

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

FILED

Aug 16 2023

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

MORTEZA AMIRI,
ERIC ALLEN ROMBOUGH, and
DEVON CHRISTOPHER WENGER

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 241 – Conspiracy Against Rights (one count)
18 U.S.C. § 242 – Deprivation of Rights Under Color of Law (seven counts)
18 U.S.C. § 1519 – Destruction, Alteration, and Falsification of Records in Federal
Investigations (one count)

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 16th day of

August


Brittany Sims, Clerk

Bail, \$ NO BAIL

Hon. Magistrate Judge Lisa J. Cisneros

1 and assigned to APD’s Canine Unit. Between approximately March 2019 and November 2021, **AMIRI**
2 deployed K9 Purcy to bite at least 28 subjects in and around Antioch. In early 2022, APD temporarily
3 suspended K9 Purcy and removed **AMIRI** from the Canine Unit.

4 3. Defendant **Eric Allen ROMBOUGH** was employed as a police officer with APD
5 beginning in approximately February 2017. **ROMBOUGH** also held assignments on APD’s SWAT
6 team, Gang Unit, and Problem-Oriented Policing (POP) team. **ROMBOUGH** served as an operator of
7 the 40mm less lethal launcher in each of these assignments. In less than one year between November
8 2020 and August 2021, **ROMBOUGH** deployed the 40mm less lethal launcher to shoot at least eleven
9 subjects in and around Antioch. In early 2022, **ROMBOUGH** resigned from the Gang Unit and the
10 SWAT team.

11 4. **Devon Christopher WENGER** was employed as a police officer with APD beginning in
12 approximately July 2018.

13 APD Policies and Training

14 5. APD disseminated a Policy Manual for which all its employees, including APD officers,
15 were responsible for knowing and understanding the policies and procedures contained within. APD’s
16 Policy Manual contained policies on *Use of Force* (Policy 300), which identified in relevant part, among
17 other things:

18 a. *Duty to intercede* (300.2.1): “Any officer present and observing another law
19 enforcement officer or an employee using force that is clearly beyond that which is necessary, as
20 determined by an objectively reasonable officer under the circumstances, shall, when in a
21 position to do so, intercede to prevent the use of unreasonable force”;

22 b. *Duty to report excessive force* (300.2.3): “Any officer who observes a law
23 enforcement officer or an employee use force that potentially exceeds what the officer
24 reasonably believes to be necessary shall promptly report these observations to a supervisor as
25 soon as feasible”, effective no later than January 2021;

26 c. *De-escalation requirement* (300.3.1): “Officers shall, when feasible and while
27 considering officer and public safety, employ de-escalation techniques to decrease the likelihood
28 of the need to use force during an incident and to increase the likelihood of voluntary compliance

1 and/or peaceful resolution”, effective no later than January 2021;

2 d. *Factors used to determine the reasonableness of force* (300.3.2);

3 e. *Reporting the use of force* (300.5): “Any use of force by a member of this
4 department shall be documented promptly, completely and accurately in an appropriate report,
5 depending on the nature of the incident.”

6 6. APD’s Policy Manual also contained policies on specific applications of force, including
7 *Canines* (Policy 311), applicable to police canines, and *Kinetic Energy Projectile Guidelines* (Policy
8 302.9), applicable to the 40mm less lethal launcher.

9 7. APD’s Policy Manual also contained policies on *Personal Communication Devices*
10 (Policy 701), which identified in relevant part, among other things:

11 a. *Personally owned PCD* (701.5): “Members may carry a personally owned PCD
12 while on-duty, subject to the following conditions and limitations: ... (d) The device should not
13 be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio
14 communications). ... (e) The device shall not be utilized to record or disclose any business-
15 related information, including photographs, video or the recording or transmittal of any
16 information or material obtained or made accessible as a result of employment with the
17 Department”.

18 8. **AMIRI** and other APD officers received K9 training while assigned to APD’s Canine
19 Unit. For example, **AMIRI** reported receiving over hundreds of hours of K9 basic and maintenance
20 training courses between 2018 and 2021. Such training covered APD policies and proper deployment,
21 *i.e.*, when it is appropriate to deploy a police canine, and relevant legal standards.

22 9. **AMIRI, ROMBOUGH, WENGER**, and other APD officers received 40mm less lethal
23 training and qualification while employed at APD. This training covered relevant APD policies,
24 nomenclature and munitions, recommended target areas, announcements, documentation, and other
25 topics. Among other things, the training advised APD officers that certain areas of the body are
26 “potentially lethal” when targeted by the 40mm less lethal launcher, including the head, neck, portions
27 of the chest, groin area, and portions of the back and lower back.

1 The Scheme to Violate Civil Rights

2 10. While employed at APD, Defendants **AMIRI, ROMBOUGH, and WENGER**
3 (“Defendants”) conspired and agreed together and with each other, and with others known and unknown
4 to the Grand Jury, to injure, oppress, threaten, and intimidate residents of Antioch, California and the
5 Northern District of California in the free exercise and enjoyment of rights secured to them by the
6 Constitution or laws of the United States, that is, to be free from the use of unreasonable force by a law
7 enforcement officer.

8 Manner and Means

9 ***Agreement and Encouragement***

10 11. As part of the scheme to violate civil rights, Defendants communicated with one another
11 and with others known and unknown to the Grand Jury about their actual and intended uses of force,
12 including about specific violent acts that constituted excessive uses of force by a police officer against
13 individuals in and around Antioch.

