ORANGE COUNTY
SHERIFF'S DEPARTMENT

16-089

SHERIFF-CORONER DON BARNES

June 15, 2021

CONFIDENTIAL

Barbara Kim, Assistant District Attorney

Orange County District Attorney's Office

300 N. Flower St.

3rd Floor

Santa Ana, CA 92703

Dear Ms. Kim,

The Sheriff-Coroner Department hereby notifies you that the following Department employee's personnel records contain information that may be subject to disclosure pursuant to Brady v. Maryland (1963) 373 U.S. 83 and its progeny:

Name: Carlos Vega

Job Position/Title: Deputy

Date of earliest conduct: 6-13-2016

As the potentially discoverable information is contained in personnel records, the Department asserts that any attempt to gain access to such information must be by way of a motion filed pursuant to Evidence Code Section 1043 for sworn employees, or a subpoena for professional employees.

If you have any questions, please contact the Commander of the SAFE Division at (714) 834-2303.

Sincerely,

_____

Margie Sheehan

Commander, SAFE Division

Internal Investigation
Administrative Worksheet
PI# 16-089

Principal(s): Deputy Carlos Vega

Complainant(s): Administration

Facility/Location: Theo Lacy Facility / Custody Operations

Disposition:

1. 1018.1 STANDARD OF CONDUCT

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

2. 1018.6 OBEDIENCE TO LAWS AND REGULATIONS

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

3. 1018.33 INCURRING LIABILITY

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

4. 1018.5 PERFORMANCE OF DUTY

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

5. 300.2 USE OF FORCE POLICY

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

6. 1018.39 USE OF OFFENSIVE LANGUAGE

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

7. CCOM SECTIONS 1800.1- GENERAL RULES

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

☐ Administrative Leave

Discipline: ☐ Written Reprimand ☒ Suspension (# of hours 14)

☐ Demotion (to rank of _____) ☐ Dismissal

Comments / Other: _____

Administrative Disposition by: J. Park **Date:** 1/30/17

Administrative Appeal Hearing

Date: _____ *Time:* _____

In Attendance: _____

Comments: _____

Disposition: _____

Disposition by: _____ *Date:* _____

ORANGE COUNTY
SHERIFF'S DEPARTMENT

550 N. FLOWER STREET
SANTA ANA, CA 92703
714-647-7000
WWW.OCSD.ORG

SHERIFF-CORONER
SANDRA HUTCHENS

NOTICE OF SUSPENSION
PI# 16-089

Carlos Vega
Custody Operations
Theo Lacy Facility

You are hereby notified that the Orange County Sheriff-Coroner Department ("OCSD") is suspending you without pay from your position of Deputy Sheriff I, for a period of twenty-four (24) working hours. The suspension will be served in its entirety over consecutive days and completed within one pay-period. Pursuant to Article IX, 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 are suspended for violating the following:

1. **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.

2. **1018.6 OBEDIENCE TO LAWS 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.

3. **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.

4. **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.

5. **300.2 POLICY**

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. "Reasonableness" of the force used must be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact the sheriff's deputies are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is objectively reasonable in a particular situation.

Given that no policy can realistically predict every possible situation a deputy might encounter in the field, it is recognized that each deputy must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires a deputy to actually sustain physical injury before applying reasonable force. Law enforcement personnel shall use no more force than is objectively reasonable to accomplish lawful objectives. The use of any force to accomplish unlawful objectives is prohibited. The Department will not tolerate excessive and/or punitive force.

6. **1018.39 USE OF OFFENSIVE LANGUAGE**

Members shall not use offensive or uncomplimentary language within the hearing of any other person.

7. **CCOM Sections 1800.1- General rules**

(1) Staff will only use force in a good faith effort to maintain or restore order.
(2) Staff will not use force maliciously or sadistically for the very purpose of causing harm.
(3) Staff will not use force as a form of punishment. Inmate/Detainee discipline is administered through the disciplinary process.
(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.

In the letter entitled "Notice of Pending Suspension" that you were provided, the specifics of the above listed violations were noted. In addition, you were provided your right to request a Due Process Review (Skelly Meeting) of this matter, which you did not exercise.

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 this matter, pursuant to Article IX, Section 3C and Article X, 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.

J. Park — 4/20/17

Jason Park, Captain
Theo Lacy Facility

Date

C. Vega — 4-20-17

Carlos Vega, Deputy Sheriff I

Date

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SHERIFF'S DEPARTMENT

550 N. FLOWER STREET
SANTA ANA, CA 92703
714-647-7000
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SHERIFF-CORONER
SANDRA HUTCHENS

NOTICE OF PENDING SUSPENSION
PI# 16-089

Carlos Vega
Theo Lacy Facility
Custody and Court Operations

You are hereby notified that the Orange County Sheriff-Coroner Department ("OCSD") intends to suspend you without pay from your position of Deputy Sheriff I, for a period of twenty four (24) working hours. The suspension will be served in its entirety over consecutive days and completed within one pay-period. Pursuant to Article IX, 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:

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

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(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.

On July 26, 2016, at the direction of Commander Jon Briggs, Internal Affairs initiated a personnel investigation into your on duty actions. It was alleged that on June 13, 2016, you violated several department policies during a use of force/ staff misconduct incident outside of G barracks at the Theo Lacy Facility.

In your Internal Affairs interview, you admitted prior to having Inmate [redacted] exit G Barracks, [redacted] was "acting funny" and you believed you were going to have a problem with him inside the barracks. You also mentioned [redacted] told you "No" several times. Having this knowledge of an uncooperative inmate, you should have notified a supervisor prior to contacting [redacted] and you should have known your interactions with [redacted] could have led to a use of force incident. However, instead of following department policy and notifying a supervisor, you brought [redacted] outside of the barracks and a use of force incident ensued. You stated you should have called a supervisor prior to taking [redacted] outside.

You also admitted to being upset with the inmates who did not show up for medication call, and to being irritated when you searched their bunks and property. You eventually indicated your searches "could have been" considered a form of discipline. Your searches, as form of discipline, violated the Department's search policy. You claimed when [redacted] eventually exited the Barracks, your anger increased and escalated because he did not immediately comply with your commands. You estimated your anger as being a 6 on a scale of 1-10, and you could have used other methods and commands to de-escalate the incident. Although you stated your intentions were to actually search [redacted] you admitted to kicking his feet apart several times, shoving him to the ground, and using profanities towards him during the incident.

You did not show self-restraint or remain calm during an escalating incident, and your conduct was unbecoming of an Orange County Deputy Sheriff. You were unprofessional during your contact with [redacted] and your actions created liability towards the Orange County Sheriff's Department. 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. After consideration of all available information, the Department believes you violated the above listed OCSD Policy sections.

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

1. Initial Action
2. Personnel Investigation Summary
3. Initiating Memo
4. OCSD Reports
6. Supporting Documents/ Videos
7. OCSD Department Policies
8. Internal Affairs Interviews (CD)

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 Steve Kea 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 Virgil Asuncion 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 IX, Section 3C and Article X, 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.

J. Park — 3/1/17

Jason Park, Captain
Theo Lacy Facility

Date

C. Vega — 3-3-17

Carlos Vega, Deputy Sheriff I
Custody and Court Operations

Date

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO

TO: Captain J. Park
FROM: Sergeant V. Asuncion
DATE: February 28, 2017
RE: Service of Notice of Pending Suspension to Employee

Per the new decentralized discipline policy, please serve the attached letter(s) to your employee(s). Please follow the steps below:

1. Sign your name on the last page of the letter.
2. Serve the letter to the employee and have him/her sign *(The employee is not admitting guilt, just acknowledging they have been served)*
3. If the letter is a Notice of Pending Suspension, Demotion or Dismissal, the employee has ten (10) days from their signature date to appeal in writing to the Assistant Sheriff or advise me of a formal Skelly Hearing request.
4. Make two (2) copies of the letter.
5. Give the original to the employee.
6. Send the two (2) copies back to me.
7. I will arrange for the Skelly Hearing and/or prepare the final discipline document after the ten (10) days have passed.

Please remember to return the "Notice of Pending Suspension" Letter to Internal Affairs. We will be responsible for drafting the "Final Suspension" Letter following the "Skelly" Hearing decision or the tenth (10th) day following receipt of the "Pending Suspension" Letter in the event the employee waives their right to a "Skelly" Hearing. Please DO NOT use the "Pending Suspension" Letter as the "Final Suspension" Letter. The employee may not serve their suspension until <u>after</u> signing the "Final Suspension" Letter drafted by Internal Affairs. Internal Affairs must have the signed "Final Suspension" Letter and suspension dates in order to draft a memo for the employee's Assistant Sheriff, Commander, PSD, Payroll, etc.

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO

TO: Internal Affairs
FROM: Captain Jason Park
DATE: January 30, 2017
RE: PI# 16-089

At the request of Internal Affairs, I reviewed Personnel Investigation **#16-089.** The case involved Principal: Deputy Carlos Vega. The following is a list of the alleged policy violations:

1. 1018.1 Standard of Conduct
2. 1018.6 Obedience Laws and Regulations
3. 1018.33 Incurring Liability
4. 1018.5 Performance of Duty
5. 300.2 Use of Force Policy
6. 1018.39 Use of Offensive Language
7. CCOM 1800.1 General Rules

After reviewing the case, I determined the above list violations should be sustained. I am recommending that Deputy Vega serve a suspension of 24 – Hours.

J Park 1/30/17

Case #	ORANGE COUNTY SHERIFF'S DEPARTMENT	POBOR DEADLINE
16-089		6/13/2017

PERSONNEL INVESTIGATION TRACKING CHECKLIST

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

Distributed by PSD to Theo Lacy Facility (Division) 1/3/2017 (DATE)

Within your Division, please assess the file from the perspective of individual accountablilty as wall 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.
* For those cases where the discipline exposure is *24 hours or greater,* please consult with the *Constitutional Policing Advisor* (714-834-3381)

DIVISION TRACKING

Initial Review by: _____ (LIEUTENANT OR MANAGER) _____ (DATE)

Constitutional Policing Advisor **consulted:** yes no (Circle One) _____ (DATE)

DIVISION REVIEW

Division Review by: Captain J. Park (DIVISION COMMANDER) 1/30/17 (DATE)

☐ Disposition is *Unfounded* or *Not Sustained*

or

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

or

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

EXECUTIVE COMMAND REVIEW (If applicable)

Executive Command Review by: _____ Date: _____

PROCESSING

Returned to PSD for processing: _____ (Date)

Employee Notification: _____ (Date)

Notes

Complainant: Administration **Case Name: 16-089**

Date of Complaint: July 13, 2016

Division / Division Commander: Theo Lacy Facility / Captain J. Park

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:

I.A Sergeant Reviewed by:_____ Date:_____

Internal Criminal:

Sergeant:_____ Date:_____

Investigator:_____ Date: _____

☐ **Administrative Leave**

_____ 7-26-16

Assistant Sheriff / Commander **Date**

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO

TO: Lieutenant Jason Danks
FROM: Sergeant Thomas Graham
DATE: November 15, 2016
RE: Personnel Investigation #16-089

Complainant:	**Administration**
Employee(s):	**Deputy Carlos Vega**
Incident Location:	**Theo Lacy Facility, Exterior of G Barracks**
Incident Date:	**June 13, 2016**
Allegation(s):	**Orange County Sheriff's Department Policy Manual**

1. **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.
   (b) Commissioned officers will conform with the Code of Professional Conduct and Responsibilities for Peace Officers (Policy 1001).

