

**LAKE COUNTY SHERIFF'S OFFICE
ADMINISTRATIVE INVESTIGATION
Related report #19120323**

REPORT #2019-0017

BACKGROUND

This is an administrative investigation which will serve to comply with Lake County Sheriff's Office Policy (LCSO) and Procedure, section 310.6. Its sole purpose is to determine if there were any violations of Sheriff's Office policy. This investigation will be considered confidential and treated as if a peace officer personnel file.

On December 12th, 2019, at approximately 2149 hours, Deputy Wesley Besgrove (#455), contacted a man, later identified as Craig See, riding a bicycle at the Dollar General in Clearlake Oaks. Deputy Besgrove ultimately decided to detain See and asked him to put his hands behind his head. See fled on foot northwest around the side of the store into a creek bed between the Dollar General and the Cal-Trans yard. Deputy Besgrove pursued See on foot, catching him near the creek a short distance from the store. A struggle ensued, which resulted in Deputy Besgrove discharging his service weapon striking See. See was pronounced dead at the scene. Deputy Besgrove sustained injuries to his face, hand and leg as a result of the incident.

Deputy Besgrove, call sign 455, was assigned to the Enforcement Division at the time of this incident. He was working graveyard shift (1700 – 0300 hours) with an area of responsibility of Beat 4, to include the town of Clearlake Oaks. Deputy Besgrove was wearing a Class "B" uniform with all required identification and insignias. He was driving his department issued marked patrol vehicle, RSO-316, which had a functioning WatchGuard 4RE in-car camera and Vista WiFi Body Worn Camera (BWC). The in-car camera and BWC were recording during this incident.

Deputy Besgrove was hired by the Lake County Sheriff's Office as a Correctional Officer on November 30th, 2015. He promoted to a LCSO Deputy Sheriff on December 13th, 2018. Deputy Besgrove is a member of our Special Weapons and Tactics Team (SWAT) and a firearms instructor.

The suspect in this case was identified as Craig Ellis See. He was a 34 year old white male whose last known address is listed as [REDACTED] S Hwy 29 in Lower Lake, California. See's contacts with the Sheriff's Office began in May of 2012. He had one warrant issued for his arrest for a misdemeanor crime in 2014. See has been listed as a suspect in cases involving burglary, trespassing and was suspected of shooting a man in December 2019. His criminal history includes arrests and conviction for domestic violence and arrests for stalking. At the time of this incident, See had an active arrest warrant out of Kansas City, Missouri. The warrant was for drug possession that could have resulted in a prison sentence.

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INVESTIGATION

12/29/19	0215 hours	Blood draw order by Captain Chwialkowski
12/29/19	1000 hours	Assigned administrative investigation
12/30/19	0940 hours	Review Case #19120128 and 19100268
12/30/19	1000 hours	Interview with Deputy Besgrove
12/30/19	1000 hours	Administrative Investigation Notice
1/2/20	1900 hours	Review of Body Worn Camera
1/2/20	1330 hours	Examination of See's bike
1/3/20	0700 hours	See Autopsy
1/7/20	0700 hours	Receipt of pictures of Deputy Besgrove from 12/28/19
1/24/20	1600 hours	Deputy Besgrove's training file
1/24/20	1600 hours	BWC video from Deputies McCabe, Mora and Martinez.
1/29/20	1100 hours	Obtained scene photographs
1/30/20	1300 hours	Receipt of See autopsy report

APPLICABLE AUTHORITIES

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the deputy.
- (k) Potential for injury to deputies, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the deputy.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

- (a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or

death, and the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the deputy or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

312.3.5 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

312.5.1 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, or has taken any drugs or medication, has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

408.5.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

444.4.1 REQUIRED ACTIVATION OF MAV

Members shall activate their recorder any time they come in contact with a member of the public, in connection with their official duties, or if he/she believes it would be appropriate or valuable to record an incident.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

1042.3 UNIFORM CLASSES

(a) **UNIFORMED MEMBERS** - shall wear safety equipment while on duty. Optional safety equipment may be worn. The member is responsible for the purchase of required uniforms/ equipment. Members assigned to office duty may be exempt from wearing safety equipment, with the approval of their immediate supervisor.

