### **B. SUMMARY OF INFORMATION PROVIDED TO DISPATCH ON NOVEMBER 18, 2021**

On November 18, 2021, at approximately 1:19 a.m., dispatch was advised by multiple callers of shots fired and a subject with a gun in the area of Inglewood Drive and Peach Court in Santa Rosa. The callers described a subject walking around with a gun while shooting rounds into the air. Initial reports suggested the firearm in question was a shotgun. The description of the subject was a Hispanic male, wearing a black shirt, either with mental issues or high on drugs, based on his erratic behavior and the manner in which he was meandering between streets, driveways, and yards.

### **C. SUMMARY OF CIVILIAN WITNESS STATEMENTS<sup>1</sup>**

#### **Summary of Jane Doe #1 Statement**

Jane Doe #1 was Mr. Pas' wife and the mother of his children. Mr. Pas had a drug problem. He had been doing well and staying clean for a period, but that had changed recently. In the days leading up to November 18, 2021, she suspected he was using drugs again. On Monday the 15<sup>th</sup>, he started to act "strangely" and "stand-offish" and would "stay away" from the family home without notice except for brief visits. That was his typical behavior when he was using drugs. On Tuesday, they had an "altercation/argument" about his drug use. She was not aware of the type of drug he was using that week, but he had a history of using methamphetamine. The last time he relapsed, around July of 2021, he was arrested for DUI and using drugs.

#### **Summary of John Doe #1 Statement**

John Doe #1 and Mr. Pas had been friends for the past three years and had also worked junk-hauling jobs together. On Wednesday, November 17, 2021, they worked together on a job in Santa Rosa. Mr. Pas was high on drugs throughout the entire time they were together. Rather than his typical quiet self, Mr. Pas was talkative and excitable. He was also emotional due to recently having a fight with his wife. Mr. Pas mentioned something about someone putting a curse on him

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<sup>1</sup> Several civilian witnesses were interviewed by the Sonoma County Sheriff's Office who did not provide any relevant or pertinent information. Those individuals are not reflected in this report. Additionally, civilians' identities will be protected in the public version, although made available in the report to the Grand Jury.

because he had money. Around 7 p.m., John Doe #1 witnessed Mr. Pas use cocaine. The last time he saw him was around 8 p.m., when Mr. Pas dropped him off at his house. He did not see Mr. Pas with a firearm that day; he had seen him in possession of a firearm in the past.

### **Summary of Jane Doe #2 Statement**

Jane Doe #2 was Mr. Pas' sister. From experience, she could tell when her brother was using drugs. At approximately 9 p.m., on November 17, 2021, he came to her house in Santa Rosa, which was typical behavior when he was high on drugs. She could tell he was very high, or "dope high," as she described it. He was restless and paranoid, which was also typical when he used drugs. He mentioned that a person named "Rene" was after him. He told her he had used cocaine that day. She suspected he had been using drugs while getting little sleep for several days. She offered to take him to his mother's house up north to sleep and rest. She also tried to get him a hotel room for the night but could not find a vacancy. She last spoke to by phone him around 9:45 p.m. He told her that he was fine and did not want to go home.

### **Summary of John Doe #2 Statement**

On November 18, 2021, John Doe #2 was at his home on Peach Court. Around 1:25 a.m., he thought he heard fireworks or five to six gunshots. From his upstairs bedroom window, he saw a man, later identified as Mr. Pas, standing between two cars parked in the driveway next to his residence. It looked like Mr. Pas had just shot a white Honda sedan with a gun in his hand. Mr. Pas ran and jumped on the hood of the Honda and slid across to the other side. He then shot the gun into the air before running to the opposite side of the cul-de-sac. Mr. Pas went down a long driveway, where he fired another round. He reemerged from the driveway walking and talking erratically, like he was under the influence of drugs. Then he ran and jumped over a white picket fence. He laid down in the grass that was on the other side of the fence. Moments later, Mr. Pas jumped back over the fence. It appeared Mr. Pas no longer had the gun in his hand. He continued to walk erratically around the cul-de-sac, making lots of guttural grunts and yelling incoherently. At one point, he walked up John Doe #2's driveway and banged loudly on something.

Police officers arrived on scene and confronted Mr. Pas, who did not comply with anything they told him to do. Mr. Pas said something to the effect of "just kill me or you guys just kill people." He took off his shirt and became more agitated and confrontational with the officers, while continuing to erratically walk back and forth across the cul-de-sac. It appeared to John Doe #2 that the officers used a Taser to take Mr. Pas to the ground. He did not go down with the initial deployment of the Taser but did with the second deployment. Mr. Pas fought with the officers on the ground and resisted their efforts to handcuff him. After he was eventually handcuffed, Mr. Pas appeared to go unconscious. The officers immediately rendered medical aid and continued to do so until medical personnel arrived a short time later.

