

Dominguez, Matthew

DaNo: 220508259

### Statement of Facts

On April 21, 2022 at approximately 6:30 p.m., San Jose Police were called to investigate a violation of a Domestic Violence Restraining Order naming a family member as the restrained party. The officers were equipped with Body Worn Cameras that were activated. The Protective Order in question protected the Mother (Ms. S.), Father (Mr. A.) and Daughter from their son/brother. Officer Dominguez and two colleagues responded to the call. Officer Dominguez took the lead investigative role.

Officer Dominguez began by speaking with the family's 23-year-old daughter. Officer Dominguez took interest in her and continued to interact almost exclusively with her. She gave Officer Dominguez her brother's potential location, which prompted Officer Dominguez to direct the other two officers to leave and attempt to locate the brother.

Although Officer Dominguez milled around the home, he managed to keep the daughter in view of his Body Worn Camera. Approximately 40 minutes into the investigation, the daughter asked Officer Dominguez what she should do with her brother's GPS monitor. When she went to retrieve the GPS monitor, Officer Dominguez followed her. Ms. S. joined them. At this point they were in the transition area between the dining room and kitchen. The daughter handed the GPS unit to Officer Dominguez, who took it with his right hand. While she was discussing the GPS unit, Ms. S. saw Officer Dominguez unzip his pants, place his hand inside his zipper and began rubbing his crotch. Simultaneously, the daughter saw him rubbing his crotch area.

Ms. S. asked her daughter to get her a glass of water, which the daughter mistakenly offered to Officer Dominguez. Ms. S. asked her daughter for another glass of water, Officer Dominguez followed the daughter into the kitchen and turned around to face Ms. S. Ms. S. saw Officer Dominguez's penis outside of his pants fully exposed. Ms. S. and her daughter left the house and called for Mr. A. The daughter also called her uncle, who was nearby, and told him what happened. Ms. S. and the daughter told Mr. A. what happened and he ran into the house.

Mr. A. looked into the kitchen and saw Officer Dominguez facing out of the kitchen with his erect penis in his left hand and his right hand on the counter. Officer Dominguez made eye contact with Mr. A., who promptly turned around and left the house. Two minutes later, Officer Dominguez walked out of the kitchen, out of the house, and went back to work.

Meanwhile Mr. A. and the daughter's Uncle reported Officer Dominguez's actions to the other officers on scene.