



**MEMORANDUM
POLICE DEPARTMENT**

DATE: September 2, 2022
TO: File
FROM: Erich Hoppe, Sergeant, Professional Standards
SUBJECT: Case Summary – Administrative Investigation # 2022-012

INTRODUCTION:

Complaint Source: An internal memorandum was received on 06/13/22.

Investigator: Sergeant Erich Hoppe

Subject Officer(s): Officer Vanessa Shatto

Witness Officer(s): Sergeant Ruben Badeo
Officer Nicholas Kramer
Officer Brian George
Officer Samuel Wilkins

Arrestee: [REDACTED]
DOB: [REDACTED]
Address: Transient / None Known
Phone: None Known

SYNOPSIS:

On 12/21/21 at about 1919 hours officers were dispatched to a temporary homeless shelter program at the National Guard Armory located at 301 Upper Park Road for a report of a subject making suicidal statements. Officer Shatto was the primary investigating officer and Officer Kramer, Officer George and Officer Wilkins responded as cover officers.

Staff at the shelter program told Officer Shatto that [REDACTED] was a client who'd made suicidal statements about cutting his wrists earlier in the evening and more recently began asking other clients about borrowing a knife to cut his wrists with.

Officer Shatto had been dispatched to the Armory during the earlier incident at about 1734 hours but chose not to contact [REDACTED] at that time due to him being asleep when she arrived and due to concerns about his 148 PC history which she was advised of by Dispatch.

Upon arrival at the scene for the second call for service Officer Shatto determined that she believed probable cause existed to detain [REDACTED] per 5150 W&I. She and the other officers contacted [REDACTED] at his bed inside the shelter and she detained him in handcuffs. [REDACTED] claimed he was unable to walk and was transferred by officers into a wheelchair belonging to the shelter.

During the transfer process, [REDACTED] became visibly upset and began cursing at Officer Shatto. Officer Shatto replied by cursing at [REDACTED] and [REDACTED] then spit on her forearm. Officer Shatto wheeled [REDACTED] to her patrol vehicle where Officer Wilkins retrieved a spit mask. While waiting for the spit mask, Officer Shatto struck [REDACTED] one time with an open hand to the left side of his head.

Officer Shatto and Officer Wilkins attempted to transfer [REDACTED] from the wheelchair into the back of Officer Shatto's patrol vehicle by lifting him by his upper arms. [REDACTED] claimed to be unable to stand or walk and the officers were unable to complete the transfer without his assistance. [REDACTED] was lowered to a seated position on the ground next to the patrol vehicle. As he was seated on the ground, Officer Shatto maintained a grasp of his handcuffs and held his arms up behind his back while stating "That's for spitting on me." This action caused both of [REDACTED]'s arms to be extended and raised in an arm-bar position for several seconds and appeared to cause him pain.

Officers were able to transfer [REDACTED] to the patrol vehicle on their second attempt and Officer Shatto transported him to Telecare where he was refused due to his inability to walk. Sergeant Badeo responded and arranged with Telecare to accept [REDACTED] and then have him transported by ambulance to another facility.

Officer Shatto was dispatched back to Telecare a short time later when [REDACTED] was uncooperative with AMR and Telecare staff. [REDACTED] attempted to punch Officer Shatto as he was being transferred to an AMR gurney. Officer Shatto deflected the punch and applied a control hold as he was secured to the gurney. [REDACTED] was then transported to Watsonville Community Hospital.

Officer Shatto later advised her supervisor, Sergeant Badeo, of the assault and battery against her. Sergeant Badeo conducted a use of force investigation and tasked Officer Wilkins with attempting to get a Miranda statement from [REDACTED] at the hospital. [REDACTED] did not cooperate by providing a statement.

Officer Shatto documented the 5150 detention under case 21S-07868. She documented the assault and battery against her under case 21S-07869 with the recommendation that the report be forwarded to the District Attorney's Office for warrant recommendation. Neither report disclosed the open-hand strike to the side of [REDACTED]'s head or the arm-bar applied to him at the Armory. The report under 21S-07869 noted that [REDACTED] had minor abrasions on his feet as a result of transfer from the wheelchair to the patrol vehicle. No other injuries were noted.

On 05/26/22 Deputy Chief Bush received an inquiry from the District Attorney's Office regarding Officer Shatto's conduct. As part of their filing procedures, the filing Assistant District Attorney must review the officer's BWC video. During this process the ADA had concerns in regard to how Officer Shatto comported herself, specifically the language she used and the manner in which she communicated with [REDACTED].

Deputy Chief Bush documented his communication with the District Attorney's Office in a memorandum to Chief of Police Bernie Escalante on 05/26/22 and noted in his memo that he reviewed related BWC video, confirmed that the language and manner in which Officer Shatto comported herself potentially violated department policy and further noted that he observed an application of force by Officer Shatto which was potentially not in compliance with department policy. This same memo was forwarded to me by Chief Escalante on 06/13/22 and lead to this investigation.

ALLEGATIONS:

Based upon Deputy Chief Bush's memorandum and my initial review of related reports and BWC video, I determined the following policy section violations that may apply to this investigation:

- Policy 320 – Standards of Conduct and Discipline
- Policy 300 – Use of Force

Copies of Policy 320 and 300 are attached to this report.

INVESTIGATIVE PROCESS:

On 06/13/22 I reviewed Deputy Chief Bush's memorandum and conducted a cursory review of the related reports and BWC video. I forwarded a summary of my initial findings to Chief Escalante and was directed to conduct this investigation. Copies of the summary and Chief Escalante's determination are attached to this report.

On 06/17/22 I sent a complaint interview notification memo to Officer Shatto as the subject officer of this investigation. I also sent witness officer notification memos to Officer Kramer, Officer George and Officer Wilkins. Copies of the complaint interview memos are attached to this report.

On 07/13/22 I conducted interviews with Officer Wilkins and Officer Kramer. Copies of their administrative rights admonitions are attached to this report. Please see the Officer Interview section below for summaries of these interviews.

On 07/13/22 I determined that Sergeant Badeo was likely a witness in this investigation after speaking with Officer Kramer and Officer Wilkins. Although he was not present at the scene, Sergeant Badeo conducted a use of force investigation including a statement from Officer Shatto and a review of her reports. I sent Sergeant Badeo an interview notice the same day. A copy of the memo is attached.

On 07/13/22 I conducted witness interviews with Officer Wilkins and Officer Kramer. Copies of their administrative rights admonitions are attached. Please see the Officer Interviews section below for summaries of their interviews.

On 07/14/22 I conducted witness interviews with Officer George and Sergeant Badeo. Copies of their administrative rights admonitions are attached. Please see the Officer Interviews section below for summaries of their interviews.

On 07/14/22 I conducted a detailed review of the related reports under case 21S-07868 and 21S-07869. Copies of the reports are attached. Please see the Report Review section below for a summary of my review findings.

On 07/18/22 I began a detailed review of the BWC video associated with this incident. Please see the BWC Review section below for a summary of my review findings.

On 07/22/22 I conducted a subject officer interview with Officer Shatto. A copy of her administrative rights admonition is attached. Officer Shatto was represented by attorney Justin Buffington of Rains Lucia Stern during the interview. Please see the Officer Interviews section below for a summary of the interview.

On 08/31/22 I left a voicemail message for [REDACTED], a regional administrator for Telecare at [REDACTED] and inquired whether video from [REDACTED]'s intake on 12/31/21 was available.

On 09/01/22 I spoke with [REDACTED] by phone and was advised that video is typically only kept for 90-120 days and that it had not been saved in this instance.

On 09/01/22 I reviewed the CAD history for the follow-up detail at Telecare on 12/31/21 at 2039 hours. I noted that the caller information was blank. I contacted Netcom and was advised that this commonly occurs when an officer asks that a detail be created for them. It is unknown how the "follow up" detail was created in this case or who requested it.

