

OFFICER-INVOLVED FATAL INCIDENT REPORT



Employer Agency: Sonoma County Sheriff's Department

Lead Agency: Santa Rosa Police Department

Decedent: Roderic Bernard Cameron

Date of Incident: March 28, 2018

Report Prepared by:
SONOMA COUNTY DISTRICT ATTORNEY

PUBLIC COPY

Table of Contents

I. INTRODUCTION	2
II. STANDARD OF REVIEW	3
III. SUMMARY OF FACTS	4
A. DECEDENT'S BACKGROUND.....	4
B. LAW ENFORCEMENT CONTACTS WITH RODERIC CAMERON IN THE DAYS PRECEEDING MARCH 28, 2018.....	4
C. SUMMARY OF INFORMATION PROVIDED TO DISPATCH ON MARCH 28, 2018.....	4
D. SUMMARY OF LAW ENFORCEMENT STATEMENTS	5
E. SUMMARY OF FIRE AND MEDICAL PERSONNELS STATEMENTS	8
F. SEARCH WARRANT AT MR. CAMERON'S RESIDENCE.....	8
G. EXAMINATION OF TASERS.....	8
H. AUTOPSY AND CAUSE OF DEATH.....	9
IV. STATEMENT OF THE LAW	9
V. DISCUSSION OF THE LAW AND THE EVIDENCE.....	12
VI. CONCLUSION.....	14

I. INTRODUCTION

On March 28, 2018, forty-four-year-old Roderic Bernard Cameron died as a result of fatal cardiac dysrhythmia due to severe hypertensive and atherosclerotic cardiovascular disease. This death occurred during or shortly after his struggle with Sonoma County sheriff's deputies attempting to gain control of Mr. Cameron after they responded to an incident on Ramon Street in Sonoma in which Mr. Cameron was naked, yelling, and breaking streetlights.

Following Mr. Cameron's death, the Sonoma County Sheriff's 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 Santa Rosa Police Department, with assistance from members of the Rohnert Park Department of Public Safety, 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 Roderic Cameron, a statement of the applicable law, legal analysis and conclusions. 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 the involved agency and the investigating agencies over the course of its extensive investigation of this death.

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 deputies' use of force was not 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.

II. 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.¹ 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.² 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 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.

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

² California Penal Code section 1096.

III. SUMMARY OF FACTS

A. DECEDENT'S BACKGROUND

Roderic Bernard Cameron was born on April 12, 1973. Mr. Cameron was living at his mother's home in Sonoma at the time this incident occurred. Mr. Cameron had struggled with mental illness for approximately twenty-five years.

B. LAW ENFORCEMENT CONTACTS WITH RODERIC CAMERON IN THE DAYS PRECEDING MARCH 28, 2018

On March 22, 2018, law enforcement received a call from a neighbor regarding Mr. Cameron threatening suicide. When deputies arrived, they contacted Mr. Cameron. Mr. Cameron acknowledged that he had a mood disorder but he did not want to go into custody. In response to a question about if he wanted to hurt himself or anyone else, Mr. Cameron said "absolutely not." Mr. Cameron seemed nervous, but was cooperative during the encounter. Mr. Cameron repeatedly said he did not need help and had a social network including his family he could contact. Following those interactions, the officers left Mr. Cameron's residence.

On March 24, 2018, at approximately 1:20 a.m., Mr. Cameron called Sonoma Police. Mr. Cameron reported there were five men outside his house threatening him. He reported that he did not know who the people were but they were very dangerous and had threatened to cut his skull. Mr. Cameron requested an officer respond. Mr. Cameron then indicated concern because of his rare brain injury and stated that "if the police come here and want to take me somewhere, just the jostling alone will damage my brain." Two deputies arrived on scene and spoke with Mr. Cameron. A deputy assured Mr. Cameron that nobody was outside and asked if there was anything they could do to help him. Mr. Cameron stated he would be okay.

On March 24, 2018, at approximately 6:01 a.m., Mr. Cameron again called Sonoma Police to report he had been assaulted at his residence. He said there were people at his house he did not like and he wanted them sent away. Mr. Cameron again talked about a prior brain injury and expressed concerns given his fragile condition. Nobody answered the door when a deputy responded to the residence.

