

[00:00:00.940] - Speaker 1

Okay. It is December 13th, 2024, at 10: 02 AM. I am Emma Dill. I'm an auditor for Ialero, the Independent Office of Law Enforcement Review and Outreach. We are here on case number 22, AR0002. We are in the Ialero conference room at 3333 Mendocino Ave, and we're here for the interview of subject Deputy Anthony Power. Can you introduce yourself, your name and rank, please?

[00:00:29.200] - Speaker 3

I am Anthony James Power, and I'm a Deputy with the Sanoma County Sheriff's Office.

[00:00:34.360] - Speaker 1

Thank you. And this interview is being audio recorded. Andrew, do you want to introduce yourself, please?

[00:00:39.540] - Speaker 2

Yes. Andrew Gans from Rainsley, Chiestern.

[00:00:41.720] - Speaker 1

Thank you. And also with me today is Ialero Otter, Matthew Chávez. If you can introduce yourself, please. Yes.

[00:00:48.250] - Speaker 2

Matthew Chávez with Ialero. Perfect.

[00:00:51.840] - Speaker 1

So Ialero issued a subpoena to you, Deputy, for your testimony in this interview. I'm just going to hand you a copy of the subpoena. Can you just confirm that you were served with that? You can take as long as you want to look at it. You can see your name is up here under number one, if that's helpful. Okay.

[00:01:17.660] - Speaker 3

I don't remember being served with this. Okay.

[00:01:20.880] - Speaker 1

My understanding- But there are way I was. Let me double check just to make sure that there isn't any confusion. My understanding is that- There might have been another attorney. Maybe Lieutenant... Lieutenant Sean Jones would have e-mailed it to you to serve it.

[00:01:37.680] - Speaker 3

Okay.

[00:01:38.540] - Speaker 1

Does that sound familiar?

[00:01:40.260] - Speaker 3

I remember speaking with an attorney about this, and he responded on my behalf at that time. Okay. I don't know much details about it.

[00:01:49.660] - Speaker 1

Okay. Do you have any reason to believe that you were not served with this subpoena or that you're not here properly, at least in terms of being required to be in this room and answer some questions?

[00:02:00.000] - Speaker 3

I'm under the belief that I'm supposed to be here. I just don't remember this in particular.

[00:02:07.530] - Speaker 1

Understood. Okay. If you want to take a... You can look at the second page, too, that gives you the indication about what the scope of the interview is, and let me know if that looks familiar.

[00:02:54.700] - Speaker 3  
It seems familiar, yes. Okay.

[00:02:57.620] - Speaker 1  
Andrew, you don't have any concerns about whether he has served, do you?

[00:03:00.670] - Speaker 2  
No. I think as we've discussed, and I probably will mention at some point, there's a lot that's been going on lately. I don't think he specifically remembers receiving this. He knows he's supposed to be here today, and he knows for what purpose.

[00:03:09.720] - Speaker 1  
Perfect. Thank you. Just a lot of paperwork. You are required to cooperate with this subpoena. You're also required to provide honest and complete answers to the questions that are asked in this interview. This interview is part of Ilero's administrative investigation process, and it could be used by the sheriff as the basis for discipline against you in your employment with the County of Sanoma. This interview is not part of any criminal investigation against you. But because you're required by the subpoena to answer questions in this administrative case, and because your failure to answer questions could result in discipline up to an termination. We believe your answers here today cannot be used against you in any criminal case brought against you on the same matter, as described in Leibarger v. City of Los Angeles. And the site for that is 1985 40 Cal third, 825. Other than that little bit of nonsense at the end about the particular case name, do you have any questions about that before we begin? No. Okay. Andrew, would you like to put anything on the record at this point?

