

JOSHUA A. OLANDER (SBN 249292)

**MASTAGNI HOLSTEDT**

*A Professional Corporation*

1912 I Street

Sacramento, California 95811

Phone: (916) 446-4692

Fax: (916) 447-4614

Attorneys for Grievant

Jarrett Tonn

**IN RE ARBITRATION OF  
JARRETT TONN**

JARRETT TONN,

Grievant,

vs.

CITY OF VALLEJO,

Respondent.

Case No.: LDF/20-1413

**STIPULATED ISSUE AND STATEMENT  
OF FACTS**

Stipulated Issue

Was there just cause for the termination of Detective Jarrett Tonn from the Vallejo Police Department? If not, what is the appropriate remedy?

Stipulated Factual Statement

On June 1, 2020, Detective Jarrett Tonn, [REDACTED] and [REDACTED] were called into work to supplement Vallejo Police Department staffing due to a high level of civic unrest and looting in the City of Vallejo. All three were members of the SWAT Team and Crime Reduction Team and rode in an unmarked pickup truck. On June 1, 2020, they were all activated in their SWAT Team capacity to assist with the apprehension of looters and other criminals, and were all wearing their SWAT Team uniforms and equipment. [REDACTED] was driving, [REDACTED] was in the front passenger seat and Det. Tonn was in the rear seat.

1 On June 2, 2020, at approximately 12:36 am, [REDACTED] broadcast that looting  
2 was occurring at the Walgreens on Broadway and Redwood Street in Vallejo. [REDACTED] drove  
3 to [REDACTED] location and there was a brief conversation, lasting only a few seconds, wherein  
4 [REDACTED] ordered [REDACTED] to drive through the south entrance of the Walgreens while  
5 he drove into the northwest entrance.

6 As [REDACTED] drove into the Walgreens parking lot, he broadcast words to the effect that  
7 the looters were all wearing black and it looked like they were armed; possibly armed. In response,  
8 [REDACTED] turned on his emergency lights as he approached the Walgreens and people began  
9 to flee.

10 As people began to flee, [REDACTED] stopped the truck and he and [REDACTED] began to  
11 exit the vehicle. At this time, the detectives encountered Mr. Sean Monterossa in the parking lot.  
12 As they were exiting their vehicle, Det. Tonn perceived Mr. Monterossa grabbing an object in his  
13 waistband that Det. Tonn believed to be a firearm. Perceiving a threat of death or serious bodily  
14 injury to himself and his partners, Det. Tonn fired five rounds in quick succession with his duty  
15 rifle through the front windshield. One round struck Mr. Monterossa, resulting in his death. It was  
16 subsequently determined that Mr. Monterossa had a hammer in his waistband and was not armed  
17 with a firearm.

18 The OIR Group subsequently conducted an administrative investigation into the officer  
19 involved shooting, which was completed in June 2021. Det. Tonn was placed on Administrative  
20 Leave on June 17, 2021. On December 1, 2021, the City of Vallejo served Det. Tonn with a Notice  
21 of Intent to Discipline for Termination for various policy violations, including use of deadly force.  
22 On April 20, 2022, Det. Tonn participated in a Skelly meeting with the City's designated Skelly  
23 Officer, Marc Fox. On May 10, 2022, Mr. Fox issued his Skelly findings and decision wherein he  
24 determined that Det. Tonn did not violate the Vallejo Police Department's Use of Force Policy  
25 and recommended retention of Det. Tonn's employment and corrective action for poor  
26 performance, consistent with the discipline received by the other employees involved in the  
27 incident.  
28

1           On October 3, 2022, the City of Vallejo served Det. Tonn with a Notice of Discipline for  
2 Termination. On October 4, 2022, Det. Tonn's Notice of Appeal and Request for Arbitration was  
3 filed with the City of Vallejo.  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28