

OFFICER-INVOLVED FATAL INCIDENT REPORT
FOR PUBLIC RELEASE



Employer Agency: Rohnert Park Public Safety
Lead Agency: Sonoma County Sheriff's Department
Decedent: Branch Christopher Wroth
Date of Incident: May 12, 2017

Report Prepared by:
SONOMA COUNTY DISTRICT ATTORNEY

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I. INTRODUCTION

On May 12, 2017, Branch Christopher Wroth, age 41, while under the influence of methamphetamine, died as a result of cardiopulmonary arrest during a struggle with police attempting to take him into custody. The death occurred in Room #621 at the Budget Inn, 6298 Redwood Drive in Rohnert Park, California.

Following Mr. Wroth's death, Rohnert Park Public Safety 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 Department 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 employee(s); 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 Branch Wroth, 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 of 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 of the relevant, material evidence gathered by Rohnert Park Public Safety and the Sonoma County Sheriff's Office 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 employee(s).

The specific question to be resolved in this case is whether the officers' use of force was not reasonably necessary under the circumstances to accomplish a lawful law enforcement purpose. A summary of the applicable law is included here to assist the reader in understanding this report and its conclusions.

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*¹ a publication of the California District Attorneys Association. 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 doubt²," the highest burden of proof found in the law. A jury of twelve must vote unanimously for guilt before a conviction may be entered. When determining whether criminal charges are appropriate the District Attorney must consider the all of 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 jury fact finder after hearing all the admissible evidence, including evidence of such an affirmative defense.

IV. SUMMARY OF FACTS

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

²Judicial Council of California Criminal Jury Instructions (2017) (CALCRIM) No. 103.

A. DECEDENT'S BACKGROUND

Branch Christopher Wroth was born on December 16, 1975 in San Francisco, California to Marni and Christopher Wroth. He had three brothers, named Esa Wroth, Rhodes Wroth and Delson Wroth. At the time of his death he was 41 years old, was six feet tall and weighed approximately 238.5 pounds. A Santa Rosa Press Democrat article dated September 15, 2017 stated Mr. Wroth also had two sisters. According to Delson Wroth, Branch was unmarried, had no children and was not in a relationship at the time of his death. Delson said Branch had a drug problem, but was not a violent person. Mr. Wroth had been staying with his friends Adam Dyck and Michael Martinez in Cotati. Mr. Dyck said Mr. Wroth had a drug and alcohol problem and was waiting for a bed at a drug rehabilitation center. Mr. Dyck had hired Mr. Wroth to do some jobs to keep him busy. He was unaware of any mental health history. Mr. Dyck had seen Mr. Wroth approximately a day and a half before his death.

B. BRANCH WROTH'S CRIMINAL HISTORY

Mr. Wroth's criminal history dated back to December of 1999 with a conviction for fighting in a public place. In 2006, he was convicted of giving false information to a police officer. In February of 2007 he was convicted of possession of a controlled substance. In October of 2011 he was convicted of being drunk in public. In June of 2014, he was convicted of driving under the influence of drugs or alcohol and possession of marijuana. In April of 2017 he was convicted of trespassing. Mr. Wroth's probation for the 2014 offenses had been revoked on May 10, 2017 and a Superior Court Judge had issued a bench warrant for his arrest. He was also on active probation for the 2017 trespassing conviction.

2016-2017 LAW ENFORCEMENT CONTACTS

1. On Dec. 8, 2016 at 11:59 a.m., a citizen called the Sonoma County Sheriff's office to report a barefoot man clad only in black underwear was in a field waving his arms and acting strangely. A second caller reported a man yelling and hitting his fists in the ground. Sheriff's deputies contacted Mr. Wroth in a field near Derby Lane in Penngrove. Mr. Wroth was straddling a tree and claimed to be living like a Native American. He was breathing heavily and told deputies he was stressed out. Deputies detained Mr. Wroth and put him into handcuffs without resistance. When asked why he removed his clothes, Mr. Wroth said he felt it would give him "nutrition." Deputies called for medical assistance. Mr. Wroth was placed on a gurney and as paramedics begin wheeling him to the ambulance he began screaming, "Help, I need help," and "They are trying to kill me, help me."
2. On April 1, 2017 at approximately 1: 55 p.m., Petaluma Police Department officers were dispatched to the Ellis Creek Water Recycling Facility, regarding a subject walking in an area off-limits to public access. They encountered Mr. Wroth standing in the area completely naked and covered in mud and algae. He appeared to have been swimming in the nearby creek or pond and was extremely sunburned. He told officers he had been taking a test that required him to swim, bike and climb. Concerned for his mental health, officers detained Mr. Wroth. Officers learned he was on probation and arrested him for trespassing and violation of his probation. He was later taken a hospital and medically cleared.

C. SUMMARY OF INFORMATION TO DISPATCH AND OFFICERS ON MAY 12, 2017

Security guard David Letasi called Rohnert Park Police Department dispatch at 3:11 p.m. on May 12, 2017. He reported there was a “very disoriented person” in Room 621 at the Budget Inn in Rohnert Park. Letasi said they had told the man to leave and the man was having a “mental breakdown.” Letasi told dispatch that he asked the man if he needed an ambulance and the man, who he identified as Branch Christopher Wroth, said no.

The first officer on scene, Rohnert Park Public Safety Officer David Wattson, arrived at Room 621 of the Budget Inn at approximately 3:17 p.m. At 3:23 p.m. a dispatcher relayed the following information to Officer Wattson: “Branch Christopher Wroth, DOB 12-16-75 out of Forestville, with... \$10,000 warrant for 166(a)(4), 23152 and 11357.”

D. INVOLVED PARTIES’ STATEMENTS OF MAY 12, 2017

Summary of Statement of Rez Choudhury

Rez Choudhury was the manager of the Rodeway Inn, which is adjacent to the Budget Inn in Rohnert Park. On the night of May 11, 2017 Branch Wroth appeared at the front desk wishing to rent a motel room. Choudhury turned Mr. Wroth away because he did not have identification or a credit card. He referred Mr. Wroth to the Budget Inn and said they would rent a room to him for cash. Choudhury said Mr. Wroth spoke slowly but appeared to be fine.

Summary of Statement of Manoj Kumar

Manoj Kumar was the front desk clerk at the Rodeway Inn and was present when Mr. Wroth tried to rent a room. He said Mr. Wroth was speaking slowly and appeared to be delayed in thought.

Summary of Statement of Shiva Thati

Shiva Thati was the front desk clerk of the Budget Inn. On May 11, 2017 at 8:01 p.m., Mr. Wroth appeared at the front desk to rent a room. He provided a DMV printout for identification. The next day, when Mr. Wroth had not checked out of Room 621, Thati spoke to him, and Mr. Wroth asked for additional time. About an hour later Mr. Wroth had still not checked out and Thati spoke to him again. Mr. Wroth asked for another ten minutes. Thati told Mr. Wroth to either leave, pay for an additional night or he would have to call hotel security. Thati saw that Mr. Wroth was not wearing any clothes as he spoke to

him through the motel window. A short time later when Mr. Wroth had not vacated the room, Thati called security.

Summary Of Statement Of Antonia Reynaga-Aparicio

Antonia Reynaga-Aparicio was employed as a maid at the Budget Inn on May 12, 2017. At about 11:00 a.m. that day, she knocked on the door of Room 621 in order to clean the room. The man inside told her, "10 minutes." She returned about 1:45 p.m. Seeing a backpack on the bed, she went to the front desk to tell the clerk the man in 621 had not checked out. She continued cleaning other rooms while the desk clerk talked to the man in Room 621. The clerk then told her that security was coming to deal with the man and asked her to wait 20 minutes to clean the room. She waited three to four rooms down from Room 621 and heard the security men tell the person he had to go. She said the man inside was being aggressive and yelling and saying the room was his so they should respect his room. She left the area at approximately 3 p.m. and the security guards were still outside the room.

Summary Of Statement Of David Michael Letasi

David Letasi is the owner of a security firm called California Protection Services. His company provides security for the Budget Inn in Rohnert Park, California. On May 12, 2017 sometime around 1:50-1:58 p.m., Letasi received a call from the front desk clerk at the Budget Inn, telling him there was a guest in room 621 who was refusing to leave. He was told that a maid entered the room to clean and found Wroth naked in the room. Both the maid and the front desk clerk asked Wroth to leave but he refused.

Letasi and a security guard named Brian Morrow got to the room at about 2:30 p.m. They knocked on the door and could hear the shower running. They entered the room and could hear Mr. Wroth in the bathroom making loud grunting noises. Letasi told Mr. Wroth to get out of the shower. Mr. Wroth told Letasi that he didn't feel good and Letasi offered to call an ambulance. Mr. Wroth refused the offer. Letasi said Mr. Wroth didn't seem right; he was having trouble focusing and was fidgety. The guards tried to convince Mr. Wroth to get dressed and after 15-20 minutes he finally agreed to put on his pants and socks. He then began ripping his shirt. Letasi called police at approximately 3:10 p.m.