2. **1018.6 OBEDIENCE TO LAWS 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.

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   Given that no policy can realistically predict every possible situation a deputy might encounter in the field, it is recognized that each deputy must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires a deputy to actually sustain physical injury before applying reasonable force. Law enforcement personnel shall use no more force than is objectively reasonable to accomplish lawful objectives. The use of any force to accomplish unlawful objectives is prohibited. The Department will not tolerate excessive and/or punitive force.

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   (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.

Initial Action

On 7-26-16, at the direction of Commander Jon Briggs, Internal Affairs initiated a Personnel Investigation into the on duty actions of Deputy Carlos Vega. It is alleged that Deputy Vega violated department policies in a use of force/ staff misconduct incident at the Theo Lacy Facility.

Initiating Memo from Captain J. Park to Commander J. Briggs

The memo is dated "7-4-16", and is in reference to a "Personnel Investigation Request." Within the memo, Captain Park summarized a use of force incident that occurred outside of G Barracks at the Theo Lacy Facility on 6-13-16. The use of force incident was recorded on video surveillance and involved Deputy Carlos Vega, who was working as a "G" barracks deputy. Deputies M. Ceja, A. Mott, A. Gutierrez, and G. Berry were also present during the incident. The following is a summary of the memo:

At approximately 0818 hours, Deputy Vega directed Inmate [redacted] to exit the G Barracks back door, because [redacted] was late to an earlier medication call. While outside, Vega told [redacted] to face the wall, place his hands behind his back, interlock his fingers, and spread his feet apart. After Vega grabbed [redacted] hands, he kicked [redacted] feet apart approximately three times. Vega grabbed [redacted] on his upper body and forced his head towards the ground causing [redacted] to sit on the ground. According to his report, Vega claimed [redacted] refused to spread his feet apart, so he used his "right foot to separate" [redacted] feet so he could gain an advantage.

While the incident was occurring, Sergeant Brass approached and witnessed a portion of the incident. Sergeant Brass heard Vega yelling profanities at [redacted] and challenging him. Vega was heard yelling something similar to, "What the fuck's your problem, do you want to fight?" Vega continued yelling at and challenging [redacted] to fight until he noticed Sergeant Brass was present. After Vega noticed Sergeant Brass, he stopped yelling, handcuffed [redacted] and escorted him to the booking loop.

After reviewing the deputies' reports and video surveillance of the incident, Captain Park recommended the incident be considered for a personnel investigation. Captain Park recommended several policy violations.

OCSD Reports

Summary of Jail Incident Report JI#06132016/0816 DR#16-144242 by Deputy Vega #9101

This report was written by Deputy C. Vega, dated 06-13-2016, and approved by "Sgt. Brass #4973". The report lists the suspect as [redacted] the location as "Theo Lacy Facility, G Barracks", and the offense as "Failure to obey a directive/ Disrespect to staff/ Creating a disturbance". The report is four pages in length. The following is a copy of the report's narrative:

"On Monday, June 13, 2016, I was working my assigned position as a Prowler in "G" Barracks. I made an announcement over the dayroom speaker for anyone who takes medication to get their water and go to the back door. At approximately 0810 hours, I was standing by with medical staff for medication distribution. Several inmates did not wake up in time and were late for their medication. The Med Nurse called out a list of inmates who still had not shown up for their medication.

As the 9-10 inmates who were late took their medication, I told them to go sit at the dayroom tables. When medication distribution was almost completed I only saw one inmate sitting at the dayroom tables. The other inmates failed to follow directions again. I made an announcement for everyone I had told to go to the dayroom tables and take a seat immediately at the dayroom tables. I completed medication distribution and walked over to the dayroom tables to talk to the inmates about being on time for medication call and listening to my directives the first time. I gathered a list of the inmates assigned bunks and went and searched their assigned bunk areas. When I finished searching, I returned to the dayroom tables. I asked the inmates if they all understood that they were to be on time for their medication and listen next time they were told to do something. All inmates were receptive and told me that they understood, except [redacted] (Booking Number [redacted] who was giving me an angry look.

[redacted] *continued staring at me with an angry look on his face and crossed his arms. I asked if there was a problem and he did not respond. The other inmates were all looking towards as he continued to look at me aggressively. He whispered something to the inmate sitting next to him but I was unable to hear what he said. This made me believe* [redacted] *could possibly be inciting other inmates to become aggressive by his physical posture and disruptive behavior. I also noticed* [redacted] *had a black eye which raised my suspicion about his behavior. I told* [redacted] *to go to the back door and he told me, "No." I had the remaining inmates return to their assigned bunks. I again told* [redacted] *to go to the back door and he told me, "No, I am not going back there." Each side of the barracks houses 192 inmates. For officer safety and the fact that deputies in the past have been assaulted by multiple inmates inside of the dayroom, deputies often talk to uncooperative/disruptive inmates outside of the Barracks.*

I walked back into the guard station and [redacted] *remained at the dayroom tables. Due to* [redacted] *disobeying a directive and his aggressive demeanor in front of other inmates, I stenofoned "F" and "H" Barracks to have an additional deputy respond. This way I could safely escort* [redacted] *outside of "G-East". Having additional deputies would increase our safety in case he incited other inmates to get involved further. I utilized the dayroom speaker and ordered* [redacted] *to go to the back door. He stood up from the dayroom table and walked towards the back door. This led me to believe* [redacted] *was going to be compliant and I would be able to counsel him about his disruptive behavior and have him return into "G-East" without incident.*

I was walking down the guard station tunnel, deputies from "F" and "H" Barracks arrived. I went to the "G-East" back door and when I opened it [redacted] *was by "A" cubicle telling other inmates to go outside with him and another inmate was walking out with him. I felt like* [redacted] *was inciting other inmates to get involved. I told the other inmates he was coming outside by himself and secured the door when he exited.*

When [redacted] *exited the backdoor of "G-East", I told him to face the wall, place his hands behind his back, and to interlock his fingers. He placed his hands behind his back but did not interlock his fingers. I grabbed his hands, interlocked his fingers, and used my right hand to control both his hands. I asked him several times to spread his feet apart.*

He refused to spread his feet apart and tensed up both of his arms. I used my right foot to separate his feet apart so that I could gain a position of advantage while dealing with [redacted] who was and had been uncooperative throughout this entire interaction. When I separated his feet, he resisted by tensing his left leg, so I was unable to spread his feet to a position of advantage. I told him to stop resisting and I separated his feet further apart. [redacted] moved his right foot to attempt to put his feet back together so again I used my right foot to separate his feet. [redacted] sandal had come off and it was behind his left foot. I moved the sandal out of the way with my right foot. In the process of doing so, [redacted] feet separated further apart. I put my left foot besides his left foot to keep him from moving his feet back together.

[redacted] feet continued to slide further apart so I grabbed the left shoulder area of his jail issued "smock top" with my left hand. I realized it would be hazardous to try to lift [redacted] up so I told him to sit down on his butt and redirected him downwards. He tensed his arms and clinched his hands tightly. [redacted] put his left knee down. I told him again to sit on his butt, he postured his upper body upwards so I applied downward pressure on his left shoulder until he sat on his butt. I told [redacted] to face the wall and remain seated.

I walked into "G- East" and addressed the issue of inmates not being allowed to have other inmates go outside with them. An inmate in "A" cubicle told me [redacted] was trying to get them to go outside with him. I told the inmates that this was unacceptable and was not going to happen. I returned outside where [redacted] was still sitting. I told him to stand up and put his back against the wall. [redacted] stood up and walked towards the grass area. I told [redacted] that was not what I told him to do. When he was walking towards the grass, I noticed his socks were wet, so I had him remove his socks and stand with his back against the wall.

Due to what the inmate in "A" cubicle had told me and [redacted] demeanor, I asked [redacted] if he was planning on trying to fight or what his issue was. [redacted] did not respond. Again, I explained why he was not going to have any other inmates with him and that when told to do something he was going to listen to all staff members. [redacted] continued his aggressive and agitated state and was unreceptive to my counseling. [redacted] behavior was very unusual since my request for him to show up to medication distribution on time and to obey simple directions was so minor in nature. I was unable to determine the source of his aggressive and unusual temperament. I had [redacted] turn around and I placed him in handcuffs. I escorted [redacted] to the Booking Loop and put him in Cell # 1 without further incident. Once inside of Cell #1, [redacted] apologized for his behavior. I asked [redacted] if he needed medical attention and he told me, "No."

I later identified the inmate who was walking out of "G-East" with [redacted] as inmate [redacted] (Booking Number [redacted]. I asked [redacted] why he was walking out with [redacted] told me that he had just walked out of the restroom and [redacted] told him to come outside with him. [redacted] told me that [redacted] was trying to get anyone to go with him. [redacted] stated, "He told me and a few other guys, come outside with me."

I reviewed video of the incident and noticed that the ground behind "G" Barracks where [redacted] *was standing was wet and appeared slippery."*

Summary of Jail incident report/ Follow-up by Deputy M. Ceja #9111

This report was written by Deputy Ceja, dated 06/14/16, and approved by "Sgt. Brass #4973". The report lists the victim/informant as Deputy C. Vega #9101, the location as 501 The City Drive, Orange, CA. 92868, and the offense as "Use of Force". The report is a one page follow up report to DR#16-1444242. The following is a summary of Ceja's report narrative:

Deputy Ceja was working F Barracks when he responded to G Barracks for an unknown disturbance. Upon his arrival, Deputy Vega informed him there was an inmate that refused to exit the West Side of G Barracks. The inmate was identified as [redacted] Ceja described Vega as being at the back door of the barracks instructing [redacted] to exit, but [redacted] refused to come out. Ceja stated Deputy Mott grabbed [redacted] and guided him outside of the barracks.