REPORT REVIEW:

On 07/14/22 I conducted a detailed review of the related reports under case 21S-07868 and 21S-07869. I noted in Officer Shatto's CR1 report under case 21S-07869 that she responded to the Armory after receiving two reports from a staff member that [REDACTED] was making suicidal statements. She wrote that she determined there was probable cause to detain [REDACTED] per 5150 W&I based on the statement of a shelter staff worker.

Officer Shatto wrote that she contacted [REDACTED] and detained him in handcuffs, that [REDACTED] stated he was incapable of walking and that she and other officers placed him in a wheelchair. She wrote that upon being seated in the wheelchair, [REDACTED] turned his head and spat on her forearm while stating "fuck you." Officer Shatto noted that she did not immediately notify her supervisor, Sergeant Badeo, that she was the victim of a battery.

Officer Shatto wrote that [REDACTED] was wheeled to her patrol vehicle and that he "refused to stand or attempt to assist us in helping him stand while placing him in the back of the patrol vehicle. This required officers to physically lift him and place him in the back of the patrol vehicle. In the process, [REDACTED] had minor abrasions on his feet."

Officer Shatto wrote that she transported [REDACTED] to "BHU" (Telecare) where she was advised that they could not accommodate patients requiring a wheelchair. She wrote that BHU staff arranged for an ambulance to respond and transport [REDACTED] to the hospital instead.

Officer Shatto wrote that she was dispatched back to Telecare a short time after leaving because [REDACTED] would not cooperate with medics and staff members. She wrote that when she arrived back at Telecare, [REDACTED] clenched his fist and attempted to punch her. She wrote that she grabbed [REDACTED]'s left hand and placed him in a rear wrist lock. She wrote that this forced [REDACTED] out of his chair and onto the gurney they were trying to transfer him to. She wrote that [REDACTED] was restrained to the gurney and transported to Watsonville Community

Hospital. She wrote that she advised Sergeant Badeo of the earlier battery against her as well as the assault at Telecare.

On 07/14/22 I reviewed Officer Shatto's CR1 report under case 21S-07868 and noted that it did not contain any additional pertinent information.

On 07/14/22 I reviewed the supplemental reports completed by Officer Kramer, Officer Wilkins and Sergeant Badeo under case 21S-07869. I noted that Officer Kramer took a witness statement related to the assault against Officer Shatto which occurred at Telecare and the resulting use of force. I noted in Officer Wilkins' supplemental report that he attempted to obtain a Miranda statement from [REDACTED] related to Sergeant Badeo's use of force investigation.

I noted in Sergeant Badeo's supplemental report that Officer Shatto advised him she'd been spit on and punched at by [REDACTED] at about 2100 hours when she returned to the Police Department. He noted that he'd responded to Telecare for the earlier call for service there and Officer Shatto did not disclose this to him at that time. Sergeant Badeo noted that Officer Kramer obtained a witness statement regarding the assault at Telecare and Officer Wilkins attempted to obtain a Miranda statement from [REDACTED] in conjunction with his use of force investigation. He noted seeing an abrasion on [REDACTED]'s foot while at Telecare and that he reviewed BWC video recorded by Officer Kramer, Officer George and Office Shatto as a part of his investigation.

I noted that there was no mention in any of the above reports about Officer Shatto's open-hand strike to [REDACTED]'s head while he was handcuffed and seated in a wheelchair or the arm-bar technique which she applied to [REDACTED] while he was handcuffed and seated on the ground.

BWC REVIEW

OFFICER SHATTO BWC:

On 07/18/22 I began a detailed review of Officer Shatto's BWC video. I saw that she contacted [REDACTED] after speaking with shelter staff and as he was sitting alone on his bed. I noted that when Officer Shatto contacted [REDACTED] she greeted him by name and asked how he was feeling. Officer Shatto then asked [REDACTED] why he wanted to slit his wrists and he replied that he didn't. Officer Shatto asked [REDACTED] if he wanted to hurt himself or anyone else and he replied "no." Officer Shatto said "perfect" as she grasped [REDACTED]'s right wrist and placed a handcuff on it. I saw that Officer George stepped to [REDACTED]'s left side, grasped his left wrist and brought it behind his back so that Officer Shatto could secure the handcuff. [REDACTED] asked "What are you doing?" and appeared to tense his arms as Officer Shatto and

Officer George pulled his hands behind him. [REDACTED] stated "I'm handicapped" as the handcuffs were being secured and Officer Shatto replied "I don't care if you're handicapped."

Officer Shatto asked [REDACTED] if he required the wheelchair which was next to his bed and he replied that he did. Officer George told [REDACTED] that they would get him into the chair and [REDACTED] replied "What for?" Officer Shatto told him "To go to the hospital." [REDACTED] said "Don't grab me like that, bitch." as Officer Shatto held onto his right forearm. Officer Shatto replied "Actually, I prefer the word cunt, so thank you." [REDACTED] stated "You are a cunt."

Officer Kramer asked [REDACTED] if he could stand and held his left wrist as Officer Shatto lifted and pulled him by his right upper arm into his wheelchair. [REDACTED] yelled "Ow, ow ow!" as he was transferred into the chair. [REDACTED] turned his head to the right and toward Officer Shatto as he said "fuck you" and spit. It was not possible to see in the video where his spittle landed and Officer Shatto did not verbally react.

[REDACTED] said "Bring me my shit," apparently referencing his belongings, as Officer Shatto began wheeling him out of the shelter. Officer Shatto replied "Oh, I don't give a shit about your shit" and continued wheeling him out. [REDACTED] stated "I do. Go get my shit, bitch. Fucking cunt."

When they reached Officer Shatto's patrol vehicle, [REDACTED] said "You're really something." Officer Shatto replied "Yeah, you spit on me again..." before [REDACTED] interrupted, yelling "Fuck you, nigger!" Officer Shatto then pulled up a surgical mask which had been below [REDACTED]'s chin and requested a spit mask from Officer Wilkens. [REDACTED] asked "Why?" and Officer Shatto replied "Cuz you're a dick." [REDACTED] stated "Because you're a bitch." Officer Shatto replied "I prefer the word cunt." [REDACTED] said "Cunt it is."

Officer Wilkins walked out of view to the trunk area of Officer Shatto's patrol vehicle, apparently retrieving the spit mask that she requested. Officer Shatto began searching [REDACTED]'s right side and [REDACTED] said "Quit ripping my brand new jacket." Officer Kramer and Officer George approached from the direction of the shelter carrying several plastic bags and Officer Kramer stated that they'd brought his clothes. [REDACTED] asked "Why's she beating me up?" Officer Kramer replied "No one's beating you up" as he and Officer George walked around the back of Officer Shatto's patrol vehicle carrying the property bags.

Officer Shatto began searching [REDACTED]'s left side and he yelled "Knock it off bitch!" and lunged his head to his left in Officer Shatto's direction. It did not appear that [REDACTED] made physical contact with Officer Shatto. At 05:49 in the video, Officer Shatto struck [REDACTED] with her open right hand to the left side of his head, pushing his head down and to his right as

Officer Wilkins was approaching carrying a spit mask. [REDACTED] reacted to the strike by saying "You fucking cunt! Fucking bitch!" Officer Wilkins placed the spit mask over [REDACTED]'s head as he was still leaned over to his right.

Officer Wilkins asked [REDACTED] if he was ready to get up and get in the car and he replied "Fuck that cunt! I cant't stand, fool!" [REDACTED] yelled as Officer Shatto and Officer Wilkins lifted him up to a standing position and began walking him about 6 feet to the patrol vehicle. After moving only several feet, [REDACTED] collapsed to the ground beneath Officer Shatto's BWC camera frame. [REDACTED] can be heard crying as Officer Shatto said "That's for spitting on me."

