

Memorandum

To: Chief M. Sappal
From: Captain A. Roth *AR*
Date: 2/15/19
Subject: Use of Force Memo 17-2483

I have reviewed Sgt. Muncher's memo regarding this use of force, as well as the police report. Based on everything I have reviewed, I believe this use of force was within policy and was reasonable for the circumstances. The suspect in this incident was reported to be known to carry firearms, and he was actively resisting officers.

The MDT messages sent between officers for several hours prior to the incident and after have been submitted by Sgt. Muncher and are attached to his memo. The only potential mention of this incident appears to be one message from Dispatcher Turnage indicating she knew the call was "...gonna go sideways."

To: Captain Roth
From: Sergeant Muncher
Date: 11/27/2018
Subject: Use of force -Carotid/ Baton strikes

This memo is regarding the use of force by Officer Breinig, Officer Voyvodich and Officer Mayberry on 09/12/17 at 2038 hrs. The suspect was taken into custody and transported to Contra Costa County Regional Medical Center for treatment prior to being booked into MDF.

On 9/12/2017 at approximately 2038 hours, Officer Voyvodich was dispatched to 2940 Estudillo Street, #4 to investigate a violation of a restraining order. RP MARIE HENDERSON stated that her son, KENNETH WOODS, was sitting in front of her residence in a chair, which was a violation of the restraining order. While in route to the location, Martinez Police Dispatch advised there was a valid restraining order prohibiting WOODS from being at the residence. The restraining order showed good service.

Officer Voyvodich had prior dealings with WOODS and knew that he was not police friendly. He was also aware that on prior occasions, his mother (RP HENDERSON) advised WOODS had a gun and would often times have a gun with him. She had stated at one time, she believed he intended to shoot it out with police.

As units were in route to the location, Martinez Police Dispatch advised that WOODS could possibly have a gun. That information was given to the dispatch by RP HENDERSON.

Officer Voyvodich arrived at the location with Corporal MAYBERRY. He and Corporal MAYBERRY located WOODS' vehicle parked about 100 yards away from the address. It did not appear to be occupied at that time. They approached the front of the residence and noticed there was an empty chair directly in front of the residence. Officer Voyvodich contacted RP HENDERSON and she told him that WOODS must have left prior to their arrival. She then asked him to check the backyard. They checked the rear yard but no one was located.

When they went back to the front of the residence, Corporal MAYBERRY made contact with WOODS, who was now standing in front of the residence, directly in front of the front door. When Officer Voyvodich came around the corner, WOODS stepped back, bladed his stance and kept his arms folded at chest level and balled up his hands into fists. Officer Voyvodich asked WOODS why he was there and WOODS did not have a reply. He asked him if he knew about the restraining order and he told me that he did. He asked him why he was violating the restraining order and he then said he didn't know about a restraining order and did not know the details of the restraining order.

Officer Voyvodich again confirmed with Martinez Police Dispatch that there was a valid and served restraining order on WOODS. Martinez Police Dispatch again confirmed that there was a served restraining order on WOODS. Officer Voyvodich advised WOODS that he did know about the details of the restraining order because he was served. He then said he was not properly served in his mind.

Officer BREINIG arrived on scene and stood in front of WOODS. Corporal MAYBERRY was to Officer BREINIG's right and Officer Voyvodich was to his left. Officer BREINIG told WOODS to turn around and place his hands behind his back. WOODS tensed up and would not comply with Officer BREINIG's orders. Officer BREINIG stepped in to go hands on with WOODS and Officer Voyvodich was able to grab WOODS' left arm and pull it away from WOODS' chest. WOODS tightened up and tensed his muscles. He attempted to pull his right arm away from Officer Voyvodich several times and tried to get out of his hold, as well as Officer BREINIG's hold.

They decided to take WOODS to the ground. Once on the ground, Officer Voyvodich was able to control WOODS' right arm with an arm bar, using his weight and the ground as leverage to secure his right arm. He could feel WOODS continue to struggle with Corporal MAYBERRY and Officer BREINIG. Officer Voyvodich was facing away from Officer BREINIG and Corporal MAYBERRY and they were both behind him and on top of WOODS' back. He felt WOODS tense up several times and try to get up. He continued to feel WOODS struggle and he did not know where his left hand and arm were. He heard WOODS being struck with an unknown object behind him and heard Corporal MAYBERRY giving WOODS orders to stop resisting.

Officer Voyvodich heard Officer BREINIG advising that WOODS was out. Officer BREINIG then placed WOODS in handcuffs and put him in the recovery position. Officer Voyvodich realized Officer BREINIG had used a carotid restraint to subdue WOODS. The carotid retraining was used at 2045 hours. After Officer Voyvodich realized the restraint was used, he advised Martinez Police Dispatch that the carotid restraint had been used and requested "Code 3" fire and ambulance. WOODS regained consciousness after approx. 2-3 seconds.