When Ceja exited the guard station tunnel door of G Barracks, Vega was already performing a grasping hand search on [redacted] As Ceja "providing security", Vega "kicked [redacted] leg out to his side and placed him in a position of disadvantage". Vega also placed [redacted] on the ground because he "was unable to keep his balance during the search of his person." After [redacted] was told to stand so he could be handcuffed, Deputy Vega "asked [redacted] what he was looking at and if he wanted to fight". Vega then cuffed and escorted [redacted] to the booking loop.

Summary of Jail incident report/ Follow-up by Deputy A. Gutierrez #9172

This report was written by Deputy Gutierrez, dated 06/14/16, and approved by "Sgt. Brass #4973". The report lists the victim/informant as Deputy C. Vega #9101, the location as Theo Lacy Maximum Security Jail, and the offense as "Use of Force". The report is a one page follow up report to DR#16-1444242. The following is a summary of Gutierrez's report narrative:

Deputy Gutierrez was working F Barracks when he responded to G Barracks for an unknown disturbance. Upon his arrival, Deputies Vega and Berry informed him that Inmate [redacted] refused to obey their earlier commands and exit the barracks. Gutierrez proceeded to the back door after [redacted] was again told to exit the barracks.

While at the back door, [redacted] refused to come out of the barracks without another inmate present. Deputy Mott grabbed [redacted] by his smock top and directed him outside. Once outside, Vega had [redacted] face the wall and place his hands behind his back to search him. Vega kicked [redacted] feet to place him off balance. Vega grabbed [redacted] hands and left shoulder, and pressed downward on his shoulder causing [redacted] to lose his balance and fall to his buttocks.

While Vega counseled [redacted] he asked [redacted] why he was staring at him and not obeying his directives. When [redacted] continued to stare at Vega and not respond, Vega asked [redacted] if he "wanted to fight or something." [redacted] was eventually handcuffed and escorted to the booking loop.

Summary of Jail incident report/ Follow-up by Deputy A. Mott #9349

This report was written by Deputy Mott, dated 06/14/16, and approved by "Sgt. Brass #4973". The report lists the victim/informant as Deputy C. Vega #9101, the location as 501 The City Drive S. Orange, CA. 92868, and the offense as "Failure to Obey a Directive". The report is a one page follow up report to DR#16-1444242. The following is a summary of Mott's report narrative:

Deputy Mott was informed G barracks deputies needed assistance for an unknown reason so he responded from H barracks. When he arrived, Vega told him inmate [redacted] failed to obey several commands to exit the barracks. As Vega was holding the east side door open and ordering [redacted] to exit, Mott grabbed [redacted] smock top and guided him out of the barracks. Once outside, [redacted] was told to face the wall to be searched.

[redacted] did not comply with Vega's numerous commands to interlock his fingers and spread his feet, so Vega "spread [redacted] feet using his foot." Vega pushed [redacted] down into a seated position and entered the barracks. After returning from inside the barracks, Vega ordered [redacted] to stand and asked him why he was staring at him. [redacted] continued to stare at Vega so Vega asked [redacted] why he was staring and if he wanted to fight. [redacted] was then handcuffed and escorted to the booking loop.

Summary of Jail incident report/ Follow-up by Deputy G. Berry #9152

This report was written by Deputy Berry, dated 06-13-2016, and approved by "Sgt. Brass #4973". The report lists the victim/informant as Deputy G. Berry #9152, the location as 501 The City Drive S. Orange, CA. 92868, and the offense as "Failure to Obey A Directive". The report is a three page follow up report to DR#16-1444242. The following is a summary of Berry's report narrative:

Berry confirmed Vega's report of several inmates not being present for morning medication distribution, the search of their bunks, inmate [redacted] appearing angry and disrespectful after his bunk being searched, Vega telling [redacted] to exit the barracks, and [redacted] refusing to exit. Berry stated he was present with Vega during these occurrences, and after [redacted] refused to exit, he and Vega entered the guard station leaving [redacted] seated at the dayroom tables.

At this time, Vega called other work locations and asked for additional deputies to respond due to having an uncooperative inmate inside a housing location with several other inmates. When the deputies responded, Vega told [redacted] over the guard station intercom to go to the back door. While Berry was exiting the guard station tunnel, he heard Vega tell [redacted] to "face the wall, place his hands behind his back, interlock his fingers, and spread his feet."

When Berry exited, he walked to the West side of G barracks and heard Vega tell [redacted] a second time to interlock his fingers and spread his feet. Berry heard what sounded like the bottom of a shoe sliding across the ground. When Berry turned to look at Vega and [redacted] he saw Vega use his left foot to press on the inner left foot of [redacted] causing [redacted] to spread his feet. Berry heard Vega tell [redacted] to spread his feet when he was told to do so.

While Vega was holding [redacted] hands and counseling him, Berry turned and walked to the railing between F and G barracks. When Berry looked back at them, [redacted] was sitting on the ground with his left leg out to the side, and Vega was standing next to [redacted] counseling him. After briefly entering the East side of G barracks, Vega returned and told [redacted] to stand. [redacted] complied. However, Vega "appeared angry and confronted Inmate [redacted]" Vega handcuffed and escorted [redacted] to the booking loop.

Video of G Barracks Incident DR#16-144242:

The video is a recording from 0815:50 to 0821:02 hours on 06/13/16. The video is recorded from a camera outside of G Barracks, and the camera view is angled towards the back door of the barracks. There is a clear view of the guard station back door, as well as the East and West inmate entry doors. You can also clearly see the walkways that lead to F and G Barracks. The following is a summary of the video:

08:17:53 Deputies exit the G Barracks guard station door.

08:17:56 Unknown Deputy opens east side G barracks back door.

08:18:02 Deputy Mott reaches in east side of G barracks, and guides [redacted] out of the barracks. After exiting the barracks, [redacted] immediately walks by himself to the exterior wall of G Barracks, faces the wall, and puts his hands behind his back.

08:18:07 As [redacted] is facing the exterior wall of G Barracks, Deputy Vega grabs [redacted] hands (which are behind his back) while the other deputies are standing behind him.

08:18:12 As Deputy Vega is holding [redacted] Vega kicks [redacted] left leg with his right foot causing [redacted] to spread his feet. Vega then kicks [redacted] s left leg a second time causing [redacted] to spread his legs apart even further. After the second kick, Vega is still holding [redacted] and standing close behind him. It appears Vega is talking with [redacted]

08:18:20 While holding [redacted] Vega appears to kick [redacted] left leg a third time causing his shoe to fly off into the grass. Vega then proceeds to use his left foot to press [redacted] left leg outward, causing [redacted] to spread his legs even further. As Vega holds [redacted] up against the wall with his legs spread, Vega appears to be speaking with him. The other deputies are standing behind Vega and watching.

08:18:33 With his legs spread wide open and Vega holding his hands (behind his back), [redacted] falls to his left knee. At this time, Vega is holding [redacted] hands with his right hand and [redacted] shoulder with his left hand. Vega proceeds to shove [redacted] downward two times, causing him to fall backwards and onto his buttocks. After he falls back, Vega stands over him. Throughout this encounter, it appeared Vega was speaking with [redacted] Again, the other deputies are watching from behind and walking around. No other deputies contacted [redacted] during the encounter.

08:18:43 Vega walks away from [redacted] and into the East side of G Barracks.

08:19:17 Vega walks out of the barracks and back over to [redacted] who is still sitting on the ground and facing the wall. Vega appears to be discussing something with [redacted]

08:19:25 Sergeant Brass appears in the video and approached from the area near F barracks. At this time, Vega tells [redacted] to get up. [redacted] gets up and walks to retrieve his shoe from the grass area. However, when [redacted] gets to his shoe, he turns and goes back to Vega. [redacted] then proceeds to take off his socks and the other shoe he is wearing. Vega handcuffs [redacted] and escorts him out of the camera's view. Sergeant Brass enters G Barracks, and the remaining deputies gather together around the back door.

Use of Force Interview with [redacted] DR#16-144242

On June 14, 2016, at 1415 hours, Sergeant Brass conducted a use of force interview with inmate [redacted] regarding the incident outside of G Barracks involving Deputy Vega. The interview was conducted inside Module L.

During the interview, [redacted] stated he did not have any injuries from the incident. He stated, "Nothing physical, but I mean, you know, when, like, I mean, just because it's my second time here I wasn't really too aware how… things were." [redacted] stated he did not need to see a nurse. [redacted] explained he was late for morning medication call because he didn't hear the deputies call them for med call. [redacted] tried to get there as fast as possible, because he heard "the deputy" was "really strict" on the morning medication call. However, when he got there, Vega "demanded" that whoever was late needed to go sit at the dayroom tables. [redacted] stated he wasn't sure if Vega wanted the inmates who were late to go "directly" to the dayroom tables, so he went to get water first.

After getting to the tables, [redacted] stated the deputies "barraged" their bunks to "teach us a lesson or something." After searching their bunks, Vega came back to them and "lectured" them about how they needed to be on time for medication call. [redacted] stated, "I guess I kept looking at him in a certain demeanor that wasn't to his, you know, made him feel comfortable with. But I had just gotten up, I didn't try to offend him with my look or anything. And he kept asking me if anything was wrong, and I'm like no nothing's wrong."

Vega told [redacted] he needed to go outside and talk to him alone in the "back". [redacted] explained he wasn't sure how things worked at Theo Lacy with inmates talking to deputies alone so he asked Vega about the topic. [redacted] felt Vega got upset with the way he questioned him. [redacted] stated he didn't really think things were going to happen when he got outside. However, when he got outside, "obviously force was you know used. And then he kept trying to antagonize me." [redacted] stated he knew better to "come at a deputy". [redacted] ended by stating, "Like mentally, … I really don't think me being put in the mods is fit for the, you know, for how the deputy felt."

Internal Affairs Investigation

Witness Interview of Sergeant [redacted]

On September 28, 2016 at approximately 1306 hours, I conducted a telephonic interview with Sergeant [redacted] The interview was recorded and the following is a summary of that interview:

On Monday, June 13, 2016, Sergeant [redacted] was working as the Housing Sergeant at the Theo Lacy Facility. As the housing Sergeant, [redacted] stated he was in charge of supervising Programs, Visiting, and all of the Barracks housing locations. This included G Barracks where Deputy Vega was working.

During his June 13, 2016 shift, Sergeant [redacted] stated he witnessed an incident involving Deputy Vega that occurred outside of G barracks. [redacted] stated he "actually walked in on that incident." [redacted] explained he was doing his "checks" and as he walked out of F barracks, he heard a deputy "yelling and cussing" at an inmate. [redacted] originally didn't know who the deputy screaming was because the deputy had never worked for him before. It wasn't until [redacted] got closer that he realized it was Deputy Vega who was the one yelling and cussing at the inmate. The incident occurred in front of G Barracks.