### **Summary of John Doe #3 Statement**

At about 1:15 a.m., on November 18, 2021, John Doe # 3 was awakened by what he thought were fireworks. A few minutes later, he heard a single, loud bang followed by a man yelling. From an upstairs window in his house on Peach Court, he saw a man, later identified as Mr. Pas, walking on the street. Mr. Pas stopped, raised what appeared to be a rifle, and shot two rounds into the air. After running through the cul-de-sac, Mr. Pas fired two more rounds before

crouching down and skirting a fence line. Mr. Pas then ran down a driveway out of sight.

Within five to eight minutes, police officers arrived on scene. They walked down Peach Court with their flashlights on. Mr. Pas yelled at the officers and took off his shirt as he ran out of the driveway. It looked like he was trying suicide by cop. He yelled, "come on mother fuckers, come on!" He grabbed a brick and ran into the street, where officers swarmed him. They deployed a Taser, causing Mr. Pas to go to the ground.

John Doe #3 noted he was extremely impressed with the officers for not shooting Mr. Pas, who threatened and advanced on the officers in a provoking manner. Mr. Pas also faked like he was throwing the brick at the officers. They responded by trying numerous times to talk him down. After he was initially Tased and went to the ground, Mr. Pas was able to grab the brick and throw it a short distance. Even with five or six officers on top of him, Mr. Pas continued to move around and fight the officers, who continued to demonstrate restraint. After the officers handcuffed Mr. Pas, he went unconscious. Medical aid was quickly rendered to him by officers and medical personnel.

### **Summary of Statements by Residents of Inglewood Drive and Peach Court**

John Doe #4 heard several loud booms. When he looked out the window of his house on Inglewood Drive, he saw approximately four to six flashes in the backyard of the house across the street at 440 Inglewood Drive. The family that lives at that address came over to his house, where they called 911.

At about 1:15 a.m., John Doe #5 woke up to a loud bang right outside his bedroom window at 440 Inglewood Drive. After a pause, he heard more loud bangs, probably six altogether. Through his window he saw flashes corresponding to the bangs he heard next to his house. He heard things hitting the ground that he later realized were empty bullet shell casings. The gunshots he heard were spread out over a couple of minutes. His dad got up and ran around the house looking out the windows. They waited five to ten minutes before heading over to their neighbor's house across the street. Later, when he returned to their house, he noticed the side gate was broken and a jacket, rifle magazine, and bullet were on the ground in the backyard.

Jane Doe #3 was awoken from her sleep by a loud gunshot that shook her bedroom. She believed someone outside was firing and reloading a gun, because she heard a shot, a clicking sound, a shot, and then a clicking sound. She heard a total of six to seven shots within a few seconds of each other. As she, her husband and son were walking out the door to go across the street to the neighbors, she heard two more gunshots, but from farther away. She called 911 and reported the shots fired.

Jane Doe #4 heard six gunshots from her house on Inglewood Drive, then after a pause three more, then after another pause one more.

John Doe #6 heard seven to eight gunshots next to his house on Inglewood Drive. Ten minutes later, he heard two to three more shots from behind his house, which backs up to homes on Peach Court.

Jane Doe #5 heard nine gunshots at 1:19 a.m., from her home on Peach Court. After getting

out of bed, she heard more shots. She looked out the window and saw a man moving around her neighbor's white truck before darting toward the cul-de-sac.

From his house on Peach Court, John Doe #7 heard police officers tell the subject they did not want to harm him and to put something down. He heard the subject say something, but it did not make any sense.

John Doe #8, who lives on Peach Court, heard the subject tell the police to shoot him. He also heard the police clearly tell the subject to get down on the ground.

#### **D. SUMMARY OF LAW ENFORCEMENT STATEMENTS**

On November 18, 2021, at approximately 1:19 a.m., the Santa Rosa Police Department began receiving phone calls reporting gunshots fired and a male subject with a gun around 440 Inglewood Drive in Santa Rosa. Initially two officers were dispatched to the call, however, more officers responded after hearing the circumstances surrounding the call. (The officers were also familiar with this part of town for its history of similar calls for gunshots fired.) While en route, the officers learned from dispatch that the subject had moved to the area of Peach Court, which runs parallel to Inglewood Drive. Further, that the subject had fired a shotgun or similar firearm into the air, and was possibly experiencing mental health issues, based on his odd, erratic behavior. The subject was further described as a Hispanic male wearing a black shirt.

After the officers arrived on scene, they formed a team and cautiously walked down Peach Court toward the cul-de-sac at the end. The only lighting came from the streetlamps and the officers' flashlights. The darkness added to the officers' concern the subject might be an active shooter. They were mindful to use parked cars and trash bins for cover as they advanced with duty weapons drawn.

