

**Internal Investigation
Administrative Worksheet
PI# 18-177**

Principal: Deputy Kristen Reyes

Complainant(s): Administration

Facility/Location: Intake Release Center

Disposition:

1. OCSD Policy Manual Section 1018.33 - Incurring Liability

☐ Unfounded / ☐ Not Involved / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

2. OCSD Policy Manual Section 1018.5 - Performance of Duty

☐ Unfounded / ☐ Not Involved / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

3. OCSD Policy Manual Section 300.2- Use of Force

☐ Unfounded / ☐ Not Involved / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

4. OCSD Policy Manual Section 300.6- Use of Force Post Procedures

☐ Unfounded / ☐ Not Involved / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

5. OCSD Policy Manual Section 300.8- Immediate Notification to Supervisor

☐ Unfounded / ☐ Not Involved / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

Discipline: ☐ Administrative Leave ☐ Written Reprimand

☒ Suspension (# of hours 80) ☐ Demotion (to rank of _____) ☐ Dismissal

Comments / Other: 40 HRS HELD IN ADEYANCE, ATTEND 8 HRS
USE OF FORCE TRAINING. Comd A 82 8-26-19

Administrative Disposition by: Capt Ramirez **Date:** 7-11-2019

Administrative Appeal Hearing

Date: 9/28/19

Time: 1100

In Attendance: Comm Park - Sgt Weismann/Kennedy, Det Reyes, Jannina Suarez

Comments: NO NEW INFORMATION PROVIDED

Disposition: DISCIPLINE REMAINS SAME

Disposition by: J. Park

Date: 10/2/19



ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

NOTICE OF SUSPENSION

Personnel Investigation 18-177

KRISTEN REYES
INTAKE RELEASE CENTER
CUSTODY OPERATIONS

You are hereby notified that the Orange County Sheriff-Coroner Department ("Department") is suspending you without pay from your position of Deputy Sheriff I for a period of twenty (20) working hours. Your suspension shall be served in its entirety over consecutive days and will be completed within one pay period. Additionally, the Department intends to assign you to an eight (8) hour "Use of Force" course to be determined by the Intake Release Center Division Commander. This course will be assigned within the next twelve (12) months. Pursuant to Article X, Section 3, of the County of Orange Memorandum of Understanding for the Peace Officer Unit, and the Orange County Sheriff's Department Policy Manual 340.2 (a) 2, you will be suspended for violating the following:

1. OCSD POLICY SECTION 1018.33 - INCURRING LIABILITY

Members shall exercise extreme caution and good judgment to avoid occurrences that might give rise to liability chargeable against the department, the Sheriff-Coroner, or the County.

2. OCSD POLICY SECTION 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.

3. OCSD POLICY SECTION 300.2 - USE OF FORCE

It is the policy of this department that deputies shall use only that amount of force that appears objectively reasonable, given the facts and circumstances perceived by the deputy at the time of the event, to effectively bring an incident under control.

4. OCSD POLICY SECTION 300.6 - USE OF FORCE POST PROCEDURES

Any use of force by a member of this department shall be documented by that member promptly, completely, and accurately in an appropriate report depending on the nature of the incident.

5. OCSD POLICY SECTION 300.8 - IMMEDIATE NOTIFICATION TO SUPERVISOR

Supervisory notification shall be made as soon as reasonably possible following a use of force.

In the letter entitled "Notice of Pending Suspension" you were provided, the specifics of the above listed violations.

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.

You have the right to appeal, pursuant to Article X, Section 3C and Article XI, Sections 7 & 8 of the Memorandum of Understanding, County of Orange and the Association of Orange County Deputy Sheriff's for the Peace Officer and Supervising Peace Officer Unit.

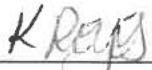
Your suspension is effective as of the date signed below and will be scheduled within thirty (30) days of that date. The specific dates and times of your suspension will be coordinated by Internal Affairs and your division. Do not schedule yourself for any time off without the express permission of Internal Affairs and the administrative staff of your division.



Martin Ramirez, Captain

MAR 04 2020

Date



Kristen Reyes, Deputy Sheriff I

MAR 04 2020

Date

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is made and entered into by and between the County of Orange ("County"), including the Orange County Sheriff's Department ("OCSD" or "Department"), the Association of Orange County Deputy Sheriffs ("AOCDS"), and Kristen Reyes ("Ms. Reyes"); (collectively, "the Parties"), who agree to resolve all disputes related to the October 2019 Notice of Suspension ("suspension"):

1. The County agrees to pay Ms. Reyes a one-time lump sum payment in the gross amount of \$1,127.18, equal to twenty (20) hours of base pay, P.O.S.T. pay, Bilingual pay, and Night Shift pay, subject to all applicable employment taxes and deductions, including retirement. The County has made no representation to Ms. Reyes regarding the tax consequences of receiving this payment.
2. Ms. Reyes agrees to withdraw her grievance resulting from the suspension ("Grievance"). Ms. Reyes understands and agrees that she is waiving any and all appeal rights that she may be entitled to under the Peace Officer Unit and Supervising Peace Officer Unit Memorandum of Understanding (MOU) between the County and AOCDS which is the subject of the Grievance.
3. The Notice of Suspension shall be amended to reflect a 20 hour suspension, even though a 40 hour suspension with an additional 40 hours held in abeyance was originally issued. This is done in consideration for Mr. Reyes and AOCDS withdrawing the grievance and waiving all rights to a demand for arbitration, legal, and contractual claims related to the suspension.
4. The County and OCSD agree to remove the original Notice of Suspension from Mr. Reyes's County personnel file and replace it with a new Notice of Suspension, with the changes detailed in part 3, above.
5. The Parties agree that this Agreement shall not serve as precedent for any other grievance, dispute, lawsuit or appeal, excepting the dispute resolved by this Agreement.
6. This Agreement represents a full and complete settlement of the matter involving Ms. Reyes' disciplinary suspension. Ms. Reyes agrees that no further grievance, claim, dispute, unfair practice charge, litigation or appeal will be filed regarding these matters. Ms. Reyes has entered into this Agreement knowingly and freely after being advised by her representative as to its meaning.
7. The Parties understand and agree that no change to or modification of this Settlement Agreement shall be valid or binding unless it is in writing and signed by Ms. Reyes, her representative, and a duly authorized officer of the County or OCSD.
8. The Parties agree that this Agreement shall have the same force and effect as the award of an arbitrator in a binding arbitration conducted pursuant to the Memorandum of Understanding between AOCDS and the County.

9. Ms. Reyes hereby releases and agrees and promises not to sue OCSD, the County of Orange, its agents, employees and officers, individually and collectively, in any capacity whatsoever, including individually or officially, and all other persons, firms or corporations who might be claimed to be liable, none of whom admit any liability and all of whom expressly deny any liability, from any and all claims, demands, actions, or suits of any kind, including but not limited to claims for back pay or other compensation, by reason of, or resulting from, any action taken or not taken by any said persons or entities during, arising out of, or in any way related to her suspension and Settlement Agreement between the Parties.

10. Excepting only workers' compensation claims, it is understood and agreed that this is a full and final release applied not only to all claims as defined in the above paragraph that are presently known, anticipated or disclosed to the parties, but also to all claims as defined in the above paragraph, even to the extent that any such claims are presently unknown, unanticipated, and undisclosed to the parties. Accordingly, the County and Ms. Reyes hereby waive any and all rights and benefits that they may now have, or may have in the future pursuant to California Civil Code section 1542, which reads as follows:

a. A general release does not extend to claims which the creditor does not know or suspect to exist in her favor at the time of executing the release, which if known by her or she must have materially affected her settlement with the debtor.

11. It is understood and agreed that this is a compromise settlement of a disputed claim, or disputed claims, and that the furnishing of consideration pursuant to this Agreement shall not be deemed or construed at any time or for any purpose as an admission of liability by any party to this Agreement.

12. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision. If any term, covenant, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

13. This Settlement Agreement may be executed on separate signature pages. Signature pages served by facsimile or electronic mail will be considered validly executed.

