



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: July 8, 2019

TO: Deputy District Attorney Tan Thinh

FROM: Criminal Investigators Denise Phillips, Steve McCarthy and Chou Vang

SUBJECT: In Custody Death
SPD #19-208038
Mario Matthews / AKA Jonny Perez - X-Ref # 2447948 / DOB: 6-25-83 / died
on July 4, 2019

OFFICERS INVOLVED:

SPD Officer Terrance Gordon
SPD Officer Ryan Warren
SPD Officer Anthony Gamble
SPD Officer Lorenzo Vidales
SPD Officer Mason McCann

NOTIFICATION:

On July 2, 2019 at approximately 0630 hours, (Tuesday): Criminal Investigators Steve McCarthy and Denise Phillips were advised of an In-Custody Death (subject died 2 days later) at The Golden 1 Center, 500 David J Stern Walk in the city of Sacramento involving Sacramento Police officers. We responded to the North entrance of the Golden 1 Center.

Criminal Investigators arrived at approximately 0700 hours.

Sgt. Gerald Landberg is the Detective Sergeant in charge of the investigation.

BRIEFING:

At 07:47 hours, the initial briefing was given by Sergeant Obed Magny #3477 and Lieutenant Ethan Hansen #3738. Both Sergeant Magny and Lieutenant Hanson gave a brief overview of the incident. Sergeant Magny also identified the following Sacramento Police Officers involved as Mason McCann #4627, Anthony Gamble #4514, Ryan Warren #4488, Terrence Gordon #4390 and Lorenzo Vidales #4613. The subject being detained was Mario Marcus Matthews, DOB: 06/25/1983, XREF #2447948.

Interviews for officers Terrence Gordon and Mason McCann were scheduled to be conducted at the Sacramento Police Department's Hall of Justice Building on July 2, 2019 at 19:00 hours. Officers Anthony Gamble, Ryan Warren and Lorenzo Vidales were scheduled for July 3, 2019 at 08:00 hours.

SCENE:

The incident occurred inside the Golden 1 Center located at 500 David J Stern Center in Sacramento. The Golden 1 Center is an indoor arena. The area was closed to the public with cleaning staff on site at the time of the incident. Matthews was detained by security staff in the N/E "visitors" tunnel. At the time I, CI Phillips responded to the scene, the area was well lite and was advised by officers that there was surveillance footage of the incident. I observed some sort of white medical debris apparently left by fire department personnel.

STATEMENT: Officer Terrance Gordon

On July 2, 2019, at 2056 hours, SPD Officer Terrance Gordon was interviewed at the Sacramento Police Department's Hall of Justice, 5700 Freeport Blvd in Sacramento. The interview was conducted by Detective Kuntz in interview room #5. Attorneys from [REDACTED] Law Firm were also present.

Officer Gordon attended the Police academy in 2016. Gordon was working the patrol graveyard shift in full uniform.

The following is what Officer Gordon said in summary:

I received a call regarding a subject that entered the Golden 1 Center while the employees were cleaning. At 0350 hours I arrived and entered the N/W entrance. I was directed by a female employee to section 102 and then to the N/E visitor tunnel downstairs. Inside the tunnel I saw a subject (Matthews) on the ground handcuffed behind his back.

Officer McCann was holding Matthews's feet and two security guards were at Matthews hands and back. I went to Matthews's left side/shoulder blade area. Matthews was trying to resist. McCann and I applied the "Max Restraints" to Matthews and we placed Matthews in the position of recovery on his left side.

I continually checked Matthews pulse several times, which he had. Matthews had labored breathing and his eyes were open. He was bleeding from the mouth. I checked Matthews pulse again and there was no pulse. Chest compressions were started.

Fire department arrived and began medical treatment and transported Matthews to Sutter General Hospital. I went to the hospital and blood was taken from Matthews. A nurse stated that Matthews had methamphetamine and ecstasy in his system.

End of statement.

STATEMENT: Officer Ryan Warren

On July 3, 2019, at 0919 hours, SPD Officer Ryan Warren was interviewed at the Sacramento Police Department's Hall of Justice, 5700 Freeport Blvd in Sacramento. The interview was conducted by Detective Brad Robison in interview room #4. An attorney from [REDACTED] Law Firm was also present.

Officer Warren attended the Police academy over 2 years ago. Warren was working the patrol graveyard shift in full uniform.