At 2038 hours Officer Mayberry was dispatched to 2940 Estudillo St. for a report of a restraining order violation and the suspect was reported to possibly have a gun and had made statements he was not afraid to use it against law enforcement.

He arrived along with Officer Voyvodich. They did not see the male in front of the house and proceeded to check the back yard. He was not located in the back yard, but as they came into the front yard, they located a male walking up to the front door.

The male took an aggressive stance and placed his back towards the front door. He began rocking from foot to foot and squeezed his hands into fists. He appeared to be preparing himself to fight.

Officer Breinig arrived and spoke with the male who admitted he was Kenneth Woods and he had knowledge of the restraining order, but it was not valid in his mind. Officer Breinig told Woods to place his hands behind his back and he refused, at which time Officer's Breinig and Voyvodich took hold of his arms to place him in handcuffs. Woods resisted by pulling both arms into his body and locking up. Officer Mayberry watched all three fall to the ground where they continued to struggle. During the struggle, officers were giving continuous commands to stop resisting and to place his hands behind his back. Officer Voyvodich had Woods' right arm and Officer Breinig had his left. Officer Mayberry placed Woods into a leg lock. Woods continued struggling and was able to kick his legs free from him. He also saw his left arm was free and he appeared to be reaching under his body with his free arm. Fearing Woods may be grabbing for a weapon, Officer Mayberry drew his collapsed baton and struck Woods three times in his right hip/ buttocks area in an attempt to gain compliance. Moments later Woods went limp and Officer Mayberry heard Officer Breinig state he had used "the carotid." Woods was placed into handcuffs behind his back. Woods regained full consciousness within about 5 seconds and was placed him in a recovery position lying on his left side.

On 9/12/17, at approximately 2032 hours, Officer Breinig was dispatched to 2940 Estudillo Street apartment #4 regarding a violation of a domestic violence restraining order (DVRO). While responding MPD dispatch advised the reporting party indicated suspect, Kenneth Woods, has been known to carry a firearm in the past. Additionally Woods has been known to use controlled substances and is aggressive when under the influence. Units were further advised on an officer safety bulletin where Woods was said to carry a gun and a family member was concerned Woods would use it if pulled over by law enforcement.

Based on the aforementioned information from the reporting party, Officer Breinig requested additional units be dispatched for officer safety reasons.

Upon Officer Breinig arriving, Officer Mayberry and Officer Voyvodich had already arrived and were speaking with Woods in front of 2940 Estudillo Street apartment # 4. As Officer Breinig reached Woods and the other officers, he observed Woods standing in front of the apartment door. Woods was postured standing straight up with his back to the door. Woods was standing in a bladed fashion with his feet shoulder width apart and his hands were both in fists. He heard Officer Voyvodich confirm that Woods had been served with a copy of the DVRO. Officer Breinig told Woods our system indicated he had been served. Woods was verbally argumentative stating he had not been served and the DVRO was not valid. Based on Officer Breinig's training and experience the behaviors Woods was displaying were indicative of a subject anticipating or preparing to engage in a physical altercation.

Officer Breinig was approximately three to five feet from Woods and began to approach him telling him to put his hands behind his back. Officer Voyvodich took Woods right hand as Officer Breinig reached and grabbed his left arm below the elbow. Woods immediately became

rigid and began to resist moving both arms into his abdomen. Officer Breinig moved into a position behind Woods in an attempt to better effectively control his combative movements. Officer Voyvodich and Officer Breinig began to struggle with Woods in the front yard area of the residence. Woods attempted to move toward the sidewalk area when Officer Breinig attempted to force Woods to the ground via a hip throw. Woods stepped over the officer's right leg and abruptly pulled his left arm from his grasp. Woods began to reach toward the center of his body when Officer Breinig took rear control of Woods. Fearing Woods was attempting to reach for a weapon he did not want to release contact with Woods allowing him to access any potential weapon.

Officer Breinig placed Woods in a standing carotid restraint. He pushed himself onto Woods back and forced him into the grass face first utilizing his forward momentum. He regained partial control of Woods left arm for a brief moment until Woods again pulled his arm from his grasp. Officer Voyvodich continued to struggle with Woods right arm as Woods began to reach under his body with his left arm. Officer Breinig quickly tightened the carotid restraint in an attempt to gain voluntary compliance. Woods continued to struggle for approximately 10 seconds until Woods went unconscious.