Officer Jonathan Morgan saw a man matching the description of the subject, later identified as Jordon Pas. When Mr. Pas saw the officers, he ran out of their sight and up one of the long driveways that feeds into the cul-de-sac. The officers formed a semicircle around the opening to the cul-de-sac. Mr. Pas reemerged from behind a parked car. Officer Morgan noticed Mr. Pas no longer had a shirt on and had a large landscape paver in one of his hands. Several officers gave him repeated commands to drop the paver, put his hands up, and lay down. They also told him he "didn't want to do this" and tried to engage him in conversation to calmly deescalate the situation. Ignoring the officers' commands, Mr. Pas began to approach the middle of the cul-de-sac while also swearing and making incoherent statements to the officers. Officer Morgan, who was one of the officers closest to Mr. Pas, told him again to "lay down" and "get on the ground"; however, Mr. Pas did not acknowledge any command given to him.

Officer Morgan did not see any weapons other than the paver Mr. Pas was holding in his hand. Still, he was concerned Mr. Pas could potentially use it as a deadly weapon against the officers. Further, Officer Morgan did not know if Mr. Pas had any other weapons, such as a firearm, concealed in his pants. He heard Mr. Pas say something about a gun and killing, which added to his concern. Plus, he and the other officers still did not know the whereabouts of the gun the 911 callers reported Mr. Pas had fired indiscriminately around that neighborhood.



Sharing the same concerns that Mr. Pas might use the paver as a weapon or might have other weapons hidden on him, Sergeant Matt Crosbie asked for someone to bring up less-lethal coverage (i.e. Taser). Sergeant Crosbie also wanted to keep Mr. Pas contained in the cul-de-sac before he could run back out of sight and possibly gain access to a stashed weapon or take a hostage. Additionally, Sergeant Crosbie did not want to have a situation where the officers would need to fire their duty weapons, which would not only endanger Mr. Pas, but also the officers caught in the crossfire and the residents on Peach Court.

Hearing Sergeant Crosbie's request, Officer Morgan transitioned from his rifle to his Taser. (Officer Morgan is a certified Taser user through SRPD and a certified Taser instructor through a Taser-sponsored instructor course he took while serving in the U.S. Air Force.) As Officer Morgan was moving to an advantageous deployment position, Mr. Pas suddenly ran to a yard at the end of the cul-de-sac and picked up another paver with his free hand. He then turned around and ran back to the middle of the cul-de-sac. There, he alternated between pacing and dancing around almost like a boxer entering a ring; hopping on the balls of his feet, posturing, and spinning in circles to face the surrounding officers. He also raised his arm and held the paver in a throwing motion, as if he was preparing to throw it at the officers. Again, Officer Morgan started moving into a safe position from which to discharge his Taser. He heard Sgt. Crosbie tell him to tase Mr. Pas, but he did not feel comfortable with the distance and moved to a better position.

Officer Morgan yelled "Taser, Taser, Taser" and discharged his Taser. He was not certain the probes connected fully, because Mr. Pas only stuttered slightly and fell to one knee. Mr. Pas also appeared to begin to stand up again. Officer Morgan discharged his Taser a second time. Mr. Pas fell from his kneeling position to a prone position face down on the ground. Officer Morgan allowed his Taser to cycle for approximately five seconds, giving him time to approach and kneel on Mr. Pas' lower back area. At that point, the other officers began assisting him in attempting to detain Mr. Pas. The officers took positions around Mr. Pas and used their hands and knees to hold him down on the ground.

Mr. Pas, whom the officers noted was a large, strong man, tucked his arms underneath his body and actively resisted being handcuffed. The officers tried to pull his arms out from under him, but his seemingly enhanced strength prevented them from doing so. During the struggle to handcuff Mr. Pas, the officers continued giving him verbal commands to stop resisting, but he still would not comply with anything they said. Fearing Mr. Pas could possibly reach for the pavers that were nearby or a weapon hidden on his person, Officer Morgan drive stunned Mr. Pas' back twice with his Taser, as a pain tolerance maneuver. Another officer struck Mr. Pas' right upper back twice with his fist. At that point, with the strength of three officers, they were able to pull out Mr. Pas' right arm and apply a handcuff, followed by his left arm.

After handcuffing Mr. Pas, who appeared to be going unconscious at that point, the officers put him in a recovery position on his side and summoned code 3 medical response from the paramedics who were staged nearby. The officers also immediately started lifesaving measures on Mr. Pas. Officer Robert Moore administered one department-issued dose of Narcan nasal spray to Mr. Pas' right nostril to counteract the drugs they suspected were in his system. Within feet of Mr. Pas, they had found a large, clear, plastic bag containing a white, powdery substance suspected to be a controlled substance. (A subsequent test by the Department of Justice Bureau of Forensic Services confirmed the substance was cocaine – see Appendix C;

## Physical Evidence Examination Report)

When medical personnel arrived, the officers removed the handcuffs from Mr. Pas, who was unconscious at that point. Paramedics took over CPR and began additional lifesaving measures. Shortly after, they placed Mr. Pas on a gurney and loaded him into the ambulance for transport. Officer David Lamb accompanied the paramedics in the ambulance. The paramedics continued lifesaving measures while transporting Mr. Pas to Santa Rosa Memorial Hospital. Officer Lamb remained with Mr. Pas at the hospital while staff tended to him. Mr. Pas was pronounced dead shortly after arriving at the hospital.