14 12. As a further part of the scheme, Defendants agreed with one another and with others
15 known and unknown to the Grand Jury to carry out such violent acts against individuals in and around
16 Antioch even where the force was excessive, knowing that certain of their actions were excessive uses
17 of force by a police officer, including in the communications identified in this Indictment.

18 ***Collecting Trophies and Touting Deployments***

19 13. As part of the scheme to violate civil rights, Defendants communicated with each other
20 and with others known and unknown to the Grand Jury after specific deployments of excessive force and
21 touted their applications of force, including in the communications identified in this Indictment.

22 14. As a further part of the scheme, after each canine deployment of K9 Purcy, **AMIRI**
23 captured photographs and videos of each subject’s injuries from the corresponding dog bite. While APD
24 required official documentation of injuries from such uses of force, **AMIRI** captured additional
25 photographs and shared them on his personal cell phone with individuals and officers not involved with
26 the incident, contrary to APD policy. For example, following a deployment of K9 Purcy to bite a
27 subject on December 19, 2019, **AMIRI** stated: “I’m gonna take more gory pics. gory pics are for
28 personal stuff. cleaned up pics for the case 🤔”.

1 15. After each bite, **AMIRI** also messaged multiple recipients from his personal cell phone,
2 including in some instances **ROMBOUGH** and **WENGER**, about the bite, often with a consecutive
3 number memorializing the number of dog bites he had accumulated up to that point (for instance, “bite
4 #1”, “#2”, “just got #3”, “#4 on fire rn.. lol”, “#5 this morning”, “Purcy #6”, etc., through “#28”) along
5 with photographs and/or videos of each subject’s injuries, contrary to APD policy.

6 16. As a further part of the scheme, after **ROMBOUGH**’s deployment of the 40mm less
7 lethal launcher, he likewise secured photographs of the subject’s injuries. While APD again required
8 official documentation of such injuries, **ROMBOUGH** shared photographs of the injuries on his
9 personal cell phone with officers who were not otherwise involved with the incident and other
10 individuals in and around Antioch, contrary to APD policy.

11 17. **ROMBOUGH** also collected the spent 40mm munitions following each deployment and,
12 instead of disposing or processing them, kept them for himself. **ROMBOUGH** collected the spent
13 munitions to create a display; specifically, he told others at APD that he was collecting munitions for
14 “the mantle” and creating a trophy “flag,” that is, in which the munitions were used among the stars and
15 stripes to commemorate his 40mm deployments.

16 18. As a further part of the scheme, Defendants deployed uses of force as “punishment” to
17 subjects beyond any punishment appropriately imposed by the criminal justice system, and/or made
18 repeated reference to or suggestion of “violating civil rights”, including in the communications
19 identified in this Indictment.

20 ***Concealments to Further Perpetuate the Scheme***

21 19. As a further part of the scheme, Defendants also concealed and hid, and caused to be
22 concealed and hidden, the acts done and the purpose of the acts done in furtherance of the scheme,
23 including to further perpetuate the scheme. These concealments included:

24 a. After each of their involvement in incidents involving uses of force, Defendants
25 authored police reports containing false and misleading statements to suggest that the force they
26 used was necessary or justifiable. In truth and in fact, and as Defendants well knew, Defendants
27 willfully used excessive force in numerous incidents, including those identified in this
28 Indictment.

1 23. As an additional example, **AMIRI** and **ROMBOUGH** exchanged the following
2 messages on December 27, 2019 about an individual in Antioch:

3 **AMIRI:** wtf happened?!

4 **ROMBOUGH:** lol with what?

5 **AMIRI:** [an officer]

6 **ROMBOUGH:** Oh lol 83² with a vehicle on fire, found the suspect
7 walking
and had a gun on him

8 **AMIRI:** he beat his ass?

9 **ROMBOUGH:** I don't think so
Just dumped him

10 **AMIRI:** ☹️
11 You and i would have broke him lol

12 **ROMBOUGH:** Hell yeah and got bit

13 24. As an additional example, **AMIRI** and **ROMBOUGH** exchanged the following
14 messages on February 24, 2020 about individuals in and around Antioch:

15 **AMIRI:** sorry for the delay bro. had a mess on sycamore i was
16 cleaning. copy just read it all

17 **ROMBOUGH:** Lol what did you get?
Gorillas

18 **AMIRI:** basically ☹️ ☹️ ☹️

19 **ROMBOUGH:** Lmao
20 Dog bite

21 **AMIRI:** no they didn't push it that far. bunch of gorillas
22 surrounding us and taunting a fight since we were
hooking [a subject]. they were all pussies and didn't do
shit. i wish they did

23 **ROMBOUGH:** I can shoot a few on Sunday
24 I better be riding with you turd

25 25. As an additional example, **AMIRI** and **ROMBOUGH** exchanged the following
26 messages on March 21, 2020 about an individual in Antioch:

27
28 _____
² Police Code 11-83 refers to a traffic accident.

1 **AMIRI:** surprised you didn't use force on the bank burglar!

2 **ROMBOUGH:** We didn't get him
3 I couldn't bro he gave up

4 **AMIRI:** would it have been a bite if i was there or did he
5 immediately coward up?