The following is what Officer Warren said in summary:

I heard an update on a call regarding a subject actively resisting at the Golden 1 Center, so I responded. I was let in by the window cleaning employees and was showed where the commotion was. There were SPD officers already there. There was a subject (Matthews) laying on the ground in a position of recovery. Matthews was making sounds and appeared to be breathing. Matthews had no shirt on and his eyes were open.

Matthews was handcuffed behind his back and had the “Max Restraints” on. At some point he was not breathing so the officers began chest compressions and I took the handcuffs off. The “Max Restraints” were then taken off. The fire department arrived, and they pulled out an AED and began medical aid to Matthews.

End of statement.

OFFICER ANTHONY GAMBLE (police officer – 1 year 8 months sworn with Sacramento PD)

9:16 AM, I, CI Chou Vang, monitored Officer Gamble’s interview at the Sacramento Police Department. He stated the following, in summary:

Officer Gamble has been a fully sworn police officer with the Sacramento Police Department since October 2017. He is currently assigned to a downtown Sacramento graveyard SPD patrol team.

On 07/02/2019, he was working his regular patrol assignment, in a full SPD uniform. Off. Gamble stated he was on an un-related stop in another part of downtown when he heard another officer come on the police radio requesting the Max Restraint, a strap used to restrain violent individuals. He responded Code 3 to the Golden 1 Center and was directed to the court level by Golden 1 security.

Off. Gamble stated his Max Restraint was no longer needed at the time of his arrival, as another officer’s Max Restraint was already deployed. As he took the tunnel to the visitor’s locker room, he observed officers on the ground with a male, Hispanic adult handcuffed with the Max Restraint applied. Gamble stated the subject was on his left side, in the position of recovery. Off. Gamble stated he did not observe any use of force applied to the subject. Off. Gamble, himself, did not apply any use of force on the subject.

Off. Gamble stated he saw blood on the ground near the subject and an abrasion on the right side of the subject's lip. Off. Gamble stated he looked at the subject's opened eyes and they looked gloss over. Off. Gamble talked to the subject, but he did not get a response. Off. Gamble stated he conducted a sternum rub on the subject with his knuckles and he did not get a response. Off. Gamble stated he felt no pulse on the subject's carotid artery. Off. Gamble stated he told the officers they needed to perform CPR on the subject.

Off. Gamble stated the subject was placed on his back and he began chest compressions on the subject. Off. Gamble stated after five (five) compressions, he heard a noise from the subject. He stated he stopped and re-assessed. Off. Gamble stated he thought the noise was probably from the chest compressions. Off. Gamble stated Off. Gordon continued with 30 (thirty) chest compressions and switched with him to continue the chest compressions.

Off. Gamble stated Sacramento Fire Department medics arrived on scene and took over the subject, including continued chest compressions on the subject. Off. Gamble stated there was no delay of chest compressions by the officers as they waited for the fire department. Off. Gamble stated the fire department transported the subject to the hospital.

Off. Gamble stated he secured the scene with the arena's crowd control stanchions. Off. Gamble stated Off. Gordon, who was at the hospital with the subject, requested his help in identifying the subject through the tag on the subject's ankle monitor. Off. Gamble stated the subject was identified by CDCR Parole Agent Bell, through the phone, as "Mario"; Off. Gamble could not remember his last name. Off. Gamble stated he provided the subject's name to Sgt. Magny.

END OF STATEMENT

On July 2, 2019, 21:07 hours, I (Steve McCarthy) monitored the interview of Sacramento Police Officer Mason McCann. McCann was interviewed by Sacramento Police Detective Dave Putnam.

Officer Mason McCann, Badge #4627

Officer McCann graduated from Sacramento Police Academy 18-BR-1. He has been a sworn police officer since June 28, 2018. His shift hours are 9 PM – 7 AM with Wednesday, Thursday and Friday as his days off.

Officer McCann advised he was dispatched at 3:39 hours regarding a male that had run into the Golden 1 Arena. He arrived at 3:42 hours and entered through the North/West doors. He then made initial contact with a janitor who directed him to where security officers were detaining the subject. Officer McCann advised he made his way to the subject's location by taking the steps between sections 101 and 126. He then turned eastward before making his way to the court floor. Once on the floor of the arena, he entered the club access area which is also considered the visitor locker area.

Officer McCann said when he arrived, he observed Golden 1 Security Officers pinning down a white male. He said the male's hands were already handcuffed behind his back, but he was continuing to resist. Officer McCann said he and three (3) additional security officers took control of the subject and stood him up onto his feet. He said as they did this, the subject continued to resist by throwing his shoulders backward and kicking his legs. Officer McCann said because the subject was continuing to resist, he decided to place him back onto floor and wait for additional officers.