[redacted] stated Vega told the inmate, "What the fuck are you staring at?... Do you want to fucking do something?... Do you want to fucking fight?" [redacted] confirmed Vega was using profanities towards the inmate, and in his opinion, [redacted] stated it sounded like Vega was challenging the inmate. By Vega's tone and demeanor to the inmate, [redacted] believed Vega was trying to instigate a fight. [redacted] described Vega as being "extremely agitated, he was very angry, very upset, uh he was screaming." [redacted] did not think Vega was under control during the incident. Based on what he witnessed, [redacted] did not think Vega's actions were professional or appropriate for the situation.

[redacted] explained that when he came out of F-Barracks, the inmate was already on the ground and "sitting in an awkward position". Based on the inmate's position and Vega screaming and yelling at him, [redacted] "assumed there was already a use of force". [redacted] believed the incident stopped because another deputy went over and talked to him. [redacted] believed the deputy let Vega know that he was present. After being informed, Vega stood the inmate up, handcuffed him, and escorted him to the booking loop.

[redacted] did not personally witness any force being used on [redacted] [redacted] also stated at no time did [redacted] appear to be agitated, confrontational, or uncooperative with Vega or any of the other deputies. [redacted] explained when he came out and heard Vega screaming, he made it a point to try and determine if [redacted] was being uncooperative, assaultive towards staff, or "reciprocating". [redacted] wanted to get both sides of the story. However, [redacted] stated, "I didn't hear a single word from him. He didn't say anything. He didn't do anything. He just sat there on the ground."

After the incident, [redacted] asked Vega if there was a use of force. Vega thought for a few seconds and then responded, "Let me bring him to the loop and I'll talk, I'll come talk to you in a minute. And he walked away." After finding the incident was a "use of force", he directed all the deputies to write a report. Vega's report was described as a "quick report that was very short". [redacted] stated he made some spelling corrections of the report and gave it back to Vega.

After the weekend, [redacted] stated Vega wrote a more lengthy report and requested to come speak with him. During their discussion, Vega talked to him about the incident and his report. [redacted] stated he did not question Vega about the incident; however, Vega told him that after he read his report, everything would "make sense and he'd be fine." [redacted] also stated a few of the other deputies spoke to him about the incident, and they told him that they had concerns about the incident and their reports. The deputies were concerned about them being "primaries" since they were present during the use of force. [redacted] told them they had nothing to worry about if they wrote a clear and accurate report.

Witness interview of CSA [redacted]

On October 5, 2016 at approximately 1525 hours, I conducted an interview with Correctional Services Assistant [redacted] The interview was conducted in the Administrative Conference Room at the Theo Lacy Facility. Prior to conducting the actual interview, I provided CSA [redacted] with the Confidentiality Directive and asked him if he had any questions. [redacted] stated he understood everything we discussed was confidential and signed the form. The interview was recorded and the following is a summary of that interview:

On June 13, 2016, CSA [redacted] was working as the G Barracks CSA inside the Theo Lacy Facility. [redacted] stated he remembered an incident during morning medication call in which he requested additional deputies to respond to G barracks. [redacted] explained that he and the deputies were in the process of conducting "med distributions", and after giving an "all call", several inmates did not get up for their medication. [redacted] stated about "5 or 6" inmates didn't wake up and go to the back door for their medications. Vega eventually called them out one by one to give them their medications and then had them sit at the dayroom tables. While at the tables, [redacted] stated Vega asked the inmates why they weren't on time, and explained to them that they needed to be on time in the future.

During Vega's counseling, [redacted] stated one of the Hispanic inmates "had attitude" with Deputy Vega. Because of his attitude and the inmate being uncooperative, Vega told him to go to the back door. [redacted] could "hear somewhat through the uh, the mic at the middle door for the east and west side. He basically told him to meet him outside and the guy kept yelling like, I'm not going out there. Somebody's going out there with me."

After [redacted] refused to go outside, Vega went back into the guard station and told him to "steno" the other barracks for additional prowlers. [redacted] stated he not only heard Inmate [redacted] being verbally uncooperative with Vega, but he also witnessed [redacted] being disrespectful to Vega by his body language and the facial expressions he displayed. [redacted] explained that [redacted] voice had a "rough tone" to it and he heard [redacted] say he wasn't going outside at least "two or three times". [redacted] believed [redacted] was agitated and being uncooperative by the mannerisms he displayed. [redacted] described Vega as also being "agitated, but not "anywhere near" [redacted].

After telling him to steno for additional deputies, Vega went "out back" and waited for the deputies to arrive. [redacted] claimed he didn't hear any of the conversations between Vega and the responding deputies because they met near the back door and didn't come up to the guard station. [redacted] explained that as Vega and the deputies went outside, Vega told him to open the east side of the barracks. Once [redacted] popped the east side door, Vega opened the door and told [redacted] to come to the back door. At this point, [redacted] stated [redacted] was still refusing to exit the barracks, so he told [redacted] to go to the back door over the intercom. After giving directives over the intercom, [redacted] stated [redacted] finally complied and went to the back door. Although [redacted] had the backdoor intercom activated to listen while they were at the back door, he claimed he could not hear what was occurring between [redacted] and the deputies.

After the incident, [redacted] could not recall whether the incident was discussed amongst the deputies. [redacted] explained that when Vega eventually returned from escorting [redacted] to the booking loop, Vega did not talk to him about the incident or seem upset. He stated Vega only mentioned that he would be busy because he had to write a use of force report. [redacted] explained that the only time he talked to somebody about the incident was when Sergeant Brass requested he pull video.

Deputy [redacted] Interview

On Friday, October 7, 2016, at 1405 hours, I interviewed Deputy [redacted] at the Internal Affairs Office. Also present for the interview was Attorney/AOCDS Representative David Goldwasser and Sergeant Virgil Asuncion of Internal Affairs. Prior to conducting the actual interview, I provided Deputy [redacted] with the Confidentiality Directive, Miranda Advisement, and the Lybarger Admonishment for his review. I asked [redacted] if he had any questions about his Miranda rights or the Lybarger Admonishment and he did not. [redacted] read his Miranda Warnings and understood his rights. [redacted] would not waive his rights, and understood he was compelled to answer my questions under Lybarger. [redacted] also understood he was a principal in this investigation. The interview was digitally recorded and the following is a synopsis of our conversation:

Deputy [redacted] has been employed with OCSD for 4 years as a Deputy Sheriff. Deputy [redacted] stated he is familiar with OCSD policies and admitted to signing on to Lexipol and accepting the policy manual. Deputy [redacted] is currently assigned to the Theo Lacy Facility, and has been working there for the past [redacted]

On June 13, 2016, [redacted] admitted to working as the G Barracks Deputy with Deputy Vega and CSA [redacted] During his shift, [redacted] remembered an incident involving Vega and an inmate after morning medication distribution. [redacted] described the incident as him being inside the guard station and noticing Vega inside the barracks with a group of inmates who were seated at the dayroom tables. Seeing Vega alone, [redacted] went into the barracks to assist and find out what "was going on." [redacted] eventually found out the inmates were at the tables because they didn't wake up to receive their morning medications.

[redacted] explained one of the inmates [redacted] was told to go to the back door by Deputy Vega. However, [redacted] did not comply and told Vega, "No." multiple times. After [redacted] refused to comply with Vega's directives, Vega went back into the guard station and called for additional deputies. After the deputies arrived, [redacted] eventually complied and walked to the back door. While exiting the tunnel, [redacted] stated he was in the back of the line and heard someone tell [redacted] to go outside. [redacted] heard [redacted] say, "No I'm not going to.", or something "non-compliant."

The next thing he knew, as he exited the tunnel and walked to the left, he saw Vega and [redacted] to the right and against the block wall. As he continued walking left, he heard what sounded like "a foot sliding on the ground." When [redacted] looked over, he believed Vega was going to search [redacted] because Vega had his "foot pressed up against the inside of the inmate's leg." [redacted] proceeded towards the railing between F and G barracks, and when he turned back around, [redacted] was sitting on the ground with his left leg positioned "outward". After seeing [redacted] on the ground, [redacted] said Vega went back into the east side of G barracks for unknown reasons. When Vega returned, he spoke with [redacted] handcuffed him, and escorted him to the booking loop.

After [redacted] described the incident, he was questioned about Deputy Vega's demeanor. [redacted] stated Vega initially did not seem angry when he counseled the inmates in the dayroom, and he could not remember if Vega used profanities while he talked to them. Although [redacted] admitted that he and Vega searched the inmates' bunks after Vega counseled them, he could not remember seeing Vega disrespect the inmates' property during the search. [redacted] claimed [redacted] "body language appeared disrespectful" to Vega after the search. However, [redacted] was unsure if it was the search that caused [redacted] to appear disrespectful because he did not have any contact with [redacted] prior to search being conducted. Although [redacted] described [redacted] as appearing disrespectful, [redacted] confirmed [redacted] never said anything disrespectful to Vega, except for repeatedly refusing to go "to the backdoor." [redacted] claimed Vega told [redacted] "more than one time, maybe two or three" to go outside.

When [redacted] eventually went outside, [redacted] never heard [redacted] verbally refuse to comply with Vega's commands. Although [redacted] saw Vega use his left foot to spread [redacted] feet apart, [redacted] claimed he did not see Vega kick [redacted] However, after showing [redacted] video of the incident (Vega kicking [redacted] feet, and shoving [redacted] to the ground), [redacted] was asked if he thought Vega's actions were appropriate. [redacted] responded, "No.", and "I wouldn't have done it." [redacted] agreed Vega was unprofessional for kicking [redacted] [redacted] also felt it was unnecessary for Vega to spread [redacted] feet apart further than they already were, and for Vega to shove [redacted] down to the ground.

After Vega pushed [redacted] down and returned from entering the barracks, [redacted] stated Vega appeared angry. Although [redacted] could not remember what Vega was telling [redacted] [redacted] stated he did not hear Vega challenge [redacted] to a fight. [redacted] agreed Vega put him and the other deputies in a bad situation, and that there were other options and alternatives Vega could have used instead of kicking and shoving [redacted] around. Again, [redacted] believes Vega's actions were inappropriate and unprofessional. [redacted] stated Vega "was getting to that point" of losing his composure.