Officer Shatto and Officer Wilkins lifted [REDACTED] to a standing position a second time but were unable to lift him into the back seat of the patrol vehicle. [REDACTED] again collapsed to a seated position on the ground next to the patrol vehicle with his upper body leaning into its open doorway. Officer Shatto and Officer Wilkins lifted [REDACTED] into the doorway and Officer George pulled him into the passenger compartment from the opposite side. [REDACTED] initially lay on the floor of the vehicle but was then lifted to a seated position by Officer Wilkins and Officer George.

[REDACTED] can be heard continuing to cry and say "My feet!" throughout the process of lifting him into the vehicle. Officer Kramer commented that [REDACTED] was bleeding from his toe and Officer Shatto replied "Because we dragged him... which I'm fine with, 'cause he spat on me." Officer Kramer inquired whether the wheelchair was [REDACTED]'s or if it belonged to the Armory. Officer Shatto replied "I don't know. Fuckin gross ass." Officer Wilkins commented "God, it smells bad in there." Officer Kramer replied "Yeah, did he shit himself?" Officer Shatto's video ended then at 08:22.

I reviewed Officer Shatto's BWC video from the later call for service involving [REDACTED] at Telecare. Although there is no audio for the first 30 seconds of the video, it's apparent that [REDACTED] looks in Officer Shatto's direction as she arrives in the intake room and then suddenly moves his upper body in her direction. [REDACTED] was seated in a wheelchair and not handcuffed when this happened. [REDACTED]'s left arm is not in the camera frame during this movement and two male Telecare staff members can be seen reacting by rushing toward [REDACTED] from across the intake room. Officer Shatto's video panned to the right and she can be seen grasping [REDACTED]'s left arm with both hands. Officer Shatto's camera then appears to come in direct contact with [REDACTED]'s clothing or the gurney as the image goes black.

At about 00:30 the video image returns and audio recording begins. [REDACTED] can be seen lying face down across a gurney with Officer Shatto holding his left arm behind his back and a Telecare staff member holding his right arm behind his back. [REDACTED] can be heard yelling

and crying as Officer Shatto stated "Now we're fucking done." Officer Shatto directed the staff members and two AMR medics to assist her in turning [REDACTED] lengthwise on the gurney.

[REDACTED] said "I've got you, bitch" as he's being turned on the gurney and Officer Shatto replied "You know, I'm the wrong fucking person to mess with." [REDACTED] then said "I've got you bitch. I've got you breaking my arm in front of so many witnesses. I've got you." One of the Telecare staff members told [REDACTED] "You shouldn't have made that move." [REDACTED] replied "I didn't do anything. Let the cameras show it. Let the jury tell the story. You're done, bitch. I got you. (unintelligible) every penny." Medics and Telecare staff members then secured [REDACTED] to the gurney with soft restraints.

As [REDACTED] was being secured, Officer Shatto told one of the staff members that she'd received 9 concussions from 5150 subjects, "mostly from a foot to the face." [REDACTED] continued to cry as he was being secured and Officer Shatto said "He wants to play tough and he gets beat by a girl." Officer Shatto's video ended a short time later.

OFFICER KRAMER BWC:

I reviewed Officer Kramer's BWC video from the Armory and did not note any additional pertinent information.

I reviewed a second video filmed by Officer Kramer at Telecare. Before the audio begins, Officer Kramer appears to be speaking with Sergeant Badeo outside the doors to the intake room. One of the staff members who was seen in Officer Shatto's video from Telecare exited the intake room and Officer Kramer asked him if he witnessed what happened earlier.

The employee (identified verbally as [REDACTED]) said that when Officer Shatto stepped in, he ([REDACTED]) lunged at her, but didn't hit her. He almost hit her." [REDACTED] gestured as if throwing an uppercut punch with his fist as he said this. [REDACTED] said that they took [REDACTED] down onto the gurney and that Officer Shatto's BWC camera fell off in the process. Officer Kramer clarified how close [REDACTED] came to striking Officer Shatto and [REDACTED] held his hand up within a foot of Officer Kramer's head as a demonstration. He demonstrated how Officer Shatto moved her head backward to avoid being punched and said that they immediately grabbed [REDACTED] and restrained him after he did this. [REDACTED] said that he would request a copy the intake room video from an administrator in the morning and would forward it to Officer Kramer. Officer Kramer's video ended a short time later.

OFFICER WILKINS BWC:

I reviewed Officer Wilkins' BWC video and noted that when he brought Officer Shatto the spit mask which she requested, Officer Shatto appeared to be holding ██████████'s head down and to his right with her right hand as he sat in the wheelchair. Officer Shatto's arm was fully extended and holding ██████████'s head down when Officer Wilkins placed the mask over his head. Because Officer Wilkins was approaching from ██████████'s right side, it was not clear from his video whether Officer Shatto delivered a strike or push to ██████████'s head.

When ██████████ collapsed as Officer Shatto and Officer Wilkins walked him from the wheelchair to the patrol vehicle, it's apparent in Officer Wilkins' video that Officer Shatto was holding ██████████'s handcuffs by the chain with her right hand and that she held the chain up at her waist level as he collapsed, causing his arms to be brought up behind his back in an arm bar position (05:04 in video). Officer Shatto held ██████████'s arms in this position for several seconds and said "That's for spitting on me" as ██████████ cried and said "Ow, ow, ow."

I noted in Officer Wilkins' video that blood was visible on the toes of ██████████'s left foot as Officer Wilkins lifted his legs into the patrol vehicle. Officer Wilkins' video ended a short time later once ██████████ was secured in the vehicle.

I reviewed a second BWC video recorded by Officer Wilkins at Watsonville Community Hospital. Officer Wilkins contacted ██████████ in an ER exam room and asked if he could ask ██████████ some questions. ██████████ replied "I was assaulted." Officer Wilkins began reading ██████████ a Miranda warning but ██████████ interrupted him, saying "Where's my urinal, I gotta pee" and yelling for a nurse repeatedly. Officer Wilkins ended his interview and recording a short time later without asking ██████████ any other questions.

OFFICER GEORGE BWC:

I reviewed Officer George's BWC video and saw that ██████████'s legs appeared to drag behind him as Officer Shatto and Officer Wilkins carried him by his upper arms from where he had collapsed to the door of the vehicle (05:10). It appeared that the distance ██████████ was carried was about 3 feet. ██████████'s feet were below the camera frame of Officer George's video and not visible in the video. It appeared likely that his feet dragged on the paved surface of the parking lot.

I did not note any additional pertinent information in Officer George's BWC video.

INTERVIEWS:

COMPLAINANT INTERVIEW:

This was in internally generated case and no complainant was interviewed. I did not have any contact information for [REDACTED] and was unable to interview him as a witness.

OFFICER INTERVIEWS

OFFICER WILKINS INTERVIEW:

On 07/13/22 I interviewed Officer Wilkins as a witness in this investigations. The following is a summary of the interview. Please refer to the attached recording for the full interview.

Officer Wilkins has been a Police Officer since December, 2019 and was employed as such on 12/31/21. He recalled being on duty on that date and responding to a call for service at the Armory. He recalled being dispatched as a cover officer to a 5150 assessment involving [REDACTED]. He recalled Officer Shatto being the primary investigating officer on this call and he, Officer George and Officer Kramer responding as cover officers.

Officer Wilkins said that he had the opportunity to review his BWC and a related report that he wrote prior to our interview. He did not remember any details about probable cause for [REDACTED]'s 5150 detention. He described [REDACTED]'s demeanor during the contact as "rude." He said that [REDACTED] was yelling and refused to get up off his cot after the staff asked that he be removed. He didn't recall the extent of Officer Shatto's mental health evaluation and said that [REDACTED] was not cooperative.