While the guards were waiting for police to arrive, Mr. Wroth began emptying his bag and throwing items all over the room. He told Letasi that there were chemicals on these things and said he couldn't wear his pants because of the chemicals. What looked to be fish oil pills were strewn on the floor and Mr. Wroth said they were a dangerous hazard. Letasi offered again to call an ambulance but Mr. Wroth declined. Wroth began to act more and more agitated and his motions were aggressive. Letasi placed another call to the police at approximately 3:18 p.m.

Letasi said a Rohnert Park Public Safety officer arrived about the time he made the last phone call. Letasi then stood outside by the door, while Morrow stood by the window. The officer convinced Mr. Wroth to put his pants on, but then he took them off. The officer told Wroth he had a warrant and Wroth seemed completely confused and "out of it." A back up

officer arrived and the first officer told Mr. Wroth he would have to take him downstairs, put him in handcuffs and find out more about the warrant. Mr. Wroth then stood up and did an “aggressive stretch” and kind of sat back down. He then stood back up and when the officers tried to put his arms behind his back he lunged for the window.

Letasi saw Mr. Wroth grab at the window. Wroth began fighting the officers for 15-20 seconds before one of the officers stepped back and yelled “Taser” and hit Mr. Wroth in the lower back area. Mr. Wroth fell to the ground kicking and screaming and the two officers “jumped on him.” Letasi described an officer punching Mr. Wroth possibly 3-4 times in the kidney area to get him to comply. Letasi said the punches had no effect on Mr. Wroth, who continued to struggle and fight with the officers.

He saw the officers trying to grab Mr. Wroth from inside the room while he tried to get out of the window. Brian Morrow, who was outside, was trying to push Mr. Wroth back into the room from the outside. Morrow then went inside and tried to help hold Wroth down. The two officers were still attempting to get Mr. Wroth’s arms behind his back but he was tucking his hands in to his body. An officer then tased Mr. Wroth again and managed to get one handcuff on. The officer tased him again and he fell back, kicking. The officers managed to turn him on to his stomach but he kept flipping over onto his back. Letasi recalled the officer deploying his Taser three times: once in the lower back, and once in the back or lower legs. Letasi could not recall where the third shot struck. He described two of the tasings as “dry stuns” without barbs.

During this time Letasi heard the two officers telling Mr. Wroth to stop and put his hands behind his back. He described their directives as clear and understandable. Mr. Wroth continued to actively resist. Letasi tried to assist by holding Mr. Wroth’s feet but he kept kicking and fighting. Three to four additional officers arrived in the room and Letasi and Morrow stepped away. After the other officers joined in the effort to get Mr. Wroth under control, they were able to get him handcuffed. Letasi heard an officer say “Code 3 medical, then fire personnel showed up about a minute later. At some point Mr. Letasi saw the officers and fire personnel turn Mr. Wroth on his back and begin CPR. Paramedics arrived some time later.

Summary Of Statement Of Brian Morrow

Security guards Brian Morrow and David Letasi arrived at the Budget Inn at approximately 3 p.m. They spoke with the front desk person and received information that a man named Branch Christopher Wroth was “acting funny” and wasn’t leaving the motel room. He and Letasi went to the room and could hear the shower running. They used a master key to open the door and asked the man inside to come out of the bathroom so they could talk. Mr. Wroth came out of the bathroom completely naked. He was coughing and said he wasn’t feeling good. They told Mr. Wroth he needed to leave and asked him if he wanted them to call an ambulance.

Morrow said Mr. Wroth was acting like he was under the influence of something. Mr. Wroth sat down on the bed. They told him to start packing his things. Mr. Wroth started to put his pants on and said they were covered in poison. He was sweating and shaking and his pupils seemed large. Mr. Wroth then began pulling pieces of his shirt off with his mouth and chewing on the pieces. He began pulling things out of his duffle bag. Letasi left to call the police.

A Rohnert Park Public Safety Officer arrived about 20 minutes after Morrow and Letasi contacted Mr. Wroth. Morrow then left the room and stood by the window to the right of the door. The officer engaged Mr. Wroth in conversation. He ran Mr. Wroth's name and then told him he had a warrant. The officer told Mr. Wroth he would have to place him in handcuffs. He described the officer's demeanor as very friendly toward Mr. Wroth, trying to make a connection with him and trying calmly to get him to cooperate. Another officer arrived and after asking Mr. Wroth to stand up the officers grabbed each of Mr. Wroth's arms. Mr. Wroth began tensing up and fighting with the officers. They told him not to do that, to stop fighting. He then saw Mr. Wroth heading toward the window. He saw Mr. Wroth pushing and kicking. Mr. Wroth pushed the window screen out and started to go out of the window. He said Mr. Wroth managed to get part of his body out of the window as the officers struggled to get him back in. Mr. Wroth grabbed the air conditioner and ripped the front of the unit off.

Morrow said he stepped toward the window and tried to push Mr. Wroth back inside the room. The officers managed to get Mr. Wroth back in the room. One of the officers fell back but still managed to maintain a hold on Mr. Wroth. Morrow was holding one of Mr. Wroth's arms. One of the officers yelled, "Taser, Taser, Taser," then tased Mr. Wroth in his upper back area. Mr. Wroth went to the ground but the Taser had no other effect. Mr. Wroth continued to fight the officers. Morrow then ran into the room and tried to grab Mr. Wroth's right arm, while Officer Huot tried to grab his left arm. Neither man was able to get Mr. Wroth's arms to bend at all. Mr. Wroth continued to "flail around," screaming for help.

Morrow estimated the first officer deployed his Taser three to four times. He called the first deployment "projectile" and the other deployments "dry stuns." He said the barbs hit Mr. Wroth in the back but had no effect and the subject continued to struggle after each Taser deployment.

Morrow, who is 6'1" and weighs 330 pounds, described Mr. Wroth as "ridiculously strong." A former high school wrestler, Morrow said he was unable to bend Mr. Wroth's arm so officers could get a handcuff on him. The first officer deployed his Taser again. It appeared to have no effect on Mr. Wroth but shocked the other officer who was touching some metal when the Taser went off.

Morrow and the two officers continued to try to get Mr. Wroth under control. Mr. Wroth began to "wriggle away" from the three men. Morrow had his knee on Mr. Wroth's shoulder and was putting his weight on him, trying to hold him. The first officer deployed his Taser again and possibly one more time. As he and the officers began to lose control of

Mr. Wroth he managed to flip all the way around and his legs were outside of the door. Morrow tried to get on top of his legs and Mr. Wroth broke free. Morrow noticed Mr. Wroth was bleeding. As Morrow tried to regain control of him, Mr. Wroth “snap-kicked him” and almost kicked him in the face.

At that point three other officers arrived and pushed Morrow out of the way. The officers “all got on top” and managed to get Mr. Wroth into handcuffs within 20-30 seconds. Mr. Wroth was on his stomach. At some point Mr. Wroth stopped yelling and went still. The officers realized he wasn’t breathing, then fire personnel showed up and started CPR.

Morrow said one of the officers elbowed Mr. Wroth in the back two times during the struggle. He recalled hitting Mr. Wroth on the side of the head with an open hand. He called the officers’ actions during the struggle “reasonable.”

E. SUMMARY OF LAW ENFORCEMENT STATEMENTS

Summary Of Statement Of Officer David Wattson

Officer David Wattson was interviewed on May 13, 2017 at 1:01 a.m. At the time of the incident Wattson had been employed by Rohnert Park Public Safety as a sworn peace officer for three and a half years. His normal work hours were from 7:00 a.m. to 5 p.m., Thursday through Sunday. On May 12, 2017, Wattson was working patrol when a “check the welfare,” popped up on his screen. The call was regarding a subject acting “erratically.” Wattson responded to the Budget Inn, Room 621 and contacted the security guards already at the scene. They told him that the subject was ripping his clothes off and tearing up the room. He then made contact with the subject. Mr. Wroth was ripping a polo shirt and his pants were down around his knees. Wattson said he seemed agitated with rapid speech, and had a difficult time focusing on what Wattson was asking. Wattson asked the subject his name and Mr. Wroth was only able to give his first name. Wattson then ran Mr. Wroth’s driver’s license number through his dispatch and discovered the subject’s name was Branch Christopher Wroth and had a misdemeanor warrant.