As soon as Woods body relaxed, Officer Breinig immediately discontinued the application. Woods was quickly put into handcuffs then rolled to a position of recovery on his side. Woods was breathing and regained a recognizable level of consciousness after approximately four seconds. Woods was able to carry on a brief conversation where he complained of being on his side and desired to be sat straight up. Woods did not appear to have any side effects of the carotid application. Woods had a small scratch above his right ear that was bleeding slightly. Woods had no other visible signs of injury and no officers were hurt during the altercation.

After placing Woods in the recovery position EMS was requested to respond in order to medically clear Woods based on the application of the carotid restraint. Woods was responsive and did not appear to have any complications from the application of the restraint. ConFire and AMR arrived on scene and Woods was transported to CCRMC per department policy for medical clearance. A digital photograph was taken of Woods injury and later attached to the case.

Woods was cleared at CCRMC and subsequently transported to the Martinez Detention Facility where he was booked for 273.6 PC and 148 PC. Intake deputies were informed of the carotid application at the time of booking.

I tried to speak with Woods about the incident but he refused to talk to me.

Based on the information that Woods may have had a gun and he did not comply with the Officers Commands, I believe the use of force was justified and within policy.

MOBILE MESSAGE

From: DISPSS to AllMCs

Sent: 09/12/2017 18:15:05

Message forwarded by TURNAGE

OAL DNNA 3207
001
CONTRA COSTA COUNTY AGENICES AND DUBLIN PD

ATTN: ALL UNITS AND STATIONS
SUBJECT IS YNGHUA ZHANG DOB 021643 AFA 411/130 GRAY HAIR BRO EYES LSW TAN FLORAL SHIRT
BLK PANTS

SUBJECT IS DIAGNOSED ALZHEIMERS AND IS KNOWN TO GET CONFUSED AND LOST WHILE WALKING

LAST SEEN AT APPROX 1500 AT HER RESIDENCE AT 3615 SANDALFORD WAY SAN RAMON SUSPECTED
TO HAVE LEFT ON FOOT. HAS NO FRIENDS OR FAMILY IN THE AREA CHINESE SPEAKING ONLY

IF SEEN, STOP CHK WELFARE AND NOTIFY SAN RAMON PD

REQUEST BCAST FOR MISSING ADULT
SAN RAMON PD
PHONE NUMBER: (925) 838 - 6640
20170912 1806 HRS LB

MOBILE MESSAGE
From: TURNAGE to L135

Sent: 09/12/2017 18:50:55

From: TURNAGE
Date: Tuesday, September 12, 2017
Time: 18:50:55

AFFIRM

From: L135
Date: Tuesday, September 12, 2017
Time: 18:50:44

can you keep an eye on the back lot tonight- one of the bldg dept guys left his window down on his truck. its the second in from the fence.

MOBILE MESSAGE

From: K93 to K92

Sent: 09/12/2017 19:54:43

FROM: K93
DATE: 09/12/2017
TIME: 19:54:43

cool, 5200 or 88

K92 wrote:

FROM: K92
DATE: 09/12/2017
TIME: 19:54:02

im waiting for this dude

K93 wrote:

FROM: K93
DATE: 09/12/2017
TIME: 19:47:08

clr already im starving

MOBILE MESSAGE

From: L135 to L104

Sent: 09/12/2017 19:47:25

FROM: L135
DATE: 09/12/2017
TIME: 19:47:25

FOUND HER:

DL/NO:B7987604*B/D:04-13-1981*NAME:NICHOLSON CHRISTINA MARIE*
MAIL ADDR AS OF 07-21-17:3773 SERRANO ST MARTINEZ 94553*
OTH/ADDR AS OF 04-02-14:5029 BRIDLE WY ANTIOCH *
AKA:CASTILLO CHRISTINA MARIE*

NOT SHOWING UP AS PAROLE. I CANT GET ONTO ARIES TO CHECK PROBATION NOW.

MOBILE MESSAGE

From: L135 to L104

Sent: 09/12/2017 19:49:11

FROM: L135
DATE: 09/12/2017
TIME: 19:49:11

HER PROBATION IS UNDER LAST NAME CASTILLO. FELONY FOR 530.5

MOBILE MESSAGE

From: TURNAGE to L135

Sent: 09/12/2017 20:04:33

From: TURNAGE
Date: Tuesday, September 12, 2017
Time: 20:04:34

yup just pee

From: L135
Date: Tuesday, September 12, 2017
Time: 20:04:15

quick relief?

MOBILE MESSAGE

From: L135 to L104

Sent: 09/12/2017 20:06:12

FROM: L135
DATE: 09/12/2017
TIME: 20:06:12

YOU SHOULD SMASH THE DOOR TOMORROW!

L104 wrote:

FROM: L104
DATE: 09/12/2017
TIME: 20:05:45

PROBATION X3 UNDER MAIDEN NAME...CASTILLO. OFF PAROLE NOW.