I asked whether any force was necessary to detain [REDACTED]. Officer Wilkins said that [REDACTED] was passively resistive and "flailing" as Officer Shatto placed him in handcuffs. He remembered Officer Shatto controlling [REDACTED]'s right arm but could not recall who controlled his left arm. He said that Officer Shatto and another officer (he couldn't remember who) lifted [REDACTED] from his cot into a wheelchair.

Officer Wilkins was aware that [REDACTED] spit on Officer Shatto at some point but said that he did not remember seeing it happen. He said that he believed Officer Shatto stated that she'd been spit on at some point. He said that Sergeant Badeo was advised of this but he did not recall when. Officer Wilkins said that [REDACTED] continued to yell as Officer Shatto wheeled him out of the Armory and over to her patrol vehicle.

I asked whether any force was needed to apply the spit mask and he replied that it was not. I asked if there was any communication or plan between Officer Wilkins and Officer Shatto as to how the spit mask would be applied and he said that there was not. I reviewed Officer Shatto's BWC video at half speed with Officer Wilkins and asked him what was occurring moments before he applied the spit mask to [REDACTED]. Officer Wilkins replied "It appears she's using an open hand strike on his left side of his face."

I asked Officer Wilkins if Officer Shatto's contact with [REDACTED]'s face was discussed or planned between them and Officer Wilkins replied "I don't recall seeing that." He said that [REDACTED] was handcuffed and seated at that point and he intended to simply place the mask over his head.

As we reached the point in the video where Officer Shatto held [REDACTED]'s handcuff chain as he slumped to the ground, I asked if he recalled [REDACTED] being physically resistive at that point. Officer Wilkins replied that he did not. He described [REDACTED] as "yelling a lot" and "basically going limp."

As we watched Officer Shatto's BWC, I could not see a point where she visibly held [REDACTED]'s arms up behind him. Officer Wilkins pointed out that it was visible in his own BWC recording and we then reviewed that video together. He described Officer Shatto as letting go of [REDACTED]'s left arm and holding his handcuffs at the same level as when they were standing him up. He said that other than going limp, [REDACTED] was not resisting them at that point. Officer Wilkins said that he did not believe any injuries resulted from the contact with [REDACTED] and he did not recall any medical treatment being needed. He said that he cleared himself from the call after [REDACTED] was placed in Officer Shatto's patrol vehicle.

I asked Officer Wilkins if he had any other information which would be helpful to my investigation and he replied that he did not. I asked Officer Wilkins if he had any concerns about his observations at the scene or anything that he felt was out of policy. Officer Wilkins replied "Basically what we just watched." He said that as a fairly new officer he wasn't sure how to address his concerns but that it seemed "off" to him. He did not recall discussing the force used against [REDACTED] with Sergeant Badeo as a part of his use of force investigation.

OFFICER KRAMER INTERVIEW:

On 07/13/22 I interviewed Officer Kramer as a witness in this investigation. The following is a summary of the interview. Please refer to the attached recording for the full interview.

Officer Kramer has been a police officer since 07/08/13. He recalled being on duty on 12/31/21 and responding to the Armory at 301 Upper Park Road. He did not recall if he was dispatched this call for service or whether he responded on his own to assist. He stated that Officer Shatto was primary on the call and Officer George, Officer Wilkins and he were cover officers.

Officer Kramer stated that his BWC camera was activated during the incident and he was able to review his video and a related report that he wrote in preparation for our interview. He stated that he remembered the call for service involving a "5150 call" about [REDACTED] causing a disturbance at the Armory and making suicidal statements.

Officer Kramer said that Officer Shatto had prior knowledge about [REDACTED]'s suicidal statements and planned to place him on a 5150 hold before they made contact. He said that he was not present when Officer Shatto conducted her preliminary investigation. He recalled [REDACTED] being agitated, argumentative and verbally non-compliant when they contacted him as he was seated on his shelter bed.

He said that Officer Shatto asked [REDACTED] if he was suicidal and he replied "no." He said that Officer Shatto grabbed [REDACTED]'s arm to place him in handcuffs and [REDACTED] tensed his arms and kept them in front of him. He said that Officer George assisted in placing handcuffs on [REDACTED] and that no force other than control holds to bring his arms behind him were needed. He said that they determined that a wheelchair that was next to [REDACTED]'s bed would be needed to transport him as he did not want to stand up. He said that officers lifted [REDACTED] into the wheelchair and that he continued to be agitated and was yelling. He said he remembered trying to talk to [REDACTED] to calm him down and to gain his compliance in standing up but said that [REDACTED] did not comply.

Officer Kramer said that he did not witness [REDACTED] spit on Officer Shatto but was told about it afterwards and saw that it happened when he later reviewed his BWC video. He said that he did not notice any reaction from Officer Shatto after she was spit on. He said that Officer Shatto and Officer Wilkins wheeled [REDACTED] out to a patrol vehicle while he and Officer George stayed behind and collected [REDACTED]'s belongings to go with him.

Officer Kramer said that when he walked out to the parking lot he saw that [REDACTED]'s wheelchair was stopped about 15 feet from the back door of a patrol vehicle. He said that [REDACTED] was yelling and screaming and apparently did not want to get in. He said that he put

██████████'s belongings in the trunk of the vehicle and when he came back around he saw Officer Shatto and Officer Wilkins carrying ██████████ to the vehicle by his armpits. He said that ██████████ was yelling, screaming and thrashing as he was being carried. He said that Officer George went to the other side of the vehicle and helped get ██████████ inside. He said that he recalled trying to calm ██████████ down and telling him to cooperate and to get into the vehicle. He said that ██████████ did not comply.

I asked Officer Kramer if any force was used to get ██████████ into the vehicle besides lifting him. He replied "Not that I could see" and noted that he couldn't think of a different way to get ██████████ in without his compliance. I asked Officer Kramer if he knew whether ██████████ was capable of standing or walking and he replied that he wasn't sure. I asked whether Officer Kramer saw ██████████ get pushed, shoved or hit and he replied "no."

I asked if ██████████ was physically resisting being placed in the vehicle and Officer Kramer couldn't say for sure. I asked if any injuries resulted and he replied that he believed ██████████ had some cuts to his feet. He said that he was unsure how the cuts occurred but speculated that his feet could have dragged on the pavement as he was carried from the wheelchair to the patrol vehicle. He did not recall the cuts requiring medical treatment.

Officer Kramer said that an hour or two later in his shift he was advised that ██████████ tried to punch Officer Shatto at Telecare. He said that he responded to interview staff about the incident and that Sergeant Badeo conducted a use of force investigation. I asked Officer Kramer if he observed any officer conduct during the call for service at the Armory or later at Telecare that he believed was out of policy and he replied "no."

OFFICER GEORGE INTERVIEW:

On 07/14/22 I interviewed Officer George as a witness in this investigation. The following is a summary of the interview. Please refer to the attached recording for the full interview.

Officer George has been a police officer with this department since 05/18/18. He recalled being on duty on 12/31/21 at responding to a call for service at the Armory. He remembered it as being a 5150 detail called in by staff and involving ██████████. He said that he recognized ██████████'s name in the call notes and recalled him being non-compliant and "very aggressive" during his own previous encounters with him. He said that he was also aware of an incident involving Watsonville PD officers where ██████████ was arrested for felony battery against an officer.

Officer George recalled Officer Shatto, Officer Kramer and Officer Wilkins also being present at the scene. He said that Officer Shatto was primary on the call, Officer Kramer was assigned as cover and that he and Officer Wilkins responded on their own to assist. He said that his BWC camera was activated during the incident and he was able to review his video prior to our interview. He initially said that he did not write or review any reports related to this incident. He later recalled writing a report.