Mr. Wroth told Wattson that he had been poisoned through laundry detergent and that was why he was ripping off his clothes. Wroth said he had walked to Rohnert Park from a friend’s house in Sebastopol. Wattson said Mr. Wroth was not speaking coherently, and was sweating and constantly fidgeting. He did not appear to be in any physical distress. Wattson made the determination Mr. Wroth was likely under the influence of a stimulant. Wattson advised Mr. Wroth he had a warrant and said he would have to go downstairs with him to determine if the warrant was citable. Wattson asked Mr. Wroth if he would “go along with the program.” Mr. Wroth said he could if he knew what the program was. Wattson told Mr. Wroth he would need to stand up, put his pants on and go in handcuffs. Wroth continued to ramble and then took his pants off and started turning them inside out. He continued to ramble and fidget with his pants. Officer Sean Huot (For clarity, Officer Sean Huot will be referred to as S. Huot and Officer Matt Huot will be referred to as M. Huot) arrived at this time and Wattson asked him to stay just out the door because he thought he was making progress with the subject. Mr. Wroth then took his pants off again and Wattson waved S. Huot into the room.

Wattson then stood Mr. Wroth up with a firm grip on his left arm. S. Huot was on his right. Mr. Wroth immediately pushed forward toward the window. He pushed out the window screen and tried to crawl through the window. Mr. Wroth managed to get about half his body out of the window. Wattson attempted several compliance strikes with a closed fist, punching him in the right side of his back to keep him from escaping through the window. He thought he also attempted two elbow strikes to Mr. Wroth's middle to upper back to get him to stop resisting and get him back into the room. At this point Mr. Wroth had almost his entire upper body through the window and was continuing to resist. Wattson pulled his Taser out, said "Taser" three or four times aloud and deployed his Taser into Mr. Wroth's back. The Taser was effective in bringing Wroth back into the room and he landed on his side and back. Throughout the struggle, Mr. Wroth yelled, "help me, help me."

After the Taser cycle finished, Wattson and S. Huot ordered Wroth onto his stomach. Wroth continued to yell and resist. As Huot tried to grab his arm Mr. Wroth flailed his legs and arms and tried to kick. Wattson once again ordered Mr. Wroth to stop resisting or he would get tased. Mr. Wroth did not comply and Wattson tased him for a second time for a five-second cycle. Mr. Wroth continued fighting, and was still able to punch and kick with his legs. He began throwing his arms around S. Huot as he attempted to place him in handcuffs. He was ordered to roll on his stomach and put his hands behind his back, but Mr. Wroth continued to yell and resist. Wattson cycled his Taser again and applied the Taser to Mr. Wroth's calf. Wroth continued to fight and try to get out of the room. Wattson tased Mr. Wroth one more time but he could tell it wasn't effective. He disconnected the cartridge from the Taser and tried to grab one of Mr. Wroth's arms. The two officers tried to roll him over to his stomach, but he stayed on his back kicking his legs. Wattson recalled at that point Mr. Wroth was kicking his legs at one of the security guards at the front door trying to assist. The struggle continued close to the front door and the officers were finally able to get Wroth on his side. But Mr. Wroth had one of his arms underneath him and Wattson was unable to gain any leverage.

Officer Mike Werle then entered the room. He was holding a flashlight and Wattson yelled for Werle to "hit him, hit him, hit him." Werle struck Wroth in the thigh several times and the officers were able to get Wroth's right arm behind his back and handcuff him. Wroth still continued to kick and Sgt. Matzen, who had arrived in the room with Officer Matt Huot, applied a leg hold called a Figure 4 hold. Mr. Wroth continued to yell and kick so Sgt. Matzen asked another officer to bring a maximum restraint.

Once the maximum restraint arrived, the officers pulled Mr. Wroth away from the wall, planning to put him in the maximum restraint. At this point one of the fire crews was in the room and another had just arrived to assist. Wattson then heard someone say, "Check his face." Wattson first recalled that he rolled Mr. Wroth's face over and saw he wasn't breathing. Asked later in the interview Wattson said another officer tilted Mr. Wroth's face and "they" said he wasn't breathing. Another officer rolled Mr. Wroth onto his back and began compressions. Both fire crews were in the room by that time so Wattson stepped out, but remained outside the room. During the course of the struggle, Wattson said no one put any pressure on Mr. Wroth's upper body.

Wattson described Mr. Wroth as extremely strong. Both he and S. Huot were “not small people,” and very fit, but Wroth was still able to overpower them. Even after they managed to get Mr. Wroth in handcuffs, Wattson did not feel they had control of him. Wattson believed that without the other officers assisting, he and S. Huot would not have been able to gain control of Mr. Wroth.

After the incident, Officer Wattson went to the emergency room at Kaiser Hospital. During the struggle he sustained a sprained right wrist, a sore right shoulder, bruises on his knees and an abrasion on his left elbow.

Summary Of Statement Of Officer Sean Huot

Officer Sean Huot was interviewed on May 13, 2017 at approximately 2:25 a.m. At the time of the incident, S. Huot had been employed as a sworn peace officer with Rohnert Park Public Safety just short of nine months. Officer S. Huot received training at the police academy and field training through Rohnert Park Public Safety. In addition, he completed a 40-hour emergency medical response training. His normal work hours were 7:00 a.m. to 5:00 p.m. Monday through Thursday. On the day of the incident he started his shift at 7:09 a.m.

When the initial call came in to dispatch from Officer Wattson, S. Huot was in the reporting writing area of the police station. He was wearing his standard police uniform with his standard issue Body Worn Camera in the middle of his chest. He heard Officer Wattson over the radio running a warrant, and heard dispatch indicate the subject had a misdemeanor warrant. S. Huot left the station, found out where Wattson was, and drove to the Budget Inn. He became aware that Wattson had gone out on a “check the welfare,” and that the reporting party was a security guard at the hotel.

S. Huot walked up the stairs to the second floor and saw two men who were security guards standing outside the open door. At that point he activated his body worn camera. At some point he also put on latex gloves. When he looked inside the room he saw a subject, later identified as Branch Wroth, sitting on the bed wearing a shirt and nothing else. Officer Wattson was standing in front of Mr. Wroth, and was talking to him. Officer Wattson put up a hand which S. Huot took as a signal to wait outside. S. Huot stood by, awaiting further direction.

S. Huot could hear Officer Wattson trying to get the subject to put his pants on. Wattson then looked at S. Huot and motioned him forward. S. Huot walked in said, “Hello sir, what’s your name?” S. Huot said the subject had a “thousand-yard stare,” and he seemed to be having some type of psychiatric emergency or was possibly under the influence. He spoke very slowly and was unable to perform basic actions such as putting his pants on. He looked at S. Huot like he had no idea who he was. The man said his name was Branch and asked S. Huot’s name. S. Huot told him his name was Officer Huot. Wroth said, “Huot?” Officer S, Huot replied, “It’s a weird name I know.”

Officer Wattson then urged Wroth to put his pants on so they could find out if the warrant was citable. At that point S. Huot observed that the subject’s left leg was in the right leg of his pants, which were turned inside out. He was struggling to get his pants fully on and the two officers stood

there for a short period of time before Officer Wattson told the subject that “we’re going to stand up, Branch.” At that point Officer Wattson grabbed the subject’s left arm. Officer S. Huot grabbed his right arm in order to stand him up, put handcuffs on and go outside. As soon as the officers grabbed him, the subject tensed up, pulled his arms in and pulled them forward. The three of them went into a wall where the window was. He heard Wattson say something like, “don’t fight with us, or, don’t resist.” S. Huot also told Mr. Wroth not to resist. The officers tried to get his arms around his back while he was up against the wall and Wroth continued to resist with a lot of force. S. Huot called in on his radio for another unit. Wattson then said, “Let’s dump him,” which meant to try to get him on the ground because they were unable to get the handcuffs on with him in a standing position.

As the officers tried to get the subject on the ground he continued to resist. He was swinging his arms around. S. Huot was trying to hold his right arm in place but the subject was strong and he continued to move and thrash around. S. Huot described the subject as the strongest man he had ever had a physical altercation with on the job. He thought Wattson might have delivered a couple of distraction blows to the head area. S. Huot was unsure if the blows connected. Wattson threw a couple of knees to the subject’s abdomen and S. Huot threw one knee to the subject’s abdomen. S. Huot said nothing they did had any effect on the subject. He continued to resist and was “kind of screaming out of control during the whole altercation.”

The two officers continued to tell the subject to stop resisting. S. Huot felt they had reached a stalemate with the subject. At that point Wattson disengaged and said, “Taser, Taser.” S. Huot disengaged from the subject and Wattson deployed the Taser into the subject’s back. Mr. Wroth began to scream immediately but stayed standing for 3-5 seconds before he went to the ground, still thrashing and fighting. He landed on his back and continued to scream. Both officers told him to get on his stomach and put his hands behind his back, but the subject did not obey the commands. They continued to yell for the subject to get on his stomach. He stayed on his back until the Taser cycle ended. The subject then tried to get up and continued to resist and fight the two officers.