L135 wrote:

FROM: L135
DATE: 09/12/2017
TIME: 19:47:25

FOUND HER:

DL/NO:B7987604*B/D:04-13-1981*NAME:NICHOLSON CHRISTINA MARIE*
MAIL ADDR AS OF 07-21-17:3773 SERRANO ST MARTINEZ 94553*
OTH/ADDR AS OF 04-02-14:5029 BRIDLE WY ANTIOCH *
AKA:CASTILLO CHRISTINA MARIE*

NOT SHOWING UP AS PAROLE. I CANT GET ONTO ARIES TO CHECK PROBATION NOW.

MOBILE MESSAGE

From: L135 to L104

Sent: 09/12/2017 20:17:08

FROM: L135
DATE: 09/12/2017
TIME: 20:17:08

COOL. I LOOK FORWARD TO IT ON THE LOG!

L104 wrote:

FROM: L104
DATE: 09/12/2017
TIME: 20:10:25

I'LL PUT SOMETHING TOGETHER

L135 wrote:

FROM: L135
DATE: 09/12/2017
TIME: 20:09:49

IM GUESSING SHE NEVER UPDATED HER NAME CHANGE WITH THEM... MAY VIOLATE HER

L104 wrote:

FROM: L104
DATE: 09/12/2017
TIME: 20:09:02

PROBATION OUT OF SAN MATEO TO

L135 wrote:

FROM: L135
DATE: 09/12/2017
TIME: 20:07:43

SHE WAS KIND ENOUGH TO UPDATE HER CDL PHOTO LAST MONTH TOO....

MOBILE MESSAGE

From: K93 to K92

Sent: 09/12/2017 20:21:05

FROM: K93
DATE: 09/12/2017
TIME: 20:21:05

where to

MOBILE MESSAGE

From: K92 to K93

Sent: 09/12/2017 20:21:38

FROM: K92
DATE: 09/12/2017
TIME: 20:21:38

hang on i gotta break brut

MOBILE MESSAGE

From: K93 to K92

Sent: 09/12/2017 20:22:24

FROM: K93
DATE: 09/12/2017
TIME: 20:22:24

ok cool, where you thinking so i can start that way

K92 wrote:

FROM: K92
DATE: 09/12/2017
TIME: 20:21:38

hang on i gotta break brut

MOBILE MESSAGE

From: TURNAGE to K93

Sent: 09/12/2017 20:46:38

From: TURNAGE

Date: Tuesday, September 12, 2017

Time: 20:46:38

I KNEW THAT WAS GONNA GO SIDEWAYS

MOBILE MESSAGE
From: TURNAGE to K93

Sent: 09/12/2017 21:24:25

From: TURNAGE
Date: Tuesday, September 12, 2017
Time: 21:24:26

COPY

From: K93
Date: Tuesday, September 12, 2017
Time: 21:10:52

check your text

MOBILE MESSAGE

From: DISPSS to AllMCs

Sent: 09/12/2017 21:30:41

Message forwarded by TURNAGE

3248 3207 3201 FAV0

001

ALL AGENCIES AS ROUTED - SOLANO, CONTRA COSTA, ALAMEDA, CHP SCALES

ATTN: STOLEN ADV TRACK LOADER

PLEASE BOL FOR FOLLOWING:

BLK/YEL 2017 ASV RT30 VIN/ASVRT030CHDS07391.

THIS IS A TRACK LOADER, CONSTRUCTION EQUIPMENT, THAT WAS TAKEN FROM NURSE SL RD AND HWY 12

THANK YOU IN ADVANCE.

(EMAILED PHOTO AND BOL TO CHP SCALES - E/W BOUND 80 @ 12)

DEPUTY M URLAUB 1L85 CR17-4853

SOLANO COUNTY SHERIFF

PHONE NUMBER: (707) 421 - 7090

20170912 2100 HRS JCA

MOBILE MESSAGE
From: TURNAGE to L135

Sent: 09/13/2017 02:48:37

From: TURNAGE
Date: Wednesday, September 13, 2017
Time: 02:48:38

nothing with us ill check aries

From: L135
Date: Wednesday, September 13, 2017
Time: 02:48:04

WHAT DOES THAT GUYS PRIOR ARRESTS LOOK LIKE? HES GOING TO BE AN ISSUE IN THE NEXT FEW DAYS.

MOBILE MESSAGE
From: L135 to TURNAGE

Sent: 09/13/2017 02:50:23

THANKS!!!!

TURNAGE wrote:

From: TURNAGE
Date: Wednesday, September 13, 2017
Time: 02:50:08

243, 148, and hs

From: L135
Date: Wednesday, September 13, 2017
Time: 02:48:04

WHAT DOES THAT GUYS PRIOR ARRESTS LOOK LIKE? HES GOING TO BE AN ISSUE IN THE NEXT FEW DAYS.