Officer McCann then requested (via the radio) for the next responding officer to bring a Max Restraint device. He described the Max Restraint as a long strap with an attached carabineer. The other end of the restraint is used to slide around the subject's handcuffed hands. Once the restraint is applied, the subject is forced into a seated position. He said the device is used as an added level of security when an individual is kicking their legs.

Officer McCann said Officer Gordon then arrived with Max Restraints. He said the subject was then rolled onto his side and he began applying the restraint around his legs. Once the restraint was on, he asked if the fire department had been requested (via the radio).

While the subject was laying on his side, Officer McCann noticed the subject's breathing had become more labored. Officer McCann said Officer Gordon began monitoring subject's pulse while he directed responding units of their location. He described the male as being shirtless wearing black sweat pants and having an ankle monitor.

Officer McCann explained during his initial contact, the subject had been acting erratic. He said he did not smell alcohol on his person and did not hear him ask for help. Officer McCann said he only heard the subject mumbling, but could not understand what was being said.

As other officers arrived, Officer Gordon monitored the subject's pulse. Officer McCann explained he also briefly placed his fingers on the subject's carotid artery while they waited for the fire department. While doing this, he said he could feel the subject's pulse beating. However about thirty (30) seconds later, Officer Gamble advised he could no longer feel one. Officer Gamble then began chest compressions.

Once the fire department arrived, the Max Restraints and handcuffs were removed. The fire department then placed medical pads on the subject's chest and started an I.V. Officer McCann said he stayed at the scene until the male was transported to the hospital. He then returned to the main entrance of the arena.

Officer McCann clarified that he arrived about five (5) minutes prior to the fire department. He thought the fire department was there an additional five (5) minutes before the subject was transported to the hospital.

End of Statement.

On July 3, 2019, at 21:20 hours, I (Steve McCarthy) monitored the interview of Sacramento Police Officer Lorenzo Vidales. Vidales was interviewed by Sacramento Police Detective Micaela Cruz.

Officer Lorenzo Vidales, Badge #4613

Officer Vidales has been a sworn police officer since June 2018. His shift hours are 9 PM – 7 AM with Wednesday, Thursday, and Friday as his days off. On this date, he was assigned as [REDACTED] working District 3.

Between 3:30 AM – 3:40 AM, Officer Vidales said he noticed a call at the Golden 1 Arena. As he arrived at the North/West entrance, he heard [REDACTED] request (via the radio) for Max Restraints.

Officer Vidales then retrieved his issued Max Restraints and entered the arena. He was immediately directed by Golden 1 employees to a hallway where the subject was being detained. Officer Vidales said he observed Officers McCann, Gordon and two (2) other security officers detaining the subject. Officer Vidales said he began applying the Max Restraints around the subject's torso while Officer McCann tied the legs. Officer Vidales described the subject was super sweaty. He further explained he had to physically lift the subject's body to get the restraints around the torso area. He said when doing this, the subject initially grabbed the restraint strap with his hand and was kicking his legs. Officer Vidales explained he had to pry the subject's hand from the restraint so he could finish applying it. During this time, Officer Vidales said he was telling the subject to bend his legs, however he did not comply. He further explained he had to forcibly bend the subject's legs to finish getting the restraints on.

Officer Vidales said after the Max Restraint had been applied, he noticed blood on the ground. He also said the subject was wheezing while breathing. Officer Vidales said the subject was then placed in a position of recovery. During this time, Officer Vidales said his partner began talking to the subject, however he did not respond. Officer McCann said he initially just thought the subject was tired or under the influence of drugs. After realizing the subject was unresponsive, Officer Vidales removed the restraints and his partner began CPR. Shortly after, the fire department arrived and took over the subject's medical care.

Officer Vidales explained Max Restraints are issued by the Sacramento Police Department. He described them looking similar to a dog leash. He said two (2) officers are need to apply them. He said one end of the restraint is wrapped in a figure eight (8) around the subject's legs while the other end is wrapped around the subject's armpit and handcuffs.

Officer Vidales said during the arrest, the subject did not yell or scream. He said the subject didn't really resist except when he initially grabbed the restraint and was stiffening his legs. He said while his partner was monitoring the subject's pulse, he heard him mumbling, but could not understand what was being said.

Officer Vidales then looked at a map of the Golden 1 Arena. He explained the subject was detained underneath sections 103 and 104. He also said he did not recognize the subject and had no prior interactions with him.

End of Statement.