C. SUMMARY OF INFORMATION PROVIDED TO DISPATCH ON MARCH 28, 2018

On March 28, 2018, at approximately 9:52 p.m., Sheriff's dispatch was advised of a suspicious person in the area of Ramon Street in Sonoma. The first caller indicated there was a man outside screaming and yelling. Following the first call, eight additional calls were received related to this incident. Additional information from these calls indicated the man was breaking things, smashing and breaking streetlights, and vandalizing a vehicle. The callers described the man as large and naked. Some callers stated that they thought the man's name was Rod and gave an approximate age. Neighbors appeared to be familiar with Mr. Cameron's delicate mental

health condition, including one neighbor who had driven Mr. Cameron to medical appointments. Neighbors described Mr. Cameron as screaming, yelling, and heard glass breaking. Some neighbors expressed fear and said they'd retreated into their home. When police arrived, witnesses saw their encounter with Mr. Cameron, a very large man who was covered in blood and yelling. Witnesses saw the officers order Mr. Cameron to the ground, but saw him become more agitated. Witnesses then saw officers use a taser on Mr. Cameron a number of times. At one point a witness heard Mr. Cameron say "please don't kill me." Witnesses repeatedly said that Mr. Cameron was not cooperative despite orders to get down, settle down by the officers. Mr. Cameron eventually stopped resisting, and witnesses then saw officers performing CPR.

D. SUMMARY OF LAW ENFORCEMENT STATEMENTS

On March 28, 2018 at approximately 9:52 p.m., the Sonoma County Sheriff's Department began receiving phone calls reporting a suspicious person in the area of Ramon Street in Sonoma. Deputies Aaron Hunt and Donald McCarthy were present in the Sonoma Valley substation when the initial calls were received and responded to the call. While enroute, the deputies were provided updated information that the subject was breaking things, yelling and naked. Both Deputy Hunt and Deputy McCarthy made specific notation of the subject being naked. It was significant to the officers based on their training and experience that a report of a person naked can be an indicator that the subject may be on drugs and/or violent. Responding officers were also aware that the area they were responding to was a 55-and older trailer park community.

Upon arriving at the location, Deputy Hunt and Deputy McCarthy quickly located a naked man, later identified as Roderic Cameron. The deputies noticed Mr. Cameron's large size, estimating he weighed over 300 pounds and was approximately 6 feet tall. The deputies further noticed that Mr. Cameron was covered in blood and yelling. The deputies watched as Mr. Cameron punched an exterior lighting fixture with his bare hands causing glass to fly everywhere.

After making these initial observations, Deputy McCarthy became increasingly concerned. Deputy McCarthy withdrew his Taser and requested additional officers respond to the location. He was also mindful of the time and location of where this event was occurring. Deputy McCarthy did not want Mr. Cameron to get past the deputies and break into someone's home. Deputy McCarthy felt that if Mr. Cameron hit a human being the way he hit the light he could kill them. Additionally, Deputy McCarthy was aware of their proximity to Highway 12, a major traffic thoroughfare. If Mr. Cameron were to get onto Highway 12 he could be hit or the officers would be confronting him in traffic.

Deputy McCarthy believed deputies had to address the situation right then. He and Deputy Hunt were positioned for everybody's safety, including the deputies, Mr. Cameron and the area residents. Deputy McCarthy selected a Taser believing that if Mr. Cameron continued to advance toward the deputies he would have no choice other than to shoot or not shoot. Electing his Taser provided Deputy McCarthy another option if things did not get to a violent life or death confrontation. Deputy Hunt only removed his flashlight and felt that Deputy McCarthy's Taser

should be enough to control the situation. Deputy Hunt knew Mr. Cameron was not armed with a weapon due to his lack of clothing.

Deputy McCarthy began giving clear commands to Mr. Cameron to stop and get on the ground. Mr. Cameron did not comply but continued to scream and yell. Mr. Cameron continued toward the deputies getting as close as 15 to 20 feet from their location. Deputy McCarthy warned Mr. Cameron to stop or he was going to Tase him. In response, Mr. Cameron appeared to tense up, clench and unclench his fists and continued to yell.

Deputy McCarthy continued to give commands. Ultimately, Mr. Cameron made a move toward the officers. At that point, Deputy McCarthy utilized his Taser. Mr. Cameron went to the ground, rolled, and broke off the wires connected to the Taser. Mr. Cameron continued to roll on the ground, yelling and screaming. Deputy McCarthy felt Mr. Cameron was still very much a threat so he fired a second cartridge from his Taser. This time the Taser did not appear to have much of an impact. Mr. Cameron continued to roll and as a result broke off one of the Taser probes. After utilizing the Taser twice, the Taser was no longer effective unless used directly against Mr. Cameron's body. Due to the observed behavior thus far, neither deputy felt safe enough to approach Mr. Cameron at this point. Both deputies heard sirens in the distance and decided to wait for additional officers to respond before attempting to physically control Mr. Cameron.