6 **ROMBOUGH:** He sprawled out but if you were there we would have
7 gotten u a bite

8 **AMIRI:** ☹️☹️☹️
9 they need to request me back on patrol since we are
10 code red and y'all could use me
11 I'm so annoyed

12 26. As an additional example, **AMIRI** and **ROMBOUGH** exchanged the following
13 messages on November 26, 2021, about an individual in Antioch:

14 **ROMBOUGH:** Nice stop on the "211"³ turd

15 **AMIRI:** thanks bro. throat bite

16 **ROMBOUGH:** Lmao fucking perfect

17 **AMIRI:** don't share
18 [Photograph from body-worn camera video]

19 **ROMBOUGH:** [...] I won't
20 Going for the jugular

21 **AMIRI:** imagine fat ass purcy on your fucking throat 🤢

22 **ROMBOUGH:** That's perfect I love it

23 **AMIRI:** i shit myself when i saw that. i thought he was gonna
24 kill her

25 **ROMBOUGH:** Oh well one less gorilla pro-curating
26 [Image of smiling gorilla with lips making kissing face]

27 **AMIRI:** lmao!

28 **ROMBOUGH:** Stay safe bro.

29 //

30 //

31

32

³ California Penal Code 211 prohibits robbery.

1 **AMIRI's Uses of Force, Including Canine Deployments and Communications about Them**

2 ***July 24, 2019: AMIRI's Canine Deployed to Bite A.A. [19-6775]***

3 27. At about 1:45 a.m. on July 24, 2019, A.A. rode a bicycle along San Jose Drive in
4 Antioch. **AMIRI** initiated a traffic enforcement stop of A.A., specifying later that A.A.'s bicycle failed
5 to have lights on while it was dark outside. **AMIRI** ultimately exited his patrol vehicle and ordered
6 A.A. to stop. In the course of apprehending A.A., **AMIRI** punched him multiple times; K9 Purcy then
7 bit A.A. in the arm, injuring him.

8 28. Officer-1, a police officer from a neighboring police department and **AMIRI's**
9 roommate, was present during this incident in **AMIRI's** vehicle. **AMIRI** had scheduled a "ride-along"
10 for Officer-1 a day earlier.

11 29. **AMIRI** sent numerous individuals a description of the bite and/or photographs of the bite
12 after the incident, including the following:



21 a. For instance, minutes after the bite, at about 1:59 a.m., **AMIRI** sent a photograph
22 from the incident labeled IMG_6207 to Officer-1, who responded "Haha".

23 b. Less than an hour after the incident, at about 2:41 a.m., **AMIRI** sent two
24 photographs from the incident to **ROMBOUGH** labeled IMG_6207 and IMG_6213.

25 **ROMBOUGH** replied, "Yeah buddy good boy purcy". **ROMBOUGH** later wrote to **AMIRI**,
26 "Lol you bit [A.A.]" and "Fuck that turd" at about 4:12 p.m.

27 c. At about 5:03 a.m. on July 24, **AMIRI** sent the following messages to Officer-2:

28 **AMIRI:** [Officer-1] helped me get a bike on a ride along just
now lol
*bite

1 i took an SUV since he can't fit in my car and i don't
2 have a door pop for this car so he opened my door and
sent purcy in for a bite

3 [IMG_6207] [IMG_6213]

4 Officer-2: Lol nice

5 d. At about 8:17 a.m., **AMIRI** sent Officer-3, a police officer from a neighboring
6 police department, "Purcy #6 ..." and a photograph from the incident, and stated the following:

7 **AMIRI:** this one was different... i had a lateral ride along (my
8 roommate) and i was driving someone else's car so my
9 door pop wasn't matched up... sooo i had my ride along
open my door 🤔

i did not mention that in the report

10 Officer-3: Wow lol

11 **AMIRI:** hey we made it work lol 🤔

12 Officer-3: Nice good job
13 What cut the dogs face?

14 **AMIRI:** that's a piece of the suspect's flesh lol

15 30. Shortly thereafter, at about 9:14 a.m., **AMIRI** exchanged the following messages with his
16 roommate, Officer-1, remarking that the incident was a "weak ass 69" and "stretch of a 69" in reference
17 to California Penal Code 69 (resisting an officer) and explaining how he would get out of "go[ing] to
18 court for the bite":

19 **AMIRI:** bro that's was badass. Thanks for your help. You got to
20 see purcy in action lol. That was a weak ass 69 but the
21 bosses were cool with it. Detectives already called
PRCS and got him a 45 day violation and we are gonna
leave it at that so i don't have to go to court for the bite.
easy

22 Officer-1: Hahaha anytime !! That was cool..I wanted to help but
23 you know how that goes lol...that's good saves you
24 hella shit having to go through

25 **AMIRI:** right! yea it wasn't even really a fight and more of just
26 a resisting and making it a stretch of a 69 lol. I'm sure if
he started kicking my ass you'd jump in

27 31. Following this incident, **AMIRI** authored a police report that differed from the
28 description **AMIRI** privately provided to others in his text messages, including that the report made no

1 reference to Officer-1’s participation in the deployment of K9 Purcy.
2

3 ***December 19, 2019: AMIRI Deploys Canine to Bite R.S. [19-10816]***

4 32. On December 19, 2019, APD officers initiated a traffic stop on a car associated with R.S.,
5 who was wanted in connection with five armed robberies. After the car fled, officers tracked it to a
6 housing development. R.S. fled into the housing complex, where he fell face-first on some wet grass,
7 got up, and fell again. As officers—including **AMIRI** and Officer-4—converged on R.S., and with two
8 officers within five feet of R.S., **AMIRI**’s K9 Purcy bit R.S. while he was in a prone position on the
9 ground, injuring him.