[00:04:11.030] - Speaker 2  
I would. Again, for efficiency's sake, I will just incorporate by reference a variety of correspondence emails that we've had back and forth regarding this specific interview as well as this case in general. I would state that in this particular situation, so we've done one interview so far in this case, I have a good idea of what that interview looks like, and ultimately, the information that my clients are able to provide that may not incriminate them, I believe, is available to Ialera without having to ask questions. I've expressed to you and I'll air that for Deputy Power, I think in particular, it's difficult for him to be bringing up this incident. And given what we, I think, know is going to happen today. And those issues, I think it's improper to require him to come in here, ultimately invoke us to anything that might be of any value. And otherwise, how long it's been with the department, you guys can already figure out. So I object, and I am still objecting to this interview. He would incriminate himself theoretically if he answers questions about anything related to the incident, and so we're going to proceed accordingly.

[00:05:25.020] - Speaker 2  
I understand what you've said as well.

[00:05:26.360] - Speaker 1  
Understood. Thank you. So as I mentioned, Ialero does believe that Leibarger protects all of your statements in this interview from criminal prosecution. I understand that your attorney disagrees with that, but our belief is that the subpoena requires you to respond to all the questions. I'm not going to repeat that every time you say that you're asserting the Fifth Amendment. I don't think that's a good use of our time. I'm just going to make a standing comment right now that we don't believe that simply exercising the Fifth Amendment is enough to comply with the subpoena, and that we believe we've offered Leibarger protection to deputy powers, and that there may be disciplinary or legal consequences for refusing to answer our questions beyond asserting the Fifth Amendment. And then if you have anything else you want to say in response, I assume your comments are also essentially a standing objection throughout. Yes, we covered it. Thank you. Perfect. Okay. Now we can actually ask some questions. This investigation relates to the deputy involved shooting of David Pelias Chávez that occurred on July 29th, 2022. Just logistically, I want you to know, some people call it a deputy-involved shooting, some people call it an officer-involved shooting, whichever of those I use, I mean the same thing.

[00:06:39.340] - Speaker 1

Does that make sense? Yes. Okay, great. So I have reviewed your interview with the Santa Rosa Police Department that you gave shortly after the incident, and I've also reviewed your deposition from the lawsuit that's currently pending related to Mr. Pelias Chávez's death. So as much as I can, I'm going to try not to reask you any of those same questions again. Sometimes I can't avoid it. This is my first time getting to ask questions, and so I appreciate your patience if I do have to repeat something. But in general, I want you to know that I intend to try to be respectful of the fact that you've already provided some of the information that I would normally ask for in an interview like this. Does that make sense? Yes. Okay.

[00:07:18.370] - Speaker 2

And again, we know he's not going to be answering these questions.

[00:07:23.180] - Speaker 1

I understand.

[00:07:23.810] - Speaker 2

Okay. Thank you.

[00:07:25.340] - Speaker 1

When were you hired at the Sheriff's office?

[00:07:28.900] - Speaker 3

February 26th, I believe.

[00:07:33.020] - Speaker 1

Of which year?

[00:07:34.360] - Speaker 3

2022. Okay.

[00:07:37.340] - Speaker 1

And what training did you receive just when you joined the Sheriff's office in general? Is there a new employee orientation training, school for laterals? I understand that you came in with academy training and training from another department. Yes.

[00:07:52.400] - Speaker 3

There was a orientation training with driving, evok, and defense tactics, and range time.

[00:08:09.420] - Speaker 1

Any other specific topics that you can remember being covered in that orientation period?

[00:08:17.580] - Speaker 3

There was taser training as well, high-risk vehicle stops, basically just orientation of the county.

[00:08:30.000] - Speaker 1

Okay. How long or how many hours, if you can estimate that, was that orientation training?

[00:08:38.030] - Speaker 3

I don't recall. Maybe a week or two, approximately.

[00:08:46.940] - Speaker 1

Okay. Then I understand that you also had a period of field training after you were hired with the county. Is that right? Yes. Okay. Other than the field training and the two-week orientation period, was there any formal training that you received specific to the Sheriff's office when you were hired?