[redacted] stated the only discussion he could remember between Vega and the responding deputies prior to Vega contacting [redacted] outside was Vega telling them "something along the lines of, that he wanted to take the guy out and talk to him to see what his deal was because of how, uh, he was just not being compliant, how he just, the way he looked at him, just how he looked disrespectful." [redacted] did not ever hear Vega tell them that he was going to twist [redacted] up or be physical with him at any time. [redacted] ended the interview by stating if he was handling the situation, he would have "placed handcuffs on him, practically immediately". Although [redacted] stated Vega was not his regular partner, he said it was also possible for him to intervene and prevent Vega from escalating the incident.

Deputy [redacted] Interview

On Friday October 7, 2016, at 1447 hours, I interviewed Deputy [redacted] at the Internal Affairs office. Also present for the interview was Attorney/AOCDS Representative David Goldwasser and Sergeant Virgil Asuncion of Internal Affairs. Prior to conducting the actual interview, I provided Deputy [redacted] with the Confidentiality Directive, Miranda Advisement, and the Lybarger Admonishment for his review. I asked [redacted] if he had any questions about his Miranda rights or the Lybarger Admonishment and he did not. [redacted] read his Miranda Warnings and understood his rights. [redacted] would not waive his rights, and understood he was compelled to answer my questions under Lybarger. [redacted] also understood he was a principal in this investigation. The interview was digitally recorded and the following is a synopsis of our conversation:

Deputy [redacted] has been employed with OCSD for approximately 4 years as a Deputy Sheriff. Deputy [redacted] stated he is familiar with OCSD policies and admitted to signing on to Lexipol and accepting the policy manual. Deputy [redacted] is currently assigned to the Theo Lacy Facility, and has been working there for the past [redacted]

On June 13, 2016, [redacted] admitted to working as the F Barracks Deputy with Deputy [redacted] During his shift, [redacted] remembered responding to an incident involving Vega and an inmate outside of G barracks. [redacted] stated he was informed of the incident via the steno by the G barracks CSA. [redacted] remembered being asked to assist for something that was occurring in the barracks.

After being asked to assist, he and Deputy [redacted] responded. They entered the "tunnel" about half way when they were met by Deputies Vega and [redacted] who were on their way out. Although [redacted] stated one of the deputies briefly told them that an inmate ([redacted] was not complying with exiting the barracks, he stated there was no game plan discussed when they (he and [redacted] arrived inside the tunnel. [redacted] explained the incident escalated fast after he arrived.

[redacted] stated Vega and [redacted] did not appear angry, and that [redacted] was already near the back door of G-East when they exited the tunnel. After [redacted] exited the barracks, [redacted] did not hear [redacted] say anything disrespectful to any of the deputies. [redacted] confirmed that [redacted] complied with Vega's initial commands to face the wall and place his hands behind his back, and at no time during the entire incident did [redacted] hear [redacted] verbally refuse to obey Vega's directives. [redacted] admitted to seeing Vega kick [redacted] leg. When asked if [redacted] thought it was appropriate for Vega to kick [redacted] replied, "In my, from my point of view, No." [redacted] explained, "From what I see, what I walked into, and if I was the person grabbing him and searching him instead of Vega. No. But like I said, I don't know what Vega was, what was going on prior to the whole situation."

[redacted] was shown video of the incident where Vega kicked and pushed [redacted] to the ground. [redacted] was asked if [redacted] was being uncooperative or if he resisted with Vega prior to being kicked. [redacted] replied, "No. I don't, I don't really believe so…" However, [redacted] stated he could not remember if [redacted] was told to spread his feet apart prior to being kicked. [redacted] was asked about his report when he described that Vega "pressed downward" on [redacted] causing him to fall on his buttocks. [redacted] confirmed he meant "press, push, shove" by writing what he did. [redacted] agreed there was no reason for Vega to shove [redacted] down if it was Vega's intention to conduct a search of [redacted] After watching the video, [redacted] agreed Vega's actions were inappropriate.

When Vega shoved [redacted] to the ground, [redacted] could not exactly remember what Vega was telling [redacted] [redacted] stated, "Vega was more just kind of just, you know pushing off, like what the heck is, you know, wrong with you. You know, what is your deal." [redacted] also remembered that [redacted] was staring at Vega while he was being talked to, and that Vega responded by asking "What do you want to do. You want to fight me or something. Something along those lines…" [redacted] confirmed the starring incident occurred after Vega shoved [redacted] down to the ground. Regarding the kicks and shoving [redacted] down, [redacted] agreed Vega could have used other options or verbal commands to get [redacted] to comply. When asked if he could have used other options, [redacted] nodded his head and replied, "Yes."

[redacted] explained that Vega was not initially angry during the incident, and it wasn't until after Vega shoved [redacted] down outside the barracks, and returned from within the barracks, that Vega became angry. [redacted] explained that Vega went inside the barracks to speak with the inmate(s) who were initially trying to convince [redacted] to not exit. [redacted] said it was after his discussion with the inmates in the barracks that Vega appeared angry. [redacted] admitted Vega's anger began when he shoved [redacted] down, and that it escalated after talking with the inmates inside the barracks.

[redacted] didn't consider Vega's question about wanting to fight as a challenge to [redacted] believed Vega asked the question about fighting because of the way [redacted] was staring at him. [redacted] stated he didn't know what was going on in Vega's head and was not sure if he was trying to instigate the situation. Although [redacted] admitted that Vega used profanities during the incident, he could not remember exactly at what time the profanities were used. [redacted] believed Vega's actions and profanities towards [redacted] put him and the other deputies in a bad situation. [redacted] also believed that Vega lost his temper and composure during the incident. He felt Vega's actions were unprofessional and inappropriate. [redacted] stated he would have handled the situation differently by just handcuffing [redacted] and placing him on the booking loop. He would not have spoken to him outside the barracks because [redacted] was already uncooperative.

[redacted] ended the interview by stating he did not hear [redacted] complain of any pain or see any injuries on his person during the incident. [redacted] stated he only wrote a report on the incident because he was directed to by Sergeant Brass.

Deputy [redacted] Interview

On Tuesday October 11, 2016, at 1750 hours, I interviewed Deputy [redacted] at the Internal Affairs office. Also present for the interview was Attorney/AOCDS Representative David Goldwasser and Sergeant Virgil Asuncion of Internal Affairs. Prior to conducting the actual interview, I provided Deputy [redacted] with the Confidentiality Directive, Miranda Advisement, and the Lybarger Admonishment for his review. I asked [redacted] if he had any questions about his Miranda rights or the Lybarger Admonishment and he did not. [redacted] read his Miranda Warnings and understood his rights. [redacted] would not waive his rights, and understood he was compelled to answer my questions under Lybarger. [redacted] also understood he was a principal in this investigation. The interview was digitally recorded and the following is a synopsis of our conversation:

Deputy [redacted] has been employed with OCSD for approximately 2 years as a Deputy Sheriff. Deputy [redacted] stated he is familiar with OCSD policies and admitted to reviewing Lexipol and the policy manual. [redacted] also stated he regularly receives policy updates from the SAFE division and that he understands and accepted the department's policies. Deputy [redacted] is currently assigned to the Theo Lacy Facility, and has been working there for the past [redacted]

On June 13, 2016, [redacted] admitted he was working as the H Barracks deputy when he responded to assist Deputies in G Barracks. [redacted] stated he was advised by his CSA that "G Barracks needed help". When he arrived, he met Deputies Vega and [redacted] inside the tunnel. Initially, [redacted] claimed he was having trouble getting a story as to what occurred, and remembered asking them what happened and if they were going to search. [redacted] stated he eventually received information from Deputies Vega and [redacted] that an inmate [redacted] refused to exit the barracks.

[redacted] explained by the time he and the other deputies were about to exit the tunnel, the incident changed. He said, "I think it changed to, well now he's going to the back door. So, that's when we went to the back door of G barracks." [redacted] stated during their discussion inside the tunnel, Vega and [redacted] did not seem to be agitated or upset, and he described them as "information gathering."

[redacted] described the incident outside as [redacted] "standing in the doorway" being ordered out by one of the deputies. [redacted] said [redacted] was standing in the doorway and basically "refusing to come out." [redacted] believed another inmate or other inmates were present (behind him) telling [redacted] to not go outside. At that point, [redacted] stated he grabbed [redacted] by the smock top and "just kind of led him out".

Prior to coming out, [redacted] does not remember [redacted] saying anything disrespectful to any of the deputies while he was standing in the threshold. The only thing [redacted] recalls is that [redacted] was refusing to come outside and his "failing to obey a directive." [redacted] described [redacted] as "belligerent" and that "he didn't seem scared". [redacted] explained that [redacted] asked, "Why do I need to come out", and that he wanted a "shadow or something." [redacted] stated, "He wanted somebody to come out with him. Another inmate." [redacted] did not consider removing [redacted] from the threshold a use of force, and he was not directed to write a use of force on his actions. [redacted] was only directed to write a follow-up report regarding the incident.

After [redacted] was outside, [redacted] confirmed [redacted] complied with facing the wall. However, [redacted] could not recall with how many times [redacted] was told to spread his feet apart. [redacted] described [redacted] noncompliance with Vega's commands as "more of like a passive resistance." Again, [redacted] confirmed at no time was [redacted] verbally confrontational with Vega. [redacted] did not recall how long Vega waited after giving him commands before spreading [redacted] feet.

[redacted] was asked if he believed Vega kicked [redacted] feet or if Vega guided [redacted] feet apart. [redacted] replied, "He used his foot. It was uh, like a, ah… honestly I don't remember how he did it sir." After reviewing video of the incident, [redacted] believed Vega did not kick [redacted] He stated, "I would still consider it just spreading sir. And it didn't seem I guess forceful enough to be a kick." After his response, [redacted] was asked if he spreads inmates' feet the same way Vega did in the video. [redacted] replied, "If they're not complying, um, if I need to, they're just not moving their feet, I'll give it, I'll give it a little bit of uh, you know, move their feet out with my foot."

Based on what he saw the day of the incident, [redacted] was asked whether he thought Vega kicking and shoving [redacted] was appropriate and necessary. [redacted] replied, "Uh, if the inmate resisted, yes sir." When [redacted] was asked if [redacted] resisted the day of the incident, he responded, "I don't know sir. I'd have to ask Deputy Vega." Again, based on what he saw the day of the incident, [redacted] believed the way Vega separated [redacted] feet was justified and within policy. However, [redacted] did say he would "probably be, I guess more careful." [redacted] initially did not think this incident qualified as a use of force and stated he only wrote a report because Sergeant Brass directed him to write one.