2. Mandatory Equipment for Deputy Sheriffs

(a) Body Armor: The wearing of body armor is mandatory for all uniform patrol deputies. Refer to policy section 1024.3.1 for details and exceptions. All body armor must be Sheriff's Office-approved, with a minimum of Threat Level IIIA

(b) Gun belt (nylon, leather,) with basket weave pattern

(c) Holster and duty weapon (thigh holsters for K-9 and SWAT only) *The Rangemaster shall be responsible for approving the safety and suitability of all uniform holsters.

(d) Baton and holder must be readily available (on person or in vehicle); discretionary as to when worn

(e) Handcuffs, case and key

(f) Two (2) magazines and case, minimum of 18 rounds of authorized ammunition

(g) Flashlight and holder must be readily available (on person or in vehicle); discretionary as to when worn

(h) Taser: When a taser has been issued, and training completed

3. Optional Safety Equipment for Deputy Sheriffs

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- (a) Pepper Spray and case
- (b) Belt keepers
- (c) Second set of handcuffs and case
- (d) Folding knife and case
- (e) Audio recorder and case
- (f) Latex gloves and case
- (g) Shotgun shells and holder
- (h) Cellular telephone and case
- (i) Key holder
- (j) Black nylon suspenders (shall have a signed note from a doctor in order to wear them).

1042.3.2 CLASS B UNIFORM

(a) All deputies will possess and maintain a serviceable Class B uniform at all times. It is the standard duty uniform that may be worn as preferred by individual members.

1. The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required
- (b) All shirt buttons must remain buttoned except for the last button at the neck.
- (c) T-shirt, shall be white or black crew (black cotton moc/turtleneck or dickey is optional from November 1 through May 1) T-shirt sleeve is not to show beneath the uniform shirt sleeve.
- (d) Forest green dac-wool or polyester trouser. Any trouser may be worn if concealed by Sheriff's Office foul weather rain pants.
- (e) Foul weather jacket is optional

ANALYSIS

The analysis of the incident was focused on determining if the actions of the involved LCSO employees were compliant with department policy. Each of the individual policies listed in the applicable authorities sections of this report were reviewed and compared to the evidence collected during this investigation.

Assigned administrative investigation

I was contacted by Lieutenant Corey Paulich and he assigned me to this investigation. I reviewed the following RiMS Reports relative to this investigation:

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Review of Case #19100268 (Attachment #1)

See was mentioned in a burglary from a home in Clearlake Oaks. The list of stolen property included several firearms. The homeowner believed See was responsible although there was no evidence linking See to the theft at that time.

Review of Case #19120128 (Attachment #2)

Deputy Besgrove investigated a shooting where See was identified as the suspect. The victim reported that See shot him in the foot with a .22 Cal revolver after an argument. See was not located for a statement and the case was sent to the Lake County District Attorney's Office on 12/16/2019.

Blood Sample (Audio in with digital media attachment)

Captain Chwialkowski ordered a blood sample to be drawn from Deputy Besgrove. The sample was provided to Sgt. Joe Dutra who secured the sample with Evidence Technician Tamara Mitchell. I later requested the sample be sent to DOJ for testing. There was no indication that Deputy Besgrove was impaired or appeared under the influence at the time of the incident, (pending results).

Voluntary interview with Deputy Besgrove and service of Administrative Investigation Notice (Attachment #3)

I met District Attorney Investigators Bruce Smith and Scott Poma at the Lake County District Attorney's Office where they had arranged to conduct a voluntary interview with Deputy Besgrove. Prior to the interview, Deputy Besgrove and Attorney Steven Welty were provided the BWC footage of the incident for review. The interview occurred in the conference room at the Lake County District Attorney's Office in Lakeport. Prior to the interview, I served Deputy Besgrove with a Notice of Administrative Investigation. Welty and I spoke before the interview. In summary, we agreed that this was a voluntary interview and that I would be able to ask Deputy Besgrove questions during the interview if needed.

The following people, including myself, were in the conference room during the interview:

Chief District Attorney Investigator Bruce Smith
District Attorney Investigator Scott Poma
Deputy Wes Besgrove
Attorney Steven Welty

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At the beginning of the interview each person identified themselves for the audio recordings. I activated my digital audio recorder to memorialize the interview. I later downloaded the recording onto a compact disc and attached it to this report (Attachment #10).

