

**Internal Investigation
Administrative Worksheet
PI# 17-085**

Principal(s): Deputy Sheriff Thomas Thornton #9746

Complainant(s): Administration

Facility/Location: Central Men's Jail

Disposition:

1. OCSD Policy Manual Section 1018.1 – Standard of Conduct

☐ Unfounded / ☐ No Further Action / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

2. OCSD Policy Manual Section 1018.5 – Performance of Duty

☐ Unfounded / ☐ No Further Action / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

3. OCSD Policy Manual Section 1018.6- Obedience to Laws and Regulations

☐ Unfounded / ☐ No Further Action / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

4. OCSD Policy Manual Section 300.3.2 Voluntary Compliance

☐ Unfounded / ☐ No Further Action / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

5. CCOM 1800.1 General Rules (4)

☐ Unfounded / ☐ No Further Action / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

6. CCOM 1800.1 General Rules (7)

☐ Unfounded / ☐ No Further Action / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

7. CCOM 1715.1 Handheld Camera (a)(b)

☐ Unfounded / ☐ No Further Action / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

☐ Administrative Leave

Discipline: ☒ Written Reprimand ☐ Suspension (# of hours _____)
☐ Demotion (to rank of _____) ☐ Dismissal

Comments / Other: _____

Administrative Disposition by: [Signature]

Date: 10/24/17

Administrative Appeal Hearing

Date: _____

Time: _____

In Attendance: _____

Comments: _____

Disposition: _____

Disposition by: _____ Date: _____



ORANGE COUNTY SHERIFF'S DEPARTMENT

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SANTA ANA, CA 92703
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SHERIFF-CORONER
SANDRA HUTCHENS

LETTER OF REPRIMAND PI# 17-085

Deputy Thomas Thornton #9746
Central Men's Jail
Custody Operations

Pursuant to Article X, Section 1, of the County of Orange Memorandum of Understanding, County of Orange and the Association of Orange County Deputy Sheriffs for the Peace Officer and Supervising Peace Officer Unit, and Orange County Sheriff-Coroner Department Policy Manual Section 340.2(a) 1, you are hereby reprimanded for violating the following section(s) of the Orange County Sheriff-Coroner Department Policy Manual:

OCSD Policy 1018.1- Standard of Conduct

(a) Members shall conduct their private and professional lives in such a manner as to avoid bringing discredit upon themselves or the department

OCSD Policy 1018.5 – Performance of Duty

Members shall perform their duties as required or directed by law, department rules/regulations, procedures, policies, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed.

OCSD Policy 1018.6 Obedience to Law and Regulations

(a) Members shall observe and obey all laws and ordinances, all rules/regulations, procedures and policies of the department and all orders of the department or commands thereof. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule/regulation, procedure or policy in question.

OCSD Policy 300.3.2 Voluntary Compliance

Voluntary compliance is the preferred means of achieving resolution to potential use of force encounters. When practicable, deputies should ask for and allow reasonable time for compliance.

CCOM 1800.1 General Rules

4. Staff will not encourage inmate/detainee misbehavior that would result in the use of force (baiting). Taunting or provoking inmates/detainees is not permitted and will not be tolerated.

7. Staff will notify a sergeant(s) whenever an interaction with an inmate/detainee is likely to result in the use of force. When possible, a sergeant will be present during any such interaction. However, there will be unavoidable instances when the use of force is spontaneous and a sergeant cannot be notified until afterwards. When this occurs, staff will notify a sergeant as soon as reasonably possible.

CCOM 1715.1- Handheld Camera

a) A Deputy/SSO/CSA will activate a handheld video camera as soon as practical during any unusual or noteworthy event.

b) Events that should be recorded include, but are not limited to:

- *Major disturbances*
- *Emergency Response Team (ERT) activations*
- *Contacts with uncooperative inmates that are likely to result in a use of force*
- *Restraint chair use*
- *Booking process delays*
- *Involuntary medications*
- *Use of Force interviews*
- *Retrieval of contraband*
- *Large scale, pre-planned searches*
- *Strip Searches*

On 8-9-17 at the direction of Commander S. Greenburg, Internal Affairs initiated a personnel investigation into your on-duty actions. It was alleged you provoked an inmate into a use of force situation while assisting with the distribution of medication in the Sheltered Living area.

On 6-13-17 you were involved in a use of force incident with an uncooperative inmate. The surveillance video showed the inmate returned to his housing area and you directed him to stand against a nearby wall. The inmate questioned your directive and you admitted to Sergeant Taylor during your Internal Affairs interview that you had to direct the inmate three or four times to face the wall before he complied. You also told Sergeant Taylor that the inmate's actions were unusual and that it was rare for an inmate to question directives given to him/her. Deputy [REDACTED] who was

interviewed by Internal Affairs about the incident, said he heard the inmate refer to you as a "motherfucker" during a verbal exchange with you during this same timeframe. As a Deputy Sheriff you are expected to be vigilant and recognize when an interaction is likely to result in a use of force. At no point during this initial encounter did you attempt to contact a supervisor nor did you request a handheld camera to be brought to the location to document your contact with this hostile inmate.

At one point during your contact with this inmate you walked across a small walkway to purposely place yourself right next to him. The surveillance footage showed you stood next to this unpredictable inmate that had already displayed a defiant tone. This inmate had already displayed a disrespectful demeanor by cursing at you and failed to follow your simple directives, yet you decided to close the distance between the two of you so that you could talk to him. Your actions placed you in such close proximity to the inmate that had the inmate decided to suddenly assault you, you would not have been unable to react in a timely manner. Sergeant Taylor pointed out that at no point during your contact with the inmate did you search him to ensure he was not concealing a handcrafted weapon. You used poor judgement and officer safety tactics when you closed the distance between you and this uncooperative inmate, which could have resulted in serious injury.

Eventually you directed the agitated inmate to return to his cell, which was directly across from the wall he was standing in front of. As the inmate walked toward the open cell he again cursed at you saying, "I'll see you tomorrow motherfucker". In your interview with Sergeant Taylor you said you responded to this comment by telling the inmate you would be working in the area over the next couple days and to "Check the attitude." Deputy [REDACTED] was interviewed as part of the investigation and he told Sergeant Taylor he recalled you making a comment to the inmate similar to "What are you gonna do?" or "Come on". As a Deputy Sheriff you are expected to evaluate tense situations and use statements and comments to deescalate them. A use of force took place soon after this exchange between you and the inmate. During the use of force incident you failed to secure the cell door to the inmate's cell. This cell housed other inmates that could have seized the opportunity to assault you and your partners as your attention was focused on the uncooperative inmate.

After consideration of all available information, the Department believes you violated the above listed OCSD Policy section.

This incident may serve as basis for a substandard evaluation, and/or denial of promotion and/or transfer. Also, be advised that any future sustained incident of a similar nature may result in a substandard performance evaluation, more severe discipline being imposed upon you, up to and including termination, and/or the denial of promotion and/or transfer.

A copy of this reprimand will be placed in your personnel investigation file. You are entitled to appeal this matter in accordance with Article X, Section 1B and Article XI, Section 7 of the Memorandum of Understanding, County of Orange and the Association of Orange County Deputy Sheriffs for the Peace Officer and Supervising Peace Officer Unit.

Capt. Stichter

Mark Stichter, Captain
Central Men's Jail (Custody Operations)

11/9/17
Date

Thomas Thornton
THOMAS THORNTON #9746

Thomas Thornton #9746
Deputy Sheriff I (Custody Operations)

11/17/17
Date

Complainant: Administration

Case Name: 17-085

Date of Complaint: July 27, 2017

Division / Division Commander: Central Jail Division/ Captain Cindi Coppock

INITIAL ACTION

- ☐ **No Further Action**
- ☐ **Division Review**
- ☐ **Human Resources Investigation**
- ☐ **Division Personnel Investigation**
- ☒ **Personnel Investigation**
- ☐ **Internal Criminal Investigation**

Internal Affairs:

Logged, P.I # and an Immediate Assessment by Internal Affairs:

IA Sergeant Reviewed by: _____ Date: _____

Internal Criminal:

Sergeant: _____ Date: _____

Investigator: _____ Date: _____

- ☐ **Administrative Leave**



Assistant Sheriff/Commander

8-5-17

Date

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO



TO: Lieutenant Garrett DeGiorgio
FROM: Sergeant Chad Taylor
DATE: October 5, 2017
RE: Personnel Investigation #17-085

Complainant: Administration
Employee(s): Deputy Thomas Thornton #9746
Incident Location: Central Men's Jail
Incident Date: Tuesday June 13, 2017
Allegation(s): Orange County Sheriff's Department Policy Manual

OCSD Policy 1018.1- Standard of Conduct

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Voluntary compliance is the preferred means of achieving resolution to potential use of force encounters. When practicable, deputies should ask for and allow reasonable time for compliance.



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- Use of Force interviews*
- Retrieval of contraband*
- Large scale, pre-planned searches*
- Strip Searches*



Initial Action

On 8-9-17 and internal affairs investigation was initiated at the request of Commander S. Greenberg into a use of force by Deputy Thomas Thornton #9746

Summary of Internal MemosInternal Memo from Lieutenant Benson #4226 to Captain C. Coppock (7-23-17)Background:

I reviewed the video surveillance footage, the deputies' reports and Sergeant J. Vollmer's use of force investigation to prepare this memorandum. I utilized the times on video surveillance Camera 70 for the memorandum.

On Tuesday June 13, 2017, Deputy T. Thornton #9746 was working overtime as a 2nd Floor Prowler at the Central Men's Jail. At about 9:30:20 hours, Dep. Thornton was escorting the R.N. [REDACTED] throughout Module 1 while she dispensed medications. While medication was being distributed to cell # 1, inmate [REDACTED] (DOB: [REDACTED] and BKC [REDACTED]) walked behind Deputy Thornton and R.N. [REDACTED]. Inmate [REDACTED] who is housed in cell #3, was instructed to stand by his cell and face the wall. Dep. Thornton stated inmate [REDACTED] initially refused to face the wall and asked "Why?" Dep. Thornton stated he had to repeatedly tell [REDACTED] to face the wall before he gained compliance.

R.N. [REDACTED] provided inmate [REDACTED] his medication. Dep. Thornton told inmate [REDACTED] to open his mouth and stick out his tongue so he could verify inmate [REDACTED] had swallowed his medication. Deputy Thornton stated inmate [REDACTED] initially failed to comply and did not comply until he was told he would be written up on a major jail rule violation. Inmate [REDACTED] then turned toward Deputy Thornton and called him a "Motherfucker". Dep. Thornton stepped toward inmate [REDACTED] and told him to turn and face the wall. Inmate [REDACTED] complied.

Dep. Thornton allowed inmate [REDACTED] to remain on the wall and turned his back to inmate [REDACTED] as he continued to assist R.N. [REDACTED] distribute medication to cell # 1. Inmate [REDACTED] began to look over his shoulder and talked distrustfully to Dep. Thornton. Dep. Thornton turned back towards inmate [REDACTED] and told him to be quiet. Inmate [REDACTED] complied.

Upon the completion of distribution of medication to cell #1, Dep. Thornton asked inmate [REDACTED] what cell he lived in. Inmate [REDACTED] replied, "Cell 3, motherfucker." Dep. Thornton again walked toward inmate [REDACTED] and told him to stop talking disrespectfully. Dep. Thornton, who is not normally a 2nd Floor Prowler, informed inmate [REDACTED] he would be working the same position tomorrow and that he would continue to write him up on major jail rule violations if he continued to be disrespectful. Inmate [REDACTED] replied, "Whatever. Fuck you."

Dep. Thornton opened the door to cell #3 and told [REDACTED] to go inside. Inmate [REDACTED] replied, "I'll see



you tomorrow motherfucker" as he walked past Dep. Thornton towards his cell. Dep. Thornton told inmate [REDACTED] to be quiet to which inmate [REDACTED] replied, "Fuck you." Dep. Thornton stated as inmate [REDACTED] walked by him towards the cell, inmate [REDACTED] lifted his hands out of his pockets. Based on inmate [REDACTED] previous statements and behavior, Dep. Thornton stepped towards inmate [REDACTED]. Dep. Thornton observed inmate [REDACTED] turn towards him with his fist clinched at his side. Dep. Thornton responded by taking hold of inmate [REDACTED] left shoulder to turn him towards the wall. Inmate [REDACTED] resisted and a use of force ensued.

Review:

On Tuesday June 13, 2017, Deputy T. Thornton #9746 was working overtime as a 2nd Floor Prowler at the Central Men's Jail. At about 9:30:20 hours, Dep. Thornton was escorting the R.N. D. [REDACTED] throughout Module 0 while she dispensed medications. At 09:30:33 hours, inmate [REDACTED] (DOB: [REDACTED] and [REDACTED] walked behind Deputy Thornton and R.N. [REDACTED] during distribution of medication to cell #1. Inmate [REDACTED] who is housed in cell #3, was instructed to stand by his cell and face the wall. Inmate [REDACTED] appears to comply at 9:30:43 hours. Dep. Thornton stated inmate [REDACTED] initially refused to face the wall and asked "why?" Dep. Thornton stated he had to repeatedly tell [REDACTED] to face the wall before he gained compliance. I am unable to determine this in reviewing the video.

At 9:30:50 hours, R.N. [REDACTED] provided inmate [REDACTED] his medication. At 09:31:04 hours, Deputy [REDACTED] is observed arriving on scene. At 09:31:10 hours, it appears Dep. Thornton is telling inmate [REDACTED] to open his mouth and stick out his tongue so he could verify inmate [REDACTED] had swallowed his medication. It appears as if inmate [REDACTED] fails to comply and Dep. Thornton steps within arms distance of inmate [REDACTED]. Inmate [REDACTED] hands are out of his pockets, bent at the elbows with his palms up at about waist high. Based on inmate [REDACTED] hand gestures, it appears he is questioning or arguing with Dep. Thornton. At 09:31:20 hours, Dep. Thornton is observed gesturing with his left hand in close proximity to inmate [REDACTED] face. They appear to be involved in an argument. At 09:31:25 hours, Deputy [REDACTED] arrives on scene escorting an inmate. At 09:31:34 hours, Deputy Thornton makes a hand motion for inmate [REDACTED] to turn around to face the wall. Inmate [REDACTED] turns his body to face the wall but continues to verbally engage Dep. Thornton. At 09:31:41 hours, Dep. Thornton steps within inches of inmate [REDACTED] as they continue to argue. Inmate [REDACTED] hands remain out of his pockets near his sides and inmate [REDACTED] turns his upper torso towards Dep. Thornton. Inmate [REDACTED] eventually places his hands in his pockets. At 09:31:55 hours, Dep. Thornton turns his back to inmate [REDACTED] and walks back to cell #1 to continue distribution of medication. As Dep. Thornton opens the hatch to the cell, inmate [REDACTED] can be observed turning to look back at Dep. Thornton and it appears he may be saying something to Dep. Thornton. At 9:32:03 hours, Dep. Thornton turns his back toward inmate [REDACTED] and steps within arms distance of him. It appears Dep. Thornton tells inmate [REDACTED] something before again turning his back to inmate [REDACTED] at 9:32:10 to monitor distribution of medication at cell #1. At 09:32:26 hours, Dep. Thornton walks within inches of inmate [REDACTED] and appears to be telling him something. Dep. Thornton then walks to cell #3 to open the door. Dep. Thornton and inmate [REDACTED] appear to engage in further conversation. At 09:32:38 hours, Dep. Thornton opens cell #3 and inmate [REDACTED] walks towards the cell. At 09:32:40 hours, Dep. Thornton leans in toward inmate [REDACTED] and appears to tell him something. At 09:32:42 hours, inmate [REDACTED] appears as if he is walking into his cell when Dep. Thornton again engages [REDACTED] by lunging towards him. Inmate [REDACTED] stops short of the cell, faces Dep. Thornton and a use of force ensues.