County of Orange:

Employee:

Tom Hatch

Tom Hatch,
Chief Human Resources Officer

Kristen Reyes

Kristen Reyes, Employee

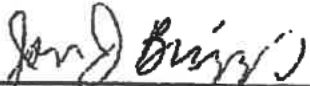
Date

12/23/19

Date

12-20-19

CF
12/23/19


Jon Briggs, Assistant Sheriff
Orange County Sheriff's Department
12-19-19
Date


Paul Bartlett
Executive Director, AOCDS
12/20/19
Date


Samantha Swanson
AOCDS Representative
12/20/19
Date



ORANGE COUNTY SHERIFF'S DEPARTMENT

PROFESSIONAL STANDARDS DIVISION NOTICE OF SUSPENSION



Confidential

To: Assistant Sheriff Jon Briggs
Assistant Sheriff Bill Baker

From: Sergeant Ehren Weidenkeller

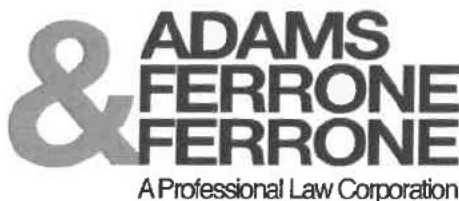
Date: October 18, 2019

P.I. File #: 18-177

Please be advised, Deputy Kristen Reyes (Employee ID [REDACTED]) will be suspended from duty without pay for a period of twenty (20) working hours for disciplinary reasons. The suspension will be served as follows:

Wednesday, October 30, 2019	1300-1830	(5.5 hours)
Sunday, November 3, 2019	0600-1830	(11.5 hours)
Monday, November 4, 2019	0600-0900	(3 hours)
Total:		20 hours

cc: Commander Jason Park
Commander Joe Balicki
Captain Jason Danks
Captain Martin Ramirez
Lieutenant Dawn Haag
Lieutenant James Peak
Recruiting Manager – Vicki Pirooz
Sheriff's Payroll – Diane Ramos
Sheriff's Payroll – Doris De La Cruz
PSD – Richard Sanchez, HR Records Team
PSD – Josie McMurray, Employee Services Manager
PSD – Juana Fierro, Position Control



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Mark J. Peacock*
Of Counsel

September 3, 2019

Sergeant AJ Patella
Professional Standards Division/Internal Affairs Bureau
Orange County Sheriff's Department
320 N. Flower Street,
Santa Ana, CA 92703
Sent via Email & First Class Mail: ajpatella@ocsd.org

RE: Appeal of Notice of Pending Suspension

Dear Sgt. Patella,

Pursuant to Skelly v. State Personnel Board (1975) 15 Cal.3d 194, Deputy Kristin Reyes hereby appeals the above-referenced document received on September 3, 2019. Please let this correspondence represent Deputy Reyes' formal request for a Due Process Review (Skelly Meeting).

Please also let this correspondence represent Deputy Reyes' formal request for copies of the complete investigation and all documents pertaining to the investigation. Further Deputy Reyes requests copies of all documents upon which the department has relied upon to support the intended disciplinary action. Included in this request is a separate for all the audio recordings of those persons interviewed for the purpose of this investigation, all transcripts of those interviews, any complaint forms or citizen complaints, all notes and memorandums drafted or taken for the purpose of the investigation and any other documents or materials which are part of the investigation or were used to determine the recommended discipline.

Please contact my office in order to schedule a mutually agreeable date and time to conduct the hearing. If this notice is insufficient in any way, immediately notify me as to the reason.

Sincerely,

//s//

Samantha M. Swanson Esq.
Adams, Ferrone and Ferrone

CC: Frank Flavin, AOCDS Legal representative (Via Email Only: frank@aocds.org)
Julie Cramer, AOCDS Legal representative (Via Email Only: julie@aocds.org)



ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

NOTICE OF SUSPENSION

Personnel Investigation 18-177

KRISTEN REYES
INTAKE RELEASE CENTER
CUSTODY OPERATIONS

You are hereby notified that the Orange County Sheriff-Coroner Department ("Department") is suspending you without pay from your position of Deputy Sheriff I for a period of forty (40) working hours with an additional forty (40) working hours held in abeyance. Your suspension shall be served in its entirety over consecutive days and will be completed within one pay period. Additionally, the Department intends to assign you to an eight (8) hour "Use of Force" course to be determined by the Intake Release Center Division Commander. This course will be assigned within the next twelve (12) months. Pursuant to Article X, Section 3, of the County of Orange Memorandum of Understanding for the Peace Officer Unit, and the Orange County Sheriff's Department Policy Manual 340.2 (a) 2, you will be suspended for violating the following:

1. OCSD POLICY SECTION 1018.33 - INCURRING LIABILITY

Members shall exercise extreme caution and good judgment to avoid occurrences that might give rise to liability chargeable against the department, the Sheriff-Coroner, or the County.

2. OCSD POLICY SECTION 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.

3. OCSD POLICY SECTION 300.2 - USE OF FORCE

It is the policy of this department that deputies shall use only that amount of force that appears objectively reasonable, given the facts and circumstances perceived by the deputy at the time of the event, to effectively bring an incident under control.

4. OCSD POLICY SECTION 300.6 - USE OF FORCE POST PROCEDURES

Any use of force by a member of this department shall be documented by that member promptly, completely, and accurately in an appropriate report depending on the nature of the incident.

5. OCSD POLICY SECTION 300.8 - IMMEDIATE NOTIFICATION TO SUPERVISOR

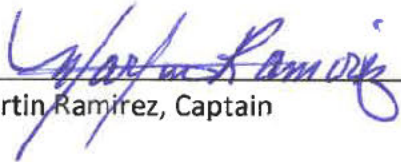
Supervisory notification shall be made as soon as reasonably possible following a use of force.

In the letter entitled "Notice of Pending Suspension" you were provided, the specifics of the above listed violations. In addition, you were provided your right to request a Due Process Review (Skelly Meeting) of this matter, which you exercised. A Due Process Review was held with Commander Jason Park on September 30, 2019. Commander Park reviewed the facts in this case and decided to uphold the original suspension of forty (40) working hours with an additional forty (40) working hours held in abeyance. Additionally, the Department intends to assign you to an eight (8) hour "Use of Force" course to be determined by the Intake Release Center Division Commander.

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.

You have the right to appeal, pursuant to Article X, Section 3C and Article XI, Sections 7 & 8 of the Memorandum of Understanding, County of Orange and the Association of Orange County Deputy Sheriff's for the Peace Officer and Supervising Peace Officer Unit.

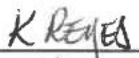
Your suspension is effective as of the date signed below and will be scheduled within thirty (30) days of that date. The specific dates and times of your suspension will be coordinated by Internal Affairs and your division. Do not schedule yourself for any time off without the express permission of Internal Affairs and the administrative staff of your division.



Martin Ramirez, Captain

OCT 15 2019

Date



Kristen Reyes, Deputy Sheriff I

10-15-19

Date



ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

NOTICE OF PENDING SUSPENSION

Personnel Investigation #18-177

KRISTEN REYES
CUSTODY OPERATIONS
INTAKE RELEASE CENTER

You are hereby notified that the Orange County Sheriff-Coroner Department ("OCSD") intends to suspend you without pay from your position as a Deputy Sheriff I, for a period of forty (40) working hours with an additional forty (40) working hours held in abeyance. The forty (40) hours held in abeyance will be reinstated and served if you have any sustained misconduct allegations within three years from the date of this Notice. Your initial forty (40) hour suspension shall be served in its entirety over consecutive days and will be completed within one pay period. You will also be required to complete eight (8) hours of Use of Force training within one year of this Notice. Pursuant to Article X, Section 3, of the County of Orange Memorandum of Understanding for the Peace Officer Unit, and the Orange County Sheriff's Department Policy Manual 340.2 (a) 2, you will be suspended for violating the following policies:

1. OCSD POLICY SECTION 1018.33 - INCURRING LIABILITY

Members shall exercise extreme caution and good judgment to avoid occurrences that might give rise to liability chargeable against the department, the Sheriff-Coroner, or the County.

2. OCSD POLICY SECTION 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.

3. OCSD POLICY SECTION 300.2 - USE OF FORCE

It is the policy of this department that deputies shall use only that amount of force that appears objectively reasonable, given the facts and circumstances perceived by the deputy at the time of the event, to effectively bring an incident under control.

4. OCSD POLICY SECTION 300.6 - USE OF FORCE POST PROCEDURES

Any use of force by a member of this department shall be documented by that member promptly, completely, and accurately in an appropriate report depending on the nature of the incident.

5. OCSD POLICY SECTION 300.8 - IMMEDIATE NOTIFICATION TO SUPERVISOR

Supervisory notification shall be made as soon as reasonably possible following a use of force.