[redacted] could not remember if Vega used profanities towards [redacted] during the incident. However, [redacted] did remember [redacted] staring at Vega and Vega asking [redacted] "Why you staring at me, and, do you want to fight me or something." [redacted] did not consider Vega's comments as him challenging [redacted] to fight. [redacted] felt that Vega was just questioning him because of the way [redacted] was staring at him. [redacted] did not feel Vega's comments escalated the incident. He stated at no time did it appear that Vega and [redacted] were going to fight.

[redacted] also did not think Vega's actions put him and the other deputies in a bad situation. He stated, "There were things that could have been done differently, but I, you know think he uh, I can't really speak for what Vega thought at the time." Outside of Vega not contacting a sergeant, [redacted] believed Vega acted appropriately and felt he did not lose his composure. However, [redacted] did state that if he could do things different, he would have notified a sergeant, changed the kicks, and not separated the feet as much. [redacted] also agreed that Vega could have just lightly tapped [redacted] feet as a request for him to open them further.

[redacted] ended the interview by stating that during a portion of the incident, his attention was focused on inmates approaching G Barracks, and that once he focused on the incoming inmates, he lost focus on what was "going down." [redacted] felt the approaching inmates were of more concern because there were additional deputies with Vega.

Deputy [redacted] Interview

On Tuesday October 11, 2016, at 1838 hours, I interviewed Deputy [redacted] at the Internal Affairs office. Also present for the interview was Attorney/AOCDS Representative David Goldwasser and Sergeant Virgil Asuncion of Internal Affairs. Prior to conducting the actual interview, I provided Deputy [redacted] with the Confidentiality Directive, Miranda Advisement, and the Lybarger Admonishment for his review. I asked [redacted] if he had any questions about his Miranda rights or the Lybarger Admonishment and he did not. [redacted] read his Miranda Warnings and understood his rights. [redacted] would not waive his rights, and understood he was compelled to answer my questions under Lybarger. [redacted] also understood he was a principal in this investigation. The interview was digitally recorded and the following is a synopsis of our conversation:

Deputy [redacted] has been employed with OCSD for approximately 4 years as a Deputy Sheriff. Deputy [redacted] stated he is familiar with OCSD policies and admitted to signing on to Lexipol and accepting the policy manual. Deputy [redacted] is currently assigned to the Theo Lacy Facility, and has been working there for the past [redacted]

On June 13, 2016, [redacted] remembered working as the F Barracks Deputy with Deputy [redacted] and responding to an incident involving Deputy Vega outside of G Barracks. [redacted] responded after receiving a steno call from the G Barracks CSA. When [redacted] arrived, he was not briefed on the incident, and was only told that they (deputies Vega and [redacted] were going to be pulling Inmate [redacted] out. [redacted] stated he met Vega and the other deputies in the tunnel and he did not recall why they were going to pull out [redacted] However, [redacted] did remembered [redacted] refused to exit and that Deputy [redacted] eventually escorted him out of the barracks.

As [redacted] exited the tunnel, he saw Vega was in the process of "performing a grasping hand search" on [redacted] [redacted] does not recall how Vega was exactly searching [redacted] but he stated [redacted] was complying with Vega's commands. At no time did [redacted] hear [redacted] refuse to comply with Vega's directives or commands.

[redacted] was asked about his report when he wrote that "Vega kicked [redacted] legs out to his side and placed him in a position of disadvantage", and if he thought that kicking [redacted] was appropriate. [redacted] responded by stating, "I don't know what the circumstances were leading up to it, so I really, I really can't uh talk based on his actions." However, [redacted] stated that from what he saw and witnessed when [redacted] was on the wall, he did not believe [redacted] was being uncooperative with Deputy Vega.

Regarding the incident when Vega kicked [redacted] and shoved him to the ground, [redacted] stated he did not know if Vega's actions were inappropriate because he didn't have his hands on [redacted] so he "can't feel if he was providing any tension or anything." However, based on what he saw and witnessed, and after watching video of Vega kicking and shoving [redacted] [redacted] believed Vega's actions were inappropriate. When asked if he thought Vega's actions were appropriate, he stated, "Uh, probably not sir."

[redacted] stated he first remembered hearing communications between Vega and [redacted] after Vega shoved [redacted] to the ground and returned from inside the barracks. When Vega returned from inside the barracks, [redacted] remembered hearing Vega tell [redacted] to "stand up." When asked if he heard Vega challenge [redacted] to fight, [redacted] responded, "Yes sir." [redacted] described the incident as, "I guess he was looking at him a certain way and he said…um, I think from what I remember it was something along the lines of uh, of uh, almost looking at like do you want to fight or something." [redacted] stated he does not know exactly what Vega's demeanor was, but he believed Vega "may of" lost his cool. [redacted] also admitted to working with Vega in the past and stating he knew what Vega looks and sounds like when he is angry. When asked if Vega appeared angry, [redacted] replied, "Uh, I mean, possibly." [redacted] added that Vega was speaking with [redacted] in a "louder than normal tone", but he wasn't screaming at him or anything.

Although [redacted] did not think Vega and [redacted] were going to fight, [redacted] believed "things could have been handled differently." When asked if he thought Vega was professional in handling this incident, [redacted] responded, "Probably not. No sir." When asked if he believed Vega lost his composure, [redacted] stated, "Yeah."

Deputy Carlos Vega Interview

On Friday November 4, 2016, at 1030 hours, I interviewed Deputy Carlos Vega at the Internal Affairs office. Also present for the interview was Attorney Robert Baumann and Sergeant Virgil Asuncion of Internal Affairs. Prior to conducting the actual interview, I provided Deputy Vega with the Confidentiality Directive, Miranda Advisement, and the Lybarger Admonishment for his review. I asked Deputy Vega if he had any questions about his Miranda rights or the Lybarger Admonishment and he did not. Vega read his Miranda Warnings and understood his rights. Vega would not waive his rights, and understood he was compelled to answer my questions under Lybarger. Vega also understood he was a principal in this investigation. The interview was digitally recorded and the following is a synopsis of our conversation:

Deputy Vega has been employed with OCSD for over 4 years as a Deputy Sheriff. Vega stated he is familiar with OCSD policies and admitted to signing on to Lexipol and accepting the policy manual. Vega also acknowledged receiving policy updates from the SAFE Division. Vega is currently assigned to the Theo Lacy Facility, and has been working there since graduating the Academy approximately four years ago.

On Monday, June 13, 2016, Vega confirmed he was working in G Barracks at the Theo Lacy Facility. Vega worked with Deputy [redacted] and CSA [redacted] during the shift, and remembered an incident that occurred outside the barracks with inmate [redacted] Vega described the incident as follows:

Vega explained that when the nurse showed up for morning medication call, they ([redacted] himself) put out an announcement over the intercom system for the inmates who receive medications to get dressed, get their water, and go to the back door. Vega stated, "Towards the end of med call, we still had a lot of inmates missing". Because several of the inmates who were supposed to get medications didn't show up, he received a list of the inmates and called them to the back door. Vega believed approximately 9-10 inmates did not show up for the initial medication announcement.

After the late inmates arrived and received their medications, Vega told each of them to sit at the dayroom tables. Vega wanted to talk to them about being on time. However, when he looked at the tables, he only saw one of the 9-10 inmates who were late sitting at the tables. Seeing only one inmate at the tables, Vega made another announcement in the barracks for the inmates who were late to go to the tables. After he made the announcement, Vega stated, "9-10 inmates" came to the tables.

When the inmates arrived at the tables, he told them they needed to be up and ready for their medications. Vega explained there was no reason why he and the nurse should have to wait for them. After his counseling, Vega got the inmates' bunk numbers and searched their cells. After searching their cells, Vega came back to the tables and noticed Inmate [redacted] sitting with his arms crossed and giving him a dirty look. Vega told them he needed them to be on time, and asked all the inmates if they understood the importance of being on time. Vega stated all the inmates were receptive and acknowledged his counselling, except for [redacted] Vega claimed [redacted] leaned over and whispered something to some of the other inmates. Seeing this and believing [redacted] was "acting funny", Vega asked [redacted] if he had a "problem with it." At this point, Vega claimed [redacted] crossed his arms and continued giving him a "dirty look".

Believing [redacted] was going to cause a problem, Vega told the other inmates to return to their bunks and for [redacted] to go to the back door. Vega wanted to isolate [redacted] because there were several other inmates inside the dayroom. Vega also believed if he separated [redacted] may be more receptive to discussing what was bothering him.

However, when Vega told [redacted] to go to the back door, [redacted] told him "No." Vega stated [redacted] told him "no" several times. After [redacted] refused to obey his directive and believing may be a problem, Vega proceeded to the guard station and requested additional deputies to respond. After requesting additional deputies, Vega again told [redacted] over the intercom to go to the back door. This time, [redacted] stood up and began walking towards the back door. Seeing [redacted] stand up and walk towards the back door, Vega believed [redacted] was going to comply and be cooperative. As Vega started walking through the tunnel and to the back door, he said additional deputies started to arrive. Although Vega thought he only needed "one or two" deputies, he stated more than he expected arrived.

Once Vega got to the back door, he noticed [redacted] "walking towards the back door with a few other inmates." Vega asked [redacted] what he was doing and advised him that he was coming outside by himself. Vega directed the other inmates to go back to their bunks and [redacted] was brought outside. After [redacted] exited, Vega stated he "put him on the wall", and asked him to put his hands behind his back and interlock his fingers. Vega wanted to put [redacted] at a disadvantage. Vega claimed [redacted] did not comply and interlock his fingers.

As Vega spread [redacted] feet, Vega stated [redacted] "tenses up a little bit, lifts his foot back, like puts it back down. So he is not letting me put him at a position that's going to be safe for myself, so I do it again. And he moves again. And I think, I know his shoe like either slipped right behind his foot or not. So I go to kick it, and I think at the moment, I might have caught his foot again. So he slides, he puts his feet back out. And since he was trying to put his feet back together the first time, I stick one of my feet in between… so he can't like bring them back together." During the altercation, Vega claimed he asked [redacted] "What's going on?", and that he tried to get answers from [redacted] However, [redacted] would not respond or communicate with him.

Vega claimed while he tried to talk with him, [redacted] feet began slipping. At that time, Vega grabbed him by the shoulder and told him, "Sit on your butt." As Vega went to guide him on his butt, [redacted] went down to his knee, and "tensed back up again." After [redacted] did not comply with Vega's command to sit down, Vega put him "down on his butt." Vega stated, "I think I had to force his shoulder down a couple times to get him where he was. At that point, I forgot, I couldn't tell you what I told him at that point, I was uh, a little irritated he's not answering it, but I wanted to go back and address the inmates inside of G barracks who were walking out with him. I went back in there and I told a couple guys that I recognized that were walking with him. I go hey, this is unacceptable. You guys aren't coming back there. I was like, you guys are staying inside. When we tell someone to do something they're going to do it. So I go back out there… I was still trying to find out what was going on, you know. Hey what's this guy's problem, he don't want to talk to me. He gave me dirty looks over something so simple. It was like, all I asked you to do was to come and show up for meds."