The two officers re-engaged with the subject on the ground as he tried to get up. S. Huot grabbed one of his arms and tried to pull it behind his back to get one handcuff on. Both S. Huot and Wattson continued to tell the subject to get his hands behind his back and stop resisting. He continued to actively fight. Officer S. Huot said he was eventually able to get one handcuff on the subject’s wrist and held the cuff by the center chains. The subject continued to fight. Wattson then deployed the Taser somewhere in the subject’s lower portion, possibly in the leg. S. Huot was shocked by the Taser because he had been holding part of the handcuff. S. Huot fell backward from the shock then grabbed back on to the handcuffs. The two officers continued to yell at the subject to get on his stomach and stop resisting and fighting. The struggle continued for some time and the officers were unable to get the subject under control. S. Huot had one of the subject’s arms but was unable to get it behind his back. S. Huot believed Wattson was trying to control the subject’s other arm but the subject was thrashing and resisting. At some point in the altercation, S. Huot’s sunglasses came off as well as his body worn camera.

Officer M. Huot then came into the room followed by Officer Werle and Sgt. Matzen. Those three officers gave commands to the subject to stop resisting and stop fighting. With the help of the other officers they were able to get Mr. Wroth’s other hand behind his back and handcuff him. Even

with the handcuffs on, the subject continued to fight and kick as the officers tried to get him on his stomach and keep him there. A decision was made to put the subject into maximum restraints. He believes another officer went to get the equipment. Meanwhile, the officers were struggling to keep the subject in place as he continued to fight.

Then Officer Werle said the subject wasn't breathing. At that point he realized the subject was no longer moving. The officers rolled the subject over and checked for a pulse and breathing. S. Huot believed the subject had a pulse, but was not breathing. S. Huot announced on the radio they were starting CPR and the subject was not breathing. S. Huot thought both fire units were on the scene by that time. Officer Hayes led the lifesaving measures. They put an airway management tool in the subject's mouth to try to open the subject's airway, and put a valve mask over his mouth and began rotating CPR. S. Huot held the valve mask. They were also able to get an AED (defibrillator) attached, however, the AED continued to say shock not advised. Paramedics arrived, set up an IV and took over. S. Huot continued to hold the airway mask until he was called out of the room by his commander. The subject was declared deceased shortly after.

Summary Of Statement Of Officer Matt Huot

Officer Matt Huot was interviewed on May 13, 2017 at 3:12 a.m. At the time of the incident, Officer M. Huot stated that he worked for Rohnert Park Public Safety for five months. Prior to that, he worked as a police officer for the City of Clear Lake for one year, seven months. M. Huot's specialized training included DAR seven step, and Behavioral Analysis Training Institute (BATI). M. Huot graduated from the police academy at Santa Rosa Junior College and had completed field training about two weeks prior to the time of this incident. His normal working hours were 4 p.m. to 2 a.m. Thursday through Sunday. His brother is Officer Sean Huot.

Officer M. Huot had not yet officially begun his shift on May 12, 2017 when he heard a fight and something about a Code 3 (lights and sirens) on the radio, at approximately 3:30 p.m. He realized that an officer was engaged in a fight, and began running, leaving behind his body worn camera and other equipment. He then saw Officer Werle and they both ran to their patrol cars. As he and Werle left the station, he saw Sgt. Matzen right behind them in another car. Officer Werle asked for an updated location and he heard 6000-something Redwood Drive. He believed the call to be at the Budget Inn on Redwood Drive, a high drug use, high-crime area of Rohnert Park.

The officers headed down Rohnert Park Expressway. There was heavy traffic and it took some time to get to the motel. At the time, M. Huot was unaware whether there were one or two officers involved in the fight. As they pulled into the driveway between the Rodeway and Budget Inns, he saw two patrol cars. He and Officer Werle began running toward the Budget Inn. They sprinted upstairs, and saw two security guards standing by the window of a motel room.

As M. Huot approached the room, he thought he saw an officer's legs hanging out of the door. He saw a man on the ground on his stomach, naked from the waist down. He could see Officer Wattson and Officer S. Huot trying to control the man and the subject was actively resisting, with his legs "kicking every which way," and yelling and moving his head. Officer Werle went in the room first and he saw Werle deliver several distraction blows with his flashlight to the subject's legs. The officers were in a very small area with Officer Wattson, Officer S. Huot and the subject near the

air conditioning unit. Wattson was at the subject's right arm, wedged between the subject and the wall. S. Huot was on the subject's left arm. Both officers appeared exhausted. Neither officer was able to control the subject's arms and get him into handcuffs.

M. Huot's objective was to get the subject in handcuffs. He got down on the ground with his knees on either side of the subject and put his hand on his back, which was wet. He described the subject as incoherent, profusely sweating and in his opinion, likely under the influence of some type of drug. He further described the subject as "pretty big," and of "above-average strength." He saw S. Huot trying to get a handcuff on the subject's left arm. He noticed two Taser prongs in the subject's right shoulder blade, but did not observe a Taser being deployed.

M. Huot grabbed the chain of the handcuff S. Huot was trying to apply. M. Huot said it took all his strength to get the subject's arm up and rotate it to the small of his back. He then grabbed the subject's other arm and got him into handcuffs. The subject was still resisting and M. Huot told him at least one time to please, stop resisting. When he had gotten the subject in handcuffs he put his left knee on the subject's shoulder blade, so he could put gloves on. The pressure on the subject was not heavy. M. Huot said his left foot was touching the floor and most of his weight was on his right foot. The subject was still resisting and M. Huot put his right hand on the side of the subject's head and held him down. The officers discussed going with a Figure 4 and a hobble (maximum restraint) and were going to try to pull the subject away from the wall. They all pulled and then Werle asked, "Hey, is he breathing?"

M. Huot was aware of Sgt. Matzen coming into the room but could not recall what he was doing. A fire crew then arrived, consisting of Rohnert Park Public Safety Officers Joe Huffaker, Matt Hayes, Justin Thompson and Captain Jeffrey Nicks. Cpt. Nicks rolled the subject over and cut his shirt off. They began administering CPR and M. Huot moved the bed so they would have more room to work. S. Huot got some items from the medical bag and they cycled through CPR. S. Huot held a non-breather mask over the subject's face and M. Huot administered air every five seconds. M. Huot estimated the entire CPR process lasted 25-30 minutes until the paramedic on scene called the time of death.

M. Huot said there was no force used by any of the officers, other than the distractions blows administered by Officer Werle to the subject's legs.

Summary Of Statement Of Officer Mike Werle

Officer Mike Werle was interviewed on May 13, 2017 at 3:54 a.m. At the time of the incident, Officer Werle had been a law enforcement officer with Rohnert Park Public Safety for 13 years. He received standard department training and had been a field training officer, served in the fire unit, and on the Crime Scene Investigations team. He had also been an EMT since 2001 and had been on approximately 2,500-5,000 calls as an EMT with Rohnert Park Fire.

Officer Werle was on duty on May 12, 2017, assigned to patrol. He began his shift at 2 p.m. at the Rohnert Park Public Safety station, catching up on paperwork. Other officers, including Officer Hartnett, were also there. Officer Sean Huot was in the building. Werle had his portable radio on

and heard something come through that was inaudible and not normal. He heard a series of mic clicks which signaled to him that some type of physical struggle was occurring. He heard dispatch trying to reach "Edward 21," the officer sending the communication. Officer Werle ran to his patrol vehicle and drove to the Budget Inn, the location of the call. Officer Werle knew the Budget Inn, which he described as a high-crime area and where he had been on hundreds of calls. Werle drove west on Rohnert Park Expressway Code 3, with another patrol car behind him. He drove to the northern part of the hotel and parked his patrol car near the stairs. He exited his vehicle, grabbing a mag-type black flashlight and his gloves. He locked his police car then ran to the top of the stairs. He could see two people in street clothes standing outside of a room. Later, Werle found out the two men were security guards. As he got to the room, he saw one of the men, wearing all black and wearing black latex gloves, squatting down and holding someone's legs, which were outside of the door. He told the men to get out of the way and walked in the room.

Werle could see Officer Wattson on the floor with a man who was naked, except for a T-Shirt. He could see Wattson was in trouble and the subject was actively resisting. Werle could also see Taser wires on the floor next to the subject's legs. The subject was on his stomach with his head facing inside the room and his legs outside the door. Werle put his right foot on the subject's leg, and applied pressure because the subject was flailing his legs. Wattson said, "Hit him," and Werle applied several strikes with the end of his flashlight to the meaty part of the subject's right thigh. The purpose of the strikes was to gain compliance of the subject so officers could get him into handcuffs. Wattson was then able to get the subject's left hand behind his back, but was still not able to handcuff him. Wattson moved his body so it was underneath Werle, who was standing up. Werle then delivered several blows to the subject's upper back, near his right shoulder blade, but was unable to deliver a large blow because Wattson was right below him. One or both of the Huot officers was able to get handcuffs on the subject. After the officers got the subject into handcuffs, Werle used his radio to request Code 3 medics to stand by in case the subject needed medical attention. Based on the condition of the room and the subject, he believed the subject might be under the influence of a controlled substance.