On October 29, 2018, at the direction of Commander Joe Balicki, Internal Affairs initiated a personnel investigation into your on-duty actions. It was alleged you used excessive force on an inmate and failed to document the incident or notify your supervisor as required by policy.

On October 8, 2018, you were assigned as the Module N Prowler at the Intake Release Center. After the afternoon Body Count, you directed an inmate to exit her cell to check on her well-being. You told investigators she was not following your directives and came out of the cell swinging her arms holding a cup of unknown liquid. The video, however, shows the inmate drinking from the cup and placing her free hand in her pocket as she walked out. It also appears she was walking in the direction you pointed for her to go.

You decided to grab the inmate from behind and place her in a control hold up against the wall/glass near the sector door until it could be opened. This is contradicted by the video that shows the door opening ten feet before you and the inmate arrived. After grabbing the inmate, you stated your momentum caused the inmate to hit the glass harder than expected. While this may have not been your intention, it was a use of force.

Following the incident, you did not notify your supervisor or document the incident as required. The Department only learned of the incident from an anonymous inmate grievance a day later. You admitted you did not believe it was a use of force at the time, but now recognize a report should have been written.

As a member of the Orange County Sheriff's Department, you have an unyielding responsibility to continually conduct yourself professionally, honestly, and not bring public embarrassment or liability upon yourself, your Department, or its members.

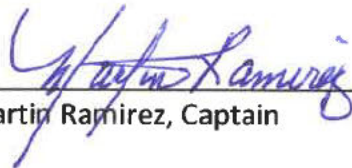
In addition to this "Notice of Pending Suspension," you are entitled to the documents that substantiate the decision to suspend you:

- Initial Action
- Investigative Summary
- Initiating Memos
- CD of Internal Affairs Interview/Sector Video

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. You are entitled to a due process review (Skelly Meeting) before discipline is imposed. You may respond in writing to Assistant Sheriff Jon Briggs within ten (10) calendar days of receipt of this notice, or you may request a meeting. If you choose a meeting, you must notify Internal Affairs Sergeant Ehren Weidenkeller within ten (10) calendar days of receipt of this notice and a meeting will be arranged for a later date.

If you do not provide a written response or request a meeting by 1700 hours on the tenth calendar day following your receipt of this notice, it will be assumed you have waived your right to be heard. If you do respond, consideration will be given to your response prior to taking any proposed action on this proposal for suspension. You are entitled to represent yourself or may be represented by the Association of Orange County Deputy Sheriffs ("AOCDS") pursuant to the Memorandum of Understanding between the County of Orange and AOCDS in any pre-disciplinary meeting you may request.

If this proposed action becomes final, you have the right to appeal, pursuant to Article X, Section 3C and Article XI, Sections 7 and 8 of the Memorandum of Understanding, County of Orange and the Association of Orange County Deputy Sheriff's for the Peace Officer and Supervising Peace Officer Unit.



Martin Ramirez, Captain

SEP 02 2019

Date



Kristen Reyes, Deputy Sheriff

SEP 02 2019

Date

ORANGE COUNTY SHERIFF'S DEPARTMENT

INTERNAL MEMO

To: Commander J. Balicki
From: Captain M. Ramirez *MR*
Date: August 9, 2019
RE: Discipline Recommendation-Personnel Investigation #18-177



I have reviewed the above mentioned Personnel Investigation involving Deputy Kristen Reyes for the following violations:

1018.33 Incurring Liability

1018.5 Performance of Duty

300.2 Use of Force

300.6 Use of Force Post Procedures

300.8 Immediate Notification of Supervisor

I have determined there is sufficient evidence so Sustain all of the allegations.

I recommend that Deputy Reyes be suspended from duty for 34.5 hours (3 days on a 12 hour schedule).

This recommendation exceeds the Divisional Authority and is being forward to Executive Command for review.

- Inmate came “barreling” out
 - Video contradicts an inmate who came “barreling” out. Reyes opened the door, and stood to the side so the inmate could come out. Reyes also points in the direction she wants the inmate to come out and the inmate heads in that direction. There is no indication or reaction from Reyes on the video to indicate the inmate came “barreling” out
- Swinging arms
- Wouldn't put hands in pockets
 - The inmate put one of her hands in her pocket as she was walking, she was holding the cup with her other hand
- Could be urine, coffee or something she could use against me
 - The inmate actually started drinking from the cup as soon as she came out, and was drinking from it as she walked
- She could try to run
 - There is no indication on the video to show the inmate had any intent to run. She was walking in the direction Reyes had pointed
- Not resistant
- Passive aggressive
 - But wasn't saying anything
 - Knew she had mental issues
- Confused
- To pull her away
 - From what?
- Didn't know if CSA was watching
 - But didn't make a call
- Place her on the wall
 - There was no need to place her on the wall, the door had popped open before they arrived to the door. The door was opened by at least 10 feet before Reyes placed hands on the inmate
- Intent/momentum/adrenaline
 - Based on the video, I see the intent to place her on the wall
- “wasn't necessarily being uncooperative” just out of it
- Pulled her out to assess her, she's not very coordinated
- I needed to assess her.
 - An assessment was not made in 3 hours?
 - Medical and mental was not called to make an assessment
 - Said inmate stated she was ready to go back,
 - She didn't comprehend what was going on
 - But again did not call mental health for an assessment
 - Said didn't have time to call mental health

- Didn't use the roof cause they can wander around and hide
 - She knows the rules, she just tests your patience once in a while
 - **My observation is there was no momentum into the glass wall. There was actually a pullback followed by push into the wall using body weight**
 - **My observation is that Reyes didn't simply grabbed the inmate, but lunged at her from behind**
 - **Why did she need to be pulled out for an assessment? The inmate could have stayed in the cell until mental health or medical was called for an assessment**
-

Post-incident

- Lt. Cataline briefed on unreported UOF
- I was placed on the floor
- Lt. Main advised on work restriction and PI notification and advised what restrictions were
- She figured out what the PI was about
- Got email on the (29th).

Capt Ramirez's Notes

Case #	ORANGE COUNTY SHERIFF'S DEPARTMENT	POBOR DEADLINE
18-177		10-9-19

PERSONNEL INVESTIGATION TRACKING CHECKLIST

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

Distributed by PSD to IPC 6-27-19
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: _____
LIEUTENANT OR MANAGER DATE

DIVISION REVIEW

Division Review by: CPT RAMIREZ JUN 28 2019
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

☒ Exceeds Division Authority; memo with recommendations forwarded to: COMMANDER BALICKY
COMMAND

CONSTITUTIONAL POLICING ADVISOR REVIEW (MANDATORY)

Constitutional Policing Advisor (CPA) Mary Izadi at (714) 647-1842. The CPA is available to discuss any and all cases regardless of the discipline exposure.

CPT RAMIREZ 7-10-2019
CONSULTED BY / DATE

EXECUTIVE COMMAND REVIEW (If applicable)

Executive Command Review by: _____ DATE: _____

PROCESSING

Returned to PSD for processing: _____
DATE

Employee Notification: _____
DATE

ORANGE COUNTY SHERIFF'S DEPARTMENT

INTERNAL MEMO



To: Lieutenant Dawn Haag
From: Lieutenant Vanessa Anderson
Date: June 14, 2019
RE: Personnel Investigation #18-177

Complainant: Administration

Employee: Deputy Kristen Reyes

Incident Location: Intake Release Center

Incident Date: October 8, 2018

Allegation(s):	1. OCSD POLICY SECTION 1018.33	INCURRING LIABILITY
	2. OCSD POLICY SECTION 1018.5	PERFORMANCE OF DUTY
	3. OCSD POLICY SECTION 300.2	USE OF FORCE POLICY
	4. OCSD POLICY SECTION 300.6	USE OF FORCE POST PROCEDURES
	5. OCSD POLICY SECTION 300.8	IMMEDIATE NOTIFICATION TO SUPERVISOR

1. OCSD POLICY SECTION 1018.33 - INCURRING LIABILITY

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5. OCSD POLICY SECTION 300.8 - IMMEDIATE NOTIFICATION TO SUPERVISOR

Supervisory notification shall be made as soon as reasonably possible following a use of force.

INITIAL ACTION

On October 29, 2018, at the direction of Commander Joe Balicki, Internal Affairs initiated a personnel investigation into the on duty actions of Deputy Kristen Reyes. It is alleged that Deputy Reyes used excessive force when trying to control an uncooperative inmate and failed to notify her supervisor and document in a Use of Force report.