[00:09:10.120] - Speaker 3

Not that I recall.

[00:09:13.380] - Speaker 1

Okay. That's All I asked for is the best you can remember. Yeah. Okay. As far as FTO, how long a period of field training did you have when you were hired?

[00:09:25.600] - Speaker 3

I believe it was approximately two months because I was a lateral. Okay.

[00:09:31.830] - Speaker 1

Because I was a lateral. Were you out of field training by the time that this incident happened at the end of July? Yes. Is that what I think of as a traditional field training program where you're partnered with someone else within the department who has experience and learning the ropes out on actual calls and on details and that type of thing? Yes. Then when you're hired, is there a certain amount of time that you have where you're expected to read the specific policies for the Sheriff's office and sign off on those or anything like that? Yes. When does that happen, if you remember?

[00:10:18.020] - Speaker 3

Through the FTO program. Then as they arise, you have to update yourself and sign those off.

[00:10:26.420] - Speaker 1

Like as do policies come out or changes? Yes. I understand that you have experience with the Sheriff's office being a defensive tactics instructor and also an alternate on the SWAT team, but both of those were after this particular incident. Is that right? Yes. Okay, great. Did you do anything to prepare for your interview today other than talking to your representative?

[00:10:50.260] - Speaker 3

No.

[00:10:51.180] - Speaker 1

Did you talk to anyone else to prepare, or was anyone else with you when you talked to your representative?

[00:10:57.040] - Speaker 3

No.

[00:11:00.000] - Speaker 1

Obviously, I know that you gave a statement to SRPD, and you also gave a deposition. Have you given a statement to anyone else about the death of Mr. Pelias Chávez before today? No. Have you reviewed your SRPD interview since you gave that interview?

[00:11:16.100] - Speaker 3

No.

[00:11:16.920] - Speaker 1

How about your deposition transcript? Have you reviewed that since you gave the deposition? No. In your deposition, I believe you said you'd watched parts of your own body worn camera footage between 5 and 10 times at that point. Have you watched it additional times since then?

[00:11:33.960] - Speaker 3

No. Okay.

[00:11:35.300] - Speaker 1

Then you also said in the deposition that you'd watched parts of Deputy Dietrich's body worn camera footage maybe two times at that point. Have you watched Have you touched on any additional time since then?

[00:11:46.700] - Speaker 3  
No.

[00:11:47.560] - Speaker 1  
Have you seen any other video footage related to the incident?

[00:11:53.500] - Speaker 2  
I think at this point, I've given latitude, but I would advise you to invoke.

[00:11:59.150] - Speaker 3  
On the advice of my attorney, I'm invoking my Fifth Amendment right to remain silent.

[00:12:04.220] - Speaker 1  
Okay, understood. I'll save you the mouthful in the future. If you'd like, you can just say something like, I assert the Fifth Amendment, so that you don't have to try to remember that awkward phrase, if that's helpful. Have you reviewed any other interviews, the interview or deposition that Deputy Dietrich has given related to this incident?

[00:12:26.200] - Speaker 3  
I insert my Fifth Amendment. Okay.

[00:12:30.120] - Speaker 1  
Since July 29, 2022, have you spoken to Deputy Dietrich about Mr. Palias Chávez's death?

[00:12:37.700] - Speaker 3  
I assert my Fifth Amendment.

[00:12:39.680] - Speaker 1  
Have you reviewed any materials from the Internal Affairs Investigation?

[00:12:43.460] - Speaker 3  
I assert my Fifth Amendment. Okay.

[00:12:46.340] - Speaker 1  
I'll back up for a second and focus on something more logistic now, not related to the incident. I understand, obviously, the subpoena went out in July, and we're here in December. I know you were unavailable for interview during a couple periods in recent months. I don't want you to give me any details about why you were out of work. I just want to try to confirm the general dates that you were not available for interview, if you don't mind putting that part on the record.