10 33. After the incident, **AMIRI** sent numerous individuals photographs, a video, and/or a
11 description of the bite, including the following:



18 a. At 4:30 p.m., **AMIRI** exchanged the following messages with another APD
19 officer, Officer-5:

20 **AMIRI:** bro you see that armpit?

21 Officer-5: Lol for sure did . Good shit

22 **AMIRI:** i did something different this time that i think might
23 have helped
24 as purcy was on the bite i pulled his harness which i
think helped with the bite

25 Officer-5: Yeah that will lock him in for sure. Makes them bite
26 down more

27 b. Later that day, at 7:13 p.m., **AMIRI** and **ROMBOUGH** had the following text
28 exchange about R.S. being “proned out” and “give[n] up” when he was bit:

1 **ROMBOUGH:** Fuck I just want to punch the shit out of someone lol
2 **AMIRI:** do it bro
3 **ROMBOUGH:** Don't have my road dog out here
4 **AMIRI:** the guy i bit today was pruned out. no fucks given. you
5 don't take us on a high speed and rob people and gun
6 point and crash into cars during a football and just give
7 up... bite on
8 **ROMBOUGH:** Lol agreed
9 **AMIRI:** I hate not having you on the streets with me
10 **ROMBOUGH:** i know bro. not even the same

c. The next day, on December 20, 2019 at about 8:57 a.m., **AMIRI** exchanged text messages with Officer-6, a police officer at a neighboring police department. **AMIRI** sent photographs and a video, requesting he “don't share the video lol” and referring to the bite as “the real punishment compared to the soft DA” (District Attorney):

AMIRI: #10
armed robbery with a pursuit to a foot bail to a bite

Officer-6: Nice work! Damn Purcy likes going for the armpit, looks so painful lol

AMIRI: haha yea idk what's with the armpit bites lol
IMG_8597.MOV
don't share the video.. lol

Officer-6: I don't share anything lol not even the pics bro! It's good that even though the laws don't keep them in jail they still get fucked up by the dog

AMIRI: haha i know right. i feel like this is the real punishment compared to the soft DA

34. Following this incident, **AMIRI** authored a police report that differed from the description **AMIRI** privately provided to others in his text messages.

May 6, 2020: AMIRI Deploys Canine to Bite X.B. [20-3380]

35. On May 6, 2020, APD officers, including **AMIRI** and **ROMBOUGH**, planned an operation to arrest wanted individuals in Antioch, including X.B. At about 8:35 a.m., **AMIRI** and Officer-5 exchanged the following messages:

1 **AMIRI:** yea [X.B.] was trying to take it down last night

2 Officer-5: [X.B.] needs to get his ass whooped too

3 **AMIRI:** they are planning an [X.B.] ass whooping today

4 Officer-5: Lol good

5 36. **AMIRI** and **ROMBOUGH** rode together during this operation, as they described in text
6 messages at about 10:19 a.m.:

7 **ROMBOUGH:** Riding with u turd

8 **AMIRI:** Loved “Riding with u turd”

9 37. At about 11:20 a.m., **AMIRI**’s K9 Purcy bit X.B. and **ROMBOUGH** assisted with
10 X.B.’s arrest. After the arrest, **AMIRI** sent numerous individuals photographs, a video, and/or a
11 description of the bite. At about 1:38 pm **AMIRI** and **WENGER** exchanged the following text
12 messages:

13 **WENGER:** Pics of [X.B.] please my dude!!! That bitch [...] has
14 talked so much shit to me! Thank you for biting that
piece of shit!

15 **AMIRI:** [IMG_1072; IMG_1067; IMG_1070; IMG_1066;
16 IMG_1069]

17 **WENGER:** You’re my hero

18 38. The next day, on May 7, 2020 at about 6:50 am, **AMIRI** wrote to **ROMBOUGH** “bro
19 yesterday was soooooo fun”. **ROMBOUGH** “liked” **AMIRI**’s message. They then exchanged the
20 following messages at about 7:10 am:

21 **AMIRI:** can’t believe [X.B.]... his bitch ass is still at county
tell your wifey to have him discharged

22 **ROMBOUGH:** Lmao fuck that hopefully he dies

23 39. On May 11, 2020, **AMIRI** sent a video excerpt showing K9 Purcy’s bite of X.B. to
24 **ROMBOUGH**. **ROMBOUGH** responded “Lol love it”.

25
26 *August 23, 2020: AMIRI Deploys Canine to Bite D.R. [20-7084]*

27 40. On August 21, 2020 at about 11:23 p.m., **AMIRI** and **WENGER** assisted Agency-1 with
28 the pursuit of a subject. **AMIRI** deployed K9 Purcy to bite the subject. About an hour later, at about

1 12:35 a.m., **AMIRI** exchanged the following text messages with **WENGER**:

2 **AMIRI:** if [Agency-1] didn't have all those body cams and that
3 was us... we would have fucked him up more. He
4 didn't get what he deserved

5 **WENGER:** I agree
6 That's why I don't like body cams

7 **AMIRI:** Emphasized "That's why I don't like body cams"

8 41. **WENGER** later sent the following messages at about 6:25 p.m. on August 22, 2020:

9 **WENGER:** We need to get into something tonight bro!! Lets go 3
10 nights in a row dog bite!!!

11 **AMIRI:** Emphasized "We need to get into something tonight
12 bro!! Lets go 3 nights in a row dog bite!!!"