MOBILE MESSAGE
From: TURNAGE to L135

Sent: 09/13/2017 02:50:32

From: TURNAGE
Date: Wednesday, September 13, 2017
Time: 02:50:32

he is on probation for 417 a1

From: L135
Date: Wednesday, September 13, 2017
Time: 02:48:04

WHAT DOES THAT GUYS PRIOR ARRESTS LOOK LIKE? HES GOING TO BE AN ISSUE IN THE NEXT FEW DAYS.

MOBILE MESSAGE
From: L135 to TURNAGE

Sent: 09/13/2017 04:17:48

I JUST MIGHT....

TURNAGE wrote:

From: TURNAGE
Date: Wednesday, September 13, 2017
Time: 04:17:34

fire me

From: L135
Date: Wednesday, September 13, 2017
Time: 04:17:21

IT WAS MAIN ST PLAZA ON THE WARD ST SIDE PARKING LOT!

MOBILE MESSAGE

From: DISPSS to AllMCs

Sent: 09/13/2017 05:01:28

Message forwarded by TURNAGE

4502

01

ALL LAW ENFORCEMENT

ATTN: SILVER ALERT ACTIVATION FLYER LINK

The California Highway Patrol, Emergency Notification and Tactical Alert Center (ENTAC), has activated a Silver Alert on behalf of the San Joaquin Sheriffs Department. This alert is being activated for the following county: San Joaquin.

Please copy and paste the following URL into a Web browser. The URL will link directly to a PDF flyer. Your agency can save, print, or download for distribution to media, hospitals, care facilities, schools, fire departments, missing persons organizations, etc., as appropriate, within your jurisdiction.

Unique URL for flyer:

<https://goo.gl/8QKkmw>

If you have any questions, please contact ENTAC at (916) 843-4199 or via email at entac@chp.ca.gov

SAN JOAQUIN COUNTY SHERIFFS DEPARTMENT

SAN JOAQUIN COUNTY SHERIFFS DEPARTMENT

PHONE NUMBER: (209) 468 - 4400

20170913 0452 HRS PG



MARTINEZ POLICE DEPARTMENT

525 HENRIETTA ST MARTINEZ, CA 94553 925-372-3440

Case 17-2483

MISDEMEANOR REPORT

OFFENSES	Offenses 148(A)(1) PC 273.6(A) PC	Description Obstruct Public Officer Vio Ord:prevnt Domes Viol	Fel/Misd Misd Misd	Date Occurred 09/12/17-09/12/17	Time Occurred 2032 - 2045	Incident # 1709120088				
				Date Reported 09/12/2017	Time Reported 2032					
	Related Cases									
	Date Printed 02/20/2019		Time Printed 11:10:26		Printed By 1069					
	Latitude 38.002780			Longitude -122.128650						
Location [REDACTED]			Beat 2	Area 10-2	Disposition Cred By Adult Arrest		Dispo Date 09/12/2017			
Location Type House	Location of Entry	Method of Entry	Point of Entry		Alarm System	Means of Attack (Robbery)				
Victim [REDACTED]			Drivers License [REDACTED]	Cell Phone [REDACTED]		Email				
Residence Address [REDACTED]			Notified of Victim Rights No	Residence Phone [REDACTED]		DOB [REDACTED]	Age 59	Sex F	Race B	
Business Name and Address				Business Phone		Height 5'4"	Wt 204	Hair BRO	Eyes BRO	
Assistance Rendered/Victim Disposition Other				Transporting Agency		Means of Attack (Assaults) Simple, Not Aggravated Assault				
Description of Injuries None				Other Information						
Reporting Party [REDACTED]			Drivers License	Cell Phone		Email				
Residence Address [REDACTED]				Residence Phone [REDACTED]		DOB	Age	Sex	Race	
Business Name and Address				Business Phone		Height	Wt	Hair	Eyes	
Suspect Name				Action Taken		Charges				
Residence Address				Residence Phone		DOB	Age	Sex	Race	
Business Name and Address				Business Phone		Height	Wt	Hair	Eyes	
Identifying Features				Cell Phone		Drivers License		Arrest Number		
Aliases										
VEHICLES	Status			Vehicle Make and Model			License/State		VIN	
OFFICERS	Prepared By 104 - Voyvodich, Nick			Date 09/12/2017	Assisted By			Approved By 84 - Muncher, Tyson		Date 09/17/2017
	Routed To Direct File			Date	Routed To			Date	Notes	