Officer George said that when he arrived at the scene, Officer Shatto had already spoken to staff and determined that she would detain [REDACTED] per 5150. He said that [REDACTED] was sitting on his bed when officers contacted him and informed him that he was no longer welcome at the shelter. He said that [REDACTED] began swearing and didn't seem to want to listen to them. He said that [REDACTED] was asked if he required a wheelchair and he replied that he did. He said that he knew [REDACTED] to be ambulatory previously but was not aware of his medical condition at the time of this contact.

Officer George said that he and Officer Shatto detained [REDACTED] in handcuffs. He said that [REDACTED] tensed his arms as they were doing so but did not actively pull away from them. He said that they lifted [REDACTED] into his wheelchair without having to use any other force. He said that [REDACTED] was screaming and swearing as they transferred him to the chair and that he turned and spit. He said that he did not see where the spittle landed but later learned that it struck Officer Shatto.

He said that he and Officer Kramer collected [REDACTED]'s property and Officer Shatto wheeled [REDACTED] out. He said that when he arrived at their patrol vehicles, [REDACTED]'s wheelchair was near one of the vehicles and he was still seated in the chair. He said that he and Officer Kramer placed [REDACTED]'s property in the back of the vehicle and he then returned to the side of the vehicle and saw [REDACTED] seated on the ground in front of his chair and about 8 feet from the passenger door. He described [REDACTED]'s position on the ground as "down on his knees" and "sort of hunching over."

Officer George said that he did not see how [REDACTED] ended up on the ground but suspected that he'd gone "dead weight" as Officer Shatto and Officer Wilkins attempted to lift him up and into the patrol vehicle. He said that he did not observe any force being used against [REDACTED] as he was seated on the ground, screaming. He said that Officer Wilkins, Officer Shatto and he then carried [REDACTED] the rest of the way to the patrol vehicle and lifted him inside. He said that [REDACTED] initially was lying on the floor of the vehicle and he then went to the passenger side and lifted [REDACTED] into a seated position on the seat. He said that other than lifting [REDACTED] no force was being used on him during the transfer into the vehicle.

I asked Officer George if [REDACTED] complained of any injury and he replied that he was “generally just screaming” with nothing specific stated. I asked if he observed any injuries on [REDACTED] and he replied that he did not. He said that Officer Shatto drove [REDACTED] to Telecare after leaving the scene and that he did not have any further involvement. He said that he believed Officer Kramer responded to Telecare to assist based on [REDACTED]’s demeanor. I asked Officer George if he observed any officer conduct during this call that he believed was out of policy and he replied that he did not.

SERGEANT BADEO INTERVIEW:

On 07/14/22 I interviewed Sergeant Badeo as a witness in this investigation. The following is a summary of the interview. Please refer to the attached recording for the full interview.

Sergeant Badeo was hired as a Police Officer with SCPD on 07/12/10, he promoted to the rank of Police Sergeant on 08/21/21 and he was functioning as a patrol supervisor on 12/31/21. He said that he became aware of the call for service involving [REDACTED] when he was advised that Telecare was refusing him because he required a wheelchair.

Sergeant Badeo said that he became involved when he contacted Telecare staff to try to come up with a resolution for [REDACTED]. He said that Telecare subsequently decided to accept [REDACTED] and then arrange transport by ambulance to another facility.

Sergeant Badeo confirmed that he did not respond to the call for service at the Armory. He said that Officer Shatto had advised him of the 5150 detention but did not disclose that she’d been battered by [REDACTED] or that there’d been any use of force against him. He said that Officer Shatto was present at Telecare when he arrived there to talk to staff but she did not disclose the battery against her or a use of force at that time either. He said that it was not until later in the shift that Officer Shatto told him she’d been spit on and swung at by [REDACTED].

Sergeant Badeo said that at the time, he was not aware of the call for service where Officer Shatto was called back to Telecare to assist staff and medics because [REDACTED] was being uncooperative. He said that in his opinion officers should not have been dispatched back to Telecare since [REDACTED] was no longer in police custody. He said that Officer Shatto later told him that [REDACTED] tried to punch her during that contact and that she responded by placing him in a control hold. He said that he was not advised of any injury resulting from that contact and he did not observe any injuries to [REDACTED] when he responded to Telecare earlier to speak with staff.

Sergeant Badeo said that Officer Shatto later spoke to him at the Police Department and indicated that she was upset about [REDACTED] spitting on her and swinging at her and that she “wanted to be a victim of a battery.” He said that he asked Officer Shatto to tell him what happened and she then disclosed the battery against her at the Armory as well as the assault at Telecare.

Sergeant Badeo said that he told Officer Shatto that she should have advised him of these incidents when they happened so that he could have conducted an immediate use of force investigation and removed her from further contact with [REDACTED]. He said that he directed Officer Wilkins to try to interview and photograph [REDACTED] at the hospital in Watsonville and Officer Kramer to interview staff at Telecare.

Sergeant Badeo said that he later reviewed officers’ BWC video from the Armory and from Telecare and confirmed that it showed that Officer Shatto was spit on. He said that he reviewed the associated reports and found that they were consistent with the officers’ statements and BWC video.

I asked if Sergeant Badeo noted any policy violations while reviewing the video. He replied that Officer Shatto did not report the 148 PC incident to him as per policy and he spoke to her about this that evening when she advised him that she’d been battered. He said that when he reviewed the BWC video again in preparation for our interview he also noted that Officer Shatto’s language with [REDACTED] did not appear to comply with policy. He said that he did not speak to Officer Shatto about her language.

I asked Sergeant Badeo whether he observed any uses of force that he felt were out of policy and he replied that he did not. He said that other than the control hold used by Officer Shatto at Telecare, he was not aware of any uses of force against [REDACTED]. He said that he believed the use of the control hold was reasonable given that [REDACTED] had just tried to punch Officer Shatto. I asked if he was aware of any pattern of use of force violations with Officer Shatto and he replied that he was not. I asked if he noted any need for further administrative investigation after his initial review of officers’ statements, reports and BWC video and he replied that he did not. I asked if he’d forwarded any concerns about this incident up the chain of command and he replied that he had not. I requested that Sergeant Badeo not speak with Officer Shatto or anyone else about this investigation and ended the interview.

OFFICER SHATTO INTERVIEW:

On 07/22/22 I conducted a subject officer interview with Officer Shatto. Officer Shatto was represented by attorney Justin Buffington of Rains Lucia Stern during the interview. The

following is a summary of the interview. Please refer to the attached recording for the full interview.

Officer Shatto has been a police officer with SCPD since 05/07/18 and was functioning as such on 12/31/21. She recalled being in duty on that date and responding to a call for service at the Armory. She was dispatched there on two separate occasions on that date regarding [REDACTED] making suicidal statements. She did not make contact with [REDACTED] during the first call for service. On the second call, Officer George, Officer Kramer and Officer Wilkins also responded with her.

Officer Shatto stated that her memory of the events was "pretty bad" but she was able to review her BWC video prior to our interview. She said that she did not review her own report or any other officer's report in preparation.

Officer Shatto said that she was aware of [REDACTED]'s 148 PC history before making contact with him. She said that she was also aware that [REDACTED] had caused a problem at Dominican Hospital requiring that he be escorted out prior to being at the Armory shelter. She described [REDACTED] as being "non-compliant" during her contact with him and noted that he spit on her.

Officer Shatto stated that she was able to establish probable cause to detain [REDACTED] per 5150 W&I prior to making contact with him based on his suicidal statements to shelter staff. She said that she shared this information with the other officers and that her plan was to detain [REDACTED] upon contact. Officer Shatto described [REDACTED] as being "irate" when she did make contact with him and said that he did not cooperate with her.

I reviewed Officer Shatto's BWC video with her during the interview and noted that she referred to [REDACTED]'s recent hospitalization. She stated that she was aware that [REDACTED] had become violent with hospital staff and was escorted out by hospital security. She said that she did not know why [REDACTED] had been at the hospital or if he was able to walk while he was there.