Analysis:

In my review of this incident there are several issues of concern. The video surveillance depicts an argumentative and agitated inmate who is failing to comply with directives provided by a deputy. Dep.



Thornton's report describes in detail inmate [REDACTED] failure to comply with directives and inmate [REDACTED] disrespect to staff as he calls Dep. Thornton various names. Custody and Courts Operation Manual (CCOM) 1800.1.7-requires staff to notify a sergeant(s) whenever an interaction with an inmate is likely to result in a use of force. In this incident, a sergeant was notified post use of force.

Dep. Thornton also fails to utilize adequate officer safety on several occasions as he turns his back to an agitated inmate, fails to maintain a safe distance and leans towards the inmates as he speaks to him. CCOM 1800.1.3 forbids staff from taunting or provoking inmates. In the video surveillance footage, Dep. Thornton's actions can be construed as taunting or provoking.

As inmate [REDACTED] walks towards his cell, it appears to me inmate [REDACTED] intends on entering his cell without further conflict but the view is partially obstructed by the door. According to Dep. Thornton inmate [REDACTED] took his hands out of his pockets and made fists. This could not be seen due to the obstruction caused by the cell door. Deputy Thornton lunges toward inmate [REDACTED] placing himself between the inmate and the open cell resulting in a use of force. Orange County Sheriff's Department Policy 300.3.2 states, "Voluntary compliance is the preferred means of achieving resolution to potential use of force encounters. When practicable, deputies should ask for and allow reasonable time for compliance."

Based upon my review of the reports, video and use of force investigation, I believe the need for force may have been mitigated by notifying a sergeant, handcuffing an agitated inmate, exercising good officer safety and/or voluntary compliance by allowing the inmate to enter the cell. Dep. Thornton's actions escalated the interaction when he should have been looking to deescalate. Dep. Thornton's action also resulted in Deputies [REDACTED] and [REDACTED] having to come to his aid as he struggled with the inmate.

Recommendations:

I recommend this be forwarded to Internal Affairs for investigation into the following potential policy violations:

Policy 300.1.1- Use of force must be objectivity reasonable

Policy 300.3.2- Voluntary compliance

Policy 1018.1- Standard of Conduct

CCOM 1800.1- General Rules

4. Staff will not taunt or provoke an inmate

7. Notify a sergeant whenever an interaction with an inmate is likely to result in force



Copy of Deputy Thornton's Use of Force Report approved by Sgt. Vollmer #4540
(6-29-17)

On June 13, 2017, I was working my assigned position as Second Floor Prowler at the Central Men's Jail in Santa Ana. At approximately 0930 hours, I was escorting the nurse distributing medications to inmates throughout Module O, Sheltered Living, a housing area reserved for inmates who require medical supervision. As medications were being given to inmates in cell 1, an inmate identified as [REDACTED] (DOB: [REDACTED]; BKG # [REDACTED] was walking around the corner, returning from the medical dispensary to cell 3.

I directed [REDACTED] to stand by his cell and face the wall, telling him I would let him into his cell when medications were distributed to his cell. [REDACTED] refused to face the wall and kept asking "why?" I repeatedly told [REDACTED] to face the wall until he complied.

After the nurse gave [REDACTED] his medications, I told him to open his mouth and stick his tongue out to ensure he was not storing his medications in his mouth. [REDACTED] refused to do as directed, and began to argue with me about doing it. [REDACTED] complied after I told him he would be written up on a Major Jail Rule violation if he continued to disobey my directives. [REDACTED] then turned toward me and called me a "motherfucker." I took a step toward him, telling him to turn and face the wall.

I turned away and continued to escort the nurse. [REDACTED] continued to talk disrespectfully over his shoulder. [REDACTED] obeyed when I stepped toward him and told him to be quiet. After the nurse finished distributing medication to the inmates I cell 1, I turned and asked [REDACTED] in which cell he lived. He said "Cell 3, motherfucker." I walked toward [REDACTED] and told him to stop talking disrespectfully. I told [REDACTED] I would be working the same position the next day, so I would continue to write him up on major jail rule violations if he continued to behave disrespectfully. He said, "Whatever, fuck you."

I opened the door to cell 3 and told [REDACTED] to go inside. He told me in a threatening manner, "I'll see you tomorrow, motherfucker" as he walked by me to his cell. I told him to be quiet, and he said, "Fuck you," as he lifted his hands out of his pockets. I took a step towards him, based on his threats and behavior. I took hold of his left shoulder when I saw him turn towards me with fists clenched at his sides.

I physically turned [REDACTED] around and told him to place his hands behind his back. [REDACTED] pushed off the wall and fell back on me, trying to wrap his arm around my head. I pushed him against the wall again, told him to stop resisting and place his hands behind his back. [REDACTED] refused and twisted around, placing his back against the wall, reaching for my head.

I punched him in the stomach in order to get his arms away from my head. I wrestled him to the ground with the assistance of Deputy [REDACTED] [REDACTED] was on his back and I repeatedly told him to stop resisting and roll onto his stomach, placing his hands behind his back. [REDACTED] refused to roll over on his stomach and place his hands behind his back, after I repeatedly told him to do so. Deputy [REDACTED] and I managed to roll [REDACTED] onto his stomach, pull his hands behind his back and put him in handcuffs. I helped [REDACTED] up with the assistance of deputies [REDACTED] and [REDACTED] and began to escort him to the Second Floor Security Bench.



continually let his legs fall from under him as we escorted him past the Sheltered Living Safety cells and East corridor, saying "I'm ADA, I can't walk, motherfucker," as we escorted him. When we reached the Module O corridor, fell to the ground and refused to get up. was placed in a wheel chair and escorted by Deputies and to the Second Floor Security bench. continued to curse the deputies escorting him to the Second Floor Security bench.

When Deputy and I helped from the wheel chair to the security bench, he refused to stand up on his feet. We lifted from the chair and placed him on the bench. continually resisted our efforts to secure him to the bench with the security handcuffs on the bench by leaning backward and blocking us from securing the bench's security cuffs to the handcuffs on his hands. I pulled him forward to ensure Deputy was able to secure him to the bench.

After was secured to the bench, there were no further incidents.

R.N. conducted a medical assessment of on the Second Floor Security Bench and treated him for soft tissue injury on his right knee. He was given an ice pack and cleared to return to his cell.

Orange County Sheriffs Crime Lab was notified to take pictures of Reference F.R. #17-50769.

I reviewed video footage of the incident prior to submitting this report.

Sgt. J. Vollmer #4540 was notified.

Copy of Deputy Use of Force Report approved by Sgt. Vollmer #4540
(6-20-17)

On Tuesday, June 13, 017, I was working as the Second Floor Prowler at the Central Men's Jail in Santa Ana, California. I was in the Sheltered Living area of Module O attempting to escort an inmate on a visit pass. I walked to the west side of Sheltered Living and saw Deputy T. Thornton #9746 talking to inmate (Bk#). Thornton was instructing to open his mouth to make sure that he had swallowed his medication. was arguing and asking why he needed to open his mouth. continued to argue with Thornton's directives and was becoming disrespectful. called Thornton a "motherfucker and bitch". I told to put his hands in his pockets and face the wall, which he did.

Thornton proceeded to open cell 3 to allow to enter the cell. As past Thornton to enter the cell, he called Thornton a "motherfucker" again. turned to face Thornton, he had clinched fists and took a fighting stance. Thornton grabbed and tried to control his hands. began struggling against Thornton's grasp. Thornton punched in the abdomen, which appeared to distract him. Thornton was then able to place in a control hold

I stepped forward and grabbed by the collar and his right arm. Thornton and I placed on the floor. continued to struggle against our hold. While on the floor, turned his body and was able to roll over on to his back. Thornton again punched in the abdomen.



█████ then complied and rolled over on to his stomach. I placed my knee onto █████ lower back to insure that he would not roll over again. I grabbed █████ right hand and placed it behind his back. Thornton was able to finally place █████ in handcuffs.

Thornton and I picked █████ up off the floor to escort him to the second floor security bench. █████ repeatedly stated, "I'm ADA and can't walk." █████ let his body go limp several times to hinder our progress to the security bench. █████ was placed in a wheelchair and pushed to the security bench.

Once █████ was placed on the bench, he continued to struggle. Thornton had to hold █████ down so I could handcuff him to the bench. I was finally able to cuff him to the bench with no further incident.

I reviewed all video angles of this incident prior to writing this report

Copy of Deputy █████ Use of Force Report approved by
Sgt. Vollmer #4540 (6-18-17)

On Tuesday, June 13, 2017, I was working my assigned position as the Second Floor Prowler Deputy at the Central Men's Jail in Santa Ana, California. At approximately 0935 hours, I was escorting Inmate █████ to the second floor dispensary. We walked by the nurse so Inmate █████ could receive his daily prescription medication. As we approached the nurse, I saw Deputy Thornton #9746 get into an altercation with Inmate █████. Deputy █████ assisted Deputy Thornton with getting █████ to the ground. I placed my knee over Inmate █████ legs as he continually struggled and kicked his legs around. I used both my hands to hold █████ legs down on the ground to keep him from kicking myself and the other deputies. █████ was then handcuffed. I stayed with the medical nurse and Inmate █████ and secured the area.

I also reviewed the video of this incident prior to Submitting this report.

For further details reference Deputy Thornton's #9746 report with same DR.

Sergeant Vollmer #4540 was notified of the incident.

Copy of Personnel Complaint Form submitted by Inmate █████ (7-7-17)

I am, according to the American's with Disabilities Act, a disabled male that requires bulky braces on my legs to walk. Even with the braces, I am often clumsy, lumbering, and require additional time and attention to avoid injuring myself in a fall. The braces encompass my entire lower leg, and are equipped with a loop of hard smooth material that wraps around the bottom of my foot from left to right as a sort of loop. This "loop" creates a firm base to support my entire body weight and makes walking and standing possible, though difficult. As a result, my ability to gain traction and walk normally is severely impaired on smooth surfaces like concrete or linoleum.



On the morning of the day of the incident, Deputy Thorton (SIC) had asked me, to open my mouth several times to ensure that I had swallowed my medication. I complied without resistance several times in spite of the fact that each time I opened my mouth, it was empty. For some reason, the manner in which I complied began to aggravate Deputy Thorton (SIC). I was then ordered back into my cell, at which point Deputy Thorton (SIC) threatened me with a future confrontation using the words "I will see you tomorrow." I, in an attempt to avoid further escalation, did not engage the Deputy and replied with an acknowledgement that I understood. Deputy Thorton (SIC) then viciously punched me in the stomach and began shouting that the I needed to achieve the Deputy's "satisfaction" in all things.

Shortly after being unlawfully assaulted and battered by Deputy Thorton, (SIC) I was taken to the ground by Thorton (SIC) and another unidentified deputy that responded to Thorton's (SIC) yelling. As the deputies began escorting me away, and essentially dragged me in some respects, my shoe began to come off of my foot. I immediately made it known that I am disabled, pleaded with the deputies that if my shoe were to come off it would create a risk of injury due to the braces on my legs, and that I could not walk properly without a shoe. Both deputies ordered me to be silent and that I could adjust my shoe later. Shortly thereafter, my shoe came off and I was unable to gain traction on the smooth floor, causing me to fall violently to my knees. Deputies then attempted to stand me up, and my legs were spread apart as I fell, causing me to be bruised and suffer sprains.

Eventually, after some delay, the deputies realized that I required medical attention and could not walk in his current state. Over the course of the next few hours I was interviewed by a sergeant who recorded the interview. Furthermore, the sergeant then interviewed other inmates who saw the encounter and verified that my version of events was truthful. The sergeant immediately attempted to get me to admit fault for the escalation, but denied fault and made it clear that I could not have avoided the incident.

Some hours later, Deputy Thorton, (SIC) among others, asked me to give an example of my signature on a blank piece of paper, for an example of my initials on a blank piece of paper, and attempted to get my signatures on forms without letting me read the forms first. On at least one occasion, Deputy Thorton (SIC) told me that I could read a copy of the form AFTER I signed it. Out of fear of Deputy Thorton, (SIC) and the suspicious nature in which the investigation was being conducted, I refused to sign any documents until I was able to consult counsel. This complaint follows, and will be followed by letters to local government that is charged with oversight over both the Sheriff's Department, and jail. There is substantial reason to believe that this entire encounter was recorded by multiple cameras, and that several aspects of the above events are memorialized on electronic media and/or written reports, including those that may have been made pursuant to medical examinations or disciplinary proceedings. Shortly after the incident I was informed that I was being disciplined without hearing and will lose privileges until July 28, 2017.

Included in the paperwork for this case is a letter from The Law Office of Jason M. Zerehi with an address of 265 South Anita Drive #230 in the city of Orange. Telephone number provided is 714-421-4898



The date of the letter shows July 6, 2017. The letter reads:

Good Day,

We have been retained to represent [REDACTED] regarding an unlawful assault upon him by a deputy in the Orange County Men's Central Jail on or about June 14, 2017.

Please forward all communications to our office and refrain from discussing this matter with Mr. [REDACTED] directly unless counsel is present.

Please contact me at 714-421-4898 or by email at Jason@JMZLegal.com to discuss the matter further at your convenience. Expect to receive a copy of this letter via U.S. Mail.

With a signature appearing to belong to Jason M. Zerehi.

Included in the file are two DVD's.

DVD #1 contains eight (8) videos of the sheltered living, Module O, and 2nd floor area. Below I will list each video as they appear on the disc and describe any events associated with this investigation:

(01) C70-Sheltered Living West Corr Ctr

This video was documented in Lt. Benson's memo to Captain Coppock that was dated 6-23-17. The memo accurately portrays the incident and the time lines match with the time line provided on the video. The video is filmed from a camera that is mounted to the ceiling and films a row of cells. The images captured on this video are partially obscured by the solid cell door to [REDACTED] cell. The solid cell door does have an approximate 2 foot by 2 foot clear plexi-glass window in the center. This plexi glass window allows an obstructed view of the event. Below I have noted some of the actions seen on the video and the corresponding time stamp.

09:31:08 Deputy Thornton appears to be directing [REDACTED] to turn and face the wall. This is indicated by Deputy Thornton making a motion with his hand. [REDACTED] is slow to respond and turns his body toward the wall, but turns his head in the direction of Deputy Thorn

09:32:38 Deputy Thornton opens the door to [REDACTED] cell

09:32:42 Inmate [REDACTED] walks past Deputy Thornton, but stops just prior to entering the cell. Deputy Thornton leans toward [REDACTED] and [REDACTED] faces Thornton.