After conducting an extensive search of the area around the cul-de-sac on Peach Court, the officers located the firearm, which happened to be in the same place where resident John Doe #2 had last seen Mr. Pas holding it. The firearm was a black, AK-47-style, short-barreled assault rifle without a stock. The officers found ammunition that matched the shell casings located at the scene in Mr. Pas' pickup truck parked nearby.

## **E. SUMMARY OF FIRE AND MEDICAL PERSONNEL STATEMENTS**

Paramedic Bryan Smith (Smith) and EMT Lindsey Snetsinger (Snetsinger) received a call on November 18, 2021, that directed them to stage near Peach Court for the all-clear to enter and provide medical care. A short time after staging, they were called into Peach Court at the end of the cul-de-sac. They noticed Mr. Pas, who appeared to be in custody, lying prone, and handcuffed. Smith approached Mr. Pas while Snetsinger grabbed her equipment. Smith had a brief conversation with one of the officers on scene regarding un-handcuffing Mr. Pas. Shortly after examining Mr. Pas and finding no vital signs, he had the officers remove the handcuffs. Smith knelt beside Mr. Pas and check for a pulse but could not find one.

At this point, a Santa Rosa Fire Department (SRFD) engine arrived on scene. Smith yelled to the fire crew they had a "code," which meant no pulse and not breathing. They started CPR and other advanced lifesaving techniques, including vascular access using Interosseous access, a BLS airway device, and the LUCAS Device (auto CPR machine). After Smith decided to transport Mr. Pas to the hospital, he and SRFD Firefighter Thomas Leach worked on him in the ambulance. A short time after arrival at the hospital, Mr. Pas was pronounced dead.

## **F. AREA SURVEILLANCE VIDEOS**

### 45 Peach Court:

The video is from a porch camera. It clearly depicts Mr. Pas walking out of the shadows near the garage of the residence. He stops near a white Honda 4-door sedan and fires off one round toward the street. He then seems to laugh as he brushes his left hand over the hood of the vehicle before walking off toward the street and out of the camera's view.

### 39 Peach Court:

The video was taken from a porch camera. It shows Mr. Pas walking around in front of the residence. He picks up a decorative light from the yard and throws it onto the street. He then

walks further into the yard and retrieves a landscape paver while also falling into a hanging planter. Then he walks over to the driveway and says, “motherfuckers gonna have to kill me man, let’s go, let’s go, the fuck, the fuck, fucking bitch, fuck all this, fucking set me up man.” He then walks out of the frame of the camera and says, “I’ll fucking do it.” Next, he walks toward the middle of Peach Court with the paver in his right hand. He is breathing heavily.

Later, it shows him walk past a truck in the driveway and he says, “yeah, that’s a black truck.” The stone is still in his hand as he jogs down the driveway toward the middle of the cul-de-sac. Then someone yells “put your hands up, dude.” Flashlights illuminate the area, and another voice says, “it’s not worth it man, just comply.”

#### 51 Peach Court #1:

John Doe #2 shot this video from an upstairs window. It depicts the first contact with Mr. Pas by SRPD Officers. John Doe #2 is on the phone with dispatch while recording the video. John Doe #2 says several times that Mr. Pas does not appear to be physically holding the “shotgun” and he is unsure where Mr. Pas put it. He goes on to say it looks like he is charging the cops.

The officers yell commands to get on the ground. An officer says it looks like he has a rock in his hands. Mr. Pas yells at the officers, but it is garbled and unclear. He takes his shirt off and waves it around. He advances on the officers several times, then turns around and runs away into a dark area of the cul-de-sac. He appears to grab something off the ground.

John Doe #2 tells dispatch he does not know where Mr. Pas ditched the “shotgun,” but that Mr. Pas keeps moving back toward the area where he last hit him with the “shotgun.” Mr. Pas acts highly erratic and non-compliant with all orders being given to him by the officers.

Mr. Pas advances on Officer Morgan, who yells “Taser, Taser, Taser” and fires his Taser, which appears to strike Mr. Pas. He stumbles around and goes down to a knee. Officer Morgan fires a second Taser cartridge that also strikes Mr. Pas. He appears to lunge forward and fall on his head and torso. The officers engage Mr. Pas, who struggles with them on the ground and refuses to comply with their orders. Mr. Pas appears to scream and laugh unintelligibly. The officers hold Mr. Pas down while calmly communicating with each other about handcuffing him. The officers begin to disengage shortly after handcuffing Mr. Pas.

#### 51 Peach Court #2:

The video depicts the end of the incident and the officers rendering aid, as well as fire and EMS performing CPR. It concludes with the transportation of Mr. Pas away from the scene.