I asked whether [REDACTED] resisted her efforts to place handcuffs on him and she replied that she didn't recall. She said that no force was necessary to handcuff him other than control holds to bring his arms behind his back.

I noted that [REDACTED] was asked if he needed a wheelchair and asked whether Officer Shatto had any information about him requiring one besides his say-so and the presence of the chair next to his bed. She replied that she believed that [REDACTED] had been wheeled out of Dominican and into the shelter but was ambulatory in between. She said that per a conversation with Officer George, [REDACTED] had a history of non-compliance with officers in which he would refuse to walk when he was able.

I asked Officer Shatto if [REDACTED] was able to assist with his transfer from the shelter bed to the wheelchair and she replied that she did not know whether he was unable to assist with the transfer or if he was being non-compliant. She said that she lifted [REDACTED] into this chair with no use of force. I noted in the video that [REDACTED] could be seen spitting immediately following the transfer but it was not apparent where the spit landed. Officer Shatto confirmed that the spit struck her right arm.

I asked Officer Shatto if she considered disengaging from her contact with [REDACTED] since she'd been the victim of a battery. She said that she did not since she wasn't interested in his prosecution for the battery at that point. She further noted that she "probably should have." I asked whether she thought about notifying her supervisor about [REDACTED]'s resistive behavior and she replied that she didn't know if that crossed her mind or not.

I noted that the video showed her and Officer Wilkins taking [REDACTED] out to her patrol vehicle and her attempting to move a surgical mask from beneath his chin to cover his mouth and nose. Officer Shatto stated that [REDACTED] moved the mask off of his face by moving his jaw to "skootch it down." I noted in the video that she stopped the wheelchair near the front fender of the patrol vehicle and asked why she didn't stop closer to the rear door. Officer Shatto replied that she didn't remember.

I noted that [REDACTED] accused her in the video of ripping his jacket and asked if there was any damage to his clothing. Officer Shatto replied "Not that I remember." I stopped the video at 5:49, the point where Officer Shatto is shown delivering an open-hand strike to [REDACTED]'s face. I asked Officer Shatto to describe what was shown and she replied "It looks like I pushed his head away." I asked why and Officer Shatto, "I do not recall specifically. Um, I'm going to assume that it had something to do with the fact that he had already spat on me. Um, I did see him move his head toward me in a head-butting motion, but I'm not sure whether... I believe my mindset was that he could spit on me again. Um, as I'd already requested the spit mask, he'd already done it and he had faced toward me. But what was actually going on through my head I do not recall."

I asked Officer Shatto whether she considered the push a use of force and she replied "I guess?" She said that she believed it was defensive and to avoid being spit on. She said "I should have probably done the use of force paperwork on it." I asked whether any injury resulted from the push or if [REDACTED] complained of any pain to his face and she replied "no."

I continued the video and noted that [REDACTED] stated that he couldn't stand. I asked again if there was any reason they didn't position the wheelchair closer to the rear passenger door and Officer Shatto replied that she didn't recall. I asked if she remembered what her plan was at that point and she replied that she did not.

I continued the video and Officer Shatto stated that it showed them escorting [REDACTED] from the wheelchair to the patrol vehicle. She said that she was holding [REDACTED]'s left arm. She said that Officer Wilkens was holding him on his right side. I asked how far they moved [REDACTED] and she replied "a few feet."

I paused the video at 6:04 where [REDACTED] slumped to the ground and was heard yelling "Ow, ow ow!" and asked Officer Shatto what was happening at that point. She replied "Um, I don't know." I asked if they were successful in moving [REDACTED] to the car door at that point and she replied that they were not. I asked if it seemed accurate that [REDACTED] had been lowered to the ground and Officer Shatto replied that it did. I asked if she knew why [REDACTED] was yelling "Ow, ow ow!" and she replied that she did not. She noted that he also yelled this when they first moved him from the bed to the chair. She said she wasn't sure if his yelling was because of how they were grabbing him, pain to his feet, or some other cause.

I resumed the video at 6:07 where Officer Shatto stated "That's for spitting on me" as [REDACTED] continue to cry. I asked Officer Shatto if she heard her comment and she replied "not exactly, something about spitting on me though." I replayed the video again and Officer Shatto stated that she heard "That's fine, you spit on me, it sounded like." I asked Officer Shatto what she meant by this and she replied "I don't know. I can't recall exactly what was going through my head."

I asked what was happening to [REDACTED] at that point and she replied "He was screaming," I asked if anything was being done to [REDACTED] as a use of force at that point and she replied "Just carrying him to his car, to the patrol car. So, there was no other actions being done besides getting him to the patrol car." I noted that Officer Wilkins appeared to still have his hands on [REDACTED] and asked what she was doing at that point. Officer Shatto replied that she believed her hands were still on [REDACTED]'s left side but she could not recall.

I resumed the video to the point where [REDACTED] slumped to the ground a second time at the doorway of the patrol vehicle. I asked if she and [REDACTED] had been supporting him by his arms again and she replied that that they did. I asked if [REDACTED] had been supporting himself at all and she replied that "he was not doing anything at all." I asked what was happening to [REDACTED]'s feet and she replied that they obtained "minor abrasions" from the ground since he was not lifting them. I asked if his feet had been dragging behind him and she replied "yeah." I asked if he was wearing shoes or had anything else on his feet and she replied that he was not.

I continued the video until [REDACTED] was seated in the patrol vehicle. Officer Shatto stated that this was accomplished by Officer George pulling him from the passenger side while she and Officer Wilkins lifted and pushed him from the driver's side. I resumed the video and paused

again when [REDACTED] yelled "My feet! My feet!" I asked what was happening to [REDACTED]'s feet and Officer Shatto replied "I'm going to assume the abrasions that he received." I asked if the abrasions appeared significant and she replied "no" and speculated that they might have needed a Band-Aid at most. I asked if there had been something wrong with [REDACTED]'s feet to start with and she replied that she didn't know.

I resumed the video to the point where Officer Kramer stated "He's bleeding from his toes" and Officer Shatto replied "Because we dragged him... which I'm fine with, 'cause he spat on me." I asked Officer Shatto if she intended for [REDACTED]'s feet to drag on the ground and she replied "No." I asked if it was meant to cause him pain or injury and she replied that it wasn't and that she believed [REDACTED] was capable of walking but refused to do so. I asked if she was aware of the injury happening to [REDACTED]'s feet at the time of the incident and she replied that she wasn't aware of any injury until after he was in the vehicle.

I asked Officer Shatto if her comment to Officer Kramer meant that it was ok that [REDACTED] got hurt because he had spit on her. She replied that she did not think that was what was going through her mind and that she was "upset at the time."

After completing the review Officer Shatto's video with her, I played the portion of Officer Wilkins' BWC video where [REDACTED] first slumped to the ground next to the patrol vehicle. I noted that the video showed Officer Shatto holding the handcuff chain with her right hand and causing [REDACTED]'s arms to be elevated behind his back for several seconds. I asked if there was a reason that she did this and she replied "I don't recall." I asked if anyone else was supporting [REDACTED]'s weight at that point and she replied that she believed Officer Wilkins may have been but noted that she was not sure.

I asked if it appeared to her that [REDACTED] was in pain because of how she was holding his arms up. She replied that [REDACTED] was screaming but noted that he had been screaming throughout the contact. I asked if she was intending to cause him pain and she replied "No." I paused the video again after Officer Shatto was heard saying "That's for spitting on me." Officer Shatto stated that she believed her comment was "That's fine, he spit on me." I asked if the comment was in reference to [REDACTED] being in pain at that point and she replied "I don't specifically recall."