[Investigators noted: Deputy Thornton wrote in his Use of Force report that [REDACTED] took his hands out of his pockets, which is when Deputy Thornton took a step closer to him. Based off the image in the video I cannot tell if [REDACTED] hands came out of his pockets. The video image of [REDACTED] is seen through the clear plexi-glass and it does not appear that [REDACTED] removed his hands from his pockets because there is no movement in his shoulders or his upper arms that one



would associate with a person lifting their hands from their pockets]

09:32:44 Deputy Thornton grabs [REDACTED] right shoulder, spins [REDACTED] away from him and pushes [REDACTED] against the wall next to the doorjamb; [REDACTED] is facing away from Thornton

09:32:46 [REDACTED] appears to push Thornton back and spins around to face Thornton

09:32:50 Deputy [REDACTED] moves in to assist with [REDACTED]

09:32:53 Deputy Thornton continues to wrestle with [REDACTED] [REDACTED] left arm is on top of Thornton's right should and [REDACTED] left hand appears to be grasping the back Thornton neck

09:33:02 Inmate [REDACTED] left arm is still around Thornton's neck and shoulder, when Thornton appears to strike [REDACTED] in the abdomen.

09:33:06 [REDACTED] is pushed to the ground; [REDACTED] lands on his hands and then spins his body so that he is face up on the ground

09:33:17 Deputies are able to roll [REDACTED] on to his stomach

09:33:48 Deputies are no longer using their body weight to pin [REDACTED]

09:33:54 [REDACTED] is stood up against a wall

09:34:00 [REDACTED] is escorted out of the area and out of view of the camera

The remainder of the video is simply a view of the Sheltered Living west corridor and has no relevance to this investigation. The video ends at 10:00:00 hours.

(02) C71- Sheltered Living Safety Cells

This is an overhead view of Sheltered Living. This video is 29 seconds in length and shows [REDACTED] being escorted from the area. Video ends at 09:34:13

(03) C72- Sheltered Living East Corridor

This is an overhead view of East Corridor. This video is 48 seconds in length and shows [REDACTED] being escorted from the area. The video ends at 09:34:42

(04) C60- Module O Corridor

This is an overhead view of the corridor. This video is 2:26 in length and shows [REDACTED] being escorted into the area. At 09:34:01 [REDACTED] falls to the ground. **[Investigators note: Thornton noted this in his Use of Force Report when he wrote: [REDACTED] continually let his legs fall from under him as we escorted him past the Sheltered Living Safety cells and East corridor, saying "I'm ADA, I can't walk motherfucker" as we escorted him. When we reached the Module O corridor, [REDACTED] fell to the ground and refused to get up.]** 09:34:12 [REDACTED] is lifted to his feet and placed against a wall while another deputy leaves the area to get a wheelchair. 09:35:27 [REDACTED] is placed in the wheelchair and escorted out of the area. The video ends at 09:36:10

(05) C59-2nd Floor East Corridor

This is an overhead view of corridor and is 26 seconds in length. The videos shows [REDACTED] being pushed in the wheel chair from the area of Mod O toward the 2nd floor guard station



(06) C79- Dispensary Waiting Area

This video is an overhead view of the dispensary area and is 28 seconds in length. The video shows [REDACTED] being pushed in the wheel chair toward the detention bench. The video ends at 09:37:03

(07) C80- 2nd Floor Receiving Sallyport

This video is an overhead view covering the area in front of the 2nd floor Guard Station and a portion of the dispensary. The video is 28 seconds in length and shows [REDACTED] being pushed in a wheel chair towards the second floor detention bench.

(08) C85- 2nd Floor Elevator 1 Vestibule

This video is an overhead view covering the detention bench area and is 1:42 in length. The video shows [REDACTED] being wheeled into the vestibule and transferred from the wheelchair to the bench. 09:36:31 Deputy Thornton can be seen placing his left forearm across the back of [REDACTED] neck. Thornton then pushes [REDACTED] head forward while Deputy [REDACTED] secures [REDACTED] to the bench. 09:37:02 all deputies involved with the escort of [REDACTED] leave the area, leaving [REDACTED] secured to the bench. [REDACTED] adjust his sitting position on the bench and appears to have a conversation with an inmate that is sitting on a bench outside the vestibule. Video ends at 09:37:28

Use of Force Summary

DVD #2 contains four (4) recorded interviews with inmates that were housed in the area at the time of the event. These interviews were documented in Sgt. Vollmer's Use of Force Summary. Three of the recorded interviews are of inmates that were listed as witnesses. The fourth interview is with Inmate [REDACTED] himself. Below I have copied Sergeant Vollmer's summary of the interviews and compared them to the recorded interviews for accuracy. Any information relevant to this administrative interview found on Sgt. Vollmer's recorded interviews will be noted by Investigator notes.

1) **Inmate [REDACTED]** - I interviewed Inmate [REDACTED] on Tuesday, June 13, 2017 at about 1202 hours. The interview was conducted in the hallway, next to Sheltered Living, Cell 18. Deputy M. Lange was present. Inmate [REDACTED] refused to cooperate with the interview.

2) **Inmate [REDACTED]** I interviewed Inmate [REDACTED] on Tuesday, June 13, 2017 at about 1208 hours. The interview was conducted in the hallway, next to Sheltered Living, Ceill. Deputy M. Lange was present. The following is a synopsis of [REDACTED] statement. [REDACTED] was in his cell (Sheltered Living, Cell 1) when he heard a verbal altercation between Deputy Thornton and Inmate [REDACTED] heard Deputy Thornton and the nurse instruct [REDACTED] to open his mouth but he [REDACTED] wasn't able to see if [REDACTED] complied with the directives. [REDACTED] heard **Deputy Thornton direct Inmate [REDACTED] to face the wall three times.** [REDACTED] refused to follow Deputy Thornton's directives. [REDACTED] stated as soon as the cell door was opened, [REDACTED] started walking to the cell **without be instructed to do so** and that's when he [REDACTED] was slammed into the wall. [REDACTED] stated he thought he heard the deputies instructing [REDACTED] on the ground but he wasn't sure. As the deputies took [REDACTED] to the ground, in [REDACTED] limited view, it appeared [REDACTED] was not resisting. [REDACTED] **he believed the incident would not have**



happened if [REDACTED] would have followed the deputies' directives.

3) Inmate [REDACTED] I interviewed Inmate [REDACTED] on Tuesday, June 13, 2017 at about 1218 hours. The interview was conducted in the hallway, next to Sheltered Living, Cell 1. Deputy M. Lange was present. The following is a synopsis of [REDACTED] statement. [REDACTED] was in his cell (Sheltered Living, Cell) waiting for his medication when he heard Deputy Thornton asking Inmate [REDACTED] to open his mouth. Deputy Thornton was trying to verify if [REDACTED] had swallowed his medication but he [REDACTED] was being argumentative and refusing to follow Deputy Thornton's directives. [REDACTED] stated Deputy Thornton asked [REDACTED] at least three times to open his mouth. [Investigators note: [REDACTED] felt [REDACTED] was displaying an attitude that he was above the rules due to the amount of time he had spent in-custody] [REDACTED] also heard Deputy Thornton direct [REDACTED] to face the wall at least two times and he [REDACTED] was not following the deputy's directives. At that point, [REDACTED] backed away from the window and did not see anything further. [REDACTED] stated he heard the physical altercation but did not see it. [REDACTED] heard [REDACTED] stating he was "ADA" during the physical altercation. [REDACTED] also thought Deputy Thornton appeared to be "Pissed off" prior to the altercation and was unsure if the incident would have occurred regardless if [REDACTED] had followed the deputy's directives.

4) Inmate [REDACTED] I interviewed Inmate [REDACTED] on Tuesday, June 13, 2017 at about 1050 hours. The interview was conducted in the second floor classroom, next to the 2nd Floor Guard Station and Deputies D. Schenewerk and L. Sarabia were present. The following is a synopsis of [REDACTED] statement.

I asked [REDACTED] if he received medical treatment and he stated he had. [REDACTED] stated he had a bump on his right knee currently and soreness to his chest. [REDACTED] also stated he had "Foot Drop" on both of his legs that was a pre-existing injury from being shot prior to this in custody.

I read [REDACTED] the Miranda Advisement from my department issue Miranda Card. [REDACTED] stated he understood the Miranda Advisement and agreed to talk about the incident. [REDACTED] was returning to his cell (Sheltered Living, Cell 3) from the dispensary. As [REDACTED] returned to his cell, he saw Deputy Thornton and the nurse (RN [REDACTED]) handing out medication. RN [REDACTED] issued [REDACTED] his medication and Deputy Thornton asked [REDACTED] to open his mouth to confirm he had swallowed the medication. [REDACTED] stated he opened his mouth multiple times and Deputy Thornton continued to ask him to open his mouth. [Investigators note: [REDACTED] claimed Thornton directed him to place his [REDACTED] fingers in his mouth and pull his lips away from his gum line. Later [REDACTED] claimed he could not remember Thornton directing him to use his fingers to pull his lips away from his gum line] [REDACTED] changed his statement and said Deputy Thornton only asked him one time to open his mouth. Deputy Thornton instructed [REDACTED] to face the wall while he opened his cell door. [REDACTED] complied with Deputy Thornton's directive and when the door was opened, he walked towards his cell with his hands in his pockets. As [REDACTED] approached the cell, Deputy Thornton told [REDACTED] you'll be seeing me tomorrow. [REDACTED] turned towards Deputy Thornton and told him, "Ok, that's good to know" as he was walking by him. [Investigators note: [REDACTED] felt the comment made by Thornton about seeing him the next day was a threat and Sergeant Vollmer asked him to clarify the statement. [REDACTED] said he did not believe Thornton had a right to talk to him and claimed the fact that Thornton smiled when he made the comment made it seem sinister] At that moment, Deputy Thornton grabbed hold of [REDACTED] threw him against the wall and punched him on the chest. [REDACTED] stated he did not resist the deputies as they threw him on the ground for no reason. [Investigators note: [REDACTED] claimed he never took his hands out of his pockets and never clenched his fist when entering the cell. [REDACTED]



also claimed he was facing the wall the entire time, even though the surveillance video shows [REDACTED] continually turn and look over his shoulder toward Deputy Thornton.] [REDACTED] stated his hands were behind his back as he was instructed and he did not fight the deputies.

Included in Sergeant Vollmer's Use of Force report is a summary of an interview conducted with the nurse passing out medications at the time of the use of force, RN [REDACTED]. There is not recording of this interview provided, but I have copied the summary from Sgt. Vollmer's report to include with this investigation.

Interview with RN [REDACTED] - I interviewed Registered Nurse [REDACTED] on Thursday, June 22, 2017 at 1000 hours. The following is a synopsis of RN [REDACTED] statement. Deputy Thornton was escorting RN [REDACTED] while she was issuing out prescribed medications to the inmates in Sheltered Living, Cell 1, when Inmate [REDACTED] approached. RN [REDACTED] handed [REDACTED] his medication and once he swallowed it, Deputy Thornton asked [REDACTED] to open his mouth to verify he had swallowed the medication. [REDACTED] started arguing with Deputy Thornton and refused to open his mouth properly. Deputy Thornton told [REDACTED] multiple times to turn and face the wall. [REDACTED] would partially face the wall and then turn and talk disrespectfully to Deputy Thornton. Deputy Thornton opened [REDACTED] cell door and as he ([REDACTED] walked towards Deputy Thornton, [REDACTED] turned towards Deputy Thornton. RN [REDACTED] saw Deputy Thornton grab hold of [REDACTED] and she immediately moved behind the wall to get away from the altercation. RN [REDACTED] did not see anything further.

Interview with RN [REDACTED] (Witness)

On 9-14-17 at about 1013 hours, Sergeant Peak and I conducted a recorded interview with [REDACTED]. The following is a synopsis of the conversation. It is not verbatim, nor necessarily in order of conversation, and is organized for the purposes of clarity. This report is not meant to take the place of the actual recording. It is just a synopsis. For complete details refer to the recording of the interview.

[REDACTED] recalled distributing medications on 6-13-17 with Deputy Thornton in the Sheltered Living area. [REDACTED] recalled she was passing out medication when Inmate [REDACTED] returned to the area. [REDACTED] gave [REDACTED] his medications as he stood by in the hallway waiting to be let back into his cell. [REDACTED] recognized [REDACTED] because he comes to the dispensary for treatments and she has assisted him with those treatments. [REDACTED] said she has never seen [REDACTED] act disrespectful during any of those dispensary visits.

After [REDACTED] gave [REDACTED] his medication, [REDACTED] stood by in the hall way. Deputy Thornton asked [REDACTED] to open his mouth to ensure [REDACTED] swallowed the medication he was given, which is standard practice. [REDACTED] did not comply with Deputy Thornton's directive and refused to open his mouth. I asked if [REDACTED] made any comments at the time and [REDACTED] said she could not recall. I asked if Deputy Thornton asked [REDACTED] multiple times to open his mouth and [REDACTED] replied, "He asked him more than one, yes." Eventually [REDACTED] complied, but it was only after Deputy Thornton asked him multiple times. I asked [REDACTED] if the [REDACTED] actions were normal and she said no.

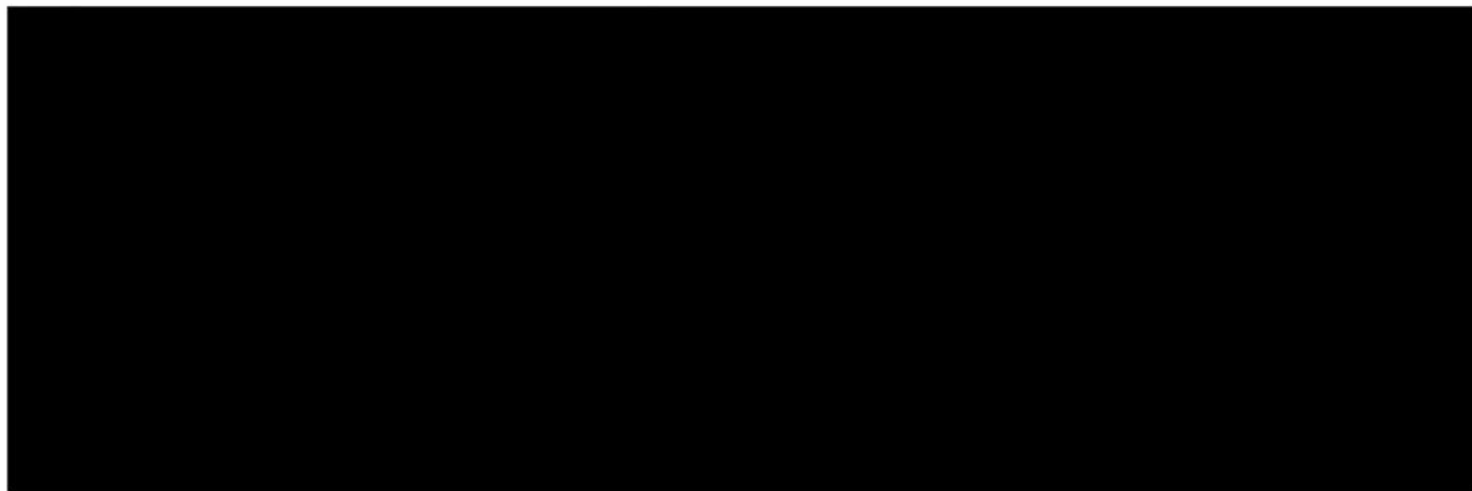
[REDACTED] slowly stepped back and stood by while Deputy Thornton spoke with [REDACTED]. I asked [REDACTED] if she remembered Deputy Thornton directing [REDACTED] to face the wall and she said she did. I asked if



██████████ complied and she responded, "Not immediately." ██████████ instead turned his body toward Deputy Thornton, even though he was told to face the wall. Deputy Thornton had to tell ██████████ multiple times to face the wall, which ██████████ said is out of the ordinary. I asked ██████████ if she recalled ██████████ being placed back into the cell and she said she did not. ██████████ said ██████████ was walking toward his cell and then she remembers ██████████ being taken to the ground. Bupte had stepped back from the immediate area and could not hear any exchanges between ██████████ and Deputy Thornton. ██████████ clarified that she did not remember seeing ██████████ being taken to the ground, but heard it since she was still in the immediate area. ██████████ did not see Deputy Thornton punch ██████████ and did not see ██████████ assault Deputy Thornton. I asked ██████████ if she recalled the Deputies struggling with ██████████ while giving him any commands and she said she could not remember because it happened "so fast". ██████████ did remember ██████████ yelling something when he was taken to the ground, but could not remember what it was. I asked ██████████ if she remember seeing any of the Deputies strike ██████████ and she said, "No." ██████████ said she had been truthful during the interview and had nothing to add. The interview concluded at 1021 hours.