## **G. EXAMINATION OF TASERS**

Sonoma County Sheriff’s Office Detective Jason Little received all involved officers’ Taser downloads from SRPD. The downloaded data showed only Officers Morgan and Frank Sedeno activated their Tasers during the incident, with only Officer Morgan deploying his Taser. Each Taser download was completed by SRPD Taser Instructor Officer Michael Pietrelli.

#### Officer Morgan's Taser 7 Download:

The download showed two trigger-pull activations and two ARC button activations.

The firing log timeline was as follows: At 01:34:04.119 hours, Officer Morgan arms his Taser 7 (Serial # X40005RAD) by taking the safety off. The Taser showed two live cartridges. Bay #1 (cartridge # X4920NH14) and Bay #2 (cartridge # X4920N3NY). At 01:34:45.400 hours, the first trigger pull is detected from Bay #1, with a duration of 5.04 seconds. At 01:34:51.212 hours, the second trigger pull is detected from Bay #2, with a duration of 4.93 seconds. At 01:34:56.692 hours, there is an ARC button activation with a duration of 3.15 seconds. After this activation, the safety is put into the "on" position and the Taser 7 is disarmed. At 01:35:24.119 hours, the Taser 7 is armed by taking the safety to the off position. At 01:35:28.503 hours, the right ARC button is depressed with a duration of 5.06 seconds. At 01:35:35.210 hours, the safety is put into the "on" position and the Taser is disarmed. The download showed both Taser cartridges being fired.

#### Officer Sedenó's Taser 7 Download:

The download showed a singular activation with no deployment.

The firing log timeline showed Officer Sedenó arming his Taser 7 (Serial # X40005R9P) at 01:33:20 hours on November 18, 2021. The Taser showed two live cartridges. Bay #1 (cartridge # X4920N3D0) and Bay #2 (cartridge # X4920N0TM). Officer Sedenó disarmed his Taser at 01:33:59 hours by placing the safety into the "on" position.

## **H. AUTOPSY AND CAUSE OF DEATH**

Dr. Kimi Verilhac, M.D., conducted the autopsy of Mr. Pas. From her review of the investigative information, she noted the first time he was tasered he went down to his knees, and the second time he collapsed, "likely hitting his face on the ground."

(The officers' body-worn cameras captured Mr. Pas falling to the ground during the second deployment of the Taser. He appeared to land on the right side of his body and head. His right arm was also extended as he appeared to be trying to throw a rock/paver toward the officers as he fell.)

She summarized the physical contact the officers had with Mr. Pas after he was prone on the ground as follows:

He [Pas] then struggled with officers as they tried to get him handcuffed, with five to nine officers restraining him. During the struggle, a knee was placed on his right upper back/shoulder and another on his left lower back/hip area. Hands were used to hold his left upper back down, and a hand was placed on his head to hold it to the ground. The decedent was "drive stunned" with the Taser twice on his back (01:35:46, discharges for 3 seconds and 5 seconds), and punched in the right upper back twice, at which point, he was successfully handcuffed (double cuffed with two sets of handcuffs).

(The body-worn camera footage did not show the officers striking Mr. Pas anywhere on the head or forcing his head into the pavement. Sgt. Crosbie appeared only to try to control Mr. Pas' shoulders and head with his hands as Mr. Pas struggled and repeatedly lifted his head.)

During the external examination of Mr. Pas, Dr. Verilhac noted that he had superficial abrasions on his forehead and face, but his nose and facial bones were intact by palpation. She also noted Mr. Pas had an irregular area of subgaleal hemorrhage on his scalp and a few, fine, linear fractures with associated hemorrhage on his right orbital plate.

In her report, Dr. Verilhac referenced a separate neuropathology report that went into more detail regarding Mr. Pas' cerebral injuries. The author of that report, Keng-Chih Su, M.D., diagnosed Mr. Pas with blunt force injuries of the head, finding "subarachnoid hemorrhages of bilateral frontal (sp) and parietal lobes," "contusions of left frontal (sp) and parietal lobes," and "minor hemorrhage of septum pellucidum." Dr. Su also provided the opinion that his "Findings are consistent with acute traumatic brain injury which can be independently fatal." The findings of both doctors appear to be consistent with Mr. Pas falling to the ground and landing primarily on the right side of his body and head during the second deployment of the Taser.

Dr. Verilhac noted contusions and abrasions on Mr. Pas' torso. The injuries on his lower back were consistent with the "drive stun" placement of the Taser. He also had non-displaced rib fractures consistent with resuscitative efforts. He sustained contusions and abrasions on his arms, hands, and legs.

During the internal examination of Mr. Pas, Dr. Verilhac noted moderate to severe, eccentric, partially-calcific atherosclerosis with 40-90 percent luminal stenosis in his coronary arteries (i.e. atherosclerotic cardiovascular disease). His aorta and its major branches had normal pathways with minimal atherosclerosis. She noted that Mr. Pas "had a past medical history significant for obesity, back pain, and drug abuse, and medical records document multiple elevated blood pressure readings."