MEMORANDUMS INITIATING THE INTERNAL AFFAIRS INVESTIGATION

COPY OF MEMO FROM CAPTAIN J. DAHL TO COMMANDER J. BALICKI

ORANGE COUNTY SHERIFF'S DEPARTMENT INTERNAL MEMO



TO: Commander J. Balicki
FROM: Captain J. Dahl
DATE: October 12, 2018
RE: Request Further Investigation

On Wednesday, October 10, 2018, I received a memo from Lieutenant E. Nester identifying a possible unreported use of force. Based on his memo an anonymous inmate housed in the IRC Module N turned in a grievance on October 9, 2018, stating she witnessed Deputy Kristen Reyes #01130 use force against another inmate on Monday, October 8, 2018. Per the grievance Deputy Reyes was conducting an inmate count (14:15-14:45) in the module when she removed inmate [REDACTED] from her cell (N-29-[REDACTED]). Per Lieutenant Nester's memo, the allegations are that Deputy Reyes used force against [REDACTED] by smashing her face against a glass window as she walked her out of the housing sector, causing an injury to her chin, then walked her to a visiting booth in the module where she left her locked inside for over 3 hours.

Lieutenant Nester checked for, but was not able to locate, any reports or entries on any of the IRC logs showing the incident was reported. He also reviewed the video, which appeared to confirm the allegations (October 8, 2018, 14:41 hrs). [REDACTED] was then removed from her housing unit and taken to see medical staff to check for any injuries. She was identified as having a visible bruise on the right side of her chin, which was consistent with the video and grievance. This action was documented on Follow-Up Report 18-040566 / IR100918-2045.

I received the original grievance as part of Lieutenant Nester's memo. I had Administration Sergeant K. Webster enter the grievance into the grievance database and assign it to Lieutenant Nester as a personnel complaint. He also located and spoke with the anonymous inmate based on a name provided by Lieutenant Nester, and asked [REDACTED] about the incident. This information is documented on the attached memo from Sergeant Webster.

Because this occurred on the shift previous to Lieutenant Nester's, I contacted Lieutenant M. Cataline and Sergeant M. Woodroof, whose shift it occurred on. They both confirmed they were unaware of any force being used in Module N that afternoon.

I had the Module N video for the time indicated on Lieutenant Nester's memo pulled and placed on a CD. I reviewed the CD and confirmed Deputy Reyes used what I believe to be force on an inmate by forcefully pushing her against the housing sector glass window. The deputy was walking away from Deputy Reyes at the time. Deputy [REDACTED] was also assigned to the Module N housing unit at that time, but does not appear in the video until Reyes walked [REDACTED] to the stairwell leading to the visiting booths. [REDACTED] does appear to fall on the stairs as both deputies push her up the stairs with her arms behind her back and somewhat raised. [REDACTED] is then placed in a locked visiting booth for several hours before she is allowed to return to her cell. It appears [REDACTED] was fed during this time.

I am recommending this case be sent to Internal Investigations for review and additional investigation with consideration of the following policy violations:

- 300.2 Reasonable Force.
- 300.6 Post Use of Force Procedures requiring the writing of a report.
- 300.7 Notification to a supervisor stating any employee involved in or who witnesses a use of force shall notify a supervisor as soon as practical.

Attachments:

- Lieutenant E. Nester's memo
- Sergeant K. Webster's follow up memo
- Initial grievance from the inmate
- Information report from Deputy Schuler
- Pictures of smudges on the sector window
- CD containing video
- IRC Watch List for October 8, 2018, shift I, Module N highlighted

I CONCUR
REFER TO
I.A.

A handwritten signature in blue ink, appearing to be "J. A. B.", written over a horizontal line.

**ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO**



TO: Captain Dahl
FROM: Lieutenant E. Nester
DATE: 10-10-18
RE: Unreported Use of Force Investigation

Captain Dahl,

On 10-09-18, we received an anonymous grievance from an inmate later believed to be: [REDACTED] (Module N-29-[REDACTED])-(Next Court Date: [REDACTED]) indicating that earlier on Shift 1A, Deputy K. Reyes had shoved inmate: [REDACTED] (Module N-29-[REDACTED])-(Sentence Ending Date: 11-21-18) into the glass wall inside of sector 29.

I asked Sgt. Purser to check the video tape and we reviewed the Module N sector 29 video of the dayroom. At approximately 1441 hours on Monday 10-9-18, Deputy Reyes is seen conducting the physical body count in sector 29. Deputy Reyes, for some unknown reason, decided to remove inmate [REDACTED] from her cell (#11) and begins to walk her out of the dayroom. [REDACTED] (who may have some mental problems) is seen drinking out of a cup while being escorted out. Just prior to [REDACTED] getting to the dayroom door, Deputy Reyes is seen knocking the cup out of [REDACTED] hand and grabbing [REDACTED] arms behind her back and forcibly shoving [REDACTED] (face first) into the glass wall of sector 29 to the immediate left of the dayroom door (from inside the dayroom).

Deputy [REDACTED] came from the Module N Guard station area to assist Deputy Reyes in removing [REDACTED] from the sector 29 Indoor Rec area. Both deputies started to take [REDACTED] up the stairs (to the visiting area) when it appears that [REDACTED] may have stumbled or dropped to her knees at the bottom of the stairs. Deputies Reyes and [REDACTED] took [REDACTED] to the top of the stairs and may have "Chicken Winged" her in the process. [REDACTED] was then locked in the caged visiting booth # N-4 at about 1443 hours. [REDACTED] remained in the caged visiting booth until about 1750 hours (over 3 hours) when Deputy Reyes unlocked her and sent her back to her cell in sector 29.

Sgt. Purser was advised that inmate [REDACTED] had a fresh, purpleish colored bruise below her chin which was consistent with the video footage of the incident. Sgt. Purser had Deputy M. Schuler write a brief information report and asked him to take [REDACTED] to Correctional Medical Services for treatment. OC Identification was called to come out and take photos of inmate [REDACTED] injury. Information Report 18-040566 (Advance incomplete copy attached).

Based on the video footage of the incident, it did not appear that [REDACTED] had acted aggressively toward Deputy Reyes in any way which would prompt Deputy Reye's actions. Inmate [REDACTED] was not cuffed during the incident and it does not appear that she was searched prior to being locked down in the caged visiting cell. Also of major concern was the fact that no reports, log entries, or notifications to the Housing Sergeant were made reference this incident which appears to be a Use of Force.

I recommend that this incident be further investigated by Internal Affairs.

**ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO**



TO: Captain J. Dahl
FROM: Sergeant K. Webster
DATE: October 10, 2018
RE: Inmate [REDACTED] Grievance II#IR100918/2045

Captain,

Upon further investigation into the grievance received on 10-09-18, I interviewed the following inmates to determine the source of the grievance.

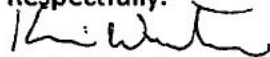
On 10-10-18, at about 0815 hours, I spoke with inmate [REDACTED] who is housed in N-29-[REDACTED]. [REDACTED] had a visible bruise on the right side of her chin and some marks on her left cheek. [REDACTED] was uncooperative and did not want to say how she received the marks on her face. [REDACTED] did finally say she got the marks from her cellmate [REDACTED].

On 10-10-18, at about 0825 hours, I spoke with inmate [REDACTED] who told me the following: [REDACTED] said during the afternoon count, [REDACTED] was lying down on her bunk. Deputy Reyes opened the door and there were two deputies who escorted her out of the sector who were "Chicken winging" [REDACTED]. [REDACTED] did not see how [REDACTED] sustained her facial injuries, but did say she did not have a bruise on her chin prior to exiting the cell. [REDACTED] estimated [REDACTED] returned to her cell approximately 2-3 hours later. [REDACTED] denied being involved in a fight with [REDACTED] and causing the injuries to her face.

On 10-10-18, at about 1030 hours, I spoke with inmate [REDACTED] who is housed in N-29-[REDACTED]. [REDACTED] admitted she submitted the grievance because she thought Deputy Reyes used excessive force on [REDACTED]. [REDACTED] said the incident occurred on Monday, 10-08-18 during the afternoon count, but that she waited to turn in the grievance until Tuesday when she knew Deputy Reyes was not working. [REDACTED] stated she saw Deputy Reyes push [REDACTED] face into the glass next to the sector 29 door. [REDACTED] showed me a smudge mark on the sector window where the incident occurred. [REDACTED] stated Deputy Reyes was the only deputy escorting [REDACTED] out of the sector. Deputy [REDACTED] assisted Deputy Reyes after [REDACTED] and Deputy Reyes had already exited sector 29.