Interview of Deputy ██████████ (Witness)

On 10-2-17 at about 0853 hours, Sergeant Peak and I conducted a recorded interview with ██████████. The following is a synopsis of the conversation. It is not verbatim, nor necessarily in order of conversation, and is organized for the purposes of clarity. This report is not meant to take the place of the actual recording. It is just a synopsis. For complete details refer to the recording of the interview.



Deputy ██████████ was working on 6-13-17 and remembered escorting a Protective Custody inmate to the area of sheltered living for medication. The inmate had an appointment in the medical dispensary area, but Deputy ██████████ knew the inmate took medications multiple times a day. ██████████ decided to bring the inmate to the nurse doing med call prior to the appointment. Deputy ██████████ arrived in the area where the Med Nurse was and found her and Deputy Thornton doing in-cell medication distribution. A few seconds later Inmate



████ arrived and stood by while Deputy Thornton assisted the Med Nurse. Deputy █████ said he had no prior contact with █████ and was not familiar with █████

Deputy █████ heard Deputy Thornton and inmate █████ arguing as he approached closer. Deputy █████ moved closer to where Deputy Thornton was standing when he heard inmate █████ "get an attitude" with Thornton by cursing at him. Inmate █████ called Deputy Thornton a "bitch", "motherfucker" and told Deputy Thornton "Fuck you." Deputy Thornton told inmate █████ he was going to receive a "write up" for disrespect to staff and that each time █████ acted in the same manner he would receive an additional write up. Deputy Thornton gave █████ several commands such as to open his mouth to ensure he had consumed the medication he was given, but █████ failed to comply. Deputy Thornton told █████ to face the wall and █████ failed to follow those commands as well. Deputy █████ said █████ failed to follow any of the commands given to him by Deputy Thornton.

I asked Deputy █████ if █████ was in handcuffs and he said he was not. Deputy █████ went on to say that while inmate █████ was being disrespectful, he was not exhibiting any physical signs that he was going to become combative. Due to the fact that █████ was just mere feet from his cell, Deputy █████ did not feel the need to have him placed in handcuffs because █████ would only have to walk a couple steps to be placed in a secure cell. I asked Deputy █████ if at the time he felt the incident was going to lead to a use of force and he replied, "No." █████ felt that while █████ was being argumentative, he did not feel it was going to escalate. █████ said it is not uncommon to have inmates act disrespectful and in fact, it seems to happen almost daily. These acts of disrespect rarely morph into a use of force event and often times he does not report the disrespectful event to his supervisor.

████ described the use of force event and told me he watched as █████ walked back toward his cell. Prior to entering the open cell, █████ turned toward Deputy Thornton and said something similar to "I'll be here for you tomorrow." Deputy Thornton again reminded █████ that he would be working in the area over the next few days and if █████ continued to disrespect staff he would receive a write up for each event. When █████ turned toward Deputy Thornton, he removed his hands from his pockets, clinched his fist and assumed a fighting stance. █████ than "postured" himself to look larger as he placed his back against a nearby wall to brace himself. I asked █████ if the door that was opened to allow █████ access to the cell blocked his view and he said it did not because it was swung completely open. **[Investigators note: The video shows the door was open about 90 degrees. █████ view appears to be partially obstructed, but there is a large plexi-glass window in the door that allows the reviewer of the video to see some of the action taking place on the other side of the door]** Deputy Thornton and Deputy █████ eventually tackled █████ to the ground and █████ noticed █████ was kicking his legs. █████ divided his attention between the inmate he had escorted to the area and █████ walked to █████ location, placing his knee on █████ back to prevent him from hitting Thornton and █████ was given commands to comply and eventually did. Once █████ stopped resisting all use of force on him stopped.

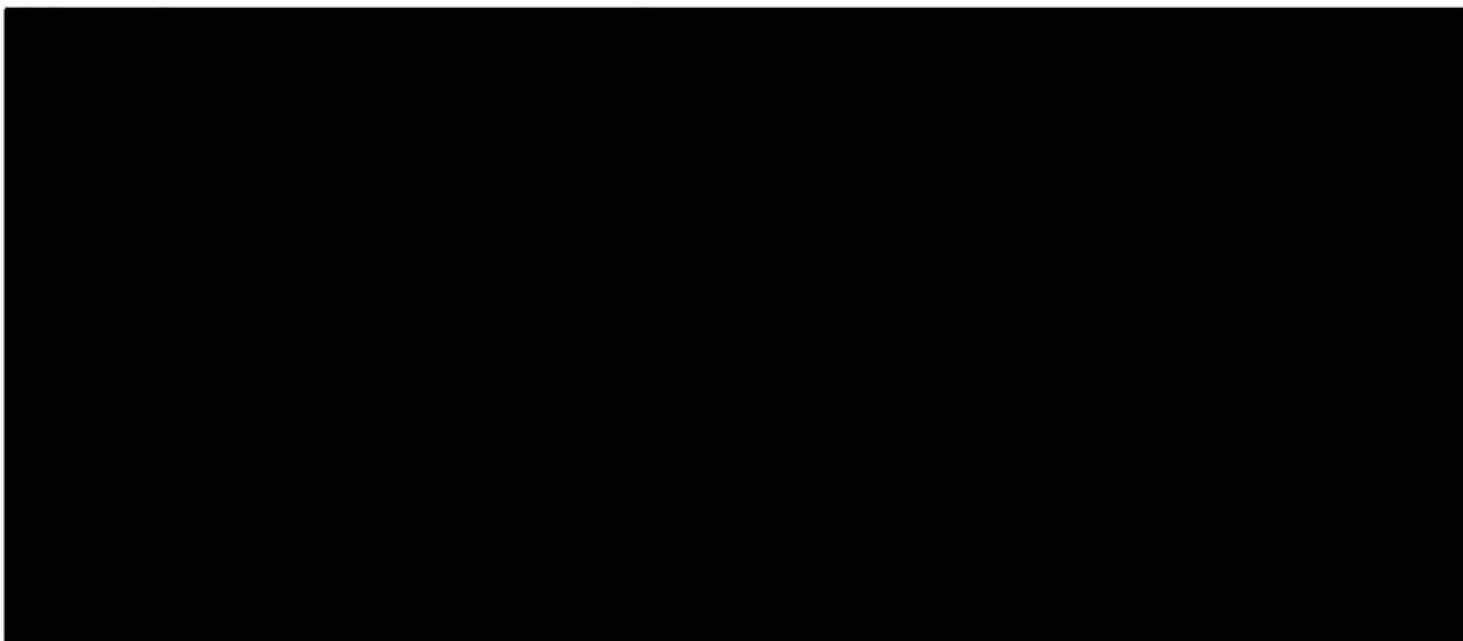
I asked █████ if he requested or used a hand held camera at any point during the event and he said no. █████ explained that after █████ was placed in handcuffs, he was escorted away. █████ was still tasked with supervising the inmate he escorted over for med call, so he stayed behind while █████ was taken to the medical dispensary. Sergeant Peak asked █████ if he heard any comments made by Thornton toward █████ that could be considered as baiting. █████ quickly replied, "No". █████ said he did not recall Thornton using any foul language during the event and said Thornton remained professional during the entire encounter. █████ said he had been truthful and honest during the interview which ended at 0907



hours. [Investigator's note: Based off the statements and video I changed [REDACTED] to a witness in this investigation]

Interview of Deputy [REDACTED] (Witness)

On 10-2-17 at about 1730 hours, Sergeant Alday and I conducted a recorded interview with [REDACTED]. The following is a synopsis of the conversation. It is not verbatim, nor necessarily in order of conversation, and is organized for the purposes of clarity. This report is not meant to take the place of the actual recording. It is just a synopsis. For complete details refer to the recording of the interview.



Deputy [REDACTED] remembered working in the area of Sheltered Living on the 6-13-17. Deputy [REDACTED] was working as 2nd floor Prowler and was tasked with escorting inmates from the Sheltered Living area to the medical dispensary. Deputy [REDACTED] believed that on 6-13-17 he went to the odd number Sheltered Living cells to get an inmate that needed to be seen at the Dispensary. As he walked to the location he saw inmate [REDACTED] walking in the hall ahead of him and it appeared he was going to the same location. Deputy [REDACTED] was familiar with [REDACTED] and had contacted him before as part of his job duties. Deputy [REDACTED] said [REDACTED] has never been disrespectful to him, but he has seen [REDACTED] **act disrespectful to Deputy's with less seniority.** [REDACTED] **would often fail to follow basic inmate directives and often curse at the less senior sworn staff.**

As Deputy [REDACTED] walked to the area he heard Deputy Thornton raise his voice and was giving [REDACTED] multiple commands to open his mouth. Deputy [REDACTED] said the request for an inmate to open his/her mouth is common when distributing medications to ensure the inmate is not hiding the medication. When Deputy [REDACTED] rounded the corner he finds Deputy Thornton, Nurse [REDACTED] and inmate [REDACTED] standing near cell #1. [REDACTED] was facing Deputy Thornton and Deputy Thornton had to tell [REDACTED] several times to open his mouth. Each time [REDACTED] would question Deputy Thornton on his directive. Inmate [REDACTED] was **extremely disrespectful** during this encounter and even called Deputy Thornton a **"motherfucker."**



Deputy [REDACTED] described [REDACTED] demeanor as "verbally aggressive". I asked Deputy [REDACTED] if [REDACTED] was handcuffed and he said he was not. Deputy [REDACTED] felt that because [REDACTED] was a minimum security inmate, housed in Sheltered Living and was allowed to walk to the dispensary unescorted that [REDACTED] did not have a high propensity for violence. Deputy [REDACTED] felt that because [REDACTED] was standing directly in front of his assigned cell that there was no need to handcuff him because [REDACTED] was about to be placed in the cell, which was less than six (6) feet away. Deputy [REDACTED] did not feel that the contact with [REDACTED] was going to escalate to a use of force and talked about how when he gave [REDACTED] an order to face the wall, [REDACTED] complied. [REDACTED] faced the wall and looked from side to side, but Deputy [REDACTED] did not take [REDACTED] actions as aggressive. I asked Deputy [REDACTED] if he was essentially providing security for Deputy Thornton by watching [REDACTED] and he said yes.

I asked Deputy [REDACTED] if he believed he should have called for a supervisor to respond due to [REDACTED] demeanor and he said he did not because he felt the situation was going to be addressed by Deputy Thornton writing [REDACTED] up on a jail rules violation. I asked Deputy [REDACTED] how often he had seen inmates act disrespectful toward staff by, using verbiage such as "fuck off". Deputy [REDACTED] replied, "It's pretty common." Deputy [REDACTED] admitted he does not notify a supervisor every time an inmate acts in that manner.

Eventually [REDACTED] was directed to enter his cell. Deputy Thornton opened the cell door, with his back toward [REDACTED]. [REDACTED] walked directly behind Deputy Thornton and this might have alarmed Deputy Thornton. Deputy Thornton turned to his left and noticed how close [REDACTED] was. At about the same time [REDACTED] called Deputy Thornton a "motherfucking bitch." [REDACTED] flinched and postured himself as if he was going to fight. I asked Deputy [REDACTED] if he recalled at any point during this event hearing Deputy Thornton make any comments that could be deemed as "baiting" [REDACTED] into a confrontation. Deputy [REDACTED] paused saying that the only thing he could think of would be when [REDACTED] walked directly behind Deputy Thornton and postured himself, Deputy Thornton made a comment similar to, "What are you gonna do?" or "Come on". I asked if [REDACTED] responded to the statement made by Deputy Thornton. Deputy [REDACTED] said [REDACTED] took a "firm stance" and said, "Motherfucking bitch." I asked Deputy [REDACTED] if he inferred the statement "What are you gonna do?" made by Deputy Thornton to be a challenge to fight or did he view it as an attempt to deescalate the situation with a statement of command presence. Deputy [REDACTED] explained Deputy Thornton is considerably bigger than [REDACTED] and [REDACTED] felt the statement was made in jest as to alert [REDACTED] that a physical confrontation was pointless. Deputy [REDACTED] felt [REDACTED] had already elevated the situation due to his disrespectful demeanor and Deputy Thornton was simply addressing [REDACTED].

I asked Deputy [REDACTED] to explain to me what occurred when [REDACTED] walked toward the open cell. Deputy [REDACTED] told me [REDACTED] took a fighting stance. [REDACTED] believed [REDACTED] had his hands out of his pant pockets and was "bladed" to Thornton. Deputy Thornton grabbed [REDACTED] and attempted to turn him around. [REDACTED] resisted Deputy Thornton and continually moved to avoid be turned away from Deputy Thornton. [REDACTED] stepped in at this point and grabbed [REDACTED] to pull him away from the door of the cell. Deputy [REDACTED] then pulled [REDACTED] toward the ground. Once on the ground, [REDACTED] rolled onto his back and faced both Deputy Thornton and Deputy [REDACTED]. A brief struggle ensued, but eventually [REDACTED] was rolled on to his stomach where he continued to struggle. Once [REDACTED] was handcuffed all use of force stopped.