I asked Officer Shatto if it was intentional that she didn't note the head push as a use of force against [REDACTED] in her report and she replied "No, it's just oversight. It's something I'll take fault on. I should have mentioned it, but I forgot to". I asked whether she considered holding [REDACTED]'s arms up behind his back a use of force and she replied "Not specifically, because the intention was not to either defend myself or cause pain." I asked what her intent was and she replied "I do not recall. I don't even think it crossed my mind at the time."

I asked if she reviewed her BWC video before writing her report. Officer Shatto said that she did not review it past the point where [REDACTED] spit on her. I asked if [REDACTED] had any other injuries besides the abrasions on his feet and she replied that he did not. I asked if medics examined [REDACTED] and she replied that they did not. I asked if his feet were treated at the hospital later and she replied that she didn't know. I asked if [REDACTED] seemed to have any continuing pain and she replied that she didn't know. I asked if he continued to cry after he was in the patrol vehicle and she replied that he continued to "cuss at me and yell".

I asked Officer Shatto if she notified her supervisor once [REDACTED] was in the patrol vehicle and the situation was stabilized. She replied that she later requested that Sergeant Badeo respond to Telecare because [REDACTED] was being refused there. I confirmed that the request for Sergeant Badeo was to assist with getting [REDACTED] admitted and not to report that she'd been battered or used force against [REDACTED]. Officer Shatto agreed.

I confirmed that Officer Shatto transported [REDACTED] to Telecare herself despite the fact that he'd battered her and she agreed. I asked what our policy stated in regard to victim officers transporting an arrestee who battered them and she replied that they were not supposed to. I confirmed that Officer Shatto spoke to Sergeant Badeo face-to-face at Telecare and asked if she told him at that point that [REDACTED] had battered her. She replied "I do not recall." I asked if she told him about any force used against [REDACTED] and she replied "I don't remember the conversation exactly word for word with Sergeant Badeo."

I confirmed that Officer Shatto was called back to Telecare a short time later and asked if a cover officer was also dispatched. She replied that no cover was dispatched and that she was sent to stand by while medics loaded [REDACTED] onto a gurney for ambulance transport. I asked Officer Shatto if she felt she should have requested a cover officer due to [REDACTED]'s previous contact and she replied that she didn't know what was going through her head at the time.

I asked Officer Shatto what happened when she arrived back at Telecare. She replied that [REDACTED] tried to take a swing at her, she pushed him against a gurney, he was loaded onto the gurney and he was transported to Watsonville Hospital. I asked if she had to block or deflect the punch and she replied that she didn't remember specifically what happened. I asked if she used any type of control hold and she replied "No, I had BHU staff and AMR staff assisting me with loading him on the gurney. At that point I pretty much just gave him to them."

I confirmed with Officer Shatto that pushing [REDACTED] was effective and he was unable to punch her. I confirmed that she documented the push as a use of force in her report. I confirmed with Officer Shatto that she advised Sergeant Badeo of [REDACTED]'s attempt to punch her and the force used to overcome his resistance. Officer Shatto stated that she also advised Sergeant

Badeo of the earlier battery against her at the same time. I asked when this notification took place and she replied that she believed it was after [REDACTED] was transferred to the hospital.

I asked Officer Shatto why she decided to notify Sergeant Badeo when she did. She replied "I had changed minds about pressing charges at that point." I asked Officer Shatto if she believed she was in compliance with Policy section 300.5.1, requiring that supervisor notification shall be made as soon as practicable following the application of force. She replied "I guess not. I probably should have reached him on the radio."

I asked Officer Shatto if she documented her use of force promptly, completely and accurately in the appropriate report (Policy section 300.5) and she replied "After fully reviewing the body camera, I should have probably documented it. It was oversight." I asked what specifically she felt she should have documented and she replied "the movement in general" and "the abrasions to his feet."

I asked Officer Shatto if there was any reason for the profanity that she used with [REDACTED] and she replied "No. Unfortunately I cuss a lot. It's something I've been trying to work on. And I will continue to be working on it. That's my fault".

I pointed out that Policy section 320 requires that officers treat members of the public with courtesy and respect. I asked Officer Shatto if she felt she treated [REDACTED] with courtesy and respect and she replied "No, not with my cussing." I asked Officer Shatto if her use of profanity was intended to serve any purpose or if there was any positive effect from it and she replied "No. It was not intended for any reason and it did not have a positive effect."

I asked Officer Shatto if there was anything she would do differently if she had to handle this call for service over again and she replied "Probably just move the wheel chair closer to the car." I asked if there was anything else and she replied "Probably cuss less. And notify the supervisor."

Mr. Buffington asked Officer Shatto if Officer Wilkins suggested moving the wheelchair closer to the patrol vehicle and she replied that she didn't remember.

Mr. Buffington asked Officer Shatto if she felt it was possible that [REDACTED] was over-exaggerating his response to being placed in the vehicle and what happened prior to that. Officer Shatto replied that she was told by another officer that [REDACTED] is "very vocal," but she had no previous experience with [REDACTED] to base an opinion on.

Mr. Buffington asked Officer Shatto if she felt the force used to push [REDACTED]'s head to avoid being spit on was reasonable and she replied that she did. He asked her why and she said

because she was trying not get battered a second time. He asked Officer Shatto if she believed [REDACTED] was in a position to complete that battery and she replied "Yes."

Mr. Buffington had no further questions and this concluded my interview with Officer Shatto.

CONCLUSION OF FINDINGS:

On 12/21/21 at about 1919 hours officers were dispatched to a temporary homeless shelter program at the National Guard Armory located at 301 Upper Park Road for a report of a subject making suicidal statements. Officer Shatto was the primary investigating officer and Officer Kramer, Officer George and Officer Wilkins responded as cover officers.

Staff at the shelter program told Officer Shatto that [REDACTED] was a client who'd made suicidal statements about cutting his wrists earlier in the evening and more recently began asking other clients about borrowing a knife to cut his wrists with.

Officer Shatto had been dispatched to the Armory during the earlier incident at about 1734 hours but chose not to contact [REDACTED] at that time due to him being asleep when she arrived and due to concerns about his 148 PC history which she was advised of by Dispatch.

Upon arrival at the scene for the second call for service Officer Shatto determined that she believed probable cause existed to detain [REDACTED] per 5150 W&I. She and the other officers contacted [REDACTED] at his bed inside the shelter and she detained him in handcuffs. [REDACTED] claimed he was unable to walk and was transferred by officers into a wheelchair belonging to the shelter.

During the transfer process, [REDACTED] became visibly upset and began cursing at Officer Shatto. Officer Shatto replied by cursing at [REDACTED] and [REDACTED] then spit on her forearm. Officer Shatto wheeled [REDACTED] to her patrol vehicle where Officer Wilkins retrieved a spit mask. While waiting for the spit mask, Officer Shatto struck [REDACTED] one time with an open hand to the left side of his head.

Officer Shatto and Officer Wilkins attempted to transfer [REDACTED] from the wheelchair into the back of Officer Shatto's patrol vehicle by lifting him by his upper arms. [REDACTED] claimed to be unable to stand or walk and the officers were unable to complete the transfer without his assistance. [REDACTED] was lowered to a seated position on the ground next to the patrol vehicle. As he was seated on the ground, Officer Shatto maintained a grasp of his handcuffs and held his arms up behind his back while stating "That's for spitting on me." This action caused

both [REDACTED]'s arms to be extended and raised in an arm-bar position for several seconds and appeared to cause him pain.

Officers were able to transfer [REDACTED] to the patrol vehicle on their second attempt and Officer Shatto transported him to Telecare where he was refused due to his inability to walk. Sergeant Badeo responded and arranged with Telecare to accept [REDACTED] and then have him transported by ambulance to another facility.

Officer Shatto was dispatched back to Telecare a short time later when [REDACTED] was uncooperative with AMR and Telecare staff. [REDACTED] attempted to punch Officer Shatto as he was being transferred to an AMR gurney. Officer Shatto deflected the punch and applied a control hold as he was secured to the gurney. [REDACTED] was then transported to Watsonville Community Hospital.