After Vega returned from inside the barracks, Vega told [redacted] to stand up and put his back against the wall. Again, [redacted] did not do as directed and started walking towards the grass. Vega questioned [redacted] to find out what he was doing. Vega claimed he asked [redacted] "What are you doing, are you trying to cause a fight with us? Or what's your problem?" Vega claimed he brought [redacted] outside to "address the one issue, thinking like hey, maybe this guy has something he wants to say, that he needs to get back there. Maybe they beat him up, because I know he had a black eye. Maybe he's having a bad day." Vega eventually handcuffed [redacted] and escorted him to the booking loop. Vega claimed once they arrived at the booking loop, [redacted] apologized for not cooperating.

Vega stated [redacted] did not communicate with him during the whole incident outside of G barracks. He stated he tried to handle the situation outside the barracks, and that his intentions were for [redacted] to return to the barracks. Vega stated, "I thought it was something minor that I was trying to address. I didn't think it was going to be that big of an issue with him."

After Vega explained and described his recollection of the incident, he was asked several questions to clarify his actions. Vega agreed he was initially upset when he directed the inmates who did not show up for medication call to go to the dayroom tables and only one of the inmates listened to his directive. He stated, "Oh yeah. That there was only one that listened?"

Vega explained his reasoning for getting the inmate bunk assignments and searching their property while they were at the tables. Vega stated he searched their bunks to determine if any of the inmates were possibly up late "drinking pruno" the night before. Vega claimed he wanted to ensure the inmates didn't have any contraband that led to their delayed response time. Vega also stated he searched for "safety reasons". Vega initially denied searching their bunks as a form of discipline, even though he admitted to only searching the inmate bunks of those who were late for medication call. However, after discussing his intent to search their bunks, and whether it was done as a form of discipline, Vega not only admitted that he was "irritated" when he searched the bunks, but he also agreed his searches "could have been" considered a form of discipline.

Vega admitted he did not write up [redacted] or any of the other inmates for a jail rule violation. Although Vega stated he could have just written them up, he felt that "due to the amount of times" he warned [redacted] Vega wanted to talk to him outside to "figure out what's going on with him." However, once they got outside, Vega explained that is when the incident "changed into a completely different write up." Vega explained that as the incident progressed and [redacted] refused to comply with his numerous directives, his anger increased and escalated.

Vega admitted [redacted] was clearly uncooperative during the incident and that he did not notify a supervisor prior to pulling [redacted] out of the barracks. Vega stated, "I thought about it, but once I made the announcement inside of the guard station, and he looked like he was going to comply, I didn't think it was necessary." Vega explained that if he went back inside the barracks and [redacted] continued to be uncooperative, at that point he would have notified a sergeant. However, after he made the announcement and [redacted] started walking to the back door, Vega believed he was going to be cooperative and thought he was just being uncooperative inside the barracks because there were other inmates present.

After discussing department policy (1800.1(7)) and [redacted] demeanor during the incident, Vega admitted he should have called a sergeant prior to taking [redacted] outside. He stated, "In hindsight. Looking back at it. Yeah, I would have call a sergeant…"

When [redacted] exited the barracks, Vega claimed he told [redacted] to face the wall for safety reasons, and to place him at a disadvantage so he could be searched. However, Vega did not search [redacted] Although Vega claimed it was his intention to search [redacted] he believed he stopped searching when [redacted] "tensed up".

Vega was questioned about when he wrote in his report that he used his foot to spread [redacted] feet apart. When asked if he believed he kicked [redacted] feet, Vega stated, "I don't know if I'd say kick, but I'd have to watch the video again to recall that part." Vega couldn't remember the "method" he used. Vega claimed he gave multiple commands to [redacted] and that he gave "at least a couple seconds" for [redacted] to comply with his commands before spreading his feet. When asked if he gave [redacted] enough time to comply, he stated, "I felt like I did but…"

At the time he spread [redacted] feet apart, Vega admitted he was angry and stated it was "possible" he could have used other methods and commands to have [redacted] comply. Vega stated, "I think there's uh, looking back, hindsight, there's probably a few different things I could have done differently you know…" Vega admitted his being angry could have factored into why he didn't give [redacted] other options or deescalate the incident. He stated, "Could have been." Vega estimated his being upset as being a 6 on a scale of 1-10, and admitted to being more irritated than normal.

Vega was shown a video of the incident and asked several questions about his actions. After watching the video, Vega admitted he in fact kicked [redacted] feet apart. When asked if Vega agreed he kicked [redacted] feet apart, Vega stated, "Sure, Yes." When Vega was asked if he considered himself in a position of advantage after the first kick with [redacted] feet apart and having 4 deputies behind him, Vega responded, "Yes Sir." Although Vega stated [redacted] was being uncooperative by tensing up, Vega agreed that he was already at a position of advantage after the first kick.

Although Vega agreed he could have used other options to make [redacted] comply, he still believed [redacted] was being resistant and uncooperative from the beginning of the incident. Vega did not think [redacted] was tensing up to keep his balance because his feet were being kicked open. Vega explained he has searched several inmates throughout his career and believed [redacted] was deliberately being uncooperative and resistant. Vega was asked if he could have just moved [redacted] shoe instead of kicking it away and eventually kicking [redacted] a third time. Vega stated, "In hindsight, I probably could have. I probably, I could have prob…, I could have done a few things differently. Yes sir." Although Vega agreed that he was already at a position of advantage and that kicking the shoe away was unnecessary, he denied that he purposely tried to kick [redacted]

When Vega wrote that he "redirected" [redacted] down to the ground, he initially felt that he just "sat him down", or used "downward" pressure. However, after watching the video, Vega agreed his actions and force would be consistent with shoving him down. He stated, "I'd say that would be the motion. Like a downward, kind of shove." Vega confirmed he forcefully shoved [redacted] down by saying, "Yes, sir. I used force at that one." Vega also agreed he could have used some other options to get [redacted] to the ground.

Vega explained that after re-addressing the inmates inside of G East, he believed his anger was lessening. He stated that after talking with the inmates inside the barracks, and then coming outside and seeing [redacted] still seated as he instructed him to do, Vega believed his anger was deescalating. Vega denied challenging [redacted] to fight. When asked, Vega stated, "No sir." Vega explained that after he directed [redacted] to stand up, and not knowing [redacted] intentions because of the fact that he tried to have additional inmates exit the barracks with him, he did admit to asking [redacted] something to the effect of, "are you like trying to get people to come and fight or what. I know I asked him something like that. Did I say the "F" word, or say a different, some profanity in there, I possibly could have. But when I'm asking him, Hey, are you trying to fight? Or I might have said, Are you trying to fucking cause a fight? Something along those lines I know is what I said. I was definitely not challenging him to a fight." Although Vega denied challenging [redacted] to a fight, he admitted his dialog could have been perceived by someone as challenging [redacted]

Regarding his report, Vega claimed he was asked to have the report completed in "like an hour". He explained he didn't have time to review the video when he wrote his initial report, and it wasn't until after watching the video that he was able to write an accurate report. Vega stated his first report only had "a couple factors that went into it."

Vega claimed that after he escorted [redacted] to the booking loop, Sergeant Brass told him, "Hey, let's uh, write something to cover this. I'm like, he's all, I'm good with everything right here, blah, blah, blah. And then he's like, could you get this to me within an hour. And then he did talk to me about the incident a little bit. Like hey, in the future, if we have something like this, let's get this guy, let's cuff up a little sooner. And I told him, Yeah, I completely agree with you, and that was something I could have done."

Vega could not recall what he was telling [redacted] during the incident. However, he admitted it was "possible" that he was using profanities towards [redacted] He stated, "I know that I've cussed in the past, so I don't think that it's something that I could say, that no, I didn't cuss. I'd say that more than likely I probably did cuss…Exactly what, I'm not 100% sure." Vega agreed that his anger and the level of being agitated progressed from his initial contact with [redacted] inside the barracks. Vega stated if he could do things over, he would have done a few thing different. Vega stated he would have not only "called the sergeant right away when he said he wasn't going to listen", but he would have also "cuffed this guy up sooner and taken him to the booking loop, and avoided a lot of different stuff." Vega also admitted he could have just sat [redacted] on the ground and counseled him.

After watching the video and discussing the incident with him, Vega admitted his actions were inappropriate and unprofessional. He stated, "I think I could have definitely used some different actions and tactics and stuff, to, to address the same situation with a different outcome." He felt that his professionalism was "not to the standard that I would hold myself too."

Vega stated his intentions were to just bring [redacted] outside and to see what was wrong with him. However, "along the way", and after [redacted] ignored him and showed him disrespect, Vega got irritated and upset. Vega admitted he lost his composure and let [redacted] get to him. Although Vega felt his actions were appropriate at the time of the incident, he agreed this incident could have been avoided. Vega ended the interview by stating he did some things that he should not have done, and he "did some things he would change for sure." Vega also stated he learned several things from this incident, and that he will use what he has learned to help him handle things appropriately in the future.

Included for Review (Attachments)

Included for Review

1. **Initial Action**
2. **Personnel Investigation Summary**
3. **Initiating Memo**
4. **OCSD Reports**
6. **Supporting Documents/ Videos**
7. **OCSD Department Policies**
8. **Internal Affairs Interviews (CD)**

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO

TO: Commander J. Briggs
FROM: Captain J. Park
DATE: 7-4-16
RE: Personnel Investigation Request

The following is a summary of a use of force incident that occurred on 6-13-16 outside of G Barracks. The summary is a collection of information obtained from reports, interviews and video surveillance:

On 6-13-16, Deputy C. Vega #9101 was working in "G" Barracks. At approximately 0818 hours (according to surveillance video footage), Deputy Vega directed inmate [redacted] to go to the back door. [redacted] was directed there after he had been late in coming out for medication. Once outside, Vega was with Deputies M. Ceja, A. Mott, A Gutierrez, and G. Berry. Vega told [redacted] to face the wall, place his hands behind his back, and to interlock his fingers. Vega grabbed [redacted] hands. Vega told [redacted] to spread his feet apart but "he refused". According Vega's report, he used his "right foot to separate" [redacted] "feet apart" to "gain a position of advantage". The surveillance video of the incident shows Vega kicking [redacted] feet apart approximately three times. Vega grabbed [redacted] somewhere on his upper body and forced his head towards the ground three times causing him to sit on the concrete.