Additional Deputies began arriving in the area. These deputies include Deputies John Grohl, Lucas Dotta, Jeffrey Sherman, Taylor Brinkman and Nicholas Deguilio. These deputies were provided the initial call for service as well as a request by Deputy McCarthy to expedite their response and the fact that a Taser had already been utilized. All of the responding deputies were aware of and acknowledged the seriousness of the situation.

First to arrive were Deputies Grohl and Dotta. Upon their arrival, Deputy McCarthy advised them that his Taser was no longer working and directed them to get a Taser out. Deputy Dotta removed his Taser. Deputy Grohl tried to get Mr. Cameron on his back so he could be handcuffed. As he did so Mr. Cameron would roll over onto his stomach and continue rolling until he was on his back again. Deputies Hunt and McCarthy tried to get control of Mr. Cameron's arms and legs. All deputies trying to get physical control of Mr. Cameron immediately noticed this was a difficult task due to Mr. Cameron's agitated state, physical resistance and the fact that Mr. Cameron's extremities were incredibly slippery due to blood and sweat.

Deputy Sherman arrived and first noted several deputies in an active struggle with Mr. Cameron. Deputy Sherman is a K-9 unit but chose not to use his police dog because it would not be of assistance since deputies were already on the ground struggling. Instead, Deputy Sherman began to assist by physically controlling Mr. Cameron's legs. As deputies tried to detain and control Mr. Cameron, he was kicking the deputies and pulling his arms away. Deputies were only able to get his right hand in handcuffs. Mr. Cameron continued to struggle and kicked Deputy McCarthy in the shoulder and head.

The deputies collectively described how physically big Mr. Cameron was as well as how strong he was in his resistance. Deputy Grohl described seeing other deputies kicked backward and off of Mr. Cameron. Deputy Grohl described using his body weight to simply try to hold

Mr. Cameron down on the ground so others could apply handcuffs. Deputy Grohl placed his chest and body weight across Mr. Cameron's back. In response, Mr. Cameron was able to push Deputy Grohl and himself up off the ground. Deputy Grohl stated Mr. Cameron "basically just bench pressed" him like he was nothing. This caused the officers to become concerned for their safety and the safety of officers and residents in the area. They were concerned because if Mr. Cameron was not able to be controlled or subdued while on the ground he would be very dangerous if he got up on his feet.

Deputy Dotta, noticing the intensity of the struggle, advised all deputies he was about to deploy his Taser. Deputy McCarthy advised him to wait. As the struggle continued, Mr. Cameron kicked Deputy Dotta, knocking the Taser out of his hand. The Taser landed on Mr. Cameron's back. Deputy Dotta was concerned that Mr. Cameron could get control of the Taser. Deputy Dotta quickly recovered the Taser, advised the other deputies he was going to use it and Tased Mr. Cameron one time. Deputy Dotta was unsure if the Taser made good contact because Mr. Cameron did not react as if the Taser deployed. Mr. Cameron did not scream or yell, nor was he moving. Deputy Dotta contemplated utilizing the Taser a second time but did not as Mr. Cameron was not presently resisting. Deputy Dotta felt Mr. Cameron's lack of movement was due to the number of officers present who were restraining him.

Deputies were ultimately able to get Mr. Cameron handcuffed. Despite the presence of the handcuffs, Mr. Cameron continued to struggle with the officers. Deputies continued to attempt to get control of his legs. Deputy Brinkman stepped back from the struggle and decided they would need to apply a maximum restraint cord.

Deputies began applying the cord and only had it secured around Mr. Cameron's waist. Shortly after beginning to apply the maximum restraint cord, Mr. Cameron stopped moving. Deputy Hunt believed Mr. Cameron's movement indicated that the cord was working. Deputy Grohl noticed Mr. Cameron's lack of movement and began asking Mr. Cameron if he was okay. Deputy Sherman first heard what he described as a snoring sound and noted that was odd. Despite these initial observations, Deputy Dotta was still concerned that Mr. Cameron was not fully restrained. However, based on these observations, Mr. Cameron was rolled over on to his side. Deputies began checking for vital signs and signs of breathing. Based on their observations the maximum restraint cord was immediately removed, and the deputies asked for medical to expedite their response. Deputy Dotta began chest compressions while Deputy Brinkman assisted by keeping Mr. Cameron's airway open. Deputy Deguilio also assisted with administering CPR. Other Deputies began making space for medical equipment to be brought in or flagging down medical personnel upon arrival.