[00:13:14.350] - Speaker 2  
Yeah, no, that's not part of what he's being investigated for. I would object to that.

[00:13:20.020] - Speaker 1  
You would object to me making a record about whether he was unavailable for interview?

[00:13:24.790] - Speaker 2  
Yeah, we've already dealt with that. I've never had an internal- Yeah.

[00:13:30.620] - Speaker 1  
I'm happy to do it offline also. In the previous conversations you and I had, you didn't have specific dates that you could provide me in terms of when he left work and when he returned to work. I was hoping he could provide that today since you haven't been able to give that to us.

[00:13:45.920] - Speaker 2  
No, because he's being investigated related to an incident, and you're asking him about when he was available or not available. I don't see why an investigation into an incident, he has to talk about when

he was or wasn't available.

[00:13:59.060] - Speaker 1

For the interview? For tolling purposes. I'm just trying to make a record about whether the case and the allegations against him were told during periods that he was unavailable for interview.

[00:14:08.340] - Speaker 2

Yeah, we have no issue with tolling. There's no- Yeah.

[00:14:11.560] - Speaker 1

I was just trying to- You and I can- That's fine. If you can talk to him offline and get the specific dates and then want to share that with me, that's fine. I just haven't been able to lock that down. Okay. That's fine. Okay. What training have you received during your time at the Sheriff's office about how to recognize when a person is experiencing a mental health crisis or emotional crisis?

[00:14:36.200] - Speaker 3

I assert my Fifth Amendment.

[00:14:38.160] - Speaker 1

Can you tell me what resources are available to deputies in the field if they encounter an individual experiencing a mental health or emotional crisis?

[00:14:46.740] - Speaker 3

I assert my Fifth Amendment.

[00:14:48.100] - Speaker 2

I just want to be really clear because I have been thoughtful about not advising him just to reflexively invoke, and I'm trying to listen to every question and consider whether I think there's potential incrimination. The reason that I've advised him on these sorts of questions, just to be clear, is I am aware of personally, as well as other cases I've not handled in criminal trials, peace officers being asked about policies and training. I want to make it clear there's a reason and a thought process behind it. We're not just avoiding because we're avoiding.

[00:15:22.360] - Speaker 1

Understood. I'll acknowledge that I can see that you are providing him advice on a question-by-question basis, that he's not simply giving the answer broadly in response to everything I ask. Thank you. Okay. I'm going to hand you a copy of Sheriff's Office policy number 409. It's titled Crisis Intervention Incidents. I'll just say for the record that any policy that I might hand you or reference is all dated June 15th, 2022. Can you tell me whether you were familiar with this policy at the time of the incident?

[00:15:58.160] - Speaker 3

I'm going to assert my Fifth Amendment.

[00:16:00.000] - Speaker 2

As to any policy questions, just for the record.

[00:16:02.800] - Speaker 1

Understood. Have you received any training during your time at the Sheriff's office that would help you to communicate with a Spanish-speaking individual?

[00:16:11.760] - Speaker 3

I'm going to assert my Fifth Amendment.

[00:16:13.900] - Speaker 1

Can you tell Can you tell me what types of resources are available to deputies in the field if they encounter an individual who doesn't speak or understand English?

[00:16:22.900] - Speaker 3  
Assert my Fifth Amendment.

[00:16:26.080] - Speaker 1  
I'll speed this along in a second. I'm giving you a copy of Policy 335, which is titled Limited English Proficiency Services. Were you familiar with this policy at the time of the incident?

[00:16:39.640] - Speaker 3  
I assert my Fifth Amendment. Okay.

[00:16:42.960] - Speaker 1  
Can you tell me what your understanding In terms of when deputies are allowed to use force?

[00:16:47.800] - Speaker 3  
I assert my Fifth Amendment.

[00:16:49.680] - Speaker 1  
How about, Can you give me some examples of de-escalation techniques?