I photographed the smudge mark on the window and placed a copy of the photo on the disk containing the video footage of the incident.

Respectfully,


Kevin Webster

INTERNAL AFFAIRS INVESTIGATION

**Interview of Principal Deputy Kristen Reyes #1130/ Representative Samantha Swanson.
February 26 2019/1104 hours.**

Sgt. Weidenkeller and I interviewed Deputy K. Reyes at the Internal Affairs office. Prior to conducting the interview, I provided her with the Confidentiality Directive, POBOR advisement and the Miranda/Lybarger Admonishment. Deputy Reyes acknowledged she understood all the information provided and stated she had no questions.

Dep. Reyes has been employed as a Deputy Sheriff for 14 years and is currently assigned to the Intake Release Center. I informed Dep. Reyes I was investigating a complaint involving inmate [REDACTED] which occurred October 8, 2018. I played the video of the incident and requested Dep. Reyes explain to me the sequence of the events for clarification.

Dep. Reyes told me on this particular date, she was working as a Mod N Prowler and was conducting the 1440 hour physical body count. Reyes said prior to the count, she warned the inmates, over the intercom, to be in full jail issue and standing at their door for count. Reyes said she was conducting count in sector 29, which is where many of their "Total Seps" and "Mental health" inmates are housed. Reyes said she walked by inmate [REDACTED] cell and she was not up so she stopped to "address it." Reyes said if an inmate is not up, it is her responsibility to make sure the inmate is alive and okay.

Reyes said the inmate was lying on her bunk and not responding. Reyes said she stood at her door and through the glass, directed her to stand up. Reyes said inmate [REDACTED] slithered down from her bunk and did not stand by the door as directed, but instead, walked over to the toilet with her back to her. [REDACTED] was not aggressive, but more disoriented. Reyes was trying to figure out what was wrong with her, so she opened the door and told her to come out so she can check on her. Reyes said [REDACTED] walked toward the door of her cell with her hands swinging around in the air, grabbed her cup off the table and walked into the dayroom. Reyes told [REDACTED] to stop, put the cup down and put her hands in her pockets. [REDACTED] did not comply. Reyes did not know what was in the cup, whether it was urine, water or coffee. Reyes was not sure if it was something that could be used against her. Reyes grabbed [REDACTED] arm to try and control her and [REDACTED] dropped the cup. Reyes said [REDACTED] was not resisting but more confused and not following her directives. Reyes grabbed [REDACTED] from behind with the intent to control her and place her up against the glass so she could open the door; however, the momentum of them both walking forward caused the inmate to hit the glass harder than expected. Reyes said her intent was to place [REDACTED] up against the door and hold her there until she could open the door. She did not intend on [REDACTED] hitting the glass as hard as she did and attributed it to the adrenaline and momentum of the situation.

Reyes said the CSA popped the door open for her and Reyes walked [REDACTED] out of the "beach area". At this point, her partner, Deputy [REDACTED] showed up to assist. Reyes and [REDACTED] walked [REDACTED] up to visiting to sit in a secure area until she finished her count. Reyes, said she needed to have [REDACTED] sit there until she could determine if [REDACTED] was able to program in regular housing or if she needed to see mental health. Reyes did sit her up in visiting for a couple hours while she completed her module duties. Reyes said the visiting booth where [REDACTED] sat was a caged area where, [REDACTED] could easily communicate through the bars with the deputies.

Reyes said while [REDACTED] was up in visiting, she afforded her the opportunity to use the restroom and fed her dinner. Reyes said after a few hours, [REDACTED] said she was ready to go back to her cell and follow the rules. Reyes allowed her to go back as she was now cooperative.

Reyes said [REDACTED] did not complain of any injury and she did not review the video after the incident. Reyes said looking at the video today, she now recognizes that [REDACTED] had hit the glass harder than she realized. Reyes said because she was behind her, she did not see the impact of her chin hitting the glass. Reyes said had she reviewed the video or had a better view, she would have reported the incident. At the time, Reyes believed it was just a control hold and did not realize the impact her chin had on the glass. Reyes said after the incident, the inmate complied with all of the jail rules and was not a problem.

I showed Reyes a picture of [REDACTED] injury (bruising to the chin area) and she said she did not see any visible injury at the time of the incident. Reyes said after the day of the incident, she went on her weekend and never saw the inmate as she (Reyes) was moved from the Module from that date forward. Reyes said this was the first time she saw the injury and believed the bruising probably occurred a day or two after the incident.

I asked Reyes if there was anything else she would like to add. Reyes told me she did and began to tear up. Reyes said after the incident, she returned to work on "her Monday" and had been moved out of the Mod and placed in Female ID. Reyes was in briefing when Lt. Cataline started to make a big scene at briefing about the incident. Reyes felt that because she was being moved and Lt. Cataline was making "obnoxious" statements about a recent non reported use of force, Reyes started to believe he must have been talking about her.

Reyes said no one ever came out and told her there was an issue. She said while she was working on the floor, Lt. Main came over and told her she was on work restrictions and told her she could not go up to Mod N and she also could not work anywhere in Housing. I asked Reyes if this conversation with Lt. Main was a private conversation, and she told me it was not. She told me this conversation took place while she was working on the floor in Female ID near her co-workers. Reyes asked about her already scheduled overtime in Housing and he told her that he would have to re-assign her to a different position. Reyes said this would require him to move one of her co-workers out of their assigned position to accommodate her overtime. Reyes said this made her really uncomfortable because now she felt her partners were being moved around because of her. Reyes asked what she should do about signing up for future overtime and he suggested she find overtime somewhere else. Reyes asked if she could work overtime at the Women's Jail and he told her she could, but she should tell them that she has a pending personnel investigation. Deputy Reyes, tried to get more clarification from Lt. Main, but he refused to put anything in writing; therefore, she never had a clear understanding of what her restrictions were. Reyes said she sent him an email asking for clarification on what exactly her work restrictions. Shortly after she sent the email, she received an email from Lt. Main advising her she no longer had work restrictions and could sign up for overtime (this went on for approximately three weeks).

Reyes was unsure why her restrictions were lifted. She was uncertain if the inmate was released or if it were for other reasons. Reyes felt she was being punished for something, but was never really told what she was being punished for. I asked Reyes if they made any attempt to move the inmate instead of moving her from her work location and she told me they did not. Reyes added she felt embarrassed around her co-workers because of the way she was being treated by Lt. Main and the example Lt. Cataline kept making of her in briefings.

Reyes again stated she was not aware she used force and had she known the inmate had an injury she would have reported it. When she was in the moment, she did not view it as a use of force; however, now looking at the video, she does recognize that a use of force report should have been written.

End of interview 1132 hours

Interview of Witness, Deputy [REDACTED] - June 6, 2019/1710 hours.

I interviewed Deputy [REDACTED] in the Watch Commander's Office at the Intake Release Center. Prior to conducting the interview, I provided her with the Confidentiality Directive. Deputy [REDACTED] acknowledged that she understood the directive and she did not have any questions.

[REDACTED]

I told [REDACTED] I was investigating a Use of Force that occurred On October 8, 2018 involving inmate [REDACTED] and Dep. Reyes. [REDACTED] acknowledged the incident and told me she was assigned to Mod N on that day as a Prowler with Dep. Reyes. [REDACTED] said she had just returned from lunch and was in the guard station when she saw Reyes walk out to the beach area with inmate [REDACTED]. [REDACTED] did not see anything prior to Reyes walking out to the beach, including the use of force. [REDACTED] said she assisted Reyes in escorting [REDACTED] up the stairs and placed her in the visiting cage. [REDACTED] said they left [REDACTED] there while they finished some of their duties as a prowler. [REDACTED] said she did not know how long [REDACTED] was up in the booth but she did not have a problem placing her up there while they completed their tasks. [REDACTED] said on occasion, they will place inmates who fail to go with the program up in the visiting cage and often when they are removed, they will later conform with the jail rules. [REDACTED] said [REDACTED] did not complain of pain or injury and did not know a use of force had occurred.

End of interview 1716 hours

Interview of Witness, Correctional Assistant [REDACTED] June 12, 2019/1633 hours.

I interviewed CSA [REDACTED] in the Watch Commander's Office at the Intake Release Center. Prior to conducting the interview, I provided her with the Confidentiality Directive. CSA [REDACTED] acknowledged that she understood the directive and she did not have any questions.