MARTINEZ POLICE DEPARTMENT

525 HENRIETTA ST MARTINEZ, CA 94553 925-372-3440

Case
17-2483

MISDEMEANOR REPORT

Detention Only Woods, Kenneth Armando	Drivers License [REDACTED]	Cell Phone [REDACTED]	Email			
Residence Address [REDACTED]	Residence Phone [REDACTED]	DOB [REDACTED]	Age 33	Sex M	Race B	
Business Name and Address [REDACTED]	Business Phone	Height 5'8"	Wt 195	Hair BLK	Eyes BRO	
Mentioned [REDACTED]	Drivers License	Cell Phone	Email			
Residence Address [REDACTED]	Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race	
Business Name and Address	Business Phone	Height	Wt	Hair	Eyes	



MARTINEZ POLICE DEPARTMENT

525 HENRIETTA ST MARTINEZ, CA 94553 925-372-3440

NARRATIVE

17-2483

CONTROLLED DOCUMENT - RELEASED BY MARTINEZ POLICE DEPARTMENT

1. On 9/12/2017 at approximately 2038 hours, I was dispatched to [REDACTED] to investigate a violation of a restraining order. RP [REDACTED] stated that her son, KENNETH WOODS was sitting in front of her residence in a chair, which was a violation of the restraining order. While in route to the location, Martinez Police Dispatch advised there was a valid restraining order prohibiting WOODS from being at the residence. The restraining order showed good service.
2. I had prior dealings with WOODS and knew that he was not police friendly. I was also aware that on prior occasions, his mother (RP [REDACTED]) advised WOODS had a gun and would often times have a gun with him. She had stated at one time, she believed he intended to shoot it out with police.
3. We continued in route to the location and Martinez Police Dispatch advised that WOODS could possibly have a gun. That information was given to the Martinez Police Department by RP [REDACTED]
4. I arrived at the location with Corporal MAYBERRY. On this day, I was wearing my department approved black BDU type uniform with Martinez Police patches on both shoulders. My name was embroidered on the right side of my chest on the uniform. I had a silver Martinez Police badge bearing my ID number displayed on the left side of my chest. I was also wearing a utility belt that had a police radio, taser, holstered pistol with extra magazines and handcuffs. I was also wearing black BDU utility pants that were bloused at the bottom with black boots.
5. Corporal MAYBERRY and I located WOODS' vehicle parked about 100 yards away from the address. It did not appear to be occupied at that time.
6. We approached the front of the residence and noticed there was an empty chair directly in front of the residence. I contacted RP [REDACTED] and she told me that WOODS must have left prior to our arrival. She then asked me to check the backyard.
7. Corporal MAYBERRY and I checked the rear yard but no one was located. When we went back to the front of the residence, Corporal MAYBERRY made contact with WOODS, who was now standing in front of the residence, directly in front of the front door. When I came around the corner, WOODS stepped back, bladed his stance and kept his arms folded at chest level and balled up his hands into fists. I asked WOODS why he was there and WOODS did not have a reply. I asked him if he knew about the restraining order and he told me that he did. I asked

Prepared By: 104 VOYVODICH, NICK

Date: 09/13/2017

Approved By: 84 MUNCHER, TYSON

Date: 09/17/2017



NARRATIVE

CONTROLLED DOCUMENT - RELEASED BY MARTINEZ POLICE DEPARTMENT

him why he was violating the restraining order and he then said he didn't know about a restraining order and did not know the details of the restraining order.

- 8. At that time, I again confirmed with Martinez Police Dispatch that there was a valid and served restraining order on WOODS. Martinez Police Dispatch again confirmed that there was a served restraining order on WOODS. I advised WOODS that he did know about the details of the restraining order because he was served. He then said he was not properly served in his mind.
- 9. Officer BREINIG arrived on scene and stood in front of WOODS. Corporal MAYBERRY was to Officer BREINIG's right and I was to his left. Officer BREINIG told WOODS to turn around and place his hands behind his back. At that point, WOODS tensed up and would not comply with Officer BREINIG's orders. Officer BREINIG stepped in to go hands on with WOODS and I was able to grab WOODS' left arm and pull it away from WOODS' chest. WOODS tightened up and tensed his muscles. He attempted to pull his right arm away from me several times and tried to get out of my hold, as well as Officer BREINIG's hold.
- 10. At this point, we decided to take WOODS to the ground and with myself, Officer BREINIG and Corporal MAYBERRY, we were able to get him on the ground. Once on the ground, I was able to control WOODS' right arm with an arm bar, using my weight and the ground as leverage to secure his right arm. I could feel WOODS continue to struggle Corporal MAYBERRY and Officer BREINIG. At this time, I was facing away from Officer BREINIG and Corporal MAYBERRY and they were both behind me and on top of WOODS' back. I felt WOODS tense up several times and try to get back up. At this time, WOODS had not been searched and it was unknown if he had any weapons or a gun with him. I continued to feel WOODS struggle and I did not know where his left hand and arm were. I heard WOODS being struck with an unknown object behind me and heard Corporal MAYBERRY giving WOODS orders to stop resisting.
- 11. The next thing I heard was Officer BREINIG advising that he was out. Officer BREINIG then placed WOODS in handcuffs and put him in the recovery position. At that point, I realized Officer BREINIG had used a carotid restraint to subdue WOODS. The carotid retraining was used at 2045 hours. After I realized the restraint was used, I advised Martinez Police Dispatch