[00:16:53.960] - Speaker 3  
I assert my Fifth Amendment.

[00:16:55.780] - Speaker 1  
Okay. Obviously, I have additional questions about policy and training, de-escalation, force, tasers, foot pursuits, language resources, crisis intervention. It's my understanding that you intend to assert the Fifth Amendment in response to any questions that I might ask about that type of policy or training. Is that right? Yes, ma'am. Okay. What supervisors were you communicating with during this incident from the time that you met Deputy Dietrich at the scene until the shooting happened?

[00:17:30.480] - Speaker 3  
I assert my Fifth Amendment.

[00:17:33.260] - Speaker 1  
Had you responded to calls with Deputy Dietrich before this incident?

[00:17:37.840] - Speaker 3  
I assert my Fifth Amendment.

[00:17:41.640] - Speaker 2  
At any point- You know what? If you know the answer to that, you can answer that question. Okay.

[00:17:45.860] - Speaker 3  
Can you repeat it again?

[00:17:47.100] - Speaker 1  
Absolutely. Had you responded to calls with Deputy Dietrich before this incident?

[00:17:52.080] - Speaker 3  
No. Okay.

[00:17:54.600] - Speaker 1  
Did you have any other experience working together other than responding to calls together, specifically?

[00:17:59.760] - Speaker 3  
We We were on the same shift.

[00:18:01.360] - Speaker 1

Okay. So you may be familiar with him but hadn't worked side-by-side with him? Correct. Okay. Thank you. I appreciate that. At any point during the incident, did you think Mr. Palais-chávez might be having a mental health crisis or emotional crisis?

[00:18:16.080] - Speaker 3

I assert my Fifth Amendment.

[00:18:19.100] - Speaker 1

During the incident, did you consider contacting the county's mobile support team or asking for cover units that had advanced crisis intervention training? Any other resources like that?

[00:18:28.820] - Speaker 3

I assert my Fifth I understand from your previous statements that at the time of the incident, you thought Mr..

[00:18:39.430] - Speaker 1

Pelias Chávez was under the influence of methamphetamine. Did you adapt any of your tactics during the incident to account for the fact that you thought he was under the influence?

[00:18:49.260] - Speaker 3

I assert my Fifth Amendment.

[00:18:52.340] - Speaker 1

I understand from your previous statements that you don't speak Spanish, but that you did try to use the limited Spanish words that you know to communicate Mr. Palais Chávez during the incident. Were you able to understand anything that he said during the incident?

[00:19:06.680] - Speaker 3

I assert my Fifth Amendment.

[00:19:08.600] - Speaker 1

Did he give you any indication that he understood what you were saying to him or what you wanted him to do?

[00:19:14.060] - Speaker 3

I assert my Fifth Amendment.

[00:19:17.360] - Speaker 1

At any point during the incident, did you consider requesting a Spanish-speaking cover unit or calling an interpreter on the phone or trying to use any other resource that might help you with communication?

[00:19:27.240] - Speaker 3

I assert my Fifth Amendment.

[00:19:30.000] - Speaker 1

Did Mr. Pelaez Chávez give you any indication that he knew you were law enforcement officers?

[00:19:35.080] - Speaker 3

I assert my Fifth Amendment.

[00:19:38.420] - Speaker 1

During the incident, did you consider any alternatives to pursuing Mr. Pelaez Chávez on foot, either at the beginning of the foot pursuit or at any time in between?



[00:19:48.320] - Speaker 3  
I assert my Fifth Amendment.

[00:19:55.780] - Speaker 1  
Once you and Deputy Dietrich took on the roles of lethal and less lethal. You followed Mr. Pelias Chávez on foot for about another 10 minutes before the shooting happened. During that 10 minutes, did you and Deputy Dietrich have any additional discussion about what you planned to do if you caught up with Mr. Pelias Chávez?