As [REDACTED] was escorted he continued to struggle and it appeared [REDACTED] was attempting to "kick off" his shoes. Deputy [REDACTED] explained [REDACTED] wore a plastic braces on his feet and felt [REDACTED] was purposely trying to remove his shoes so he could slide on the slick concrete and purposely fall to the floor to avoid walking. Due to this a wheelchair was eventually used to escort [REDACTED] to the dispensary. I asked [REDACTED] if he



remembered anyone requesting a handheld camera so that the event could be documented and he said the incident happened so quickly and there were other things to deal with. [REDACTED] talked about how Deputy [REDACTED] had to stay behind to supervise the Protective Custody inmate that was out, Deputy Thornton dropped his key set during the struggle with [REDACTED] so they had to deal with retrieving the key set and then inmate [REDACTED] was being uncooperative when being escorted out of the area. Due to all this factors, Deputy [REDACTED] was not sure if a request was ever made for the handheld camera. Deputy [REDACTED] had nothing to add to the investigation and said he had been truthful and honest during the interview. The interview ended at 1751 hours. **[Investigators note: Based off the evidence in this investigation I changed [REDACTED] to a witness in this investigation]**

Interview with Thomas Thornton #9746 (Principal)

On 10-5-17 at about 0855 hours, Sergeant Alday and I conducted a recorded interview with Thornton and representative Bauman. The following is a synopsis of the conversation. It is not verbatim, nor necessarily in order of conversation, and is organized for the purposes of clarity. This report is not meant to take the place of the actual recording. It is just a synopsis. For complete details refer to the recording of the interview.

I spoke to Deputy Thornton about Sheriff's Personnel Investigation #17-085. Deputy Thornton understood he was a Principal in the investigation. Deputy Thornton read and signed his Advisement of Public Safety Officer Procedural Bill of Rights and had no questions. Deputy Thornton read and signed the Confidentiality Directive and had no questions. Deputy Thornton understood everything we talked about was confidential and he was being ordered not to discuss the investigation with anyone outside of Internal Affairs or his representative. Deputy Thornton read his Miranda Warning and understood each of his Miranda Rights. Deputy Thornton did not have any questions about his Miranda Rights and was not willing to waive his Miranda Rights to speak to me. Deputy Thornton read his Lybarger Warning and understood with the interview being an administrative investigation he was being compelled to answer my questions and if he did not, he could be subject to a charge of insubordination.

Deputy Thornton has been employed by the Orange County Sheriff's Department since March of 2015 Deputy Thornton was familiar with the OCSD policies/procedures and where to locate them if he needed to reference them. At the time of this interview Deputy Thornton was working at Theo Lacy Jail as the Outdoor Recreation Deputy, where he had been assigned just a week prior (9-28-17).

Deputy Thornton was working an overtime position on the 6-13-17 in Sheltered Living when he was tasked with escorting Nurse [REDACTED], who was doing medication distribution. Deputy Thornton was opening the cell door hatch to cell number 1 when inmate [REDACTED] **walked** back to the location. Deputy Thornton had never seen nor heard of Inmate [REDACTED] prior to this encounter. Sergeant Alday asked Deputy Thornton if he knew what medical condition [REDACTED] had and Deputy Thornton said he did not know.

When [REDACTED] walked past Thornton, he walked relatively close. Deputy Thornton directed [REDACTED] to turn and face a wall on the other side of the walkway. Inmate [REDACTED] immediately questioned Deputy Thornton when he replied, "Why". Deputy Thornton directed Inmate [REDACTED] again to face the wall and told him he would be placed back into his assigned cell in a few seconds. I asked Deputy Thornton how many times did he have to tell [REDACTED] to turn and face the wall and he said, "More than three or four times." Deputy Thornton denied cursing at [REDACTED] and said he was not angry with [REDACTED] Deputy Thornton went on to say that inmates cursing and acting disrespectful toward him is almost a daily event. Soon after this exchange Deputy [REDACTED] and Deputy [REDACTED] arrive in the area. Deputy Thornton continued to give [REDACTED] directives and



he continued to question Deputy Thornton. Deputy Thornton said [REDACTED] action were unusual and that rarely did inmates question Deputies about directives they were given.

[REDACTED] gave [REDACTED] his medication while he stood against the wall. Deputy Thornton was surprised by [REDACTED] actions and said he did not plan to give [REDACTED] his medication at that moment. [REDACTED] did not have water to wash down the medication, so Deputy Thornton asked [REDACTED] to open his mouth to ensure the medication had been swallowed. [REDACTED] refused and questioned Deputy Thornton as to why he needed to open his mouth. Deputy Thornton told [REDACTED] the logic behind his request, but [REDACTED] continually refused.

At one point during this contact Deputy Thornton took a step closer to [REDACTED] and stood directly next to him. Deputy Thornton believed by standing in close proximity to [REDACTED] it would convey his authority and halt [REDACTED] from being disrespectful. Deputy Thornton felt by moving closer to [REDACTED] it would alert [REDACTED] that his demeanor was unacceptable and pointless. Deputy Thornton's thought process at that moment was that [REDACTED] would "back down" and begin to comply with his simple request. Sergeant Alday asked Deputy Thornton how tall he was and Deputy Thornton said he was about six feet, six inches tall. Sergeant Alday asked if his mere presence, due to his height had ever quelled an uncooperative inmate and Thornton responded, "It helps sir." Deputy Thornton went on to say that in his experience he has found sometimes the inmates that are shorter in stature, tend to be more verbally disrespectful. Sergeant Alday asked Deputy Thornton if his intention was to move toward [REDACTED] in an attempt to display command presence and when that didn't work, was his next step to give [REDACTED] commands to comply and he responded, "Yes sir."

I asked Deputy Thornton if he had any safety concerns about standing so close to [REDACTED] and he said he did not. I pointed out to Deputy Thornton that earlier in the interview he said he had no contact with [REDACTED] prior to this event. I pointed out how Inmate [REDACTED] walked back to the area after going to the dispensary and that he (Thornton) had not performed a search of [REDACTED] prior to this incident. I asked Deputy Thornton if he had ever been present when handcrafted weapons were found in the jail and he said he has. I pointed out that when he stood next to inmate [REDACTED] he could have been the victim of an unprovoked attack with a weapon. Deputy Thornton said when he chose this profession he realized it came with certain risk. I pointed out while that is true, he was also supposed to mitigate those risk by assessing the situation. I asked Deputy Thornton based off of [REDACTED] actions, why didn't he feel the need to place him in handcuffs? Deputy Thornton said he didn't think the situation called for [REDACTED] to be handcuffed because [REDACTED] was not showing any physical signs that he was going to be assaultive. (Clenched fist, heavy breathing or threats)

Deputy Thornton described [REDACTED] demeanor as verbally aggressive. I asked Deputy Thornton if he recalled turning his back to [REDACTED] at any point during this contact and he said, "Maybe other than to open up the cell door to let him into his cell, but at that point I already knew I had a couple other Deputies there with me." I asked Deputy Thornton if he requested a supervisor to respond to the location due to [REDACTED] demeanor and he said, *"No sir, from my recollection everything just happened so quickly that 1) there wasn't time and 2) I felt like I could handle that situation at that point and time by myself and not have to notify a supervisor."* Deputy Thornton felt the best way to handle the situation was to place [REDACTED] in the cell and document the incident with write ups.

I asked Deputy Thornton if he felt the contact with [REDACTED] was going to evolve into a use of force and he replied, "Initially, no." Deputy Thornton then directed [REDACTED] to enter his assigned cell. [REDACTED] walked toward the cell and told Deputy Thornton, "I'll see you tomorrow motherfucker." Deputy Thornton tells [REDACTED] that he will be working in the area over the next couple days and to "check the attitude". I asked Deputy Thornton why he made the comment about working in the area over the next couple days. Deputy Thornton said he was simply trying to relay to [REDACTED] that if he continued his disrespectful demeanor, he would receive write



ups. I asked if the statement was meant to bait [REDACTED] into a physical reaction and he said no. Deputy Thornton thought [REDACTED] was going to continue walking into his cell and that there was still no thought that [REDACTED] was going to become combative.

As [REDACTED] walked toward the cell he stopped next to the open cell door and pulled his hands out of his pockets. The combination of [REDACTED] demeanor, coupled with the removing of his hands from his pockets led Deputy Thornton to believe [REDACTED] was about to assault him. Deputy Thornton went on to say that inmate's know they are to keep their hands in their pant pockets. I asked Deputy Thornton if he recalled where [REDACTED] placed his hands after he removed them from his pockets and he said it happened so fast he could not recall and he could not recall if [REDACTED] hands were made into fists at this time.

Deputy Thornton then directed [REDACTED] to face the wall as he grabbed him by the shoulder. Deputy Thornton placed [REDACTED] against the wall, but [REDACTED] was able to push himself off the wall. Deputy Thornton gave [REDACTED] multiple commands to comply, but [REDACTED] did not obey. During the struggle [REDACTED] grabbed Deputy Thornton's head, so Thornton punched [REDACTED] in the stomach. **[Investigators note: This can be seen on DVD 1, video 1 at the 9:32:53 mark]** I asked Thornton why he punched [REDACTED] and he said to get [REDACTED] to let go of his head/neck area. I asked if the punch had the desired result and he said it did.

I asked Deputy Thornton if he recalled making a statement to [REDACTED] when [REDACTED] walked toward the open cell door that was similar to "Come on" or "What are you gonna do?". **[Investigator's note: Deputy [REDACTED] said in his interview that he believed Deputy Thornton said something similar to this as [REDACTED] was about to enter the cell]** Deputy Thornton quickly replied, "I don't remember that at all." I asked Deputy Thornton if he remembered making any statement to [REDACTED] that could be inferred to as baiting or challenging [REDACTED] to a fight and he said, "Not to my recollection".

During the struggle, [REDACTED] is taken to the ground and falls on his back, facing Thornton and [REDACTED]. Both Thornton and [REDACTED] are directing [REDACTED] to roll on to his stomach, but [REDACTED] does not comply. Instead [REDACTED] attempts to pull his hands away, but eventually Thornton and [REDACTED] get a hold of his wrist and roll him on to his stomach. Once [REDACTED] was on his stomach, he was placed in handcuffs and all use of force stopped. [REDACTED] was then escorted to the security bench area. While being escorted, [REDACTED] continued yelling, "I'm ADA motherfucker" and "I can't walk". **[Investigators note: Prior to this event, [REDACTED] walked from the dispensary area to his cell in Sheltered Living]** [REDACTED] made no effort to walk and was letting his body fall under his own dead weight. As they got to the area of Mod O, [REDACTED] fell to the ground and refused to get up. The decision was made to place [REDACTED] in a wheel chair to transport him to the detention bench. Deputy Thornton denied purposely dropping [REDACTED] and said [REDACTED] went to the ground as a result of his refusal to walk.

I asked Deputy Thornton if he requested a handheld camera at any point during the incident and he said no. Deputy Thornton said that he and his partners were preoccupied with the event and he did not think about documenting the event with the handheld camera. Deputy Thornton said in the future he would ensure a handheld camera was utilized to capture any future events. Since this incident Deputy Thornton has had contact with [REDACTED] and [REDACTED] demeanor has been very respectful and quiet. Deputy Thornton said if he had to do the event over he would make sure the door to [REDACTED] assigned cell was secured before the use of force took place to ensure no other inmates could have assaulted him or the other staff present. Deputy Thornton said he had been truthful and honest during the interview, which concluded at 0916 hours.



Included for Review

- Initial Action
- Investigation Summary
- Internal Memo from Lt. Benson to Capt. Coppock (7-23-17)
- Use of Force Reports
- Personnel Complaint form submitted by Inmate [REDACTED]
- Notice of Legal retainer
- Sgt. Vollmer's Use of Force Summary
- CD of Internal Affairs Interview



ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO



TO: Captain C. Coppock
FROM: Lieutenant B. Benson #4226
DATE: July 23, 2017
RE: Use of Force DR#17-022910

*Concur
Benson
7/26/17*

Background:

I reviewed the video surveillance footage, the deputies reports and Sergeant J. Vollmer's use of force investigation to prepare this memorandum. I utilized the times on video surveillance Camera 70 for the memorandum.

On Tuesday June 13, 2017, Deputy T. Thornton #9746 was working overtime as a 2nd Floor Prowler at the Central Men's Jail. At about 9:30:20 hours, Dep. Thornton was escorting the R.N. D. [REDACTED] throughout Module O while she dispensed medications. While medication was being distributed to cell #1, inmate [REDACTED] and BKC [REDACTED] walked behind Deputy Thornton and R.N. [REDACTED]. Inmate [REDACTED] who is housed in cell #3, was instructed to stand by his cell and face the wall. Dep. Thornton stated inmate [REDACTED] initially refused to face the wall and asked "Why?" Dep. Thornton stated he had to repeatedly tell [REDACTED] to face the wall before he gained compliance.

R.N. [REDACTED] provided inmate [REDACTED] his medication. Dep. Thornton told inmate [REDACTED] to open his mouth and stick out his tongue so he could verify inmate [REDACTED] had swallowed his medication. Deputy Thornton stated inmate [REDACTED] initially failed to comply and did not comply until he was told he would be written up on a major jail rule violation. Inmate [REDACTED] then turned toward Deputy Thornton and called him a "Motherfucker". Dep. Thornton stepped toward inmate [REDACTED] and told him to turn and face the wall. Inmate [REDACTED] complied.

Dep. Thornton allowed inmate [REDACTED] to remain on the wall and turned his back to inmate [REDACTED] as he continued to assist R.N. [REDACTED] distribute medication to cell #1. Inmate [REDACTED] began to look over his shoulder and talked disrespectfully to Dep. Thornton. Dep. Thornton turned back towards inmate [REDACTED] and told him to be quiet. Inmate [REDACTED] complied.

Upon the completion of distribution of medication to cell #1, Dep. Thornton asked inmate [REDACTED] what cell he lived in. Inmate [REDACTED] replied, "Cell 3, motherfucker." Dep. Thornton again walked toward inmate [REDACTED] and told him to stop talking disrespectfully. Dep. Thornton, who is not normally a 2nd Floor Prowler, informed inmate [REDACTED] he would be working the same position tomorrow and that he would continue to write him up on major jail rule violations if he continued to be disrespectful. Inmate [REDACTED] replied, "Whatever. Fuck you."

Dep. Thornton opened the door to cell #3 and told [REDACTED] to go inside. Inmate [REDACTED] replied, "I'll see you tomorrow motherfucker" as he walked past Dep. Thornton towards his cell. Dep. Thornton told inmate [REDACTED] to be quiet to which inmate [REDACTED] replied, "Fuck you." Dep. Thornton stated as inmate [REDACTED] walked by him towards the cell, inmate [REDACTED] lifted his hands out of his pockets. Based on inmate [REDACTED]'s previous statements and behavior, Dep. Thornton stepped towards inmate [REDACTED]. Dep. Thornton observed inmate [REDACTED] turn towards him with his fist clinched at his side. Dep. Thornton



REQUEST P.T

*Jon J. Blum
7-77-17*

responded by taking hold of inmate [REDACTED] left shoulder to turn him towards the wall. Inmate [REDACTED] resisted and a use of force ensued.