When medical personnel arrived, handcuffs were removed from Mr. Cameron. Medics took over CPR. Deputies assisted medics by placing him on a gurney and loading him into the ambulance. Deputy Brinkman accompanied the medics in the ambulance and life saving measures continued while transporting him to the hospital. Deputy Brinkman remained with Mr. Cameron at the hospital while hospital staff tended to Mr. Cameron. Mr. Cameron was pronounced dead approximately 30 minutes after he arrived at the hospital.

E. SUMMARY OF FIRE AND MEDICAL PERSONNELS STATEMENTS

Kyle Lely and other firefighters received a call at approximately 10:05 p.m. on March 28, 2018 which directed them to stage near Ramon Street for an agency assist. While in route, they were updated to a code 3 response and they learned that a Taser had been deployed. When the firefighters arrived at Ramon, a deputy advised Mr. Lely that Mr. Cameron was not breathing and that CPR was being administered by other deputies. Mr. Lely had the deputies remove the handcuffs from Mr. Cameron so they could provide CPR more effectively. Firefighters began to gather equipment and render aid to Mr. Cameron. Shortly after Mr. Lely administered three rounds of EPI, paramedics arrived and assisted with Mr. Cameron's care. Paramedic Michael Montgomery and his partner were also dispatched to the call. Paramedic Montgomery observed there was no pulse. Mr. Cameron was then loaded into the ambulance with the assistance of the Deputies and transported to Sonoma Valley Hospital.

F. SEARCH WARRANT AT MR. CAMERON'S RESIDENCE.

On March 29, 2018, detectives from the Santa Rosa Police Department and the Rohnert Park Department of Public Safety served a search warrant at the residence of Roderic Cameron in Sonoma. They observed that the living area was messy. There was a mattress in the dining room, and the coffee table in the living room was flipped onto its side. Detectives saw there was a hole in a sheetrock wall. Near the hole in the wall, detectives saw a plastic circle protruding from the wall. Detectives discovered that plastic circle was the bottom on an electric toothbrush that had been shoved into the sheetrock with a lot of force. The floor in the bathroom closest to the living room was very wet. The bedroom was fairly organized. It appeared the items in that room belonged to Mr. Cameron's mother. In Mr. Cameron's room, detectives noticed there appeared to be granules of salt covering every surface. They also located marijuana and marijuana paraphernalia in his room. Detectives located Mr. Cameron's medications.

G. EXAMINATION OF TASERS

Santa Rosa Police Department Field and Evidence Technicians assisted in part by collecting Tasers of the seven deputies who were on scene during interactions with Roderic Cameron. Detective Yaguchi, with the Santa Rosa Police Department, downloaded the event logs from the seven Tasers that were collected.

Detective Yaguchi analyzed Deputy McCarthy's Taser. This Taser was found to be operating normally. Deputy McCarthy's Taser was first armed on March 28th at approximately 22:00:35. The device deployed cartridge number one using a trigger pull at approximately 22:00:54. The duration of that first activation was five seconds. At approximately 22:01:03, the event log showed the device deployed a second cartridge using a trigger pull. The duration of that second activation was also five seconds. This Taser was placed in safe mode on March 28th at approximately 22:02:35.

Detective Yaguchi analyzed Deputy Dotta's Taser. This Taser was also found to be operating normally. Deputy Dotta's Taser as first armed at 22:02:58. The device deployed only

one cartridge using a trigger pull at approximately 22:03:41. The duration of that activation was six seconds. The Taser was placed in safe mode at approximately 22:04:28.

No other Taser had been activated or deployed during the incident with Mr. Cameron.

H. AUTOPSY AND CAUSE OF DEATH

On March 29, 2018, Sonoma County Sheriff's Department Sergeant Adrian Mancilla of the department's Coroner's Office contacted Rodger Fielding, the Chief Deputy Coroner of the Marin County Sheriff's Department. The Marin County Sheriff's Office, Coroner's Division was requested to assume jurisdiction and complete the death investigation in this case because this case involved Sonoma County Sheriff's deputies and the Coroner's Office in Sonoma County is operated by the Sheriff's Department.