[REDACTED] I told [REDACTED] I was investigating a use of force that occurred on October 8 between Dep. Reyes and Inmate [REDACTED]. I showed CSA [REDACTED] the video of the incident to refresh her memory. [REDACTED] acknowledged the incident and confirmed she was working as the CSA in Mod N on that date.

█████ told me she did not see the use of force occur between Reyes and █████. █████ told me she was in the guard station speaking with Dep. █████ who had just returned from lunch. █████ turned around and saw Reyes walking out with █████ so she popped the door open for her. █████ said she was speaking with █████ and had her back to Reyes as she walked out and did not see her place █████ up against the glass. █████ noticed when Reyes walked out to the beach area, she had her in a control hold so she told Dep. █████ that she believed Reyes was "dealing with something", at which point, █████ went out and assisted Reyes. █████ said Reyes and █████ placed █████ in the visiting cage and continued on with count. █████ said once the count was clear, she went on her lunch break. █████ told me she did not remember if █████ was in the visiting cage when she returned from her lunch break. █████ said █████ never complained to her of any pain or injury after the incident. █████ said after that day, Dep. Reyes was transferred out of the mod for unknown reasons.

End of interview 1638 hours

Included and/or Attached for Review:

- Internal Memorandums
- Initial Action
- Investigative summary
- Photos of injury
- Department Policies
- CD of Internal Affairs' Interviews

CASE # 18-177

ORANGE COUNTY SHERIFF'S DEPARTMENT

10/17/2018

COMPLAINANT: Sheriff's Administration

COMPLAINANT DATE: 10/10/2018

DIVISION: Custody Operations/IRC

DIVISION COMMANDER: Captain M. Ramirez



INITIAL ACTION

☐ NO FURTHER ACTION☐ HUMAN RESOURCES INVESTIGATION☐ DIVISION REVIEW☒ PERSONNEL INVESTIGATION - DIVISION☐ PERSONNEL INVESTIGATION - INTERNAL AFFAIRS

PERSONNEL INVESTIGATION ONLY

CRIMINAL & PERSONNEL INVESTIGATION

☒ NO ADMINISTRATIVE LEAVE

S. [Signature] 10-29-18
Executive Command (of Employee) Date

☐ ADMINISTRATIVE LEAVE

Executive Command (of Employee) Date

Executive Command (Field Ops/Investigative) Date

Executive Command (Professional Services) Date

☐ INTERNAL CRIMINAL☐ OUTSIDE AGENCY: _____☐ NO ADMINISTRATIVE LEAVE☐ ADMINISTRATIVE LEAVE

Executive Command (of Employee) Date

Executive Command (Field Ops/Investigative) Date

Executive Command (Professional Services) Date

ORANGE COUNTY SHERIFF'S DEPARTMENT

INTERNAL MEMO



TO: Commander J. Balicki
FROM: Captain J. Dahl
DATE: October 12, 2018
RE: Request Further Investigation

On Wednesday, October 10, 2018, I received a memo from Lieutenant E. Nester identifying a possible unreported use of force. Based on his memo an anonymous inmate housed in the IRC Module N turned in a grievance on October 9, 2018, stating she witnessed Deputy Kristen Reyes #01130 use force against another inmate on Monday, October 8, 2018. Per the grievance Deputy Reyes was conducting an inmate count (14:15-14:45) in the module when she removed inmate [REDACTED] from her cell (N-29-[REDACTED]). Per Lieutenant Nester's memo, the allegations are that Deputy Reyes used force against [REDACTED] by smashing her face against a glass window as she walked her out of the housing sector, causing an injury to her chin, then walked her to a visiting booth in the module where she left her locked inside for over 3 hours.

Lieutenant Nester checked for, but was not able to locate, any reports or entries on any of the IRC logs showing the incident was reported. He also reviewed the video, which appeared to confirm the allegations (October 8, 2018, 14:41 hrs). [REDACTED] was then removed from her housing unit and taken to see medical staff to check for any injuries. She was identified as having a visible bruise on the right side of her chin, which was consistent with the video and grievance. This action was documented on Follow-Up Report 18-040566 / IR100918-2045.

I received the original grievance as part of Lieutenant Nester's memo. I had Administration Sergeant K. Webster enter the grievance into the grievance database and assign it to Lieutenant Nester as a personnel complaint. He also located and spoke with the anonymous inmate based on a name provided by Lieutenant Nester, and asked [REDACTED] about the incident. This information is documented on the attached memo from Sergeant Webster.

Because this occurred on the shift previous to Lieutenant Nester's, I contacted Lieutenant M. Cataline and Sergeant M. Woodroof, whose shift it occurred on. They both confirmed they were unaware of any force being used in Module N that afternoon.

I had the Module N video for the time indicated on Lieutenant Nester's memo pulled and placed on a CD. I reviewed the CD and confirmed Deputy Reyes used what I believe to be force on an inmate by forcefully pushing her against the housing sector glass window. The deputy was walking away from Deputy Reyes at the time. Deputy [REDACTED] was also assigned to the Module N housing unit at that time, but does not appear in the video until Reyes walked [REDACTED] to the stairwell leading to the visiting booths. [REDACTED] does appear to fall on the stairs as both deputies push her up the stairs with her arms behind her back and somewhat raised. [REDACTED] is then placed in a locked visiting booth for several hours before she is allowed to return to her cell. It appears [REDACTED] was fed during this time.



I am recommending this case be sent to Internal Investigations for review and additional investigation with consideration of the following policy violations:

- 300.2 Reasonable Force.
- 300.6 Post Use of Force Procedures requiring the writing of a report.
- 300.7 Notification to a supervisor stating any employee involved in or who witnesses a use of force shall notify a supervisor as soon as practical.

Attachments:

- Lieutenant E. Nester's memo
- Sergeant K. Webster's follow up memo
- Initial grievance from the inmate
- Information report from Deputy Schuler
- Pictures of smudges on the sector window
- CD containing video
- IRC Watch List for October 8, 2018, shift I, Module N highlighted

I CONCUR
REFER TO
I.A.

[Signature]



**ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO**



TO: Captain Dahl
FROM: Lieutenant E. Nester
DATE: 10-10-18
RE: Unreported Use of Force Investigation

Captain Dahl,

On 10-09-18, we received an anonymous grievance from an inmate later believed to be: [REDACTED] (Module N-29-[REDACTED]) (Next Court Date: [REDACTED]) indicating that earlier on Shift 1A, Deputy K. Reyes had shoved inmate: [REDACTED] (Module N-29-[REDACTED]) (Sentence Ending Date: 11-21-18) into the glass wall inside of sector 29.

I asked Sgt. Purser to check the video tape and we reviewed the Module N sector 29 video of the dayroom. At approximately 1441 hours on Monday 10-9-18, Deputy Reyes is seen conducting the physical body count in sector 29. Deputy Reyes, for some unknown reason, decided to remove inmate [REDACTED] from her cell (# [REDACTED]) and begins to walk her out of the dayroom. [REDACTED] (who may have some mental problems) is seen drinking out of a cup while being escorted out. Just prior to [REDACTED] getting to the dayroom door, Deputy Reyes is seen knocking the cup out of [REDACTED] hand and grabbing [REDACTED] arms behind her back and forcibly shoving [REDACTED] (face first) into the glass wall of sector 29 to the immediate left of the dayroom door (from inside the dayroom).

Deputy [REDACTED] came from the Module N Guard station area to assist Deputy Reyes in removing [REDACTED] from the sector 29 Indoor Rec area. Both deputies started to take [REDACTED] up the stairs (to the visiting area) when it appears that [REDACTED] may have stumbled or dropped to her knees at the bottom of the stairs. Deputies Reyes and [REDACTED] took [REDACTED] to the top of the stairs and may have "Chicken Winged" her in the process. [REDACTED] was then locked in the caged visiting booth # N-4 at about 1443 hours. [REDACTED] remained in the caged visiting booth until about 1750 hours (over 3 hours) when Deputy Reyes unlocked her and sent her back to her cell in sector 29.

Sgt. Purser was advised that inmate [REDACTED] had a fresh, purpleish colored bruise below her chin which was consistent with the video footage of the incident. Sgt. Purser had Deputy M. Schuler write a brief information report and asked him to take [REDACTED] to Correctional Medical Services for treatment. OC Identification was called to come out and take photos of inmate [REDACTED] injury. Information Report 18-040566 (Advance incomplete copy attached).