Toxicology testing detected cocaine, benzoylecgonine, naloxone, and caffeine in Mr. Pas' system at the time of his death.

Following the autopsy, Dr. Verilhac determined the cause of death as well as other contributing conditions. The cause of Mr. Pas' death was "cardiopulmonary arrest in setting of physical struggle with law enforcement, application of conducted electrical weapon, and acute cocaine intoxication (minutes)." In other words, Mr. Pas suffered cardiac arrest. A contributing condition was Mr. Pas' atherosclerotic cardiovascular disease. Dr. Verilhac did not include acute traumatic brain injury as one of the causes of death.

## **V. STATEMENT OF THE LAW**

Under the Fourth Amendment of the United States Constitution, people have the right to be free from the use of excessive force by law enforcement officers. This right attaches even

when an officer is engaged in making a lawful arrest.<sup>2</sup> The issue being considered by the District Attorney is whether the force used to effectuate the detention and arrest was reasonable based on an evaluation of the totality of the circumstances. The evaluation of the totality of the circumstances is not based on the facts as they became known over time but are analyzed from the standpoint of the officers and what they knew at the time the detention and arrest were attempted.

The following discussion of the law is not intended to be exhaustive on the subject area related to detentions, arrests, and the use of force. Instead, it is intended to provide an overview of some principles of law that inform the analysis related to the incident on November 18, 2021, involving Jordon Pas and Santa Rosa Police Department officers.

A. THE RIGHTS AND DUTIES OF A PEACE OFFICER WHEN EFFECTING A DETENTION OR AN ARREST.

a. Rights and Duties of Officers During a Detention

A police officer has the right to stop and temporarily detain someone for an investigation whenever the officer has a “reasonable suspicion” some criminal activity is afoot and that the person was, is, or is about to be involved in that criminal activity.<sup>3</sup> A detention is allowed so a peace officer may have a reasonable amount of time to investigate a person’s possible involvement in an actual or perceived criminal act, allowing an officer to make an informed decision whether or not to arrest, or to release, the subject. “An investigative detention must be temporary and last no longer than is necessary to effectuate the purpose of the stop. Similarly, the investigative methods employed should be the least intrusive means reasonably available to verify or dispel the officer’s suspicion in a short period of time.”<sup>4</sup> However, even though a detention is meant to be a short contact to assist in determining if a crime has occurred, an officer is not deprived of his right to defend himself should it become necessary.

“(E)ven when a police officer is careful, he is still subject to attack . . . (P)olice officers (are) entitled to protect themselves during a detention: ‘This is a rule of necessity to which a right even as basic as that of privacy must bow. To rule otherwise would be inhumanely to add another hazard to an already very dangerous occupation. Our zeal to fend off encroachments upon the right of privacy must be tempered by remembrance that ours is a government of laws to preserve which we require law enforcement officers – live ones. Without becoming a police state, we may still protect the policeman’s status.’”<sup>5</sup>

b. Rights and Duties During an Arrest

An officer may arrest a person without a warrant when the officer has probable cause to

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<sup>2</sup> Graham v. Conner (1989) 490 U.S. 386. “All claims that law enforcement officers have used excessive force—deadly or not— in the course of an arrest, investigatory stop, or other ‘seizure’ of a free citizen should be analyzed under the Fourth Amendment and its ‘reasonableness’ standard, rather than under a ‘substantive due process approach.’” Graham, 490 U.S., at 394.

<sup>3</sup> Terry v. Ohio (1968) 392 U.S. 1; People v. Walker (2012) 210 Cal.App.4<sup>th</sup> 1372, 1381-82.

<sup>4</sup> In re Antonio B. (2008) 166 Cal.App.4<sup>th</sup> 435, 440.

<sup>5</sup> In re Richard G. (2009) 173 Cal.App.4<sup>th</sup> 1252, 1255.

believe the person to be arrested has committed a public offense in the officer's presence or that he or she has committed a felony.<sup>6</sup> When a peace officer has reasonable cause to believe that a person to be arrested has committed a public offense, he or she "may use reasonable force and reasonable restraint to effect the arrest, to prevent escape, or to overcome resistance."<sup>7</sup> "If a person has knowledge that they are being arrested by a peace officer, it is the duty of such a person to refrain from using force to resist such arrest."<sup>8</sup>

"A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance."<sup>9</sup> "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight."<sup>10</sup>

Determining whether the force used to affect a particular seizure is reasonable under the Fourth Amendment requires a careful balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake. Fourth Amendment jurisprudence has long recognized that the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it. Because the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, its proper application requires careful attention to the facts and circumstances of each case. This includes the severity of the crime at issue, "whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight."<sup>11</sup>