Dr. Joseph Cohen, M.D. is the Chief Forensic Pathologist of Marin County. Dr. Cohen noted that Mr. Cameron was a markedly overweight man. Dr. Cohen noted Mr. Cameron had superficial abrasions on his head, but he did not have any skull fractures, nor any epidural, subdural, or subarachnoid hemorrhage. Mr. Cameron had a displaced manubrio-sternal fracture and rib fractures consistent with resuscitative efforts. Mr. Cameron had superficial abrasions on his arms and legs. Mr. Cameron had abrasions and contusions on his fingers and hand, as well as abrasions on his toes. Mr. Cameron had sharp force injuries on his hands and fingers. Mr. Cameron had injuries consistent with the application of a conductive electrical device, otherwise known as a Taser.

During the internal examination of Mr. Cameron, Dr. Cohen observed that Mr. Cameron had a markedly enlarged and dilated heart. The epicardial vessels show slight to severe, variable narrowing by atherosclerosis. The proximal and mid portions of the right coronary artery show 90% to 99% multifocal narrowing by atherosclerosis. Approximately 80% maximal narrowing is noted within the proximal left anterior descending artery, and approximately 40% maximal narrowing in the left circumflex artery. The endocardial surfaces, heart valves, chordae tendineae and papillary muscles were normal.

Following the autopsy, Dr. Cohen determined the cause of death as well as other significant conditions. The cause of Mr. Cameron's death was: fatal cardiac dysrhythmia due to severe hypertensive and atherosclerotic cardiovascular disease. In other words, Mr. Cameron suffered cardiac arrest. Other significant conditions included: bipolar disorder with agitated state, physiological stress associated with physical confrontation with law enforcement, obesity, and chronic asthmatic bronchitis.

IV. 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.¹ The issue being considered by the District

¹ Graham v. Conner (1989) 490 U.S. 386. "All claims that law enforcement officers have used excessive force-deadly

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 March 28, 2018, involving Roderic Cameron and seven sheriff's deputies.

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.² 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."³ 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.'"⁴

b. Rights and Duties During an Arrests

An officer may arrest a person without a warrant when the officer has probable cause to believe the person to be arrested has committed a public offense in the officer's presence or that

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.

² Terry v. Ohio (1968) 392 U.S. 1; People v. Walker (2012) 210 Cal.App.4th 1372, 1381-82.

³ In re Antonio B. (2008) 166 Cal.App.4th 435, 440.

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

he or she has committed a felony.⁵ 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.”⁶ “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.”⁷

“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.”⁸ “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.”⁹

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. 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, however, its proper application requires careful attention to the facts and circumstances of each particular case, including 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.”¹⁰

“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.”¹¹

⁵ Cal Penal Code section 836.

⁶ Cal Penal Code section 835, 835a.

⁷ Cal Penal Code section 834a.

⁸ Cal. Penal Code section 835a.

⁹ *Graham v. Connor* (1989) 490 U.S. 386, 396.

¹⁰ *Graham v. Connor* (1989) 490 U.S. 386, 396.

¹¹ *Scott v. Heinrich* (1994) 39 F.3d 912, 915.

V. DISCUSSION OF THE LAW AND THE EVIDENCE

On March 28, 2018, a 55-and-older community in Sonoma was struck by fear when they heard and saw a large naked man walking or running up and down their street. This man was yelling and screaming, threatened and approached at least one resident, and smashed street lights as he moved through the community towards Highway 12. The concerns of the community prompted at least nine calls to 911, and a corresponding response from the Sonoma County Sheriff's Department.

Deputies Aaron Hunt and Donald McCarthy were the first deputies to arrive on scene. Upon their arrival, they encountered Roderic Cameron, a large, naked, and bloody man, who was screaming and yelling very loudly. Deputy McCarthy recognized that due to the size of Mr. Cameron, Mr. Cameron had the capability to injure the deputies or somebody else. The deputies saw Mr. Cameron's apparent anger, propensity for violence, and disregard for his own safety and wellbeing when he punched and shattered a glass streetlight after they arrived.

Deputy McCarthy, who was armed with numerous items typically carried by law enforcement, including a Taser and a firearm, considered his options for arming himself, and recognized that if he armed himself with his firearm and Mr. Cameron escalated the situation by charging at him, he would be left with no option but to shoot Mr. Cameron. Instead, Deputy McCarthy elected to arm himself with his Taser, a less lethal weapon. Deputy McCarthy's goal was to end this situation as quickly and safely as possible for everybody.