At almost the exact time as the handcuffs were applied, Sgt. Matzen applied a figure four to the subject. Werle described a figure four as a maneuver performed when the subject is on his stomach. The legs are bent at the knees, then both feet are crossed and the legs are pushed up against the buttocks. The figure four was used in preparation for a hobble (maximum restraint) because the officers did not believe the subject would walk out on his own. Sgt. Matzen was unable to get the subject's legs completely against his buttocks because he was still resisting.

Werle looked down at the subject and saw that the back of his neck was turning purple. In his experience as an EMT that meant the subject was not breathing. He called out, "Check him." Someone then rolled him over and found the subject wasn't breathing. Within seconds, someone began performing CPR. Both fire crews had arrived by this time and possibly two other officers. One of the fire crew retrieved a defibrillator and hooked the subject up. Werle was unsure if the subject was shocked. Officer Werle then stepped away and asked Officer Hartnett to interview the two security guards who were outside.

Summary Of Statement Of Sergeant Eric Matzen

Sergeant Eric Matzen was interviewed at 1:44 a.m. on May 13, 2017. At the time of the incident, Matzen had been employed with Rohnert Park Public Safety for almost 13 ½ years. He had been a firearms instructor since 2008. His normal working hours are Tuesday through Friday, 7:00 a.m. to 5:00 p.m. or 8:00 a.m. to 6:00 p.m. At the time of the incident he was an administrative sergeant. On May 12, 2017 he was covering a patrol shift and began his shift at 8:00 a.m.

Matzen was at the main office at around 3:00 or 3:30 p.m. on May 12, 2017 when Officer Sean Huot's voice came in over the radio. S. Huot was out of breath and was asking for additional units. Dispatch requested more information but S. Huot did not reply. Matzen contacted dispatch and said to send everyone. He then got in his patrol car and headed to the Budget Inn, Room 621. Officer Werle and Officer M. Huot were in front of him as he made his way to the motel. He knew the Budget Inn was a high-crime area and assumed S. Huot and Officer Wattson were likely in a fight or foot pursuit of some kind.

When Matzen exited his patrol vehicle Officers Werle and M. Huot were ahead of him. As he reached the second floor landing he saw two men standing by the room in suits. The door to the hotel room was open. The window was also open and did not have a window screen. As Matzen got to the open doorway he saw a subject on the right laying on the floor on his stomach. He could see S. Huot and Wattson trying to get the subject into handcuffs. He could hear the subject yelling and making grunting noises. He saw Werle apply a couple of distraction strikes to the back of the subject's right leg with his flashlight. Matzen believed the subject's left hand was already in a handcuff behind his back but the right hand had not been secured. Matzen heard someone shout, "Let go, let go of him, and give us your other hand." Matzen assumed the subject had grabbed an officer's hand or got it twisted in the handcuffs.

The subject was not giving up his other hand and Matzen became concerned he might be hiding a weapon. He heard Werle, S. Huot or Wattson shouting a couple of times to "stop resisting, stop resisting." Matzen then attempted to take control of the subject's feet using a Figure Four control hold. He described how the Figure Four Control is applied: "If someone's legs are extended towards me...take one ankle and leg and fold it over the back of the knee and then bring that other knee up and over...Crossing the legs and then you just put pressure, you know, on the legs to, to control his movements, to keep him from fighting and thrashing."

The subject was thrashing and kicking and was able to push Matzen back 2-3 times before Matzen was able to put him in the hold. Matzen described the control he placed on the subject as "effective." As he applied the Figure Four he noticed there a body worn camera outside the door on the sidewalk. The back clip had been broken.

The other officers had still not been able to get the subject's right hand into a handcuff. Once he was in the Figure Four the subject continued to move and make sounds. Matzen saw that the subject was wearing only a T-shirt and was naked from the waist down. He also noticed a couple of Taser barbs in the subject's back. He had not heard a Taser deployment and believed the Taser had been deployed before he got there.

Officers were finally able to get the subject's right hand in the handcuff. Matzen heard Officer Werle call for an ambulance. Officer Hartnett arrived and Matzen asked her to go get a maximum restraint, also known as a hobble. The subject's right side was up against the wall just inside the front door. The plan was to slide him over and place him in the maximum restraint. About that time he heard Officer Werle say, "Check him." Fire crews then arrived on scene consisting of Sgt. Nicks, Officers Huffaker, Hayes and Thompson. They checked the subject for vital signs. He released the figure four and everyone rolled the subject on to his back. Nicks, Huffaker, Thompson and Hayes began CPR. Matzen directed someone to go downstairs and get the medical bag and Werle called for a defibrillator. Those items were brought up and the fire crew continued to perform life-saving efforts. Matzen left the room and later heard that the subject was deceased.

Matzen was not injured during the incident. Matzen had activated his body worn camera prior to going into the room and kept it activated until lifesaving efforts were underway. Other than distraction blows applied by Officer Werle, he did not see any of the officers kick, strike or slap the subject.

F. SUMMARY OF FIRE AND MEDICAL PERSONNEL STATEMENTS

Summary Of Statement Of Kenneth Chaffee, Paramedic

Kenneth Chaffee was a licensed paramedic working for American Medical Response (AMR), also known as Sonoma Life Support. On May 12, 2017, Mr. Chaffee began his shift at 9:00 a.m. He and his partner Lia Gaetano responded Code Three to a call at the Budget Inn from their location on Golf Course Drive. Dispatch indicated the call was for a man exhibiting bizarre behavior.

When Chaffee and Gaetano arrived at the motel at approximately 3:40 p.m., he heard an officer say a man had suffered a cardiac arrest. He and Gaetano grabbed their medical gear, placed it on a gurney and carried it up to Room 621. There were approximately ten fire and police personnel in the room when he arrived. A naked man was on the floor on his back. He was handcuffed and someone from fire was performing CPR. Chaffee noticed some minor abrasions to the man's shins but no other external injury. He also observed Taser wires near the man's body.

Chaffee received information that there had been a physical altercation and the man on the floor had been tased and gone into cardiac arrest. As fire personnel continued to administer CPR with an automated external defibrillator (AED) in three 2 minute cycles, Chaffee began the process of switching their medical equipment with his. He noticed that equipment indicated the man was not in a shockable rhythm. He checked the man's blood sugar and began administering fluids as well as epinephrine and Narcan through an IO, which is a drill into the bone. The man was unresponsive to treatment and Chaffee pronounced him deceased at 4 p.m. He estimated fire and medical worked on the man for about 30 minutes.

During the course of the treatment, Mr. Chaffee and his team followed protocol and did not deviate in any manner.

Summary of Statement of Lia Gaetano, EMT

Lia Gaetano was an EMT working for AMR with Kenneth Chaffee. She began her shift at 10 a.m. on May 12, 2017. She and Chaffee responded to the Budget Inn Room 621 from their post at the Mary's Pizza Shack parking lot on Golf Course Drive on a request for medical aid. When she arrived, CPR was in progress with an AED. She saw two firefighters with Rohnert Park Public Safety trading off performing CPR on the subject every two minutes and assisting him in breathing and keeping his airway open. AMR began the process of switching over to their own equipment and continued life-saving efforts. Gaetano said everything was done to keep the patient alive.

Summary of Statement of Captain Jeffrey Nicks, Rohnert Park Public Safety

Captain Jeffrey Nicks was performing his duties as Fire Department captain on May 12, 2017. He was working in Engine #9982 with Officer Joe Huffaker when they heard someone on the radio requesting code three cover. They responded to the Budget Inn from F section in Rohnert Park. When they arrived they saw Officer Felicity Hartnett running to her patrol car to retrieve a maximum restraint device. He and Huffaker followed Hartnett up to Room 621 where he saw a man face down on the floor with his hands handcuffed behind his back. He was wearing a shirt but was not wearing pants. There were two Taser barbs in his back. Rohnert Park Public Safety Officers David Wattson, Mike Werle, Sean Huot, Matt Huot and Sgt. Eric Matzen were in the room and Wattson was on the man's legs trying to control him. The room was in disarray. Officer Matt Huot was moving the bed to make more room for the officers to work. The officers were planning to place the man in maximum restraints.

Nicks then heard Officer Werle say, "Look at him." Nicks noticed the man's face had turned purple in color. The officers immediately rolled the man over onto his back. By that time two additional fire personnel, Matthew Hayes and Justin Thompson, arrived in the room. Hayes began CPR and Nicks took over compressions from Hayes. They used a defibrillator and bagged the subject to help him breathe. Medical personnel then arrived and took over life-saving efforts. He estimated life-saving efforts lasted between 20-25 minutes.