Officer Shatto later advised her supervisor, Sergeant Badeo, of the assault and battery against her. Sergeant Badeo conducted a use of force investigation and tasked Officer Wilkins with attempting to get a Miranda statement from [REDACTED] at the hospital. [REDACTED] did not cooperate by providing a statement.

Officer Shatto documented the 5150 detention under case 21S-07868. She documented the assault and battery against her under case 21S-07869 with the recommendation that the report be forwarded to the District Attorney's Officer for warrant recommendation. Neither report disclosed the open-hand strike to the side of [REDACTED]'s head or the arm-bar technique applied to him at the Armory. The report under 21S-07869 noted that [REDACTED] had minor abrasions on his feet as a result of transfer from the wheelchair to the patrol vehicle. No other injuries were noted.

On 05/26/22 Deputy Chief Bush received an inquiry from the District Attorney's Office regarding Officer Shatto's conduct. As part of their filing procedures, the filing Assistant District Attorney must review the officer's BWC video. During this process the ADA had concerns in regard to how Officer Shatto comported herself, specifically the language she used and the manner in which she communicated with [REDACTED].

Deputy Chief Bush documented his communication with the District Attorney's Office in a memorandum to Chief of Police Bernie Escalante on 05/26/22 and noted in his memo that he reviewed related BWC video, confirmed that the language and manner in which Officer Shatto comported herself potentially violated department policy and further noted that he observed an application of force by Officer Shatto which was potentially not in compliance with Department policy. This same memo was forwarded to me by Chief Escalante on 06/13/22 and lead to this investigation.

ALLEGATION 1:

Officer Shatto's language and the manner in which she comported herself was unprofessional and reflected poorly on the Department.

Policy 320.3.2 – GENERAL CONDUCT SUBJECT TO DISCIPLINARY ACTION

Any member of employee of the Santa Cruz Police Department whose personal actions reflect, or may reflect if known, against the reputation of the law enforcement profession, the Police Department or the City of Santa Cruz, or who commits an offense punishable under the laws or statutes of the United States, the State, or local ordinances, or violates any provision of the Rules and Regulations of the City of Santa Cruz or of the Department including, but not limited to, General Orders, Training Bulletins/Procedures, memorandums and/or disobeys any lawful order or is incompetent to perform assigned duties is subject to disciplinary action.

Based upon my review of this case, I recommend the following finding(s):

OFFICER SHATTO – SUSTAINED

As to Policy 320.3.2:

Based upon review of BWC video recordings, it is evident that Officer Shatto's use of profanity and the discourteous manner in which she treated ██████████ reflect poorly against the reputation of the law enforcement profession, the Police Department and the City of Santa Cruz. Officer Shatto admitted during interview that she was aware that the language she used toward ██████████ violated Department policy, acknowledged that her use of curse words is an ongoing issue for her and professed that she is "working on it."

ALLEGATION 2:

Officer Shatto applied force against [REDACTED] which was potentially not in compliance with Department policy when she delivered an open-hand strike to the side of his head.

Policy 300.3 – USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code 835a).

Based upon my review of this case, I recommend the following finding(s):

OFFICER SHATTO – EXONERATED

As to Policy 300.3 – USE OF FORCE:

Based upon my review of BWC video recordings and interview with Officer Shatto, it appears that the open hand strike which she delivered to the side of [REDACTED]'s head at her patrol vehicle and before he was spit-masked was reasonable due to Officer Shatto's perception that he was about to spit on her a second time and her stated intent of preventing him from doing so. In this case, the strike (or push as described by Officer Shatto) was effective in that [REDACTED] was unable to spit on Officer Shatto. Although I was unable to locate [REDACTED] to question him about his intent, it appears reasonable to suspect that he was about to spit based on his prior spitting and the sudden movement of his head in Officer Shatto's direction.

ALLEGATION 3:

Officer Shatto applied force against [REDACTED] which was potentially not in compliance with Department policy when she applied an arm-bar technique to [REDACTED] by holding the chain of his handcuffs in a raised position behind his back.

Policy 300.3 – USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code 835a).

Based upon my review of this case, I recommend the following finding(s):

OFFICER SHATTO – SUSTAINED

As to Policy 300.3 – USE OF FORCE:

Based upon my review of BWC video recordings and interviews with Officer Shatto as well as witness officers, it appears that Officer Shatto’s application of an arm-bar technique to [REDACTED] as he was handcuffed, spit-masked and seated on the ground did not reasonably appear necessary given the facts and totality of the circumstances known to Officer Shatto at the time of the event and did not accomplish a legitimate law enforcement purpose. [REDACTED] was not actively resisting at the time the technique was applied and Officer Shatto’s recorded statement “That’s for spitting on me” as it was being applied indicate that her motivation was to cause pain to [REDACTED] in retaliation for him spitting on her.

ALLEGATION 4:

Officer Shatto applied force against [REDACTED] which was potentially not in compliance with Department policy when she caused his feet to drag across the Armory parking lot while transferring him from a wheelchair to her patrol vehicle.

Policy 300.3 – USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code 835a).

Based upon my review of this case, I recommend the following finding(s):

OFFICER SHATTO – NOT SUSTAINED

As to Policy 300.3 – USE OF FORCE:

Based upon my review of BWC video recordings and interviews with Officer Shatto and Officer Wilkins, it does not appear the injuries to [REDACTED]'s feet were caused by an intentional use of force. Although a better tactic would have been to position the wheelchair closer to the vehicle door in which they intended to load [REDACTED] and/or to wait for other officers to assist them, I do not believe that Officer Shatto or Officer Wilkins were aware of the injury or even the potential for injury until after [REDACTED] was in the patrol vehicle.

ALLEGATION 5:

Officer Shatto applied force against [REDACTED] which was potentially not in compliance with Department policy when she applied a control hold to [REDACTED] at Telecare.

Policy 300.3 – USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code 835a).

Based upon my review of this case, I recommend the following finding(s):

OFFICER SHATTO – EXONERATED

As to Policy 300.3 – USE OF FORCE:

Based upon my review of BWC video and interview with Officer Shatto, I believe that the control hold used by Officer Shatto on [REDACTED] after he tried to punch her at Telecare was reasonable. Additionally, this use of force was documented in Officer Shatto's report and she did notify Sergeant Badeo, although not until after returning to the Police Department. Although not a policy violation, I believe that Officer Shatto should have notified Sergeant Badeo of the call for service at Telecare before responding and should have advised Netcom that a supervisor and cover officer(s) would be needed due to [REDACTED]'s combative nature.

ALLEGATION 6:

Officer Shatto failed to document the force which she applied against [REDACTED] at the Armory, specifically the open-hand strike to the side of his head and the arm-bar technique which she applied.

Policy 300.5 – REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

Based upon my review of this case, I recommend the following finding(s):

OFFICER SHATTO – SUSTAINED

As to Policy 300.5 – REPORTING THE USE OF FORCE:

Based upon my review of Officer Shatto’s BWC video and reports as well as my interviews with her and with Sergeant Badeo I determined that Officer Shatto did not properly document the above uses of force as per Policy 300.5.

ALLEGATION 7:

Officer Shatto failed to notify her supervisor of the force which she applied against [REDACTED] at the Armory, specifically the open-hand strike to the side of his head and the arm-bar technique which she applied.

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

Based upon my review of this case, I recommend the following finding(s):

OFFICER SHATTO – SUSTAINED

As to Policy 300.5.1: NOTIFICATION TO SUPERVISORS

Based upon my review of Officer Shatto’s BWC video and reports as well as my interviews with her and with Sergeant Badeo I determined that Officer Shatto failed to notify her supervisor of the above uses of force as per Policy 300.5.1.