13 **WENGER:** Lets get faggot ass [a lieutenant] something to stress out
14 about lol

15 42. At about 6:50 p.m., APD officers—including **AMIRI** and **WENGER**—conducted a
16 vehicle stop of another subject in Antioch, in which the subject was pulled from the vehicle and taken to
17 the ground. At about 7:06 p.m., **AMIRI** sent the following text message to **WENGER**, followed by a
18 photograph of the subject with injuries several hours later: "hahaha. [the subject] style".

19 43. The next day, on August 23, 2020, officers from a neighboring agency Agency-2 initiated
20 a traffic stop of a vehicle containing a subject, later identified as D.R., that led them on a chase to a
21 transient encampment. After D.R. entered the encampment, the officers formed a perimeter. At about
22 7:25 p.m., **AMIRI** was dispatched to assist with apprehending D.R., known to him as a "car thief." K9
23 Purey located D.R. in a tent and bit him in the back, injuring him.

24 44. After the incident, **AMIRI** sent numerous individuals photographs, a video, and/or a
25 description of the bite.

26 a. At about 8:47 p.m. that day, **AMIRI** sent **WENGER** multiple images of D.R. and
27 his injuries, including the following:
28



1
2
3
4
5
6
7
8 **AMIRI:** [IMG_2619; IMG_2614; IMG_2617; IMG_2613]

9 **WENGER:** Home boy got lumped up!!!!
10 Hahahah
11 The [a corporal] special
12 And the morty special

13 **AMIRI:** bro we saw him laying in bed just acting like he was
14 asleep. i walked out the tent and game planned how to
15 fuck him up. went back and did justice. wish you were
16 there. inside a tent with no cams... you would have
17 loved it. [Agency-2] agreed to keep cameras off

18 **WENGER:** Bro...fuuuuuuck yes!!! Fuck that nerd!! That's what
19 fucking happens when you run, you acquire a tax. His
20 tax was paid properly! Good shit bro

21 b. The conversation continued on August 24, 2020 at about 11:26 a.m., with **AMIRI**
22 sending **WENGER** eight images of multiple subjects with injuries, including D.R.:

23 **AMIRI:** a very eventful work week 🤪🤪



24
25
26 **WENGER:** Hahahah FUCK YEAH BRO

27 **AMIRI:** let's fuck some people up next work week

28 **WENGER:** Bro
Fuck the mother fucking yes

1 mail and was trying to open accounts under my name.

2 48. Among responses in the group text, **WENGER** responded at about 8:12 p.m.:

3 **WENGER:** Lets beat his fucking ass bro!
4 I'm down after work morty

5 49. **WENGER** immediately then directly text messaged **AMIRI**:

6 **WENGER:** I'm serious bro, let's beat that dudes ass after work

7 **AMIRI:** !!!!

8 50. At about 9:48 p.m., Officer-7 and Officer-8 located M.Z. in Antioch, who was riding a
9 bicycle in a parking lot. Minutes later, **AMIRI** arrived in a police car and exited it, confronting M.Z. by
10 shoving him against the wall in a parking lot, pressing a baton against his chest while holding another
11 object or weapon in his other hand, and threatening to kill him.

12 51. At about 10:12 p.m., **AMIRI** sent the following message to the same group text:

13 **AMIRI:** [Officer-7] and [Officer-8] won the bounty on [M.Z.]

14 52. Following this incident, **AMIRI** failed to author any police report about the encounter.

15 53. Several months later, on January 25, 2021, **AMIRI** exchanged the following messages
16 with Officer-9, an officer at a neighboring police department:

17 **AMIRI:** who arrested [M.Z]? [...]
18 that fucker stole my mail

19 Officer-9: [...] Ohhhh

20 **AMIRI:** few months ago. i tracked him down and dragged him
21 to the back of a car to "discuss" the matter

22 Officer-9: Yikes

23 "Officer [Officer-9] how long did you know Officer
24 Amiri and in the course of your friendship did you ever
25 know him to act under color of authority "

26 **AMIRI:** lol putting a pistol in someone's mouth and telling them
27 to stop stealing isn't illegal... it's an act of public
28 service to prevent further victims of crimes

//

//

//

1 **ROMBOUGH's Uses of Force, Including 40mm Deployments and Communications about Them**

2 54. On October 10, 2020, **ROMBOUGH** described violating civil rights to other APD
3 officers in relation to his police work and use of the 40mm less lethal launcher, including Officer-1,
4 Officer-10, Officer-11, and others:

5 Officer-11: You guys have a game plan?

6 **ROMBOUGH:** Violate rights forty people and catch turds

7 55. On November 11, 2020, **ROMBOUGH** again referenced the violation of civil rights in
8 messages to other APD officers, including Officer-1, Officer-10, Officer-12, and others:

9 Officer-10: I'm on my way in now, what're you guys up to?

10 **ROMBOUGH:** Violating civil rights

11
12 ***February 9, 2021: ROMBOUGH Deploys 40mm Less Lethal Launcher at R.C. [21-1103]***

13 56. On February 8, 2021, **AMIRI** and **ROMBOUGH** exchanged the following messages
14 about deploying the 40mm less lethal launcher in upcoming operations:

15 **AMIRI:** Jk see u in the am homie [...] we gotta arrest errrbody

16 **ROMBOUGH:** Yup fuck them including [an individual]

17 **AMIRI:** [Wife] says she will purchase you a box of cookies if
18 you 40 him

19 **ROMBOUGH:** Done I'll 40 a few people this week

20 **AMIRI:** lmao good [...] she wanted to encourage you to 40 him but then the
21 crowd threw her off 🤔

22 **ROMBOUGH:** lol I'll send her a pic

23 57. The next day, on February 9, 2021 at about 6:30 a.m., APD officers executed a search
24 warrant at a residence in Antioch. While inside the residence, **ROMBOUGH** and Officer-4 identified
25 R.C. outside a sliding door. **ROMBOUGH** deployed the 40mm less lethal launcher at R.C., injuring
26 him in the lower back area. **ROMBOUGH** and other APD officers had previously received instruction
27 during annual training that this area was a "potentially lethal" area of the body to avoid deploying the
28 40mm.