Prepared By:	Date:	Approved By:	Date:
104 VOYVODICH, NICK	09/13/2017	84 MUNCHER, TYSON	09/17/2017



NARRATIVE

CONTROLLED DOCUMENT - RELEASED BY MARTINEZ POLICE DEPARTMENT

that the carotid restraint had been used and requested "Code 3" fire and ambulance, After approximately 2 3 seconds, WOODS regained consciousness.

- 12. WOODS was transported to the Contra Costa County Regional Medical Center for medical treatment.
- 13. I contacted RP [REDACTED] who told me that WOODS arrived at the residence at approximately 2000 hours and was sitting in his vehicle. She believed WOODS was texting with his son, [REDACTED] and he then moved to the front of the residence around 2030 hours. She said that was when she contacted the Martinez Police Department. RP [REDACTED] said she did not speak to WOODS or let him know that she was calling the police. RP [REDACTED] told me that she wanted prosecution against WOODS for violating the restraining order.
- 14. I request this case be forwarded to the District Attorney's office for review and prosecution against WOODS.

N. VOYVODICH, #104

iam 9/13/2017



CONTROLLED DOCUMENT - RELEASED BY MARTINEZ POLICE DEPARTMENT

On 9/12/17, at approximately 2032 hours, I was in full Martinez Police uniform with a patch on each shoulder, large "police" patch on my back, duty belt and badge over my left breast. I was driving a fully marked Martinez Police vehicle equipped with "Martinez Police" and "K9" decals, full light bar and push bumpers. I am a K9 handler and partnered with K9 Brut. I was dispatched to [REDACTED] apartment regarding a violation of a domestic violence restraining order (DVRO). While responding MPD dispatch advised the reporting party indicated suspect, Kenneth Woods, has been known to carry a firearm in the past. Additionally Woods has been known to use controlled substances and is aggressive when under the influence. Units were further advised on an officer safety bulletin where Woods was said to carry a gun and a family member was concerned Woods would use it if pulled over by law enforcement.

Based on the aforementioned information from the reporting party I requested additional units be dispatched for officer safety reasons.

Upon arrival, Officer Mayberry and Officer Voyvodich had already arrived and were speaking with Woods in front of [REDACTED]. As I reached Woods and the other officers I observed Woods standing in front of the apartment door. Woods was postured standing straight up with his back to the door. Woods was standing in a bladed fashion with his feet shoulder width apart and his hands were both in fists. I heard Officer Voyvodich confirm that Woods had been served with a copy of the DVRO. I told Woods our system indicated he had been served. Woods was verbally argumentative stating he had not been served and the DVRO was not valid. Based on my training and experience the combination of behaviors Woods was displaying were indicative of a subject anticipating or preparing to engage in a physical altercation.

I was approximately three to five feet from Woods and began to approach him telling him to put his hands behind his back. Officer Voyvodich took Woods right hand as I reached and grabbed his left arm below the elbow. Woods immediately became rigid and began to resist moving both arms into his abdomen. I moved into a position behind Woods in an attempt to better effectively control his combative movements. Officer Voyvodich and I began to struggle with Woods in the front yard area of the residence. Woods, attempted to move toward the sidewalk area when I attempted to force Woods to the ground via a hip throw. Woods stepped over my right leg and abruptly pulled his left arm from my grasp. Woods began to reach toward the center of his body when I took rear control of Woods. Fearing Woods was attempting to reach for a weapon I did not want to release contact with Woods allowing him to access any potential weapon.

I placed Woods in a standing carotid restraint. I pushed myself onto Woods back and forced him into the grass face first utilizing his forward momentum. I regained partial control of Woods left arm for a brief moment until Woods again pulled his arm from my grasp. Woods strength overpowered my own at this time. Officer Voyvodich continued to struggle with Woods right arm as Woods began to reach under his body with his left arm. I quickly tightened the carotid restraint in an attempt to gain voluntary compliance. Woods continued to struggle until for approximately 10 seconds until Woods went unconscious.