Summary of Statement of Public Safety Officer Justin Thompson, Rohnert Park Public Safety

Rohnert Park Public Safety Officer Justin Thompson was assigned to the fire unit on May 12, 2017. His partner that day was Officer Matthew Hayes. He began work at 7:00 a.m. that morning. The two responded to the Budget Inn and initially believed they were responding to an altercation. When he arrived he saw several patrol officers and personnel from engine 9982. When he entered the room he saw a completely naked male on the floor, handcuffed. There were Taser wires on the ground. The air conditioning unit appeared broken and the room was in complete disarray. He saw the male was not breathing. He had a blue tint to his feet. Hayes checked the man's vital signs and began CPR. Because they thought they were responding to an altercation, he had not brought medical equipment. At that point he went downstairs and grabbed a medical bag, including an AED from engine 9982. He handed Officer Hartnett the medical bag and turned on the AED as he was going into the room so it would be ready to apply. He then applied AED pads to the subject and personnel performed CPR for approximately 25 minutes alternating chest compressions, and

checking vital signs, including heart rate and pulse, every two minutes. The male subject was pronounced dead at 4:00 p.m.

Summary of Statement by Public Safety Officer Matthew Hayes, Rohnert Park Public Service

Officer Hayes had been employed by Rohnert Park Public Service for 17 months on May 12, 2017. Prior to that he was an EMT with Sonoma Life Support for eight and a half years. He and his partner Officer Thompson were driving back to the station when they heard a garbled transmission on the radio. They interpreted the transmission as a call for assistance and drove to the Budget Inn from their location at Country Club Drive at Rohnert Park Expressway. He estimated it took them four to five minutes to get to the motel. He heard Code 3 medical as he arrived. Engine 9982 was on scene when they arrived and he saw Captain Nicks and Officer Huffaker going up the stairs.

Hayes proceeded upstairs and was behind Officer Huffaker as they came into the room. He saw a man lying on the ground with his feet across the doorway. The man was wearing only a T-shirt and was handcuffed. He observed Taser wires across his back. He heard Officer Werle ask for someone to check his pulse. The man was rolled over and he appeared purplish and ashy in color. He noticed the man had urinated on himself. The air conditioner in the room was torn apart.

Hayes began CPR. Officer Thompson provided an AED and Officer Huffaker placed it on the subject. The AED analyzed the subject's rhythm and indicated "no shock advised." They continued to follow the commands of the AED through two cycles. During the third cycle medics from AMR arrived. He and Captain Nicks continued CPR as the paramedics took over. He estimated life-saving efforts lasted about 27 minutes before Kenneth Chaffee pronounced the subject deceased.

G. SEARCH WARRANT AT ROOM 621, BUDGET INN, 6298 REDWOOD DRIVE, ROHNERT PARK, CALIFORNIA.

Sonoma County Sheriff's Detective Scott McKinnon prepared a search warrant for Room 621 of the Budget Inn on the evening of May 12, 2017. The warrant was then approved by the Honorable Virginia Marcoida. Sonoma County Sheriff's Detectives Jeff Toney and Jesse Hanshew then conducted a scene walkthrough. Detective Hanshew observed Mr. Wroth's body on the floor of Room 621. His head was pointing southbound and his feet were pointing northbound. He observed damage to the air conditioning unit and a window screen near the south wall.

Crime Scene Investigations Detective then processed the scene, taking photographs and conducting a 3D scan of the room. Among the items recovered during the service of the search warrant were a Taser cartridge and Taser wires, Grey pants, a shirt and medical waste.

H. NOTIFICATION OF MR. WROTH'S FAMILY

At approximately 10:28 p.m., Sonoma County Sheriff's Detective Jayson Fowler and Coroner Bottomley drove to Forestville to notify Mr. Wroth's mother Marni of his death. Mr. Wroth's

brother Esa answered the door and told Det. Fowler his mother wasn't home. Det. Bottomley informed Esa Wroth that his brother had died.

At 11:09 p.m., Det. Fowler called Esa Wroth and spoke more specifically about his brother's death. On May 13, 2017 at 12:46 a.m., Fowler left a phone message for Marni Wroth. He spoke with Mrs. Wroth a short time later and informed her of the circumstances of her son's death. The same morning, approximately 2:04 a.m. and 2:07 a.m., Det. Fowler spoke with Esa Wroth, then Delson Wroth, both by phone, and explained the circumstances of their brother's death.

I. EXAMINATION OF TASERS

On May 25, 2017 Sonoma County Sheriff's Office Deputy Emily Dickey was tasked with performing a forensic examination of the Tasers worn by the officers involved in the May 12, 2017 incident at the Budget Inn, Room 621. Deputy Dickey had been certified by Taser International as a Taser instructor, which allowed her to train officers on various models of Tasers. Dickey retrieved all Tasers from the Evidence/ Property unit.

Item DMF 12, belonging to Officer David Wattson, was sealed in a white cardboard box with evidence tape. Dickey cut the tape and found an X26 Taser zip-tied to the box. She removed the zip ties from the Taser. The Taser contained a battery and a spare, unfired Taser cartridge. She inspected the Taser and found it to be in working order. She downloaded the firing log of the Taser. Dickey later reviewed the firing log and found the Taser had six trigger pull activations on May 12, 2017. The trigger pulls occurred at the following times and duration:

16:01:47: 5 second duration
16:01:53: 5 second duration
16:02:10: 1 second duration
16:02:13: 4 second duration
16:02:32: 5 second duration
16:02:46: 5 second duration

The fact that a trigger pull is recorded only means the Taser trigger was pulled. It does not mean that a connection was made.

Dickey explained that 31 minutes and 21 seconds should be subtracted from each time to account for automatic synchronization to the computer used for the download.

Dickey performed the same examination on Sgt. Eric Matzen's Taser (EM 1), Officer Sean Huot's Taser (SH1), and Officer Mike Werle's Taser (MW1). None of the Tasers had trigger pulls on May 12, 2017.

Dickey placed all firing logs on CD and booked them into evidence.

K. AUTOPSY AND CAUSE OF DEATH

The Sonoma County Coroner's Office removed Mr. Wroth's body from the motel room at 1:45 a.m. on May 13, 2017. The Sonoma County Sheriff's Office Coroner Investigation Unit scheduled an autopsy on the decedent for May 15, 2017. The decedent's family's attorney, Isaak Schwaiger contacted Sgt. Adrian Mancilla and requested to have his pathologist present at the autopsy. Citing Government Code Section 27491 and his department's policy, Mancilla denied the request. Schwaiger notified Mancilla on the evening of May 14 that Judge Elliot Daum had signed an order prohibiting the autopsy from going forward.

On the morning of May 15, 2017 Judge Daum issued an order allowing the autopsy to proceed on May 15, but ordered that it be audio and video recorded. After pathologist Dr. Kimi Verilhac recused herself from performing the autopsy, Dr. Arnold R. Josselson, M.D., agreed to conduct the autopsy, but was unavailable until May 17, 2017. In the meantime, Josselson gave the Coroner's office permission to take blood from the decedent, in order to preserve the blood for toxicology testing. A forensic assistant completed the blood draw on May 15, 2017 at 3:16 p.m.

Dr. Josselson conducted the autopsy of Branch Wroth on May 17, 2017. He noted Mr. Wroth weighed 238.5 pounds and was 68 ½ inches tall. Dr. Josselson conducted an external examination and noted no evidence of fracture or hemorrhage of the nose or mouth. Mr. Wroth's wrists were handcuffed. There was evidence of "medical therapy" including an oxygen cannula in the nose, an oral airway, defibrillator pads on the chest, EKGs on the arm and abdomen and an intraosseous needle in his lower right leg.

Dr. Josselson noted a number of external injuries, including:

- Multiple cutaneous abrasions, including 5 millimeter (mm) superficial laceration on lateral lower right back, surrounded by a 2 mm abrasion. Above that approximately 6 purple contusions ranging from 1mm to 4 mm. Within one purple contusion was a 44mm laceration.
- Abrasion on upper left forearm, left second and third fingers, right chest and both knees
- Deep abrasion on left palm
- Scalp hemorrhage
- Hemorrhage of the right temporal muscle
- Two separate hemorrhages of back muscles
- Fracture of the right second rib
- Hemorrhage of intercostal muscles on right

In his internal examination of Mr. Wroth's body, he noted a 2.5 x 4 cm contusion on the right frontal scalp under the overlying contusion on the forehead. He noted a small area of hemorrhage on the lower anterior thyroid cartilage. Mr. Wroth's heart was slightly enlarged. Dr. Josselson's autopsy findings also noted pulmonary congestion in both lungs.

Dr. Josselson reserved his opinion as to the cause of death until toxicology results became available. On October 30, 2017 Dr. Josselson released his final postmortem report. He concluded the cause of death was "cardiopulmonary arrest immediately after a struggle with law enforcement while under the influence of methamphetamine, (minutes)."