The following is a detailed summary of the incident. For complete details, refer to the audio recording:

On 12/28/2019, at approximately 2150 hours, Deputy Besgrove was patrolling the Clearlake Oaks area in a marked patrol vehicle. He was also wearing a full Class B uniform. Deputy Besgrove observed a man riding a bicycle eastbound on the sidewalk on the south side of Hwy 20 in Clearlake Oaks. The man was later identified as Craig See. Deputy Besgrove did not know it was See until after the incident.

See was wearing a head lamp with no lights affixed to the bicycle. Deputy Besgrove turned around and saw See riding in the center divided turn lane of Hwy 20 before riding into the Dollar General parking lot. Deputy Besgrove followed See into the parking lot and contacted him. He did not activate any lights and described the contact as consensual at that point.

While asking some clarifying questions for details of the incident, Deputy Besgrove mentioned that See riding his bike on the highway without proper lighting was concerning. Deputy Besgrove has conducted traffic stops in that area on people that have used that center divider turn lane as an unlawful passing lane.

Deputy Besgrove observed See's body language and appearance and described See as nervous and/or anxious. Deputy Besgrove tried to explain that he was talking to him about minor lighting issues in an attempt to possibly get See to relax. At some point, See asked Deputy Besgrove if he could go into the store to get cigarettes. As this happened, Deputy Besgrove could see the bottom of a drop point style fixed blade knife sheath that had been concealed under See's clothing. Deputy Besgrove suspected that See was in violation of the California "dirk or dagger law". Deputy Besgrove then asked See to turn around and put his hands on his head. See started to turn and then fled westbound from the front of the store towards a dry creek bed located next to the Dollar General.

Deputy Besgrove pursued See, notified Central Dispatch that he was in a foot pursuit and ordered See to stop several times, but he continued running. As they approached the creek, there were large rocks along the bank. Deputy Besgrove jumped into the creek bed and felt his right knee pop, along with pain in his knee. See fled across to the other side of the bank. The bank was covered in leaves and debris. See climbed the bank but fell on his abdomen. Deputy Besgrove was able to grab See's ankle and pull See to the ground. Deputy Besgrove put his weight on See and told him to stay down. See's hands were underneath him and Deputy Besgrove ordered See to get his hands out as Deputy

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Besgrove believed he had a knife. Deputy Besgrove tried to reach underneath See to grab his hands. See then grabbed Deputy Besgrove's arm. See asked Deputy Besgrove to let him go. Deputy Besgrove responded that he wouldn't let See go. Deputy Besgrove described that See was mostly passive resistive during this, but it switched to a full fight during the struggle for See's hands.

See was grabbing at Deputy Besgrove and shifted so he was facing Deputy Besgrove. Deputy Besgrove tried to pick See up and place him back on his stomach. They continued to wrestle on the ground. Deputy Besgrove could feel See biting him several times to his left arm area. Deputy Besgrove was still on top of See at this point and realized he was getting tired. Deputy Besgrove moved to use a tool from his belt. By tool he was referring to another force option like pepper spray and/or Taser. He bypassed the Taser as he couldn't reach it. See's baggy clothing was making control of his arms difficult and Deputy Besgrove thought the Taser would not be effective through See's clothing. Deputy Besgrove was able to draw his pepper spray and administer a quick burst to See. Deputy Besgrove recalled See saying something similar to, "Ok I'm done." See never stopped resisting after he said this. Deputy Besgrove tried to administer a second burst. That burst was deflected somehow and hit Deputy Besgrove in the face and eyes. Deputy Besgrove wasn't able to open his left eye effectively. Deputy Besgrove felt pressure in his right eye and realized that it was See's finger digging at his eye. Deputy Besgrove tipped his head back to protect his eye. Deputy Besgrove struck See to the head area possibly twice with a closed fist to try and gain some sort of control over See. Deputy Besgrove was trying to strike See in the face. His first blow landed on fabric of some type. See's hand had moved and was digging at Deputy Besgrove's left eye. Deputy Besgrove struck See again and believed he made contact to See's head or face.

During this part of the fight, they slid down the bank a few feet. Deputy Besgrove ended up underneath See during the struggle. Deputy Besgrove fought to get out from underneath See. See then head-butted Deputy Besgrove at least twice. The first strike caused pain to Deputy Besgrove. Deputy Besgrove described the first blow didn't really affect him. See again head-butted Deputy Besgrove. Deputy Besgrove feared being knocked unconscious, so he grabbed See in a close hold to avoid being struck again.