Based on the video footage of the incident, it did not appear that [REDACTED] had acted aggressively toward Deputy Reyes in any way which would prompt Deputy Reyes's actions. Inmate [REDACTED] was not cuffed during the incident and it does not appear that she was searched prior to being locked down in the caged visiting cell. Also of major concern was the fact that no reports, log entries, or notifications to the Housing Sergeant were made reference this incident which appears to be a Use of Force.

I recommend that this incident be further investigated by Internal Affairs.



**ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO**



TO: Captain J. Dahl
FROM: Sergeant K. Webster
DATE: October 10, 2018
RE: Inmate [REDACTED] Grievance JI#IR100918/2045

Captain,

Upon further investigation into the grievance received on 10-09-18, I interviewed the following inmates to determine the source of the grievance.

On 10-10-18, at about 0815 hours, I spoke with inmate [REDACTED] who is housed in N-29- [REDACTED]. [REDACTED] had a visible bruise on the right side of her chin and some marks on her left cheek. [REDACTED] was uncooperative and did not want to say how she received the marks on her face. [REDACTED] did finally say she got the marks from her cellmate [REDACTED].

On 10-10-18, at about 0825 hours, I spoke with inmate [REDACTED] who told me the following: [REDACTED] said during the afternoon count, [REDACTED] was lying down on her bunk. Deputy Reyes opened the door and there were two deputies who escorted her out of the sector who were "Chicken winging" [REDACTED]. [REDACTED] did not see how [REDACTED] sustained her facial injuries, but did say she did not have a bruise on her chin prior to exiting the cell. [REDACTED] estimated [REDACTED] returned to her cell approximately 2-3 hours later. [REDACTED] denied being involved in a fight with [REDACTED] and causing the injuries to her face.

On 10-10-18, at about 1030 hours, I spoke with inmate [REDACTED] who is housed in N-29- [REDACTED]. [REDACTED] admitted she submitted the grievance because she thought Deputy Reyes used excessive force on [REDACTED]. [REDACTED] said the incident occurred on Monday, 10-08-18 during the afternoon count, but that she waited to turn in the grievance until Tuesday when she knew Deputy Reyes was not working. [REDACTED] stated she saw Deputy Reyes push [REDACTED] face into the glass next to the sector 29 door. [REDACTED] showed me a smudge mark on the sector window where the incident occurred. [REDACTED] stated Deputy Reyes was the only deputy escorting [REDACTED] out of the sector. Deputy [REDACTED] assisted Deputy Reyes after [REDACTED] and Deputy Reyes had already exited sector 29.

I photographed the smudge mark on the window and placed a copy of the photo on the disk containing the video footage of the incident.

Respectfully,

A handwritten signature in black ink, appearing to read "Kevin Webster", is written over the word "Respectfully".

Kevin Webster





ORIGINAL

SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

2. CASE NO. 18-040566

JJ#: 1R100918/2045

PRIORITY: ☐ Yes
☒ No



COPY

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

SANDRA HUTCHENS, SHERIFF-CORONER

7. OFFENSE Information Report	8. LOCATION OF OCCURRENCE 550 N. Flower St. Santa Ana, CA 92703	
9. VICTIM/INFORMANT Deputy M. Schuler #10161	10. DATE AND TIME OF OCCURRENCE October 9, 2018 / 2045 Hours	11. GRID 829-D3

12. DETAILS OF OFFENSE:

Narrative:

On Tuesday, October 9, 2018, I was working my assigned position as a Module 'N' Deputy Prowler at the Intake and Release Center (IRC), located in Santa Ana, California. At approximately 2045 hours, Sergeant D. Purser #3976 directed me to have inmate [REDACTED] Bkg. [REDACTED] from Sector 29, Cell [REDACTED] be evaluated by medical staff.

At approximately 2245 hours, RN C. Maytubby arrived to evaluate [REDACTED]. [REDACTED] had a visible bruise on her right chin. There was no redness or swelling. Maytubby asked [REDACTED] what happened. [REDACTED] replied, "The wall." Maytubby asked [REDACTED] who did this to her. [REDACTED] replied, "The ladies." [REDACTED] had no other visible injuries. Maytubby asked [REDACTED] if she had any concern for her safety. [REDACTED] replied, "No." [REDACTED] was cleared for regular housing.

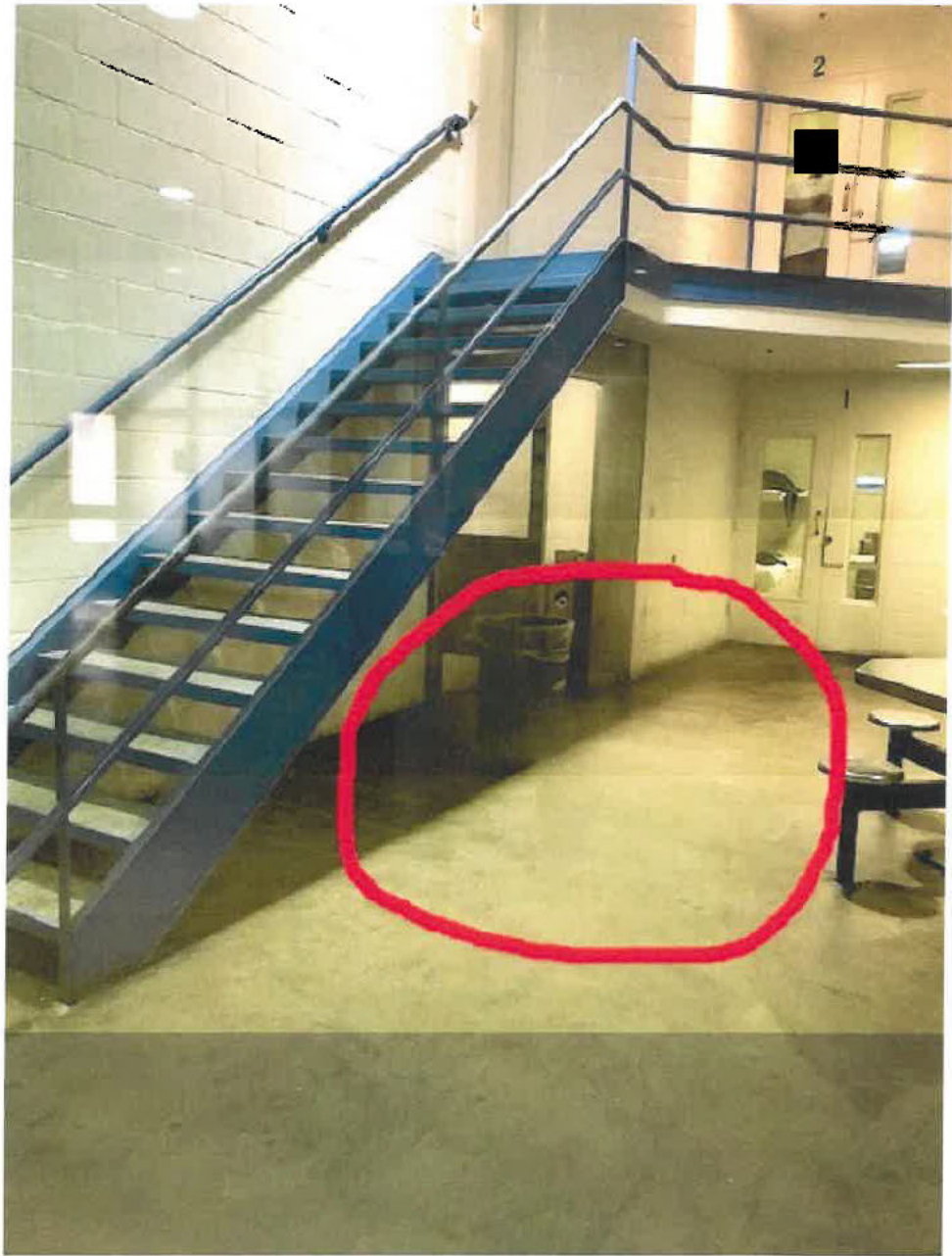
At approximately 2305 hours, RN C. Sierra arrived to evaluate [REDACTED] mental health. [REDACTED] was cleared for regular housing.

On Wednesday, October 10, 2018, at approximately 1000 hours, Lead Forensic Specialist J. Tran #2825 from the Orange County Sheriff's Department Crime Lab arrived to photograph [REDACTED] injury. 15 photos were taken of [REDACTED] injury. Refer to F.R. #18-54409.