Mr. Wroth's brain was sent to Forensic Pathologist/Neuropathologist Dr. Bennet Omalu for examination. Dr. Omalu noted the following diagnoses:

- Congestive Brain Swelling, global, with diffuse cerebral parenchymal edema, acute, mixed cytotoxic-vagogenic
- Focal Mid-Sagittal Micro-Laceration with surrounding microhemorrhages, superior splenium of the corpus callosum

Dr. Omalu's findings did not change Dr. Josselson's opinion that Mr. Wroth died as a result of cardiac arrest, not brain swelling or injuries to the scalp. The brain swelling, he said, was the result of the cardiac arrest.

The blood sample taken from Mr. Wroth's femoral artery was tested by NMS labs. The toxicology report, issued on June 2, 2017, stated that Mr. Wroth had the following substances in his blood at the time of his death: Naloxone, 5.3 ng/mL, Delta-9 THC, 320 ng/mL Amphetamine, and 820 ng/mL Methamphetamine. According to the report, Naloxone is a narcotic antagonist used to counter the nervous system effects of opioids. It is also known as Narcan. The report goes on to describe all the substances but specifically states the following regarding Amphetamine and Methamphetamine:

“Amphetamine (Adderall, Dexedrine) is a Schedule II phenethylamine CNS¹-stimulant...when used in therapy, initial doses should be small and increased gradually....following a single oral dose of 10mg amphetamine sulphate, a reported peak blood concentration of 40ng/ml was reached at 2hr. Following a single 30mg dose to adults, an average peak in plasma level of 100ng/ml was reported at 2.5 hr. A steady state blood level of 2000-3000 ng/ml was reported in an addict who consumed approximately 1000 mg daily. Overdose with amphetamine can produce restlessness, hyperthermia, convulsions, hallucinations, respiratory and/or cardiac failure. Reported blood concentrations in amphetamine related fatalities ranged from 500-41000ng/ml (mean 9000 ng/ml). Amphetamine is also a metabolite of methamphetamine, benzphetamine and selegiline.”

“d-methamphetamine is a DEA schedule II stimulant drug capable of causing hallucinations, aggressive behavior and irrational reactions. Chemically, there are two forms (isomers) of methamphetamine: l- and d-methamphetamine. The l-isomer is used in non-prescription inhalers as a decongestant and has weak CNS-stimulatory activity. The d-isomer has been used therapeutically as an anorexigenic agent in the treatment of obesity and has potent CNS-, cardiac-, and circulatory-stimulatory activity...d-methamphetamine is an abused substance because of its stimulatory effects and is also addictive. Blood levels of 200-600ng/ml have been reported in methamphetamine abusers who exhibited violent and irrational behavior. High doses of methamphetamine can also elicit restlessness, confusion, hallucinations, circulatory collapse and convulsions.”

¹ CNS: Central Nervous System

V. STATEMENT OF THE LAW

Under the Fourth Amendment of the United States Constitution, persons 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.² As will be discussed below, it is not necessary to determine whether in this case officers were “engaged in making a lawful arrest” of Branch Wroth at the time he suffered from cardiac arrest. Instead, the analysis 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 made.

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 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.³ 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 the officer to make an informed decision whether 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.”⁴ 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—live ones. Without becoming a police state, we may still protect the policeman’s status.’”⁵

² Graham v. Connor (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.

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

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

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

When Rohnert Park Public Safety Officer David Wattson arrived at the Budget Inn, Room 621, he had been provided information a person in the room was acting erratically. He spoke with a security guard who had previously contacted Mr. Wroth in the room and learned Mr. Wroth was ripping his clothes and had torn up the room. When Officer Wattson walked into the room, he observed Mr. Wroth nearly naked from the waist up, holding his pants around his legs with his genitalia exposed. Mr. Wroth was clearly in an extremely agitated state and told the officer, "I'm having a meltdown." Mr. Wroth was coughing, appeared confused and was tearing his pants. He told Officer Wattson he had been poisoned. While Officer Wattson spoke to Mr. Wroth trying to determine what was wrong, he also called in Mr. Wroth's identifying information and learned he had a misdemeanor warrant for his arrest. This information would lead a reasonable officer to believe that Mr. Wroth might be wanted for a crime. The officer's knowledge of the misdemeanor warrant, along with his concern for the suspect's mental health and his suspicion Mr. Wroth was under the influence of a controlled substance, justified a detention to further investigate.

Wattson chose to detain Mr. Wroth in handcuffs so he they could walk downstairs together to see if the warrant was citable. It was reasonable for Wattson to choose to place Wroth in handcuffs and take him downstairs rather than leaving him alone in the motel room while he checked the warrant. Based on his training and experience, and observations of Wroth chewing his clothes and other strange behavior, Wattson had reason to think Mr. Wroth might be under the influence of controlled substances and could be a danger to himself or others.

Officer Wattson showed restraint, using the least amount of force possible at each stage. First he calmly spoke to Mr. Wroth and attempted to get him to voluntarily go into handcuffs and walk down the stairs. He explained what he was going to do and why and made sure Mr. Wroth understood what was needed. Only when it became apparent Wroth was not going to comply with his orders did Wattson call for his cover officer to come in the room. Wattson delayed physical contact with Wroth until it was absolutely necessary.

b. Rights And Duties During An Arrest

A peace officer may arrest a person without a warrant whenever the officer has probable cause to believe that the person to be arrested has committed a public offense in the officer's presence or that he has committed a felony.⁶ 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.⁷ If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such a person to refrain from using force or any weapon to resist such arrest."⁸

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 the right to self-defense by the use of reasonable force to

⁶ Penal Code section 836 (in pertinent part).

⁷ Penal Code section 835, 835a

⁸ Penal Code section 834a.

effect the arrest, to prevent escape, or to overcome resistance.⁹ The United States Supreme Court has stated, “Determining whether the force used to effect 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.”¹⁰ This “careful balancing” includes consideration of “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 (she) is actively resisting arrest or attempting to evade arrest by flight.”¹¹ The Ninth Circuit Court of Appeals has also noted: “All determinations of ‘unreasonable force must embody allowances for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving...about the amount of force that is necessary in a particular situation.’”¹² Furthermore, the determination of reasonableness must be judged from the perspective of the reasonable officer on scene, rather than through hindsight.¹³

Officers are not required to use the least intrusive methods, but instead, the appropriate inquiry is whether the officers acted reasonably.¹⁴ 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, and 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.¹⁵ The determination of whether the amount of force used was “reasonable” is not limited to a discussion of the nature and amount of force actually used or whether the force used resulted in death. The “reasonableness” inquiry requires a careful consideration of all of the facts and circumstances surrounding the event.

Once Mr. Wroth began actively resisting Officers Wattson and Sean Huot, they had probable cause to make an arrest for violating Penal Code section 148(a)(1) as well as for the outstanding warrant. Mr. Wroth was violently thrashing and pulling the officers toward the open window. It was reasonable for the officers to use force to keep Mr. Wroth from going out the window, injuring the security guards standing outside and possibly dragging both officers and himself over the railing. Given the strength of Mr. Wroth, described by security Brian Morrow as comparable to a “Hercules,” it was also reasonable to escalate their use of force when Mr. Wroth refused to comply with their orders to “get on your stomach” and “stop resisting.” Both officers, along with security guard Brian Morrow, were unable to subdue Mr. Wroth, justifying Officer Wattson’s decision to deploy his Taser into Mr. Wroth’s back.

⁹ Penal Code section 835a

¹⁰ Graham, 490 U.S., at 396

¹¹ Id.

¹² Scott v. Henrich (9th Cir. 1994) 39 F.3d 912.

¹³ Graham, 490 U.S., at 396-7

¹⁴ See, e.g., Illinois v. Lafayette, 462 U.S. 640, 647, 77 L. Ed. 2d 65, 103 S. Ct. 2605 (1983); United States v. Martinez-Fuerte, 428 U.S. 543, 556-57 n.12, 49 L. Ed. 2d 1116, 96 S. Ct. 3074 (1976).

¹⁵ Henrich (9th Cir. 1994) at 915.

B. DISCUSSION OF THE LAW AND OF THE EVIDENCE

When law enforcement officers are called out to a continuously unfolding event, and during detention or arrest, the subject dies, the analysis is conducted from the position of what an objectively reasonable officer, knowing and seeing what the particular officer(s) in question knows and sees at the time of the use of force. The use of force must be reasonable in that light. Officers have no obligation to use the least amount of force to effectuate a detention or arrest, nor any obligation to retreat or desist in using force in the face of resistance.