Deputy Besgrove saw See's right hand come up and out from his body. Deputy Besgrove could see what looked like a jagged knife blade in his hand. The blade point was extending from the bottom of See's hand. Deputy Besgrove tried to grab See's wrist. He ordered See to drop the knife. Deputy Besgrove recalled See saying that he wouldn't drop the knife. Deputy Besgrove brought both his hands up to control the knife and ended up grabbing the knife blade with his left hand. See would not release the knife. Deputy Besgrove received a small cut to his left hand that he believed was caused by grabbing the blade.

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Deputy Besgrove recalled See telling Deputy Besgrove to let him go. Deputy Besgrove wasn't sure if he meant the knife or just in general. Deputy Besgrove told See he would let him go if he dropped the knife. Deputy Besgrove then felt a lot of pressure to the right side of his belt. He immediately moved his hand to his gun on his right hip. Deputy Besgrove felt See's hand completely around the grip of his gun.

Deputy Besgrove later explained that his department approved Glock 34 had a level three retention system, which included a hood strap and dust cover for an optics system as well as a final retention pressure screw. Deputy Besgrove could feel that the hood was forward in the open position. Deputy Besgrove applied as much pressure as he could to keep his gun secured and force See's hand off of his service weapon.

Deputy Besgrove described the struggle for the gun felt like a very long time, but he was finally able to push See's hand from the weapon. Deputy Besgrove then quickly drew his weapon from his holster in a 'close retention' position close to his body and pointed at See. Deputy Besgrove believed he fired 1-3 shots at See from this position.

See yelled and both of his hands came up. Deputy Besgrove was unsure of where his left hand was or at what point he had stopped holding the knife blade. Deputy Besgrove remembered thinking that he was going to get stabbed because he didn't have a hold of the knife anymore. Deputy Besgrove could see both of See's arms over his head, but did not specifically recall seeing the knife. Deputy Besgrove rotated his weapon towards See's chest and fired 3-5 rounds. See fell to his left, (Deputy Besgrove's right), off of Deputy Besgrove.

Deputy Besgrove saw See moving as if to get back up to run. Deputy Besgrove stood up from the ground and retreated from See. Deputy Besgrove covered See at gunpoint and ordered him to lay down and put his hands out to his sides. See brought his hands out and up towards his head while on the ground. Deputy Besgrove notified Dispatch and requested medical respond. Deputy Besgrove was unsure if any of his transmissions went through to Central Dispatch. He did not feel able to approach or handcuff See safely until a second unit arrived. Deputy Matthew McCabe arrived on scene and handcuffed See. See was rolled over and Deputy Besgrove then recognized him as Craig See from prior incidents.

Review of Body Worn Camera (BWC)/ Critical Incident Debrief Footage

I received a copy of the BWC footage from Captain Chwialkowski.

The BWC footage contains footage that is approximately 4 hours and 45 minutes in duration. The BWC fell off of Deputy Besgrove's uniform shortly after the foot pursuit started and continued recording until it was placed into a cradle at the Main Office later that evening. There is in-car camera and BWC footage. Sergeant Benjamin Moore

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analyzed the BWC footage and created a Critical Incident Debrief video. I included that video as it was an excellent summary of the incident, (Attachment #10).

The video created by Sgt. Moore is approximately 10 minutes and 41 seconds in length. Deputy Besgrove saw a male riding a bicycle east on Hwy 20 in Clearlake Oaks towards the Dollar General store on 12/28/2019, at approximately 2150 hours. Deputy Besgrove was driving west in RSO-316 and observed the man, later identified as Craig See. As Deputy Besgrove turns his vehicle around, See is traveling in the center turn lane. A rear reflector from the bike is visible in the camera. See turned left into the Dollar General parking lot. Deputy Besgrove followed and parked in the parking lot to contact See. No emergency lights were activated on RSO-316. Deputy Besgrove approached See near the front of the store. Deputy Besgrove is standing to See's left and not blocking See from the front of the store. The Dollar General was open for business during the encounter. Deputy Besgrove says, "Alright, so the reason that I'm out here talking with you is cause, even though you have the headlamp, you have to have proper reflective equipment on the bicycle. You have to have light on the bicycle, you have to have a rear light as well." Deputy Besgrove moves and is standing partially between See and the doors to the store, but he does not tell him to stop or direct any of his movements at that time. As See is moving around, the sheath of a drop point or fixed blade knife is visible for a moment under his clothing. Deputy Besgrove asks See if he has any ID. See states that he does not and provides a name similar to "Christopher Freder". See provides a date of birth of 10/24/82. See then asks if he can get a pack of cigarettes. Deputy Besgrove replies, "Not right now." Deputy Besgrove then says, "Do me a favor man, turn around and put your hands behind your head." See turns away from Deputy Besgrove and raises his hands above his head before running west to the corner of the store and north into the brush. Deputy Besgrove pursues on foot. Deputy Besgrove can be heard saying, "Central 455 foot pursuit." He tells See, "Stop now! Stop now!" The BWC falls from Deputy Besgrove a few seconds into the pursuit and only audio can be heard.