INVESTIGATING OFFICERS	REPORT BY M. Schuler #10161	DATE OF REPORT 10/10/18	APPROVED Sgt D. Purser #3976
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E.R.







[Return To Main Menu](#)

 3 / 3+   100% 

Orange County Sheriff's Department

Watch List for: IRC

Watch List Date: Monday, 10/08/2018

Printed on: 10/12/2018 11:32:43

342 Mod K Prwl Shift 1	Ferguson, J. (0600 - 1830) partial shift (06:00-14:00) 8:00 1H Vacant	8468 (Spanish)	Vacant, 3	3* Vacant (1H)	
342 Mod K Prwl Shift 1	Florentino, G. (0600 - 1830) partial shift (14:00-18:00) 4:00 1H Vacant	9419			
350 Mod L (MFF) Shift 1	Jones, V. (0600 - 1830)	6111			
351 Mod L Prwl Shift 1	Ortiz, G. (1100 - 1830)	5352	Kenny, W.	4605 AL-Vacation (1I)	
351 Mod L Prwl Shift 1	Ortiz, G. (0600 - 1100) (06:00-11:00) 5:00 1I Vaca/Annual LV	5352	Kenny, W.	4605 AL-Vacation (1I)	
352 Mod L Prwl Shift 1	Eversgerd, C. (0600 - 1830)	9323 JTO			
353 Mod L CSA Shift 1	Medina, M. (0600 - 1830)	9842			
354 Behavioral Health D Shift 1	Snow, B. (0600 - 1830)	5312 ERT			
355 Behavioral Health D Shift 1	Krugger, M. (0600 - 1830)	10457			
360 Mod M CSA Shift 1	Missel, L. (0600 - 1830)	10255			
361 Mod M Prwl (MFF) Shift 1	Le, K. (0600 - 1830)	10322			
362 Mod M Prwl Shift 1	Mazarji, B. (0600 - 1830)	10205			
370 Mod N CSA Shift 1	Ortega, J. (0600 - 1830)	8635 JTO			
371 Mod N Prwl (MFF) Shift 1	Lewis, A. (0600 - 1830)	10009 JTO			
372 Mod N Prwl Shift 1	Reyes, Kristen (0600 - 1830)	1130x Spanish, JTO			
390 Crt Prwl Shift 1 Courts	Ensley, R. (0400 - 1230)	3523			
391 Crt Prwl Shift 1 Courts			Stephens, C.	7305 Reassigned (--)	
392 F Crt Prwl Shift 1 Courts			Byrne, C.	9456 JTO Holiday (--)	
394 Crt CSA Shift 1 Courts			Mello, B.	8533 TLO / JTO Holiday (--)	
461 Class CSA Shift 1	Straly, R. (0600 - 1830) (06:00-18:30) 12:30 1I Vaca/Annual LV	3269	Kumar, S.	5273 AL-Vacation (1I)	
465 Classification Shift 1	Bieker, J. (ERT) (0600 - 1830) (06:00-18:30) 12:30 1I Vaca/Annual LV	8558	Ochoa, J.	9940 AL-Vacation (1I)	
466 Classification Shift 1	Gardner, Margarita (0600 - 1830)	9537			

Page: 3

ISE Version (12/10/2006)



SHERIFF DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

JJ# IR100918/2045

- ☒ Intake/Release Center
☐ Central Men's Jail
☐ Central Women's Jail
☐ James A. Musick
☐ Theo Lacy Facility

SANDRA HUTCHENS, SHERIFF-CORONER

INMATE GRIEVANCE FORM

INMATE GRIEVANCE

Inmate's Name Concerned Inmate Booking Number _____
Housing Location _____ Date of Complaint 10.9.18
Date of Incident 10.8.18 Time of Incident 2pm court Location of Incident N.29 day room

EXPLAIN YOUR COMPLAINT (Include dates, times and names of those involved)

Deputy Reyes was doing afternoon court in sector N.29 yesterday when a mentally ill inmate in N.29- [redacted] was laying on her bed, dressed but laying down. Reyes proceeded to yell at this girl telling her to "stand up at the door its court". The girl in N.29- [redacted] is more or less not there in her head. We go through this everyday with her it never changes the poor girl just doesn't comprehend. Deputy Reyes didn't like that she just sat & continued to laugh at herself (she does it everyday - all day long - you can check the cameras). So deputy Reyes yelled "Do you want to go sit in the visiting booth for 5 or 6 hours." She then opened her door and told her "ok lets go" the girl walked out of her cell and was about 3 feet in front of deputy Reyes. The girl was drinking from her milk carton cup, deputy Reyes then yells at her to "put your hands in your pockets".

Check Here For Additional Pages / Include Number Of Attached Pages 1

STAFF RESPONSE / ACTION TAKEN

STAFF FINDING / OUTCOME

Inmate Signature _____ Date _____ Time _____
Received By D. Purser #3976 Date 10.9.18 Time 2030 Hours
Assigned to LT. E. NESTER Date 10-9-18
Response Returned To Inmate By _____ Date _____

Can't seem concerned inmate. pg#2

And the girl doesn't understand just laughs & drinks her cup - even if she understand, Deputy Reyes didn't give her time to comply, before she chicken winged her into the window by the sector door - (Right in front of the video cameras) and the poor girl hit her face so hard it busted her chin open and torn the inside of her lips pretty bad where she started to cry & was taken to the visiting booth to sit for hours - for no reason. She was Never asked if she was ok & never taken to see medical. Her face is a huge bruised mess caused by a deputy with a Bad attitude who seems to hate her job and frequently takes her issues out on us inmates all inmates not just the mentally challenged ones. This is very sad to see the ones who's vowed to "serve & protect" us are the one's taking advantage & taking their attitudes out on us. As for myself I go home tonight but I do plan on

pg #3
contacting the D.O.J - ACLU - along
with the A.D.A. This has to
stop! It's shameful, unconstitutional
and undeniably wrong. Deputy
Reyes needs to be held
accountable for her wrongs and
justice needs to be served.

* pictures of N.29. [redacted] face
needs to be taken before
all the evidence is gone.

Check the cameras!

SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

2. CASE NO. 18-040566

JI#: IR100918/2045

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 Information Report	8. LOCATION OF OCCURRENCE 550 N. Flower St. Santa Ana, CA 92703
9. VICTIM/INFORMANT Deputy M. Schuler #10161	10. DATE AND TIME OF OCCURRENCE October 9, 2018 / 2045 Hours
	11. GRID 829-D3

12. DETAILS OF OFFENSE:

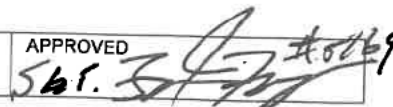
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INVESTIGATING OFFICERS	REPORT BY M. Schuler #10161	DATE OF REPORT 10/10/18	APPROVED  #10161
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[illegible]

REYES, KRISTEN (1130)

Rank: DEPUTY SHERIFF I

Bureau: IRC (sworn K-Z)

Division: IRC/TRANSPORTATION DIVISION

Hire Date: 2/28/2005

Approved Date: 11/30/2010 8:37:25

[Print Detail](#)

[Print](#)



LAST COMP COMP TC WC IA RMB UOF

Cat	Date	RefNo	Description
▼ AOT	Total: 29		
▼ STC	Total: 63		
▼ TTC	Total: 14		
▼ WC	Total: [REDACTED]		

Perishables/Mandatory	Status
PSP Firearms	Custody / Waived
PSP Firearms	Custody / Waived
PSP ACT	Custody / Waived
PSP Tact comm	Custody / Waived
PSP Driving	Custody / Waived
CPR	Expires by 6/20/2020

Disputed History

Thresholds

Disp. Dt	Date	Type

[Report Missing Items](#)



ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

P.I. #18-177

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 (KR)

LYBARGER WARNING

Kristen Reyes, 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 with the exception of perjury, false statement, or obstruction of justice. 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 (KR)

K. Reyes 2-26-19
Employee/Date

Vand 2/26/19
Sergeant/Date



ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

P.I. #18-177

CONFIDENTIALITY DIRECTIVE

Kristen Reyes, 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 Sergeant's 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.

K REYES

Kristen Reyes

2-24-19

Date

V. Anderson

Sergeant Vanessa Anderson

2-26-19

Date



ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

P.I. #18-177

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.

K Reyes
Kristen Reyes

Vander
Sergeant Vanesa Anderson

2-20-19
Date

2-26-19
Date