On May 12, 2017, Officer Wattson was dispatched to the Budget Inn in Rohnert Park regarding a man acting erratically. Officer Wattson entered the room and saw a clearly agitated male with his pants down and his genitalia exposed. Wattson believed the man was possibly under the influence. Officer Wattson determined who Mr. Wroth was and that he had a warrant. He made no attempt to physically detain Mr. Wroth right away. He spoke to Mr. Wroth in a calm and friendly manner. Mr. Wroth claimed he had been poisoned. He said that his pants were drenched in chemicals. After about four minutes, Officer Wattson told Mr. Wroth he had a warrant and he would have to come with him to see if the warrant was citable. At no time prior to physical detaining him was Officer Wattson aggressive, either verbally or physically. Officer Wattson told Mr. Wroth about taking him downstairs, "It will be super easy. I just have to check what it's for." He asked if Mr. Wroth was "able to go with the program," and Mr. Wroth replied he could go with the program if he knew what the program was. Officer Wattson told Mr. Wroth he wanted him to pull his pants up and put them on and, "I'm going to put you in handcuffs and we're going to see if it's citable."

Mr. Wroth remained seated on the edge of the bed and began slowly putting on his shirt. He told Officer Wattson he couldn't put on the pants because they were saturated. Mr. Wroth didn't have any other pants to wear but insisted his pants were drenched with chemicals. Officer Wattson said he had to wear something and his pants would just have to do. Officer Wattson promised to get the pants off quickly.

Mr. Wroth then placed his arms across his chest and stood up. He appeared to be taking some deep breaths. Mr. Wroth told Officer Wattson that the pants were what was making him sick. Officer Wattson suggested he put the pants on wrong side out. Mr. Wroth said, "I don't want these damn fuckin' pants, dude."

At that point, Wattson told Mr. Wroth to stand up and put his hands behind his back. Mr. Wroth said, "I'll do it," then continued to sit on the bed, holding his pants. He began putting the pants partially on. After more than 10 minutes of trying to reason with Wroth to get him to put on his pants and go downstairs, Wattson called in his cover officer, Huot, to assist him in getting Wroth into handcuffs. Officer S. Huot, who had been waiting just outside the room, entered. He made no aggressive moves toward Mr. Wroth, but introduced himself as a police officer. Officer Wattson urged Mr. Wroth to "put that other pant leg on so we can get going, Branch." Mr. Wroth was still unable to get his pants on. When he realized his efforts to get Mr. Wroth to comply were fruitless, Officer Wattson said, "All right, we're going to stand you up and get you in some handcuffs, all right?" Wattson then took Mr. Wroth by his left arm and helped him off the bed into a standing position. Officer Huot took Mr. Wroth's other arm. Those actions were the first physical contact the officers had with Mr. Wroth and were reasonable under the circumstances.

Mr. Wroth immediately began screaming and pushing himself and the officers toward the window. He began screaming, "Help me," over and over. Officer Wattson yelled, "Dump him," which meant getting Mr. Wroth on the ground so they could get him into handcuffs. Mr. Wroth pushed out the window screen and attempted to get out of the window, all the while yelling and violently resisting. At that point Officer Wattson applied compliance strikes with a closed fist to his back, to keep him from going out of the window. Wattson believed he also tried elbow strikes because Mr. Wroth had managed to get most of his body out of the window. Sometime during the struggle Officer S. Huot "threw a knee" into Mr. Wroth's abdomen. All during this initial struggle the officer yelled to Mr. Wroth over and over to "get on the ground, get on your stomach." Mr. Wroth resisted and fought with great strength and ferocity, forcing officers to escalate their use of force to take him into custody.

Officer Wattson yelled "Taser, Taser, Taser," then deployed his Taser for a 5-second cycle. Wroth fell back into the room but continued kicking at the officers and flailing his arms and legs. Security guard Morrow, who was trying to push Mr. Wroth back into the room, said that the first tasing had no effect on Mr. Wroth.

Officer Wattson yelled again for Wroth to "get on your stomach you're going to get tased again." When Wroth failed to comply and continued to resist, Officer Wattson deployed his Taser again for another 5-second cycle, possibly hitting Wroth in the back or lower leg. After the second tasing, Mr. Wroth still refused to comply with orders from the two officers. Officer Wattson stated Mr. Wroth fought through it, continuing to punch, kick and try to throw his arms around Officer S. Huot. The officers were unable to get Mr. Wroth's hands behind his back to apply handcuffs. In another attempt to gain Mr. Wroth's compliance, Officer Wattson deployed his Taser a third time, applying the Taser to Mr. Wroth's calf. Mr. Wroth continued to fight, kick and try to get out of the room, so Wattson applied the Taser one more time. Once again, the tasing failed to have an effect on Mr. Wroth. Wattson disconnected the Taser and then tried to grab one of his arms.

Wattson's and Huot's initial attempts to avoid force, followed by their restrained use of force was objectively reasonable during this contact with Mr. Wroth. They were engaged in a violent and chaotic battle caused by Mr. Wroth's unwillingness to submit to their lawful authority. Given that two police officers and a 330-pound security guard were unable to control Mr. Wroth and that he continued to fight, kick and try to get out of the room, Officer Wattson's decision to deploy his Taser multiple times was reasonable.

When Officer Mike Werle came in the room, Officer Wattson was engaged in a struggle with Mr. Wroth on the floor of the motel room. Despite being tased, Mr. Wroth was still actively resisting. Werle said he could tell Wattson was "in trouble." Officer Matt Huot, who entered the room at almost the same time as Werle, described Officers Wattson and S. Huot as "exhausted." Werle placed his right foot on Mr. Wroth's leg which was kicking and flailing, and applied pressure. He saw Wattson was struggling with Mr. Wroth's left arm. Wattson said, "Hit him," and Werle applied several strikes to the meaty part of Mr. Wroth's thigh in order to gain compliance and get Mr. Wroth's arm behind his back. Werle's flashlight strikes appeared to have some effect and Officer Wattson was able to get Mr. Wroth's arm behind his back. However, Wattson was still unable to get the handcuff on. Werle then delivered several blows to Mr. Wroth's upper back near his

shoulder blade. At that point officers were able to get Mr. Wroth into handcuffs. Given Mr. Wroth's refusal to stop resisting at this point, and Officer Werle's knowledge that his fellow officers were struggling to gain control of Mr. Wroth, his blows with the flashlight were reasonable.

Officer Matt Huot meanwhile, was trying to assist in getting Mr. Wroth handcuffed. He had his knees on the side of Mr. Wroth who was on the ground. S. Huot was attempting to get a handcuff on Mr. Wroth's left arm. M. Huot grabbed Mr. Wroth's arm, using all his strength to rotate it up and behind his back. Mr. Wroth was still actively resisting and refusing to follow orders. Once Mr. Wroth was in handcuffs, M. Huot placed his left knee on Mr. Wroth's shoulder blade so he could put gloves on. He described the pressure on Mr. Wroth as "not heavy," because most of his weight was on his right foot. Because Mr. Wroth was still resisting, M. Huot put his hand on the side of Mr. Wroth's head and held him down. Given the fact that two police officers had been unable to gain compliance of Mr. Wroth, and M. Huot's knowledge that both officers appeared exhausted, his use of force in trying to get Mr. Wroth in handcuffs was reasonable under the circumstances.

Sgt. Eric Matzen, who had entered Room 621 at approximately the same time as Officers M. Huot and Werle, saw Mr. Wroth on the floor on his stomach. The officers were struggling to get Mr. Wroth into handcuffs. Matzen believed that Mr. Wroth's left hand had been secured in handcuffs but his right hand had not. Matzen was concerned that Mr. Wroth might be hiding a weapon. He heard an officer shouting at Mr. Wroth to stop resisting. Matzen acted by grabbing Mr. Wroth's feet to try to effectuate a "Figure Four" hold. Mr. Wroth thrashed and kicked, pushing Matzen back two to three times before Matzen was able to get him in the hold. Given the fact Mr. Wroth was actively resisting three other police officers, it was reasonable for Matzen to use the restraint hold to gain control of Mr. Wroth. Mr. Wroth's exhibition of extra-human strength made it impossible for the officers to control him without the use of restraints.

VI. CONCLUSION

Although Mr. Wroth was being taken into custody by officers at the time of his death, neither lethal force, nor unreasonable force was used to effectuate his detention and arrest. At no time did any police officer draw their firearm. Lethal force is that which creates a substantial risk of death or great bodily injury.¹⁶ In this case, no conduct on the part of the officers created a substantial risk of death or great bodily injury. Instead, the effects of the drugs on Mr. Wroth's system, likely combined with his physical exertion while fighting against the reasonable response from officers, induced cardiac arrest at the time he was subdued. There is no evidence that any force used on Mr. Wroth contributed to his death.

Based on the law and circumstances discussed above, Officers David Wattson, Sean Huot, Matthew Huot, Mike Werle and Sgt. Eric Matzen were legally justified in using force in this

¹⁶ Smith v. City of Hemet, (2005) 394 F.3d 689.

instance. All of the officers acted lawfully and the force used was reasonable under the totality of the circumstances. Accordingly, this office finds that no criminal charges are warranted.

/S/ Jill Ravitch

Jill R. Ravitch

District Attorney, County of Sonoma