Review:

On Tuesday June 13, 2017, Deputy T. Thornton #9746 was working overtime as a 2nd Floor Prowler at the Central Men's Jail. At about 9:30:20 hours, Dep. Thornton was escorting the R.N. D. [REDACTED] while she dispensed medications. At 09:30:33 hours, inmate [REDACTED] and BKC [REDACTED] walked behind Deputy Thornton and R.N. [REDACTED] during distribution of medication to cell #1. Inmate [REDACTED] who is housed in cell #3, was instructed to stand by his cell and face the wall. Inmate [REDACTED] appears to comply at 9:30:43 hours. Dep. Thornton stated inmate [REDACTED] initially refused to face the wall and asked "why?." Dep. Thornton stated he had to repeatedly tell [REDACTED] to face the wall before he gained compliance. I am unable to determine this in reviewing the video.

At 9:30:50 hours, R.N. [REDACTED] provided inmate [REDACTED] his medication. At 09:31:04 hours, Deputy [REDACTED] is observed arriving on scene. At 09:31:10 hours, it appears Dep. Thornton is telling inmate [REDACTED] to open his mouth and stick out his tongue so he could verify inmate [REDACTED] had swallowed his medication. It appears as if inmate [REDACTED] fails to comply and Dep. Thornton steps within arms distance of inmate [REDACTED]. Inmate [REDACTED] hands are out of his pockets, bent at the elbows with his palms up at about waist high. Based on inmate [REDACTED] hand gestures, it appears he is questioning or arguing with Dep. Thornton. At 09:31:20 hours, Dep. Thornton is observed gesturing with his left hand in close proximity to inmate [REDACTED] face. They appear to be involved in an argument. At 09:31:25 hours, Deputy [REDACTED] arrives on scene escorting an inmate. At 09:31:34 hours, Deputy Thornton makes a hand motion for inmate [REDACTED] to turn around to face the wall. Inmate [REDACTED] turns his body to face the wall but continues to verbally engage Dep. Thornton. At 09:31:41 hours, Dep. Thornton steps within inches of inmate [REDACTED] as they continue to argue. Inmate [REDACTED] hands remain out of his pockets near his sides and inmate [REDACTED] turns his upper torso towards Dep. Thornton. Inmate [REDACTED] eventually places his hands in his pockets. At 09:31:55 hours, Dep. Thornton turns his back to inmate [REDACTED] and walks back to cell #1 to continue distribution of medication. As Dep. Thornton opens the hatch to the cell, inmate [REDACTED] can be observed turning to look back at Dep. Thornton and it appears he may be saying something to Dep. Thornton. At 9:32:03 hours, Dep. Thornton turns his back toward inmate [REDACTED] and steps within arms distance of him. It appears Dep. Thornton tells inmate [REDACTED] something before again turning his back to inmate [REDACTED] at 9:32:10 to monitor distribution of medication at cell #1. At 09:32:26 hours, Dep. Thornton walks within inches of inmate [REDACTED] and appears to be telling him something. Dep. Thornton then walks to cell #3 to open the door. Dep. Thornton and inmate [REDACTED] appear to engage in further conversation. At 09:32:38 hours, Dep. Thornton opens cell #3 and inmate [REDACTED] walks towards the cell. At 09:32:40 hours, Dep. Thornton leans in toward inmate [REDACTED] and appears to tell him something. At 09:32:42 hours, inmate [REDACTED] appears as if he is walking into his cell when Dep. Thornton again engages [REDACTED] by lunging towards him. Inmate [REDACTED] stops short of the cell, faces Dep. Thornton and a use of force ensues.

Analysis:

In my review of this incident there are several issues of concern. The video surveillance depicts an argumentative and agitated inmate who is failing to comply with directives provided by a deputy. Dep. Thornton's report describes in detail inmate [REDACTED] failure to comply with directives and inmate [REDACTED] disrespect to staff as he calls Dep. Thornton various names. Custody and Courts Operation Manual



(CCOM) 1800.1.7 requires staff to notify a sergeant(s) whenever an interaction with an inmate is likely to result in a use of force. In this incident, a sergeant was notified post use of force.

Dep. Thornton also fails to utilize adequate officer safety on several occasions as he turns his back to an agitated inmate, fails to maintain a safe distance and leans towards the inmates as he speaks to him. CCOM 1800.1.3 forbids staff from taunting or provoking inmates. In the video surveillance footage, Dep. Thornton's actions can be construed as taunting or provoking.

As inmate [REDACTED] walks towards his cell, it appears to me inmate [REDACTED] intends on entering his cell without further conflict but the view is partially obstructed by the door. According to Dep. Thornton inmate [REDACTED] took his hands out of his pockets and made fists. This could not be seen due to the obstruction caused by the cell door. Deputy Thornton lunges toward inmate [REDACTED] placing himself between the inmate and the open cell resulting in a use of force. Orange County Sheriff's Department Policy 300.3.2 states, "Voluntary compliance is the preferred means of achieving resolution to potential use of force encounters. When practicable, deputies should ask for and allow reasonable time for compliance."

Based upon my review of the reports, video and use of force investigation, I believe the need for force may have been mitigated by notifying a sergeant, handcuffing an agitated inmate, exercising good officer safety and/or voluntary compliance by allowing the inmate to enter the cell. Dep. Thornton's actions escalated the interaction when he should have been looking to deescalate. Dep. Thornton's action also resulted in Deputies [REDACTED] and [REDACTED] having to come to his aid as he struggled with the inmate.

Recommendations:

I recommend this be forwarded to Internal Affairs for investigation into the following potential policy violations:

Policy 300.1.1- Use of force must be objectivity reasonable

Policy 300.3.2- Voluntary compliance

Policy 1018.1- Standard of Conduct

CCOM 1800.1- General Rules

4. Staff will not taunt or provoke an inmate
7. Notify a sergeant whenever an interaction with an inmate is likely to result in force



**SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA**

PRIORITY: ☐ Yes☒ No**ORIGINAL**3. ☒ INITIAL NON-CRIMINAL4. ☐ INITIAL CRIMINAL5. ☐ FOLLOW-UP CRIMINAL6. ☐ CONTINUATION REPORT NO. FOLLOW-UP REPORT**SANDRA HUTCHENS, SHERIFF-CORONER**

7. OFFENSE Use of Force	8. LOCATION OF OCCURRENCE 550 N. Flower St. Santa Ana, CA 92703	
9. VICTIM/INFORMANT Deputy T. Thornton #9746	10. DATE AND TIME OF OCCURRENCE Tuesday June 13, 2017/0930	11. GRID 829D3

12. DETAILS OF OFFENSE:**Injuries:**

-Right knee soft tissue injury.

Narrative:

On June 13, 2017, I was working my assigned position as Second Floor Prowler at the Central Men's Jail in Santa Ana. At approximately 0930 hours, I was escorting the nurse distributing medications to inmates throughout Module O, Sheltered Living, a housing area reserved for inmates who require medical supervision. As medications were being given to inmates in cell 1, an inmate identified as [REDACTED] [REDACTED] BKG [REDACTED] was walking around the corner, returning from the medical dispensary to cell 3.

I directed [REDACTED] to stand by his cell and face the wall, telling him I would let him into his cell when medications were distributed to his cell. [REDACTED] refused to face the wall and kept asking "why?" I repeatedly told [REDACTED] to face the wall until he complied.

After the nurse gave [REDACTED] his medications, I told him to open his mouth and stick his tongue out to ensure he was not storing his medications in his mouth. [REDACTED] refused to do as directed, and began to argue with me about doing it. [REDACTED] complied after I told him he would be written up on a Major Jail Rule violation if he continued to disobey my directives. [REDACTED] then turned toward me and called me a "motherfucker." I took a step toward him, telling him to turn and face the wall.

I turned away and continued to escort the nurse. [REDACTED] continued to talk disrespectfully over his shoulder. [REDACTED] obeyed when I stepped toward him and told him to be quiet. After the nurse finished distributing medication to the inmates in cell 1, I turned and asked [REDACTED] in which cell he lived. He said, "Cell 3, motherfucker." I walked toward [REDACTED] and told him to stop talking disrespectfully. I told [REDACTED]

INVESTIGATING OFFICERS DEP T. THORNTON #9746	REPORT BY 6-29-17	DATE OF REPORT 6-29-17	APPROVED SGT. J. V. #4546
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**SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA****SANDRA HUTCHENS, SHERIFF-CORONER****REPORT CONTINUATION**

I would be working the same position the next day, so I would continue to write him up on major jail rule violations if he continued to behave disrespectfully. He said, "Whatever, fuck you."

I opened the door to cell 3 and told [REDACTED] to go inside. He told me in a threatening manner, "I'll see you tomorrow, motherfucker" as he walked by me to his cell. I told him to be quiet, and he said, "Fuck you," as he lifted his hands out of his pockets. I took a step towards him, based on his threats and behavior. I took hold of his left shoulder when I saw him turn towards me with fists clenched at his sides.

I physically turned [REDACTED] around and told him to place his hands behind his back. [REDACTED] pushed off the wall and fell back on me, trying to wrap his arm around my head. I pushed him against the wall again, told him to stop resisting and place his hands behind his back. [REDACTED] refused and twisted around, placing his back against the wall, reaching for my head.

I punched him in the stomach in order to get his arms away from my head. I wrestled him to the ground with the assistance of Deputy M. Lange #6129. [REDACTED] was on his back and I repeatedly told him to stop resisting and roll onto his stomach, placing his hands behind his back. [REDACTED] refused to roll over on his stomach and place his hands behind his back, after I repeatedly told him to do so. Deputy Lange and I managed to roll [REDACTED] onto his stomach, pull his hands behind his back and put him in handcuffs. I helped [REDACTED] up with the assistance of deputies Lange and Schenewerk #8970 and began to escort him to the Second Floor Security bench.

[REDACTED] continually let his legs fall from under him as we escorted him past the Sheltered Living Safety cells and East corridor, saying "I'm ADA, I can't walk, motherfucker," as we escorted him. When we reached the Module O corridor, [REDACTED] fell to the ground and refused to get up. [REDACTED] was placed in a wheel chair and escorted by Deputies Lange #6129 and Sarabia #5001 to the Second Floor Security bench. [REDACTED] continued to curse the deputies escorting him to the Second Floor Security bench.

When Deputy Lange and I helped [REDACTED] from the wheel chair to the security bench, he refused to stand up on his feet. We lifted [REDACTED] from the chair and placed him on the bench. [REDACTED] continually resisted our efforts to secure him to the bench with the security handcuffs on the bench by leaning backward and

INVESTIGATING OFFICERS DEP T. THORNTON # 9746	REPORT BY DEP T. THORNTON # 9746	DATE OF REPORT 6-29-17	APPROVED SGT. J. VOLUNTER #4546
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**SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA****SANDRA HUTCHENS, SHERIFF-CORONER****REPORT CONTINUATION**

blocking us from securing the bench's security cuffs to the handcuffs on his hands. I pulled him forward to ensure Deputy Lange was able to secure him to the bench.

After [REDACTED] was secured to the bench, there were no further incidents.

R.N. Cueto conducted a medical assessment of [REDACTED] on the Second Floor Security Bench and treated him for a soft tissue injury on his right knee. He was given an ice pack and cleared to return to his cell.

Orange County Sheriff's Crime Lab was notified to take pictures of [REDACTED] Reference F.R. #17-50769.

I reviewed video footage of the incident prior to submitting this report.

Sgt. J. Vollmer #4540 was notified.

INVESTIGATING OFFICERS DEP T. THORNTON #9746	REPORT BY THORNTON #9746	DATE OF REPORT 6-29-17	APPROVED SGT. J. Vollmer #4540
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SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

CASE NO. 17-022910

SI # MS 061317/0935

PRIORITY: ☐ Yes
☒ No



ORIGINAL

3. ☐ INITIAL NON-CRIMINAL
4. ☐ INITIAL-CRIMINAL
5. ☒ FOLLOW-UP CRIMINAL
6. ☐ CONTINUATION REPORT NO. FOLLOW-UP REPORT

SANDRA HUTCHENS, SHERIFF-CORONER

7. OFFENSE Use of Force	8. LOCATION OF OCCURRENCE 550 N. Flower Street, Santa Ana, CA 92703
9. VICTIM/INFORMANT Deputy M. Lange #6129	10. DATE AND TIME OF OCCURRENCE Tuesday, June 13, 2017/0930 Hours
	11. GRID 829D3

12. DETAILS OF OFFENSE:

On Tuesday, June 13, 2017, I was working as the Second Floor Prowler at the Central Men's Jail in Santa Ana, California. I was in the Sheltered Living area of Module O attempting to escort an inmate on a visit pass. I walked to the west side of Sheltered Living and saw Deputy T. Thornton #9746 talking to inmate [REDACTED] Bk# [REDACTED]. Thornton was instructing [REDACTED] to open his mouth to make sure that he had swallowed his medication. [REDACTED] was arguing and asking why he needed to open his mouth. [REDACTED] continued to argue with Thornton's directives and was becoming disrespectful. [REDACTED] called Thornton a "motherfucker and bitch". I told [REDACTED] to put his hands in his pockets and face the wall, which he did.

Thornton proceeded to open cell 3 to allow [REDACTED] to enter the cell. As [REDACTED] past Thornton to enter the cell, he called Thornton a "motherfucker" again. [REDACTED] turned to face Thornton, he had clinched fists and took a fighting stance. Thornton grabbed [REDACTED] and tried to control his hands. [REDACTED] began struggling against Thornton's grasp. Thornton punched [REDACTED] in the abdomen, which appeared to distract him. Thornton was then able to place [REDACTED] in a control hold.

I stepped forward and grabbed [REDACTED] by the collar and his right arm. Thornton and I placed [REDACTED] on the floor. [REDACTED] continued to struggle against our hold. While on the floor, [REDACTED] turned his body and was able to roll over on to his back. Thornton again punched [REDACTED] in the abdomen. [REDACTED] then complied and rolled over on to his stomach. I placed my knee onto [REDACTED] over back to insure that he would not roll over again. I grabbed [REDACTED] right hand and placed it behind his back. Thornton was able to finally place [REDACTED] in handcuffs.

Thornton and I picked [REDACTED] up off the floor to escort him to the second floor security bench. [REDACTED] repeatedly stated, "I'm ADA and can't walk." [REDACTED] let his body go limp several times to hinder our progress to the security bench. [REDACTED] was placed in a wheelchair and pushed to the security bench.

Once [REDACTED] was placed on the bench, he continued to struggle. Thornton had to hold [REDACTED] down so I could handcuff him to the bench. I was finally able to cuff him to the bench with no further incident.

I reviewed all video angles of this incident prior to writing this report.