The following is a transcription of the audio:

See: "Stop."

Besgrove: "Stay the fuck down."

Besgrove: "Keep your hands where I can see them. You understand me?"

See: "Let me go dude."

Besgrove: "You don't, you don't let go of my hand you're going to get socked."

See: "Come on Dude."

Besgrove: "You understand?"

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See: "All right I'll stop."

Besgrove: "You ain't stopping"

See: "Please just let me go."

Besgrove: "You ain't getting let go."

(Sounds of struggling and grunting can be heard.)

Besgrove: "Stop."

See: "No."

Besgrove: "Stop."

(There are several seconds of grunting and heavy breathing that can be heard. See says something that is inaudible.)

Besgrove: "Drop the knife." "Drop the knife you fuck..ah.(?)"

(Grunting)

Besgrove: "Drop that fucking knife. Drop that fucking knife. Drop that knife due."

See: "You let me go and I'll.."

Besgrove: "All right I'll let you go, drop that fucking knife first."

See: "You let go."

Besgrove: "I can't let you up with that knife."

(More grunting can be heard.)

See: (Muffled) "You're a punk (Unk) dude."

(After some grunting three quick shots are heard. Then a scream can be heard before two more shots are fired within a half second of the first three shots.)

Besgrove: "Central 455, shots fired, shots fired. Suspect down."

Besgrove: "Arms out. Arms out. Put your arms out to your sides now."

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Besgrove: "Central 455, out behind the Dollar General. Suspect hit. Down at gunpoint."

Besgrove: "Do not move. Central 455, start medical code three to my location."

Besgrove, "Keep your hands out."

(Deputy Besgrove covered See until Deputy McCabe arrived and handcuffed him.)

LCSO Report #19120323 (Attachment #4)

Sgt. Dutra was the shift supervisor the evening of 12/28/19. Sgt. Dutra prepared #19120323 after being informed that a shooting had occurred involving Deputy Besgrove near the Dollar General in Clearlake Oaks.

Sgt. Dutra wrote that he requested medics to respond to the scene. He checked See for a pulse but was unable to locate one. After medics arrived, Dr. Shifflet pronounced See deceased.

Deputies Jeff Mora and Matt McCabe maintained a crime scene log while Sgt. Dutra obtained a public safety statement from Deputy Besgrove. At that time, Deputy Besgrove advised Sgt. Dutra that he had fired between 5-7 rounds. Sgt. Dutra used that information and believed there were no additional victims or property damage that had occurred. District Attorney Investigator Scott Poma arrived on scene and assumed the investigation. Deputy Besgrove sought medical treatment for the injuries he sustained and went to Adventist Health in Clearlake.

On 12/29/2019, at approximately 0338 hours, Chief DA Investigator Bruce Smith contacted Sgt. Dutra. He asked Sgt. Dutra to collect Deputy Besgrove's firearm and do a round count. Upon arrival, Deputy Besgrove told Sgt. Dutra that he carried his magazines each with 22 rounds plus one round in the chamber of his sidearm. This made it a total of 23 rounds in the weapon. Sgt. Dutra found 18 live rounds in Deputy Besgrove's weapon indicating that 5 rounds may have been fired. Sgt. Dutra later provided the firearm and ammunition to DAI Denise Hinchcliff.