1 58. After the incident at about 8:48 a.m., **ROMBOUGH** sent numerous individuals
2 photographs of the injury, including Officer-13, stating “And another one got 40d”. At about 8:54 a.m.,
3 **ROMBOUGH** exchanged the following messages with Officer-13:

4 Officer-13: Good job on that one!

5 **ROMBOUGH:** Bro so much fun

6 59. One day later, on February 10, 2021 after conducting another operation in Antioch in
7 which APD officers did not deploy a canine or 40mm less lethal launcher, **AMIRI** and **ROMBOUGH**
8 exchanged the following messages:

9 **ROMBOUGH:** I’m so mad bro
10 Fuck this please don’t use a 40 shit

11 **AMIRI:** he deserved a 40.
12 why didn’t they let me dog bite him? fucker threw a
13 gun

14 **ROMBOUGH:** Tell me about it
15 I’m so fucking pissed off

16 **AMIRI:** Questioned “why didn’t they let me dog bite him?”
17 fucker threw a gun”

18 **ROMBOUGH:** I didn’t know man. Probably didn’t like the optics.
19 [...]
20 I seriously want to beat his black ass.

21 60. The next month, **ROMBOUGH** had multiple conversations about making progress on a
22 trophy “flag”, that is, in which he collected spent 40mm munitions and would use them among the stars
23 and stripes of the flag to commemorate his 40mm deployments on individuals in and around Antioch.
24 For instance, on March 5, 2021, **ROMBOUGH** exchanged messages with Officer-13 about events the
25 prior day in which **ROMBOUGH** “had the forty” and someone “almost got plugged”, stating “It’s been
26 fun”:

27 Officer-13: We just have to find a way to finish your flag!!!

28 **ROMBOUGH:** I know challenge accepted.

29 61. Likewise, following his 40mm deployments on two subjects on the same day, March 31,
30 2021, **ROMBOUGH** exchanged messages with Officer-14, who served as law enforcement with
31 another agency, about “taking down a second [] suspect and he got 40d too”:

1 Officer-14: 🤔
That 40 flag is coming along!! Murica!!

2 **ROMBOUGH:** Liked “That 40 flag is coming along!! Murica!!”

3
4 ***May 5, 2021: ROMBOUGH Deploys 40mm Less Lethal Launcher at L.R. [21-3574]***

5 62. On April 14, 2021 at about 10:47 a.m., **ROMBOUGH** and **AMIRI** exchanged the
6 following messages:

7 **ROMBOUGH:** This training⁵ makes me want to smoke someone

8 **AMIRI:** lmao
typical rambo

9 **ROMBOUGH:** Maybe tomorrow lol
10 Or at least 40d

11 63. Several weeks later, on May 5, 2021 at about 10:22 a.m., APD officers—including
12 **ROMBOUGH**—responded to a report that transients were living inside a privately-owned unit. While
13 responding, **ROMBOUGH** and Officer-10 located L.R. and another female individual laying on a bed
14 inside a room. **ROMBOUGH** deployed the 40mm less lethal launcher at L.R., injuring L.R. in the chest
15 and knocking him off the bed. **ROMBOUGH** and other APD officers had previously received
16 instruction during annual training that this area was a “potentially lethal” area of the body to avoid
17 deploying the 40mm.

18 64. Following this incident, **ROMBOUGH** authored a police report that differed from the
19 accounts that other APD officers later provided. **ROMBOUGH** later stated that he deployed the 40mm
20 less lethal launcher because L.R. was refusing commands and pretending to be asleep while a liquor
21 bottle was next to him.

22 65. At about 1:40 p.m. that day, **AMIRI** sent a video captured from Instagram captioned
23 “Officer damages private property while executing a search warrant” of an unknown uniformed police
24 officer looking around, then repeatedly slamming a door into the side of a car parked inside of a private
25 garage to **ROMBOUGH**, with the message “you 🤔” at about 1:41 p.m.; **ROMBOUGH** responded
26 “Lmao”.

27
28 ⁵ APD records indicate that **ROMBOUGH** completed five hours of training this day on “Arrest and Control” and two hours on “Wellness Presentation”.

66. **AMIRI** also sent the same video to Officer-1, and their exchange followed:

AMIRI: why do i think of rombough when i see this? 🤔

[video]

Officer-1: Bro a 100% 🤔🤔🤔🤔🤔🤔
He 40'd another person today

AMIRI: 🙄
deserved?

Officer-1: No 🤔

AMIRI: jesus lol

Officer-1: Bro we just shook our heads like wtf .. we assisted patrol on a 602⁶

AMIRI: 🙄
no way lol
did he at least sit on the dude?