INVESTIGATOR'S SIGNATURE

REPORT BY
Dep. M. Lange #6129

DATE OF REPORT
6/20/17

APPROVED

SGT. J. V. [REDACTED] #14546

SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

PRIORITY: ☐ Yes
☒ No



ORIGINAL

3. ☐ INITIAL NON-CRIMINAL
4. ☐ INITIAL CRIMINAL
5. ☒ FOLLOW UP CRIMINAL
6. ☐ CONTINUATION REPORT NO.
FOLLOW-UP REPORT

SANDRA HUTCHENS, SHERIFF-CORONER

7. OFFENSE Use of Force	8. LOCATION OF OCCURRENCE 550 N. Flower, Santa Ana, Ca, 92703
9. VICTIM/INFORMANT Deputy D. Schenewerk #8970	10. DATE AND TIME OF OCCURRENCE 06-13 17/0935 Hours
	11. GRID 829D3

12. DETAILS OF OFFENSE:

On Tuesday, June 13, 2017, I was working my assigned position as the Second Floor Prowler Deputy at the Central Men's Jail in Santa Ana, California. At approximately 0935 hours, I was escorting Inmate [REDACTED] to the second floor dispensary. We walked by the nurse so Inmate [REDACTED] could receive his daily prescription medication. As we approached the nurse, I saw Deputy Thornton #9746 get into an altercation with Inmate [REDACTED]. Deputy Lange #6129 assisted Deputy Thornton with getting [REDACTED] to the ground. I placed my knee over Inmate [REDACTED] legs as he continually struggled and kicked his legs around. I used both my hands to hold [REDACTED] legs down on the ground to keep him from kicking myself and the other deputies. [REDACTED] was then handcuffed. I stayed with the medical nurse and Inmate [REDACTED] and secured the area.

I also reviewed the video of this incident prior to submitting this report.

For further details reference Deputy Thornton's #9746 report with same DR.

Sergeant Vollmer #4540 was notified of the incident.

INVESTIGATING OFFICERS	REPORT BY D. Schenewerk #8970	DATE OF REPORT 06-18 17	APPROVED Sgt. S. Vollmer #4540
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PERSONNEL COMPLAINT FORM

NAME OF COMPLAINANT: [REDACTED]

DATE REPORTED: On or about June 13, 2017

ADDRESS: OC County Men's Central Jail

PHONE: N/A

EMAIL: N/A

DATE/TIME OF INCIDENT: on or about 6/14/2017

LOCATION OF INCIDENT: O Mod

NAME OF INVOLVED EMPLOYEE(S) IF KNOWN: Deputy Thorton who works inside OC Central Jail.

NAME/ADDRESS/PHONE NUMBER OF WITNESS(ES): Witnesses are housed in O Mod of the OC Central Jail and were interviewed by a Sargeant Inside the jail.

SUMMARY OF COMPLAINT: I am, according to the American's with Disabilities Act, a disabled male that requires bulky braces on my legs to walk. Even with the braces, I am often clumsy, lumbering, and require additional time and attention to avoid injuring myself in a fall. The braces encompass my entire lower leg, and are equipped with a loop of hard smooth material that wraps around the bottom of my foot from left to right as a sort of loop. This "loop" creates a firm base to support the my entire body weight and makes walking and standing possible, though difficult. As a result, the my ability to gain traction and walk normally is severely impaired on smooth surfaces like concrete or linoleum.

PROFESSIONAL STANDARDS DIVISION

On the morning of the day of the incident, Deputy Thorton had asked me, to open my mouth several times to ensure that I had swallowed my medication. I complied without resistance several times in spite of the fact that each time I opened my mouth, it was empty. For some reason, the manner in which I complied began to aggravate Deputy Thorton. I was then ordered back into my cell, at which point Deputy Thorton threatened me with a future confrontation using the words "I will see you tomorrow." I, in an attempt to avoid further escalation, did not engage the Deputy and replied with an acknowledgement that I understood. Deputy Thorton then viciously punched me in the stomach and began shouting that the I needed to achieve the Deputy's "satisfaction" in all things.

Shortly after being unlawfully assaulted and battered by Deputy Thorton, I was taken to the ground by Thorton and another unidentified deputy that responded to Thorton's yelling. As the deputies began escorting me away, and essentially dragged me in some respects, my shoe began to come off of my foot. I immediately made it known that I am disabled, pleaded with the deputies that if my shoe were to come off it would create a risk of injury due to the braces on my legs, and that I could not walk properly without a shoe. Both deputies ordered me to be silent and that I could adjust my shoe later. Shortly thereafter, my shoe came off and I was unable to gain traction on the smooth floor, causing me to fall violently to my knees. Deputies then attempted to stand me up, and my legs were spread apart as I fell, causing me to be bruised and suffer sprains.

Eventually, after some delay, the deputies realized that I required medical attention and could not walk in his current state. Over the course of the next few hours I was interviewed by a sergeant who recorded the interview. Furthermore, the sergeant then interviewed other inmates who saw the encounter and verified that my version of events was truthful. The sergeant immediately attempted to get the me to admit fault for the escalation, but denied fault and made it clear that I could not have avoided the incident.

PROFESSIONAL STANDARDS DIVISION

Some hours later, Deputy Thorton, among others, asked me to give an example of my signature on a blank piece of paper, for an example of my initials on a blank piece of paper, and attempted to get my signatures on forms without letting me read the forms first. On at least one occasion, Deputy Thorton told me that I could read a copy of the form AFTER I signed it. Out of fear of Deputy Thorton, and the suspicious nature in which the investigation was being conducted, I refused to sign any documents until I was able to consult counsel. This complaint follows, and will be followed by letters to local government that is charged with oversight over both the Sheriff's Department, and jail. There is substantial reason to believe that this entire encounter was recorded by multiple cameras, and that several aspects of the above events are memorialized on electronic media and/or written reports, including those that may have been made pursuant to medical examinations or disciplinary proceedings. Shortly after the incident I was informed that I was being disciplined without hearing and will lose privileges until July 28, 2017.

Per the California Penal Code:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CIVILIANS' COMPLAINTS. YOU HAVE THE RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT. EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CIVILIAN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATED TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

This form is available in any of the following languages: Albanian, Armenian, Cambodian, Chinese, Dutch, Dari, Farsi, French, Hebrew, Hindi, Hungarian, Ilocano, Indonesian, Italian, Japanese, Lao, Korean, Polish, Punjabi, Russian, Spanish, Swedish, Tagalog, Tamil, Thai, Urdu and Vietnamese.

PROFESSIONAL STANDARDS DIVISION

Please sign and date this complaint form (or its other language equivalent) and return it to us, so we can proceed with the investigation.

By signing this form, I certify that the statements contained in it are true and correct to the best of my knowledge and belief.



Signature

07-07-017

Date



Name (Please print)

PROFESSIONAL STANDARDS DIVISION

Integrity without compromise; Service above self; Professionalism in the performance of duty; Vigilance in safeguarding our community

The Law Office of Jason M. Zerehi

Attorney at Law

265 South Anita Drive, Suite 230

Orange, California 92868

Telephone (714) 421-4898 Fax (714) 744-4741

July 6, 2017

Orange County Sheriff Coroner
Attn: Internal Investigations Unit
P.O. Box 449
Santa Ana, CA 92703

Good Day,

We have been retained to represent [REDACTED] regarding an unlawful assault upon him by a deputy in the Orange County Men's Central Jail on or about June 14, 2017.

Please forward all communications to our office, and refrain from discussing this matter with Mr. [REDACTED] directly unless counsel is present.

Please contact me at (714) 421 4898, or by email at Jason@JMZLegal.com to discuss the matter further at your convenience. Expect to receive a copy of this letter via U.S. Mail.

Best regards,



Jason M. Zerehi

The Law Office of Jason M. Zerehi
Attorneys for [REDACTED]



**SHERIFF-CORONER
SANDRA HUTCHENS**

USE OF FORCE SUMMARY

Analysis Information

DR	17-022910	# of Deputies Using Force	3	Division	Central Men's and Women's Jail
Date	6/13/2017	# of Subjects	1	Sergeant	Joe Vollmer
Facility/Bureau	Central Men's Jail	# of Witnesses	6	Lieutenant	Brent Benson
				Captain	Cindi Coppock
Off Duty?	No				
Type of Force	General				

Location

Address / Cross Streets	550 Flower
City	Santa Ana
Initial Call/Event	Failure to obey a directive
Supervisor Present?	No

Converted? No

Involved Employees

Employee Name	Injury / Details	Emergency Room?	Hospitalized	Blood borne pathogen/Needle Stick
THOMAS THORNTON	None	No	No	No
	None	No	No	No
	None	No	No	No

Subjects

[illegible]



ORANGE COUNTY SHERIFF'S DEPARTMENT

**SHERIFF-CORONER
SANDRA HUTCHENS**

<div>██████████</div> <div>██████████</div> <div>5'5"</div> <div>170</div> <div>Male</div> <div>Mexican-Latin American</div> <div>██████████</div>	<div>None</div> <div>Booking Number</div> <div>██████████</div>	<div>Complaint of Pain</div> <div>No</div> <div>Given ice pack for soreness to right leg.</div>	No	No	No	Yes	No	No	No	No	No
--	---	---	----	----	----	-----	----	----	----	----	----

Force Used

Employee Reason for Force	Subject Force Used	Head/Face/Neck	Chest/Torso	Groin	Back/Buttocks	L Arm/Hand	L Leg/Foot	R Arm/Hand	R Leg/Foot
		-	-	-	-	-	-	-	-
<div>██████████</div> <div>Overcome Resistance</div>	<div>██████████</div> <div>Body Weight</div>	-	-	-	-	-	Yes	-	Yes
		-	-	-	-	-	-	-	-
<div>██████████</div> <div>Overcome Resistance</div>	<div>██████████</div> <div>Body Weight</div>	-	-	-	Yes	-	-	-	-
<div>██████████</div> <div>Overcome Resistance</div>	<div>██████████</div> <div>Push / Pull</div>	-	-	-	-	-	-	Yes	-
		-	-	-	-	-	-	-	-
<div>THOMAS THORNTON</div> <div>Defense of Self</div>	<div>██████████</div> <div>Punch / Kick</div>	-	Yes	-	-	-	-	-	-
<div>THOMAS THORNTON</div> <div>Overcome Resistance</div>	<div>██████████</div> <div>Push / Pull</div>	-	-	-	Yes	-	-	-	-
<div>THOMAS THORNTON</div>	<div>██████████</div> <div>Push / Pull</div>	-	-	-	-	Yes	-	-	-



ORANGE COUNTY SHERIFF'S DEPARTMENT

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SANDRA HUTCHENS

Overcome
Resistance

Witnesses

	Contact Information (if available)

Supervisor's Review

I conducted Subject and Witness interviews with a hand held camera in various locations on the second floor of the Central Men's Jail.

Audio / Video Review

After a detailed review of the video depicted of the incident from the fixed video, I have concluded that the video is consistent with the reports submitted.

Materials Collected

- One DVD containing fixed video footage of the incident.
- One DVD containing hand held footage of Subject / Witness interviews.

Subject Interview

Interview of Inmate [REDACTED] Bkg# [REDACTED]

I interviewed Inmate [REDACTED] on Tuesday, June 13, 2017 at about 1050 hours. The interview was conducted in the second floor classroom, next to the 2nd Floor Guard Station and Deputies D. Schenewerk and L. Sarabia were present. The following is a synopsis of [REDACTED] statement.

I asked [REDACTED] if he received medical treatment and he stated he had. [REDACTED] stated he had a bump on his right knee currently and soreness to his chest. [REDACTED] also stated he had "Foot Drop" on both of his legs that was a pre-existing injury from being shot prior to this in custody.

I read [REDACTED] the Miranda Advisement from my department issue Miranda Card. [REDACTED] stated he understood the Miranda Advisement and agreed to talk about the incident. [REDACTED] was returning to his cell (Sheltered Living, Cell 3) from the dispensary. As [REDACTED] returned to his cell, he saw Deputy Thornton and the [REDACTED] handing out medication. RN [REDACTED] issued [REDACTED] his medication and Deputy Thornton asked [REDACTED] to open his mouth to confirm he



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had swallowed the medication. [REDACTED] stated he opened his mouth multiple times and Deputy Thornton continued to ask him to open his mouth. [REDACTED] changed his statement and said Deputy Thornton only asked him one time to open his mouth. Deputy Thornton instructed [REDACTED] to face the wall while he opened his cell door. [REDACTED] complied with Deputy Thornton's directive and when the door was opened, he walked towards his cell with his hands in his pockets. As [REDACTED] approached the cell, Deputy Thornton told [REDACTED] you'll be seeing me tomorrow. [REDACTED] turned towards Deputy Thornton and told him, "Ok, that's good to know" as he was walking by him. At that moment, Deputy Thornton grabbed hold of [REDACTED] threw him against the wall and punched him on the chest. [REDACTED] stated he did not resist the deputies as they threw him on the ground for no reason. [REDACTED] stated his hands were behind his back as he was instructed and he did not fight the deputies.

While video recording [REDACTED] person, I saw minor redness to the top of his right knee. I saw no further injuries.

Scene Documentation

Module O, Sheltered Living is located on the second floor of the Central Men's Jail. This housing area is designed for inmates that are disabled or require close medical supervision.

Witness (es) Statement and Summary

Interview of Inmate [REDACTED] (Bkg# [REDACTED])

I interviewed Inmate [REDACTED] on Tuesday, June 13, 2017 at about 1202 hours. The interview was conducted in the hallway, next to Sheltered Living, Cell 18. Deputy M. Lange was present. Inmate [REDACTED] refused to cooperate with the interview.

Interview of Inmate [REDACTED] (Bkg# [REDACTED])

I interviewed Inmate [REDACTED] on Tuesday, June 13, 2017 at about 1208 hours. The interview was conducted in the hallway, next to Sheltered Living, Cell 1. Deputy M. Lange was present. The following is a synopsis of [REDACTED] statement. [REDACTED] was in his cell (Sheltered Living, Cell 1) when he heard a verbal altercation between Deputy Thornton and Inmate [REDACTED]. [REDACTED] heard Deputy Thornton and the nurse instruct [REDACTED] to open his mouth but he [REDACTED] wasn't able to see if [REDACTED] complied with the directives. [REDACTED] heard Deputy Thornton direct Inmate [REDACTED] to face the wall three times. [REDACTED] refused to follow Deputy Thornton's directives. [REDACTED] stated as soon as the cell door was opened, [REDACTED] started walking to the cell without be instructed to do so and that's when he [REDACTED] was slammed into the wall. [REDACTED] stated he thought he heard the deputies instructing [REDACTED] to get down on the ground but he wasn't sure. As the deputies took [REDACTED] to the ground, in [REDACTED] limited view, it appeared [REDACTED] was not resisting. [REDACTED] also stated he believed the incident would not have happened if [REDACTED] would have followed the deputies' directives.

Interview of Inmate [REDACTED] (Bkg# [REDACTED])

I interviewed Inmate [REDACTED] on Tuesday, June 13, 2017 at about 1218 hours. The interview was conducted in the hallway, next to Sheltered Living, Cell 1. Deputy M. Lange was present. The following is a synopsis of [REDACTED] statement. [REDACTED] was in his cell (Sheltered Living, Cell 1) waiting for his medication when he heard Deputy Thornton asking Inmate [REDACTED] to open his mouth. Deputy Thornton was trying to verify if [REDACTED] had swallowed his medication but he [REDACTED] was being argumentative and refusing to follow Deputy Thornton's directives. [REDACTED] stated Deputy Thornton asked [REDACTED] at least



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three times to open his mouth. Wiant also heard Deputy Thornton direct [REDACTED] to face the wall at least two times and he [REDACTED] was not following the deputy's directives. At that point, [REDACTED] backed away from the window and did not see anything further. [REDACTED] stated he heard the physical altercation but did not see it. [REDACTED] heard [REDACTED] stating he was "ADA" during the physical altercation. [REDACTED] also thought Deputy Thornton appeared to be "Pissed off" prior to the altercation and was unsure if the incident would have occurred regardless if [REDACTED] had followed the deputy's directives.