Review of memorandum from Sgt. Joe Dutra (Attachment #5)

I spoke with Sgt. Dutra and asked that he provide me additional details regarding his actions during the incident. Sgt. Dutra provided me with the attached memorandum.

Sgt. Dutra clarified that he checked See for a pulse and respiration when he arrived on scene. There was also no pupillary reaction to light. Based on Sgt. Dutra's training and

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experience, See was obviously deceased. No life saving measures were attempted. When medics arrived on scene, Sgt. Dutra escorted one medic to check for any heart activity. Sgt. Dutra noted that he did this in an effort to preserve the scene as he had already determined See was deceased.

Sgt. Dutra added that he collected Deputy Besgrove's blood sample and provided it to Evidence Technician Mitchell at the Main Office.

Pictures of See's bike (Attachment #6)

See's bike was a white Auto-Mini folding bicycle. It was equipped with two red reflectors to the rear of the bike. I did not observe any forward facing or side mounted reflectors on the bike. See had a head lamp that was operational when Deputy Besgrove saw him riding on Hwy 20 in Clearlake Oaks.

California Vehicle Code section 21201 (d) A bicycle operated during darkness upon a highway, a sidewalk where bicycle operation is not prohibited by the local jurisdiction, or a bikeway, as defined in Section 890.4 of the Streets and Highways Code, shall be equipped with all of the following:

- (1) A lamp emitting a white light that, while the bicycle is in motion, illuminates the highway, sidewalk, or bikeway in front of the bicyclist and is visible from a distance of 300 feet in front and from the sides of the bicycle.*
- (2) A red reflector or a solid or flashing red light with a built-in reflector on the rear that shall be visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle.*
- (3) A white or yellow reflector on each pedal, shoe, or ankle visible from the front and rear of the bicycle from a distance of 200 feet.*
- (4) A white or yellow reflector on each side forward of the center of the bicycle, and a white or red reflector on each side to the rear of the center of the bicycle, except that bicycles that are equipped with reflectorized tires on the front and the rear need not be equipped with these side reflectors.*

The reflectors and reflectorized tires shall be of a type meeting requirements established by the department.

(e) A lamp or lamp combination, emitting a white light, attached to the operator and visible from a distance of 300 feet in front and from the sides of the bicycle, may be used in lieu of the lamp required by paragraph (1) of subdivision (d).

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See Autopsy (Pictures not included with this report)

I attended the autopsy of See performed by Dr. Omalu. DA Investigator Poma was the lead investigator and Evidence Technician Tamara Mitchell was present to photograph the autopsy. See had three gunshot wounds to his left hip and ribcage area. One appeared to have entered the torso at the hip. The two on the ribcage appeared to be angled upwards towards See's head and with a visible exit wound. These appeared consistent with Deputy Besgrove's statements of firing from a close retention position from his right hand and impact the left side of See with See close and facing Deputy Besgrove. There were two other entrance wounds to See's chest near his heart. This was also consistent with Deputy Besgrove's statement of firing at least two rounds after See raised up off of him. DAI Poma noted that Deputy Besgrove's firearm had, "*Dirt in the right grip of the firearm, which would be consistent with a right handed person going to the ground and laying on his firearm or having dirt on his hand when grabbing the firearm. There was no dirt visible on the left side of the firearms grip.*"

Receipt of pictures of Deputy Besgrove from 12/28/19 (Attachment #7)

Sgt. John Drewrey advised me that he took photographs of Deputy Besgrove the night of the incident prior to Deputy Besgrove removing his uniform. Deputy Besgrove's uniform was later collected by investigators from the District Attorney's Office. Refer to attached photographs.

Deputy Besgrove's Training File / POST EDI (Attachment #8)

I conducted a review of Deputy Besgrove's training file to verify specific certifications and recent firearms qualifications. As previously mentioned within this investigation, Deputy Besgrove is an active SWAT Operator and Firearms Instructor. I identified Deputy Besgrove's most recent firearms qualification was completed on 11/5/19, with a passing score with all weapons carried. I accessed the California Commission on Peace Officer Standards and Training Electronic Data Interchange (POST-EDI) and ran a training report summary for Deputy Besgrove. I also accessed our Training Management System (TMS) and ran a training report summary for Deputy Besgrove, which tracks additional in-house training otherwise not shown on POST-EDI. I found that Deputy Besgrove was well within policy and POST Perishable Skills Program (PSP) regulations for all firearms he carries for duty purposes. Photocopies of certificates, qualification records and report summaries are all provided as one attachment.