As soon as Woods body relaxed I immediately discontinued the application. Woods was quickly put into handcuffs then rolled to a position of recovery on his side. Woods was breathing regained a

Prepared By:	Date:	Approved By:	Date:
123 BREINIG, TOM	09/12/2017	84 MUNCHER, TYSON	09/17/2017



MARTINEZ POLICE DEPARTMENT

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SUPPLEMENT 1

17-2483

CONTROLLED DOCUMENT - RELEASED BY MARTINEZ POLICE DEPARTMENT

recognizable level of consciousness after approximately four seconds. Woods was able to carry on a brief conversation where he complained of being on his side and desired to be sat straight up. Woods did not appear to have any side effects of the carotid application. Woods had a small scratch above his right ear that was bleeding slightly. Woods had no other visible signs of injury and no officers were hurt during the altercation.

After placing Woods in the recovery position EMS was requested to respond in order to medically clear Woods based on the application of the carotid restraint. Woods was responsive and did not appear to have any complications from the application of the restraint. ConFire and AMR arrived on scene and Woods was transported to CCRMC per department policy for medical clearance. A digital photograph was taken of Woods injury and later attached to the case. The radio transmissions while being dispatched were also requested to be attached to the report.

Woods was quickly cleared at CCRMC and subsequently transported to the Martinez Detention Facility where he was booked for 273.6 PC and 148 PC. Intake deputies were informed of the carotid application at the time of booking.

Prepared By:

123 BREINIG, TOM

Date:

09/12/2017

Approved By:

84 MUNCHER, TYSON

Date:

09/17/2017



CONTROLLED DOCUMENT - RELEASED BY MARTINEZ POLICE DEPARTMENT

On 9-12-2017 I was on patrol in a marked Martinez PD SUV, unit 1265, and was wearing a black utility uniform which included a silver star badge, patches on both shoulders and a gun belt. At 2130 hours I was dispatched to [REDACTED] for a report of a restraining order violation and the suspect was reported to possibly have a gun and had made statements he was not afraid to use it against law enforcement.

I arrived at 2040 hours along with Officer Voyvodich. We did not see the male in front of the house and proceeded to check the back yard. He was not located in the back yard, but as we came into the front yard, we located a male walking up to the front door. I asked if he was Kenneth (the suspect reported by the caller) and the male replied "whats your name?"

The male took an aggressive stance and placed his back towards the front door and took several steps to place him equal distance from myself and Officer Voyvodich. He began rocking from foot to foot and squeezed his hands into fists. He appeared to be preparing himself to fight.

Officer Breinig arrived and spoke with the male who admitted he was Kenneth Woods and he had knowledge of the restraining order, but it was not valid in his mind. Officer Breinig told Woods to place his hands behind his back and he refused, at which time Officer's Breinig and Voyvodich took hold of his arms to place him in handcuffs. Woods resisted by pulling both arms into his body and locking up. I watched all three fall to the ground where they continued to struggle. During the struggle, all three Officer's were giving continuous commands to stop resisting and to place his hands behind his back. Officer Voyvodich had Woods' right arm and Officer Breinig had his left. I placed Woods into a leg lock. Woods continued struggling and was able to kick his legs free from me. I also saw his left arm was free and he appeared to be reaching under his body with his free arm. Fearing he may be grabbing for a weapon, I drew my collapsed baton and struck Woods three times in his right hip/ buttocks area in an attempt to gain compliance. Moments later Woods went limp and I heard Officer Breinig state he had used "the carotid." Woods was placed into handcuffs behind his back which I later double locked and checked for fit. Woods regained full consciousness within about 5 seconds and I placed him in a recovery position lying on his left side. Medical was called for Woods.

Refer to the other narratives for additional.

Prepared By: 135 MAYBERRY, DUSTIN	Date: 09/12/2017	Approved By: 84 MUNCHER, TYSON	Date: 09/17/2017
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MARTINEZ POLICE DEPARTMENT

525 HENRIETTA ST MARTINEZ, CA 94553 925-372-3440

17-2483

SUPPLEMENT 3

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On March 28, 2018 DDA Renee Haase declined to file charges against Suspect Kenneth Armando Woods in this case. In accordance with PC 851.6(b), I changed his status from SA - Suspect Arrested to DX - Detention Only. I also forwarded a corrected JUS 8715 (Adult Disposition of Arrest and Court Action) to the Department of Justice and prepared and sent a Detention Certificate via US mail. All documents referred to above may be viewed in the attachment tab for this case under the heading DETENTION.

ADDITIONAL PERSONS

Detention Only - WOODS, KENNETH ARMANDO [REDACTED]

Sex: M, Race: Black, Height: 5'8", Weight 195, Hair: Black, Eyes: Brown

Address: [REDACTED]

[REDACTED]

Prepared By:

1061 HARGRAVE, LORRAINE

Date:

04/26/2018

Approved By:

955 MERKEL, IRENE

Date:

04/26/2018