Interview of RN [REDACTED]

I interviewed Registered Nurse [REDACTED] on Thursday, June 22, 2017 at 1000 hours. The following is a synopsis of RN [REDACTED] statement. Deputy Thornton was escorting RN [REDACTED] while she was issuing out prescribed medications to the inmates in Sheltered Living, Cell 1, when Inmate [REDACTED] approached. RN [REDACTED] handed [REDACTED] his medication and once he swallowed it, Deputy Thornton asked [REDACTED] to open his mouth to verify he had swallowed the medication. [REDACTED] started arguing with Deputy Thornton and refused to open his mouth properly. Deputy Thornton told [REDACTED] multiple times to turn and face the wall. [REDACTED] would partially face the wall and then turn and talk disrespectfully to Deputy Thornton. Deputy Thornton opened [REDACTED] cell door and as he [REDACTED] walked towards Deputy Thornton, [REDACTED] turned towards Deputy Thornton. RN [REDACTED] saw Deputy Thornton grab hold of [REDACTED] and she immediately moved behind the wall to get away from the altercation. RN [REDACTED] did not see anything further.

Interview of Inmate [REDACTED] (Bkg# [REDACTED])

I contacted Inmate [REDACTED] reference being a possible witness to the incident. Inmate [REDACTED] is housed in Module O, Sheltered Living, [REDACTED]. Inmate [REDACTED] stated he did not see or hear the incident.

Interview of Inmate [REDACTED] (Bkg# [REDACTED])

I contacted Inmate [REDACTED] reference being a possible witness to the incident. Inmate [REDACTED] is housed in Module O, Sheltered Living, [REDACTED]. Inmate [REDACTED] stated he did not see or hear the incident.

Interview of Inmate [REDACTED] (Bkg# [REDACTED])

I contacted Inmate [REDACTED] reference being a possible witness to the incident. Inmate [REDACTED] is housed in Module O, Sheltered Living, [REDACTED]. Inmate [REDACTED] stated he did not see or hear the incident.

Supervisor Questions

- What were the actions that led to this Use of Force?

Inmate [REDACTED] refused to follow the deputy's directives and aggressively turned towards the deputy as he approached.

- Were the force options or weapons in this incident effective? **Yes**

- Were the force options or weapons utilized in this incident reasonable under Policy 300? **Yes**



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- Was relevant/necessary medical attention provided to department member(s) and the use of force subject(s)? **Yes**
- Was a supervisor notified of the use of force as required by department policy? **Yes**
- Was proper use of video and/or audio recording technology used in this force incident? **Yes**

- Were any training issues identified? (Examples include: officer safety, tactical communication, or de-escalation techniques) **Yes**

The training issues identified are proper use of the handheld camera, tactics, officer safety and de-escalation techniques.

- Were any other policy violations identified (examples: professionalism, violation of pursuit policy, standard of contact, use of profanity, pvs)? **Yes**

Department Policy 1715.1 - Handheld Camera

Department Policy 300.3.2 - Voluntary Compliance

Departmental Reviews

Involved Employees

Employee Name	Sgt. Recommendation	Lt. Recommendation	Cpt. Determination
THOMAS THORNTON	Training or corrective action addressed	Refer to Command Staff for Investigation	Pending
			Pending
			Pending
	Pending	Pending	Pending
	Pending	Pending	Pending
	Pending	Pending	Pending
	Pending	Pending	Pending
	Pending	Pending	Pending
	Pending	Pending	Pending
	Pending	Pending	Pending

Sergeant's Conclusions

All actions taken against Inmate [REDACTED] were objectively reasonable given the situation and within department policy. Although the Use of Force was objectively reasonable and within department policy, I have identified several training issues. There were also several inconsistencies in Inmate [REDACTED] statements and the witness statements and video corroborated the



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deputies' reports.

During my review of the video of this incident, I noticed Deputy Thornton using poor tactics/officer safety. On multiple occasions Deputy Thornton and Inmate [REDACTED] are engaged in what appears to be verbal exchange and on one occasion, Deputy Thornton can be seen using hand gestures to emphasize his directives. During these interactions, I observed Deputy Thornton turn his back to Inmate [REDACTED] and then approach him and speak with him while standing only a couple inches away from [REDACTED]. As Deputy Thornton opened Inmate [REDACTED] cell door, Deputy Thornton places himself in front of the cell door instead of standing behind it to give himself an additional barrier with an agitated inmate. As Inmate [REDACTED] approaches Deputy Thornton, I can see both are engaged in a verbal exchange and it continues as Inmate [REDACTED] enters his cell. By Deputy Thornton standing in front of the cell door, Inmate [REDACTED] had no alternative but to closely approach Deputy Thornton to return to his cell as directed.

It is my opinion, this Use of Force could have possibly been prevented if Deputy Thornton would have handcuffed Inmate [REDACTED] after the first verbal exchange and escorted him to the Second Floor Detention bench for further observation. I recognize this inmate is partially handicapped and a certain additional level of consideration is given, but if handcuffed and escorted to the detention bench, this would have allowed for a supervisor to respond and assist in resolving this incident. Secondly, when Deputy Thornton opened the cell door and placed himself in the doorway, he unnecessarily allowed an agitated inmate to get too close to him, resulting in a Use of Force.

Although the entire incident and escort occurred in an area covered by fixed video, the deputies had the opportunity to retrieve the handheld video camera while waiting for Deputy Sarabia to arrive with the wheelchair. This hindered the ability to more thoroughly document the post Use of Force incident.

Sergeant's Recommendation

Based on Deputies Thornton, Schenewerk and Lange's reports, Registered Nurse [REDACTED], Inmate [REDACTED] and Inmate [REDACTED] statements and video footage of the incident, I determined this use of force involving the above mentioned inmate was objectively reasonable but recommend the following:

Training:

I conducted informal training / review of department policy 1715.1 – Handheld Camera with Deputies [REDACTED] and Thornton. I recommend Deputy Thornton receive additional training on Tactics, Officer Safety and De-escalation Techniques.

Managerial Review

Were all witness statements memorialized in the Supervisory Analysis of this use of force incident? **Yes**

Was the use of force subject interviewed and the statements memorialized in the Supervisory Analysis of this use of force incident? **Yes**

Are there any areas of training to be addressed? If yes, what are they? Corrected Actions taken? **Yes**



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I reviewed the available video, the reports of the deputies involved and Sergeant Vollmer's use of force investigation to form my opinion. I concur with Sgt. Vollmer's conclusion regarding additional training regarding the use of the handheld camera. I also concur with Sgt. Vollmer's opinion regarding the need for additional training for Dep. Thornton on Tactics, Officer Safety and De escalation Techniques. This training should coincide with any other department action.

Are there any areas of liability or risk management concerns associated with this use of force event? If yes, what are they? **No**

This use of force was subject to automatic review due to one or more of the following reasons:

- Use of Force required admission to a hospital for medical treatment **No**
- Arrests for PC 148, with no additional charges **No**
- Use of carotid restraint **No**
- Ineffective use of ECD where additional force is necessary **No**
- Multiple deployments (drive stun, multiple cycles, more than one cartridge used) of the ECD **No**
- Use of less lethal munitions (40mm, 12 gauge super sock "bean bag") with no response from Homicide **No**
- Use of Force on subjects not involved in the original investigation (witnesses, passengers, etc.) **No**
- Use of Force on subjects released at the scene (includes cite and releases) **No**

Lt. Conclusions / Recommendations

Based upon the deputies reports, the video surveillance and Sergeant Vollmer's use of force investigation, I recommend Deputy Thornton's actions in this use of force be referred to Command Staff for Investigation. (See attached Internal Memo) Based upon my review, I believe Deputies [REDACTED] and [REDACTED] were forced to become involved in a use of force as a result of Deputy Thornton's actions. As experienced custody deputies, I would encourage Deputies [REDACTED] and [REDACTED] to intervene during similar situations. I believe allowing Sgt. Vollmer to speak with Deputies [REDACTED] and [REDACTED] regarding future expectations would be an appropriate corrective action.

Case #	ORANGE COUNTY SHERIFF'S DEPARTMENT	POBOR DEADLINE
17-085		6/13/2018

PERSONNEL INVESTIGATION TRACKING CHECKLIST

The investigation for the above-referenced case is now complete and ready for assessment.

Distributed by PSD to Central Men's Jail 10/20/2017
DIVISION DATE

Within your Division, please assess the file from the perspective of individual accountability as well as training, policy, and systems issues.

* PSD supervisors have reviewed the case. You should consider them a potential resource for a variety of questions and concerns as you proceed.

DIVISION TRACKING

Initial Review by: LT. B. BENSON 7/23/17
LIEUTENANT OR MANAGER DATE

DIVISION REVIEW

Division Review by: Captain D. Sawyer CAPTAIN C. COPPOCK 10/24/17
DIVISION COMMANDER DATE

☐ Disposition is *Unfounded* or *Not Sustained* or *Exonerated* (Please circle a response if applicable)

or

☒ Disposition within Division Authority (Written Reprimand - 24 Hours)

or

☐ Recommended discipline exceeds Division Authority; Referred to: _____
COMMAND

CONSTITUTIONAL POLICING ADVISOR REVIEW (If applicable) NEW!

If the recommended discipline exposure is a suspension of 24 hours or greater, please consult with the Constitutional Policing Advisor (CPA) Mary Izadi at (714) 647-6136. The CPA is available to discuss any and all cases regardless of the discipline exposure.

☐ YES, Constitutional Policing Advisor was consulted. _____
CONSULTED BY / DATE

☐ NO, Constitutional Policing Advisor was not consulted (N/A)

EXECUTIVE COMMAND REVIEW (If applicable)

Executive Command Review by: _____ DATE: _____

PROCESSING

Returned to PSD for processing: _____
DATE

Employee Notification: _____
DATE



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

P.I. #17-085

PUBLIC SAFETY OFFICER PROCEDURAL BILL OF RIGHTS (POBOR)

You are being advised that your rights are fully outlined in the Public Safety Officers Procedural Bill of Rights Act, Government Code 3300-3311. Your rights include:

- 3303(b) You have the right to know who will be conducting the interview
- 3303(c) You have the right to know the nature of the investigation prior to the interview
- 3303(i) You have the right to have a representative of your choice present during the interview
- 3303(g) You have the right to record this interview with your own recorder
- 3303(g) Should it become necessary to interview you a second time reference this investigation, a copy of this interview will be made available to you prior to the second interview.

I have read and acknowledged the above advisement. I fully understand the above listed rights will be afforded me during this interview.

T. THORNTON #9746
Dep. T. Thornton #9746

10-5-17
Date

C. TAYLOR
Sergeant C. Taylor #4521

10-5-17
Date

320 N. FLOWER STREET, SANTA ANA, CA 92703 (714) 834-5100

*Integrity without compromise. Service above self. Professionalism in the performance of duty.
Vigilance in safeguarding our community*



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

P.I. #17-085

MIRANDA WARNING / LYBARGER ADMONISHMENT

Due to the nature of this administrative investigation, Government Code Section 3303(h) requires me to advise you of your rights. Therefore it is important that you understand that criminally:

- You have the right to remain silent. (Do you understand?)
- Anything you say may be used against you in court. (Do you understand?)
- You have the right to an attorney before and during any questioning. (Do you understand?)
- If you cannot afford an attorney, one will be appointed for you before questioning. (Do you understand?)

MIRANDA WAIVER

Waiver: With these rights in mind, would you like to speak to me? YES

NO

I have read and acknowledge the above admonition and fully understand my Constitutional/Miranda Rights.

Employee Initials (THT)

LYBARGER WARNING

Thomas Thornton, because you have chosen to invoke your rights under Miranda, and according to the Lybarger v- Los Angeles decision, I must advise you that the interview at this point will be administrative, and no part of this interview or information that is derived from this interview may be used in a criminal investigation. However, at the same time, since this is administrative, I must remind you that you must answer the questions and, should you refuse to answer any of the questions, that at some future date you may be charged with insubordination.

I have read and acknowledged the above Lybarger warning. I fully understand I am being compelled to answer any and all questions. Any refusal to do so will be considered insubordination, resulting in discipline up to and including termination.

Employee Initials (THT)

T THORNTON #9746
Dep. T. Thornton #9746

11-5-17
Date

C. TAYLOR #4521
Sergeant Chad Taylor

10-5-17
Date

320 N. FLOWER STREET, SANTA ANA, CA 92703 (714) 834 6100

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CONFIDENTIALITY DIRECTIVE

Thomas Thornton, you are hereby ordered not to discuss this case (or any case in which you are a witness or a principal), using any form of communication, with anyone other than your employee representative, Internal Affairs Sergeants or specific parties that may be designated by Internal Affairs.

For the purpose of this directive, the Internal Affairs Sergeant presenting this directive is your superior officer. Any violation of this directive may be considered a violation of Orange County Sheriff Coroner Department Policy 1018.4 and subject you to possible discipline, up to and including dismissal.

OCSD Policy 1018.4 Insubordination

Members shall not be insubordinate. Intentional failure or refusal by any member of the department to obey a lawful order given by a superior officer shall be insubordination.

I have read and acknowledged the above admonition. I fully understand that I am required to make full, complete and truthful statements. Any refusal to do so will be considered insubordination, resulting in discipline up to and including termination.

T. Thornton #9746
Dep. T. Thornton #9746

10-5-17
Date

C. Taylor #4521
Sergeant Chad Taylor

10-5-17
Date

CASE MANAGEMENT NOTES

CASE # 17-085

[illegible]



Case Report by Principal - THOMAS H. THORNTON

Print Date: 8/10/2017

<u>Case Number</u>	<u>Incident Date</u>	<u>Issue Date</u>	<u>Complete Date</u>	<u>Complaint Description</u>	<u>Disposition</u>
PI17-085 A	6/13/2017	08/10/2017		Deputy allegedly did not notify a Sergeant when dealing with an agitated inmate which escalated into a use of force.	Pending
PI16-122 A	8/22/2016	10/11/2016	8/2/2017	Deputy allegedly failed to follow safety procedures which may have avoided the use of force incident.	Sustained

Total Cases per Principal: ■

100

Approved Date:

Print

LAST	COMM	COMP	TC	WC	IA	RMB	DOF
------	------	------	----	----	----	-----	-----

	Cat	Date	RefNo	Description
▼ IA	Total:	1		
▼ STC	Total:	6		
▼ AOT	Total:	3		

Perishables/Mandatory	Status
PSP Firearms	Custody / Waived
PSP ACT	Custody / Waived
PSP Tact comm	Custody / Waived
PSP Driving	Custody / Waived
CPR	Expires by 4/21/2018

The screenshot shows a software window titled 'Disputed History'. It has two tabs: 'Disputed History' and 'Thresholds'. The 'Disputed History' tab is active, displaying a table with three columns: 'Disp. Date', 'Date', and 'Type'. The table is currently empty.

Report Missing Items