BWC from Deputies Matt McCabe, Jeff Mora and Jose Martinez (On digital media drive)

These BWC videos depict what happened after the responding deputies arrived on scene. These were consistent with Sgt. Dutra's account of the responding deputies' actions.

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Scene photographs (On digital media storage)

See can be seen lying supine on the ground with his hands cuffed behind him. An empty brown fixed blade knife sheath was at the left side of Sees abdomen. A fixed blade knife with an approximate 3-6 inch "S" shaped blade was found at the scene, along with a can of Department issued pepper spray.

Autopsy report by Dr. Bennett Omalu (Attachment #9)

I reviewed the attached autopsy report prepared by Dr. Omalu. See died as a result of gunshot wounds to the trunk. He also had a high level of methamphetamine in his system. The pathways of the bullets noted in Dr. Omalu's report were consistent with the evidence collected and statements from Deputy Besgrove. See's outer jacket had several soot deposits described as 'searing' by Dr. Omalu. Investigator Poma will be sending the jacket to DOJ to confirm the searing on that jacket is gunshot powder burns and residue from a close contact firearm discharge. Those marks are consistent with the locations of the entry of the two rounds that struck See's left side.

SUMMARY

On 12/28/2019 at approximately 2150 hours, Deputy Besgrove observed a male riding his bike in Hwy 20 in violation of CVC 22101 (d)(3) and CVC 22101 (d) (4). Deputy Besgrove did not activate any emergency lights and consensually contacted See about the violations in front of the Dollar General in Clearlake Oaks. Deputy Besgrove activated his BWC and in-car camera.

See was detained by Deputy Besgrove when he asked to go inside the store and Deputy Besgrove controlled his movements by not allowing him. Prior to doing this, Deputy Besgrove had observed a previously concealed knife sheath that appeared to be a violation of 21310 PC (wobbler). Deputy Besgrove then gave verbal commands to See.

See fled into a creek bed west of the Dollar General. Deputy Besgrove notified Central Dispatch, pursued See and felt pain in his right knee. Deputy Besgrove used verbal commands for See to stop which had no effect. Deputy Besgrove caught See and used his body weight to restrain See and gain control of Sees hands, which were underneath him. A physical fight ensued which result in Deputy Besgrove using physical force, a closed fist strike and pepper spray to try and overcome See's resistance. See wrestled with Besgrove, bit him on the left forearm and ended up on top of Deputy Besgrove with Deputy Besgrove laying on his back. Deputy Besgrove was head-butted twice by See causing him to fear losing consciousness. See was able to remove a knife with a jagged blade and raise it over Deputy Besgrove. Deputy Besgrove physically grabbed the blade to try and gain control. Deputy Besgrove then felt pressure to the right side of his gun

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belt where his service weapon, (Glock 34), was holstered. Deputy Besgrove felt See's hand around the grip and a retention hood was open. Deputy Besgrove fought to keep his service weapon secure with one hand as his left hand was still holding the knife blade. Deputy Besgrove was able to push See's hand from the weapon and immediately drew and fired three rounds to See's left side. See raised up off of Deputy Besgrove, but had both hands raised. Deputy Besgrove then fired two more rounds to See's chest. See fell from Deputy Besgrove. Deputy Besgrove got up, retreated and attempted to contact Central Dispatch about the shots fired and need for a medical response. Deputy McCabe arrived on scene and handcuffed See. Sergeant Dutra also arrived and observed See was obviously deceased. As medics had arrived Sgt. Dutra escorted one medic to See's body to confirm he was deceased.

The autopsy report, BWC and evidence located at the scene are all consistent with the summary.

In accordance with LCSO Policy 302, I am requesting this internal administrative investigation be forwarded to a Use of Force Review Board for review and recommendation and forward their findings in writing to the Sheriff.

ATTACHMENTS

1. Case #19100268
2. Case #19120128
3. Administrative Investigation Notice
4. Case #19120323
5. Memorandum from Sgt. Joe Dutra
6. Pictures of See's bike
7. Deputy Besgrove Uniform photos
8. Deputy Besgrove's POST EDI summary, TMS summary
9. Autopsy report
10. Thumb drive containing referenced BWC and media copies