"Requiring officers to find and choose the least intrusive alternative would require them to exercise superhuman judgment. In the heat of battle with lives potentially in the balance, an officer would not be able to rely on training and common sense to decide what would best accomplish his mission. Instead, he would need to ascertain the least intrusive alternative (an inherently subjective determination) and choose that option and that option only. Imposing such a requirement would inevitably induce tentativeness by officers, and thus deter police from protecting the public and themselves. It would also entangle the courts in endless second-guessing of police decisions made under stress and subject to the exigencies of the moment."<sup>12</sup>

## **VI. DISCUSSION OF THE LAW AND THE EVIDENCE**

In the early morning hours on November 18, 2021, a residential neighborhood in Santa Rosa was struck by fear when they heard and saw a man indiscriminately firing a gun as he

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<sup>6</sup> Cal Penal Code section 836.

<sup>7</sup> Cal Penal Code section 835, 835a.

<sup>8</sup> Cal Penal Code section 834a.

<sup>9</sup> Cal. Penal Code section 835a.

<sup>10</sup> Graham v. Connor (1989) 490 U.S. 386, 396.

<sup>11</sup> Graham v. Connor (1989) 490 U.S. 386, 396.

<sup>12</sup> Scott v. Heinrich (1994) 39 F.3d 912, 915.

erratically moved through yards, over fences, across driveways, and down streets. The man also appeared to be under the influence of drugs. As they hid inside their homes, multiple residents called 911 and described in real time the terror unfolding before their eyes. Officers from the Santa Rosa Police Department responded to those calls. The officers included Jonathan Morgan, David Lamb, Robert Moore, Matt Crosbie, Joe Richards, Jerry Ellsworth, Frank Seden, Nick Madarus, and Bradley Marweg.

When the officers arrived on scene, they formed a team and with their firearms drawn cautiously advanced down Peach Court toward the cul-de-sac at the end. Streetlamps and the officers' flashlights provided the only lighting, making it difficult to see into the shadows and dark driveways. The officers were concerned about an active shooter situation that could endanger their lives and the lives of the dozens of people living on that street. They were also concerned about the mental state of the person they were trying to locate. If he was on drugs, as some of the 911 callers had suggested, that would make him more unpredictable and potentially more dangerous.

As the officers neared the cul-de-sac, they briefly caught a glimpse of Mr. Pas standing in a lighted area of the street before he ran up a dark driveway out of sight. Moments later he reemerged from the shadows. He no longer had his shirt on, and he was carrying a large landscape paver in one of his hands. The officers did not see the reported firearm, and they were not sure if he had it hidden in his pants or someplace close where he could easily access it. They immediately began giving Mr. Pas commands to drop the landscape paver, put his hands up, and lie down on the street, but Mr. Pas did not comply with their commands.

Besides ignoring the officers' commands, Mr. Pas moved about and behaved in an erratic fashion, leading the officers to believe he was under the influence of a controlled substance. He spoke mostly unintelligibly, yet in a threatening tone, cursing and swearing at the officers. At one point, he challenged the officers saying, "come on motherfuckers, come on!" He mentioned something about a gun and killing. The officers tried to engage him in conversation to try to deescalate the situation, but they were not able to calm him down or converse with him.

The officers felt threatened with deadly force by the paver in Mr. Pas' hand. The paver was large, and Mr. Pas appeared strong enough to do significant damage to them with it if given the chance. The situation became even more dangerous after Mr. Pas ran into a front yard and picked up another landscape paver in his other hand. He returned to the middle of cul-de-sac and danced around like a boxer in a ring, ready to fight his opponent. At one point, he held up one of the pavers like he was preparing to throw it at the officers.

Despite being threatened with deadly force, the officers chose to transition to less lethal coverage. Their goal was to end the situation as quickly and safely as possible for everybody. If they delayed, they risked the chance Mr. Pas would again run out of their sight. There was also the risk Mr. Pas would retrieve his firearm and begin shooting again, endangering everyone in that area. Similarly, if they had to fire their guns at him, it would endanger Mr. Pas, the residents, and each other. And since Mr. Pas was holding the two landscape pavers in his hands and speaking and acting aggressively toward the officers, they could not get close enough to physically restrain him. Their only option was to use less lethal force (i.e. a Taser) to temporarily stop Mr. Pas in his tracks, long enough to handcuff him.



Officer Morgan activated his Taser and positioned himself in a safe spot to discharge it at Mr. Pas. Officer Morgan's use of force at that time – the use of his Taser – appears to have been reasonably necessary to advance a lawful law enforcement purpose. At that time, the officers were entitled to arrest Mr. Pas for unlawful discharge of a firearm (chargeable as a felony violation of Penal Code section 246.3(a)), vandalism, and trespassing, as well as for his refusals to obey their commands.<sup>13</sup> Mr. Pas did not give the officers any indication that he was willing to cooperate with their objectives in safely and peacefully ending this situation. Instead, he demonstrated additional acts of aggression by picking up a second paver and taking a fighting stance toward the officers. Officer Morgan's use of force was reasonably necessary to ensure the safety of the officers and the citizens in the community.