Officer-1: It was stupid I know the patrol guys really didn't want any paper work out of it

67. Despite **AMIRI**'s conversation with Officer-1 about L.R. not "deserving" getting shot by **ROMBOUGH** with a 40mm less lethal launcher, the next day, on May 6, 2021 at about 1:56 p.m., **AMIRI** sent **ROMBOUGH** a screenshot of another conversation containing a photograph of the two officers and **AMIRI**'s subsequent commentary about "true love", excerpted as follows:



⁶ California Penal Code 602 prohibits trespassing, a misdemeanor offense.

1
2 68. Less than two weeks later, on May 14, 2021, in reference to the potential deployment of
3 the 40mm less lethal launcher at another individual, **ROMBOUGH** stated “Lmao add him to the
4 mantle”.

5 69. The next month, **ROMBOUGH** and **AMIRI** exchanged the following messages on June
6 13, 2021, referencing “dog bite and 40 deployment”:

7 **ROMBOUGH:** You working?

8 **AMIRI:** yea
40 mins until the weekend

9 **ROMBOUGH:** It’s your Friday right?
Copy until u come in on Tuesday

10 **AMIRI:** lol yea

11 **ROMBOUGH:** Yeh buddy dog bite and 40 deployment

12 **AMIRI:** Loved “Yeh buddy dog bite and 40 deployment”
13
14

15 *August 24, 2021: ROMBOUGH Deploys 40mm Less Lethal Launcher at J.W. [21-6399]*

16 70. On July 27, 2021, **AMIRI** sent **ROMBOUGH** a screenshot of an email from APD
17 leadership stating “the new BWC [body-worn camera] and MVAR policies are effective immediately,
18 and the use of these devices should start at the beginning of the next scheduled shift.” The next day,
19 **ROMBOUGH** stated “Yeah over it bro” and “Can’t wait to retire”. **AMIRI** responded, “over it lmao”.

20 71. On August 5, 2021, **AMIRI** and **ROMBOUGH** exchanged the following messages:

21 **AMIRI:** but do me a solid. don’t face me and record my coo
22 sniffs on bwc. it will open the door for defense to
criticize the alert. my angle doesn’t get it all [. . .]

23 **ROMBOUGH:** I got you. I’ll
24 Position myself a little diff next time. I didn’t want you
to get ran over by him. I was gonna smoke him

25 72. On August 24, 2021, at about 6:08 a.m., APD officers—including **ROMBOUGH** and
26 **AMIRI**—executed a search warrant at a residence in Antioch, captured on body-worn camera. Multiple
27 individuals exited the residence after officers made announcements. Officers then entered the residence,
28 locating J.W. inside a locked bedroom holding a video game controller while sitting on an air mattress,

1 with a video game showing on a television screen. J.W. removed a pair of headphones and raised his
2 hands as officers, including **ROMBOUGH** with the 40mm less lethal launcher, entered the room:



13 73. One officer, Officer-4, stepped onto the bed and took J.W.'s left arm to arrest him as four
14 other APD officers, including **ROMBOUGH**, Officer-10, Officer-12, and Officer-13, surrounded J.W.
15 As Officer-4 held J.W.'s left arm on the bed, J.W.'s body leaned forward and **ROMBOUGH**
16 immediately deployed the 40mm less lethal launcher at J.W., injuring him.

17 74. In addition to the APD officers inside the bedroom, **AMIRI** stood with K9 Purcy outside
18 of the bedroom during the deployment of the 40mm less lethal launcher.

19 75. **ROMBOUGH** later reported that this deployment of the 40mm, as captured on body-
20 worn camera, was within "1 feet to 3 feet" of J.W.

21 76. Less than an hour later, **ROMBOUGH** exchanged the following messages with Officer-
22 15:

23 **ROMBOUGH:** Can u please get photos
24 Of him

25 Officer-15: Yup
26
27
28



1
2
3
4
5
6
7 Officer-15: Black tip tattoo👉

8 **ROMBOUGH:** Lmao

9 77. On September 20, 2021, Officer-12, a Sergeant, wrote the following to **ROMBOUGH**
10 about authoring a police report:

11 Officer-12: You write that he didn't comply but he clearly had his
12 hands up at first. You need to describe way better what
13 happened. He was ordered to put his hands on his head.
14 He didn't do this. What did he do instead? (Leaned to
his right. Arm appeared to be reaching behind bed once
[Officer-4] grabbed him)

15 78. Following this incident, **ROMBOUGH** authored a police report that differed from the
16 accounts that other APD officers later provided.

17
18 ***August 31, 2021: ROMBOUGH Deploys 40mm Less Lethal Launcher at S.S. [21-7391]***

19 79. On August 31, 2021, at about 2:50 p.m., APD officers—including **ROMBOUGH**,
20 **AMIRI**, Officer-10, and Officer-15—conducted a traffic enforcement stop of S.S. in Antioch. During
21 the encounter, which was captured on body-worn camera, at least five APD officers surrounded S.S.'s
22 vehicle and **AMIRI** called out “If you do not comply, you will be 40'd or bit by the dog.” As officers
23 called out commands, S.S. exited his vehicle with his hands raised, turned around and backed toward the
24 officers, and placed his hands on his head. As Officer-10 took S.S.'s hands, Officer-10 brought S.S. to
25 the ground; **ROMBOUGH** immediately approached and deployed the 40mm less lethal launcher at S.S.,
26 injuring him.

27 80. **ROMBOUGH** later reported that this deployment of the 40mm, as captured on body-
28 worn camera, was within “1 feet to 3 feet” of S.S.