[00:20:16.780] - Speaker 2  
I have a question. Okay. You don't have to answer it if you don't want to. Understood. Given what we've laid out so far and the patterns that are apparent, why are we continuing to ask these questions?

[00:20:30.000] - Speaker 1  
I understand. I believe it's important to make a record of what aspects of the incident he is or is not willing to answer questions about. I understand that you've already said that he will essentially answer no question at all. Correct. I still think that it's important to make a record of the scope of the questions that we intended to ask to him. Okay. We only have a couple more.

[00:20:54.360] - Speaker 2  
You answered the question. I disagree, but you answer the question. Thank you. Great.

[00:21:01.640] - Speaker 1  
I can't remember whether you asserted. Let me ask the question again. If you'd already asserted, just reassert. Once you and Deputy Dietrich assigned yourselves the roles of lethal and less lethal, you followed Mr. Pelias Chávez on foot. We're going to talk about another 10 minutes before the shooting happened. During that 10 minutes, did you and Deputy Dietrich have any additional discussion about what the two of you planned to do if you caught up with Mr. Pelias Chávez?

[00:21:27.420] - Speaker 3  
I assert the Fifth Amendment.

[00:21:30.000] - Speaker 1  
Did you personally try to de-escalate the situation with Mr. Pelias Chauves?

[00:21:34.720] - Speaker 3  
I assert the Fifth Amendment.

[00:21:37.800] - Speaker 1  
When you decided to actually pull the trigger on your taser, what crimes did you believe Mr. Palias Chávez had committed at that point?

[00:21:47.260] - Speaker 3  
I assert the Fifth Amendment.

[00:21:49.960] - Speaker 1  
Do you have any ideas for improvements that could be made to the Sheriff's office policy or training based on your experience in this incident?

[00:21:57.880] - Speaker 3  
I assert that there's an amendment.

[00:22:00.620] - Speaker 1  
Those are all the substantive questions that I have at this time. I think I already know what the answers to these are, but the next questions I'm going to ask you are questions I ask everyone in every interview, so I'm going to go ahead and get them on the record. Deputy, do you have anything

that you would like to add on the record at this time?

[00:22:16.060] - Speaker 3  
No, ma'am.

[00:22:16.620] - Speaker 1  
Okay. If you do think of something after this interview, you're welcome to contact your representative. He will get a hold of me, and I'll make sure that you have the opportunity to say whatever you'd like to say. Does that make sense?

[00:22:28.240] - Speaker 2  
Yes. Okay. I have one follow-up Go ahead. Deputy Power's having to come back and in any way relive this incident, does it significantly negatively affect you?

[00:22:40.860] - Speaker 3  
Yeah.

[00:22:41.540] - Speaker 2  
Thank you.

[00:22:42.960] - Speaker 1  
Do you want to tell me any more about that, or would you like Can we just leave it at that? No, ma'am. Okay, I understand. Anything else that you'd like to add, Andrew? No, thank you. Great. That's all I have right now. Obviously, we have a number of additional interview questions about policy and training, the shooting, the pursuit that preceded the shooting. I understand you intend to continue asserting the Fifth Amendment in response to any questions I might ask on those topics. Do you mind confirming that just for the record? Yes, ma'am. Okay. This interview will be continued to a different day. It's not being scheduled right now, but in the hopes that we can resolve the Fifth Amendment issue and attain additional testimony from you. I'm not going to close the interview at this time. Deputy, please don't discuss this interview with anyone other than your representative. This is an ongoing investigation, and so we may need to conduct additional interviews after this. It's important that anything that you experienced here or your information about the incident not influence someone else's testimony. Does that sound okay to you? Yes. Okay, great. Anything else from you, Andrew?

[00:23:49.270] - Speaker 2  
No, thank you.

[00:23:49.880] - Speaker 1  
Wonderful. I am going to stop the recording. It is 10: 26 AM.