When Officer Morgan deployed his Taser initially, it appeared to not make a complete connection, because Mr. Pas only stuttered slightly and went down to one knee. He also appeared to try to stand up again, which made him still very much a threat. Based on that perception, Officer Morgan deployed his Taser a second time. That time the Taser appeared to have the desired effect of getting Mr. Pas into a prone position on the ground. The same position the officers had ordered him to assume multiple times already. That gave the officers their only and safest opportunity to place him in handcuffs. However, even as multiple officers positioned themselves on and around Mr. Pas, he continued to resist their efforts to detain him. Using what appeared to be exceptional strength, Mr. Pas tucked his arms tightly under his body and resisted the officers' verbal commands and physical efforts to remove them. To gain Mr. Pas' compliance, Officer Morgan elected to utilize a pain tolerance maneuver. He used his Taser to drive stun Mr. Pas twice on his back, which allowed the other officers to finally place Mr. Pas in handcuffs. Officer Morgan's decision to deploy his Taser in this fashion was a reasonable use of force for the officers to try to gain control of Mr. Pas and the situation in light of Mr. Pas' apparent levels of unpredictability, exceptional strength, aggression, and continued resistance.

Mr. Pas died following the above described interactions between himself and Officers Morgan, Lamb, Moore, Crosbie, Richards, Ellsworth, Sedeno, Madarus, and Marweg. During their interactions on November 18, 2021 with Jordon Pas, the officers attempted to resolve the situation with nonlethal force. The officers involved in this altercation appear to have been mindful of their options and the potential outcomes as the events with Mr. Pas unfolded. Each of the officers individually, as well as the team of officers collectively, engaged in reasonable actions and reasonable uses of force when confronted with their dynamic encounter with Jordon Pas.

## VII. CONCLUSION

Although Mr. Pas was being taken into custody by officers at a time when he experienced a medical emergency resulting in his death, neither lethal force, nor unreasonable force was used to effectuate Mr. Pas' detention and arrest. Lethal force is that which creates a substantial risk of death or great bodily injury.<sup>14</sup> No conduct on the part of the officers created a substantial risk of death or great bodily injury. Instead, the nonlethal uses of force in this case were reasonable

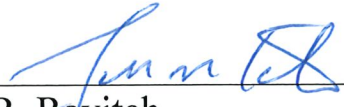
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<sup>13</sup> Cal. Penal Code sections 246.3, 594, 602, and 148.

<sup>14</sup> Smith v. City of Hemet (2005) 394 F.3d 689, 693.

responses to the behavior and dynamic threat posed by Mr. Pas. Based on the law and the totality of the circumstances discussed above, Officers Morgan, Lamb, Moore, Crosbie, Richards, Ellsworth, Sedeno, Madarus, and Marweg were legally justified in their use of reasonable force during the incident involving themselves and Jordon Pas on November 18, 2021. Accordingly, criminal charges are not warranted.

8/19/22  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jill R. Ravitch  
District Attorney, County of Sonoma

## **APPENDIX A**



## PHYSICAL EVIDENCE EXAMINATION REPORT

### Drug Chemistry

TO : Detective Jason Little Sonoma County Sheriff's Office	BFS Case Number: SR-22-001793-0001
CASE NUMBER: 211118002	Subject: JORDON B. PAS
	Offense Date: 11/18/2021
	Start of Testing: 8/2/2022
	End of Testing: 8/3/2022
	Report Date: 8/3/2022
	Testing Method: TP-4

ANAB Certificate FT-0334

### SUMMARY

#### Submission 01: Suspected controlled substance(s) received 8/1/2022

<u>Item Number</u>	<u>Result</u>
MP11	Contains cocaine: 12.847 grams net  Item MP11 contained loose white chunks and powder and one open plastic bag containing white chunks and powder. Chunks and powder appear to have spilled from the plastic bag into the outer packaging, so all chunks and powder were combined for weighing and analysis.

### DISPOSITION

The evidence will be released to your agency in the normal course of business.

ELIZABETH COX  
Criminalist

The signatory analyst declares under penalty of perjury: (1) I am employed by the State of California, Department of Justice (DOJ), Bureau of Forensic Services (BFS); (2) I conducted an examination of the material described above in the ordinary course of my work as a qualified examiner according to approved laboratory procedures; (3) The recording of the analytical results was done at the time the analysis was performed and included creation of contemporaneous documentation; (4) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record.  
Note: All results relate only to the items that were tested and apply to the items as they were received, except when otherwise indicated. This laboratory report has been prepared and retained by DOJ in the normal course of business according to DOJ's regular practices and procedures. The Department of Justice is accredited by the ANSI National Accreditation Board (ANAB) in the testing activities provided unless otherwise noted.



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