1 81. At about 3:41 p.m., **AMIRI** exchanged the following text messages with Officer-5:

2 **AMIRI:** bro.. rombough be doing some unnecessary ass 40s

3 Officer-5: Lol I heard! That's how case law and bad policies get
4 implemented

5 **AMIRI:** 100



17 Officer-5: Bro send me
18 The video

19 **AMIRI:** [IMG_5825.MOV]

20 82. **AMIRI** also texted the photograph to **ROMBOUGH** and Officer-15 in one group text.
21 Later that day, at about 6:46 p.m., Officer-15 texted back to **AMIRI** and **ROMBOUGH**, “Thanks for
22 the help today bro”.

23 83. Despite **AMIRI**'s comments to Officer-5 about **ROMBOUGH**'s “unnecessary ass 40s”
24 following the S.S. incident, **AMIRI** responded to Officer-15 and **ROMBOUGH**:

25 **AMIRI:** that shit is fun

26 //

27 //

28 //

1 WENGER's Uses of Force, Including 40mm Deployments and Communications about Them

2 *October 26, 2021: WENGER Deploys 40mm Less Lethal Launcher at D.S. [21-9075]*

3 84. On October 26, 2021, at about 6:05 p.m., APD officers—including **WENGER**—
4 responded to a report of a stolen vehicle by Officer-11 at the Antioch Food Center on 18th Street.
5 During the encounter, which was captured on body-worn camera, multiple APD officers surrounded
6 D.S.'s vehicle and called out commands. D.S. exited the vehicle and faced the officers, exchanging
7 words with them.

8 85. **WENGER** stated “Hey [Officer-11] you got the 40?” then stated “I got it, I want to plug
9 him.” **WENGER** retrieved the 40mm less lethal launcher from a police vehicle and moved toward D.S.
10 as he stood by the open doorway of the vehicle with his hands raised.



21 86. **WENGER** immediately deployed a 40mm less lethal launcher at D.S., striking him in the
22 chest and injuring him. **WENGER** and other APD officers received instruction during annual training
23 that this chest area was a “potentially lethal” area of the body to avoid deploying the 40mm. As D.S.
24 collapsed toward the vehicle, Officer-16 deployed a canine, which bit D.S. in the arm.

25 87. At about 7:28 p.m. that day, **AMIRI** exchanged the following text messages with
26 **WENGER**:

27 **AMIRI:** i wanna see your body cam of this! good work man

28 **WENGER:** Hahah! Thanks bro

1 COUNTS TWO THROUGH EIGHT: (18 U.S.C. 242 – Deprivation of Rights Under Color of Law)

2 91. Paragraphs 1 through 88 of this Indictment are re-alleged and incorporated herein.

3 92. On or about the dates set forth in the counts below, in the Northern District of California,
4 the defendants set forth in the counts below, while acting under color of law, willfully deprived an
5 individual of the right, secured and protected by the Constitution and laws of the United States, to be
6 free from the use of unreasonable force by a law enforcement officer, specifically:

Count	Date	Defendant	Description
2	July 24, 2019	MORTEZA AMIRI	Deployed his canine to bite A.A. The offense involved the use, attempted use, or threatened use of a dangerous weapon and resulted in bodily injury to A.A.
3	December 19, 2019	MORTEZA AMIRI	Deployed his canine to bite R.S. The offense involved the use, attempted use, or threatened use of a dangerous weapon and resulted in bodily injury to R.S.
4	August 23, 2020	MORTEZA AMIRI	Deployed his canine to bite D.R. The offense involved the use, attempted use, or threatened use of a dangerous weapon and resulted in bodily injury to D.R.
5	October 8, 2020	MORTEZA AMIRI	Assaulted M.Z. The offense involved the use, attempted use, or threatened use of a dangerous weapon.
6	May 5, 2021	ERIC ALLEN ROMBOUGH	Shot L.R. with a 40mm less lethal launcher. The offense involved the use, attempted use, or threatened use of a dangerous weapon and resulted in bodily injury to L.R.
7	August 24, 2021	ERIC ALLEN ROMBOUGH	Shot J.W. with a 40mm less lethal launcher. The offense involved the use, attempted use, or threatened use of a dangerous weapon and resulted in bodily injury to J.W.
8	October 26, 2021	DEVON CHRISTOPHER WENGER	Shot D.S. with a 40mm less lethal launcher. The offense involved the use, attempted use, or threatened use of a dangerous weapon and resulted in bodily injury to D.S.

1 COUNT NINE: (18 U.S.C. § 1519 – Destruction, Alteration, and Falsification of Records in
2 Federal Investigations)

3 93. Paragraphs 1 through 31 of this Indictment are re-alleged and incorporated as if fully set
4 forth here.

5 94. On or about July 24, 2019, in the Northern District of California, the defendant,
6 **MORTEZA AMIRI,**
7 did knowingly alter, destroy, mutilate, conceal, cover up, falsify, and make a false entry in any record,
8 document, and tangible object, to wit, the Antioch Police Department incident report regarding the arrest
9 of A.A., with the intent to impede, obstruct, and influence the investigation and proper administration of
10 any matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States,
11 and in relation to or contemplation of any such matter or case, in violation of Title 18, United States
12 Code, Section 1519.

13
14 DATED: August 16, 2023

A TRUE BILL.

15
16 /s/
17 FOREPERSON
San Francisco, California

18 ISMAIL J. RAMSEY
19 United States Attorney

20 /s/
21 ERIC CHENG
22 AJAY KRISHNAMURTHY
23 ALETHEA SARGENT
Assistant United States Attorneys