Mr. Cameron did not obey orders to get on the ground, which could have ended the situation quickly and safely. Instead, Mr. Cameron moved towards Deputy McCarthy. Deputy McCarthy recognized he potentially had a limited opportunity in which he could successfully utilize his Taser, and he believed that if Mr. Cameron got any closer to the deputies they would be in trouble. Deputy McCarthy therefore elected to utilize his Taser when he had a safe opportunity to do so. Deputy McCarthy'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 deputies were entitled to arrest Mr. Cameron for vandalism, as well as for his refusals to obey their commands.¹² Mr. Cameron did not give the deputies any indication that he was willing to cooperate with their objectives in safely and peacefully ending this situation. Instead, he demonstrated an additional acts of aggression by clenching and unclenching his fists and moving towards Deputy McCarthy. Deputy McCarthy's use of force also appears reasonably necessary to ensure the safety of the deputies and the citizens in the community.

Following Deputy McCarthy's deployment of his Taser, Mr. Cameron appeared to remain uncooperative. Mr. Cameron rolled around on the street and continued to yell and scream. Deputy McCarthy perceived Mr. Cameron as still very much a threat. Based on that perception, Deputy McCarthy again deployed his Taser. However, Deputy McCarthy did not believe the Taser had any effect. Given that Mr. Cameron was now close in proximity to the deputies and he continued to yell and scream and move unpredictably, Deputy McCarthy's decision to deploy his Taser a second time appeared to be a reasonable use of force for the deputies to try to gain

¹² Cal. Penal Code sections 594 and 148.

control of Mr. Cameron and the situation because of Mr. Cameron's apparent levels of unpredictability, anger, aggression, and continued resistance.

When Deputies Hunt and McCarthy heard sirens approaching, they elected to wait until other deputies arrived to take any further action to try to gain control of Mr. Cameron. When other deputies arrived, multiple deputies tried to physically restrain Mr. Cameron. Despite their efforts, Mr. Cameron posed difficulties for the deputies because of his size and his slipperiness due to Mr. Cameron being naked as well as being bloody and sweaty. Mr. Cameron continued to physically resist multiple deputies by screaming and kicking. Only after repeated efforts of multiple deputies to physically gain control over Mr. Cameron did the deputies decide that their efforts were not enough to gain control over Mr. Cameron, and that they should again attempt to tase Mr. Cameron. The deputies' decision to tase Mr. Cameron, accomplished by Deputy Lucas Dotta, appeared reasonably necessary at that time to try to gain control of Mr. Cameron because multiple deputies were otherwise unable to overcome Mr. Cameron's physical resistance.

In the moments following Deputy Dotta's deployment of his Taser, deputies worked together to again try to physically control Mr. Cameron. They physically brought Mr. Cameron's hands behind his back where they were handcuffed. Due to the level of physical resistance exerted by Mr. Cameron, the deputies also began the process of applying a maximum restraint cord. Up to that time, Mr. Cameron appeared to be relentless in his apparent resistance. Restraint by the use of handcuffs or a maximum restraint cord appeared reasonably necessary to restrain Mr. Cameron and ensure the safety of the deputies and the community at that time.

Mr. Cameron died following the above described interactions between himself and Deputies Hunt, McCarthy, Dotta, Grohl, Brinkman, Sherman, and Deguilio. During their interactions on March 28, 2018, with Roderic Cameron, the deputies attempted to resolve the situation with nonlethal force. The deputies involved in this altercation appear to have been mindful of their options and the potential outcomes as the events with Mr. Cameron on March 28, 2018, unfolded. Each of the deputies individually, as well as the team of deputies collectively, appear to have engaged in reasonable actions and reasonable uses of force when confronted with their dynamic encounter with Roderic Cameron.

VI. CONCLUSION

Although Mr. Cameron was being taken into custody by deputies at a time when he experienced a medical emergency resulting in his death, neither lethal force, nor unreasonable force was used to effectuate Mr. Cameron's detention and arrest. Lethal force is that which creates a substantial risk of death or great bodily injury.¹⁶ No conduct on the part of the deputies created a substantial risk of death or great bodily injury. Instead, the nonlethal uses of force in this case were reasonable responses to the behavior and dynamic threat posed by Mr. Cameron. Based on the law and the totality of the circumstances discussed above, Deputies Hunt, McCarthy, Dotta, Grohl, Brinkman, Sherman, and Deguilio were legally justified in their use of reasonable force during the incident involving themselves and Roderic Cameron on March 28, 2018. Accordingly, criminal charges are not warranted.



Jill R. Ravitch, District Attorney

¹⁶ *Smith v. City of Hemet* (2005) 394 F.3d 689, 693.