During this time the other deputies present were in the area observing, but did not actively engage. Vega left [redacted] sitting there unsecured. He returned approximately 30 seconds later and had [redacted] stand up. Near this same time Sergeant J. Brass exited F Barracks and heard Deputy Vega yelling at [redacted] As Sergeant Brass approached "G" Barracks, [redacted] was standing up and Vega continued to yell and swear at him. Vega was yelling something similar to, "What the fuck's your problem, do you want to fight?" He continued to yell and swear at [redacted] asking him what he was staring at and challenging him to fight. Once he realized Sergeant Brass was there, Vega stopped yelling, borrowed handcuffs from Deputy Ceja, handcuffed [redacted] and escorted him to the Booking Loop.

I reviewed the reports and video tape (surveillance). I am recommending this incident be forwarded to PSD for consideration of a Personnel Investigation for the following violations:

300.2.1 USE OF REASONABLE FORCE TO EFFECT AN ARREST
Any peace officer that has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance
(Penal Code § 835(a)).

I CONCUR WITH THIS REQUEST

Jon J. Briggs

7-12-16

CCOM POLICY 1800.1 (GENERAL RULES)

(2) - Staff will not use force maliciously or sadistically for the very purpose of causing harm. (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. (5) Staff will not encourage or permit inmates/detainees to exercise force against staff, visitors, or other inmates/detainees. (7) Staff will notify a sergeant(s) whenever an interaction with an inmate/detainee is likely to result in the use of force (Deputy Vega

1018.39 USE OF OFFENSIVE LANGUAGE

Members shall not use offensive or uncomplimentary language within the hearing of any other person.

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.

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.

Copies To:

SHERIFF'S DEPARTMENT, ORANGE COUNTY CORRECTIONS

ORIGINAL

JAIL INCIDENT REPORT

JI # 06132016/ 0816
DR# 16-144242

Offense: **Failure to obey a directive/ Disrespect to staff/Creating a disturbance**	Location of Occurrence: **Theo Lacy Facility, G Barracks**		
Victim: **N/A**	Bkg. No.	Date/Time of Occurrence: **09-24-14 / 0930 hours**	
Suspect: [redacted]	Bkg. No. **2941893**	☐S/E-☒Court - Date **6-23-2016**	Good/Work Time **0 / 0**

On Monday, June 13, 2016, I was working my assigned position as a Prowler in "G" Barracks. I made an announcement over the dayroom speaker for anyone who takes medication to get their water and go to the back door. At approximately 0810 hours, I was standing by with medical staff for medication distribution. Several inmates did not wake up in time and were late for their medication. The Med Nurse called out a list of inmates who still had not shown up for their medication. As the 9-10 inmates who were late took their medication, I told them to go sit at the dayroom tables.

When medication distribution was almost completed I only saw one inmate sitting at the dayroom tables. The other inmates failed to follow directions again. I made an announcement for everyone I had told to go to the dayroom tables and take a seat immediately at the dayroom tables. I completed medication distribution and walked over to the dayroom tables to talk to the inmates about being on time for medication call and listening to my directives the first time. I gathered a list of the inmates assigned bunks and went and searched their assigned bunk areas.

When I finished searching I returned to the dayroom tables. I asked the inmates if they all understood that they were to be on time for their medication and listen next time they were told to do something. All inmates were receptive and told me that they understood, except [redacted] (Booking Number [redacted]) who was giving me an angry look.

[redacted] continued staring at me with an angry look on his face and crossed his arms. I asked if there was a problem and he did not respond. The other inmates were all looking towards [redacted] as he continued to look at me aggressively. He whispered something to the inmate sitting next to him but I was unable to hear what he said. This made me believe [redacted] could possibly be inciting other inmates to become aggressive by his physical posture and disruptive behavior. I also noticed [redacted] had a black eye which raised my suspicion about his behavior. I told [redacted] to go to the back door and he told me, "No." I had the remaining inmates return to their assigned bunks. I again told [redacted] to go to the back door and he told me, "No, I am not going back there." Each side of the barracks houses 192 inmates.

Report By:	Date of Report	Approved By:
Deputy C. Vega 9101	06-13-2016	SGT BRASS # 4973

ORIGINAL

For officer safety and the fact that Deputies in the past have been assaulted by multiple inmates inside of the dayroom, Deputies often talk to uncooperative/disruptive inmates outside of the Barracks.

I walked back into the guard station and [redacted] remained at the dayroom tables. Due to [redacted] disobeying a directive and his aggressive demeanor in front of other inmates I stenofoned "F" and "H" Barracks to have an additional deputy respond. This way I could safely escort [redacted] outside of "G-East". Having additional deputies would increase our safety in case he incited other inmates to get involved further.

I utilized the dayroom speaker and ordered [redacted] to go to the back door. He stood up from the dayroom table and walked towards the back door. This led me to believe [redacted] was going to be compliant and I would be able to counsel him about his disruptive behavior and have him return into "G-East" without incident.

I was walking down the guard station tunnel, Deputies from "F" and "H" Barracks arrived. I went to the "G-East" back door and when I opened it [redacted] was by "A" cubicle telling other inmates to go outside with him and another inmate was walking out with him. I felt like [redacted] was inciting other inmates to get involved. I told the other inmates he was coming outside by himself and secured the door when he exited.

When [redacted] exited the backdoor of "G-East" I told him to face the wall, place his hands behind his back and to interlock his fingers. He placed his hands behind his back but did not interlock his fingers. I grabbed his hands, interlocked his fingers and used my right hand to control both his hands. I asked him several times to spread his feet apart. He refused to spread his feet apart and tensed up both of his arms. I used my right foot to separate his feet apart so that I could gain a position of advantage while dealing with [redacted] who was and had been uncooperative throughout this entire interaction. When I separated his feet he resisted by tensing his left leg, so I was unable to spread his feet to a position of advantage. I told him to stop resisting and I separated his feet further apart.

[redacted] moved his right foot to attempt to put his feet back together so again I used my right foot to separate his feet. [redacted] sandal had come off and it was behind his left foot. I moved the sandal out of the way with my right foot. In the process of doing so [redacted] feet separated further apart. I put my left foot besides his left foot to keep him from moving his feet back together.

Report By:	Date of Report	Approved By:
Deputy C. Vega 9101	06-13-2016	SGT BRASS #14973

ORIGINAL

[redacted] feet continued to slide further apart so I grabbed the left shoulder area of his jail issued "smock top" with my left hand. I realized it would be hazardous to try to lift [redacted] up so I told him to sit down on his butt and redirected him downwards. He tensed his arms and clinched his hands tightly. [redacted] put his left knee down. I told him again to sit on his butt, he postured his upper body upwards so I applied downward pressure on his left shoulder until he sat on his butt.

I told [redacted] to face the wall and remain seated.

I walked into "G-East" and addressed the issue of inmates not being allowed to have other inmates go outside with them. An inmate in "A" cubicle told me [redacted] was trying to get them to go outside with him. I told the inmates that this was unacceptable and was not going to happen.

I returned outside where [redacted] was still sitting. I told him to stand up and put his back against the wall. [redacted] stood up and walked towards the grass area. I told [redacted] that was not what I told him to do. When he was walking towards the grass I noticed his socks were wet, so I had him remove his socks and stand with his back against the wall.

Due to what the inmate in "A" cubicle had told me and [redacted] demeanor I asked [redacted] if he was planning on trying to fight or what his issue was. [redacted] did not respond. Again I explained why he was not going to have any other inmates with him and that when told to do something he was going to listen to all staff members.

[redacted] continued his aggressive and agitated state and was unreceptive to my counseling. [redacted] behavior was very unusual since my request for him to show up to medication distribution on time and to obey simple directions was so minor in nature. I was unable to determine the source of his aggressive and unusual temperament. I had [redacted] turn around and I placed him in handcuffs.

I escorted [redacted] to the Booking Loop and put him in Cell #1 without further incident. Once inside of Cell #1, [redacted] apologized for his behavior. I asked [redacted] if he needed medical attention and he told me, "No."

I later identified the inmate who was walking out of "G-East" with [redacted] as inmate [redacted] (Booking Number [redacted]. I asked him why he was walking out with [redacted] told me that he had just walked out of the restroom and [redacted] told him

Report By:	Date of Report	Approved By:
Deputy C. Vega 9101	06-13-2016	SGT BRASS #4973

ORIGINAL

to come outside with him. [redacted] told me that [redacted] was trying to get anyone to go with him. [redacted] stated, "He told me and a few other guys, come outside with me."

I reviewed video of the incident and noticed that the ground behind "G" Barracks where [redacted] was standing was wet and appeared slippery.

Report By:	Date of Report	Approved By:
Deputy C. Vega 9101	06-13-2016	SGT BRASS #4973

1. COPIES TO:

061316/0810

2. CASE NO. 16-144242

ORIGINAL

SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

PRIORITY: ☒ Yes ☐ No

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

SANDRA HUTCHENS, SHERIFF-CORONER

FOLLOW-UP REPORT

7. OFFENSE	8. LOCATION OF OCCURRENCE	
Use of Force	Theo Lacy Maximum Security Jail	
9. VICTIM/INFORMANT	10. DATE AND TIME OF OCCURRENCE	11. GRID
Deputy C. Vega # 9101	6-13-16 / 0816 Hours	799-C5

12. DETAILS OF OFFENSE:

On Monday, June 13, 2016, I was working my assigned position as an "F" Barracks Prowler at the Theo Lacy Maximum Security Jail. At approximately 0810 hours, Correctional Services Assistant M. Morales #9723 requested additional deputies for an unknown disturbance inside of "G" Barracks. I proceeded to "G" Barracks to assist with the unknown disturbance. Upon arrival, Deputy C. Vega #9101 and Deputy G. Berry #9152 informed me the disturbance was for an inmate, later identified as [redacted] BKG# [redacted] who refused to obey their commands to exit the barracks. Morales instructed the inmate to go to the back door of "G" Barracks. I proceeded to the back door of "G" Barracks to assist the other deputies responding to the disturbance.

Deputy Vega instructed [redacted] to step outside of the barracks so he could speak with him. [redacted] stood at the doorway refusing to exit the barracks without having a "shadow". In jail terms, a shadow means to have another person present with you while talking with a deputy. While [redacted] was standing at the East side back door of "G" Barracks, Deputy A. Mott #9349 grabbed [redacted] by the smock top and directed him outside. Vega told [redacted] to face the wall so he could perform a grasping hand search of him. [redacted] faced the wall and placed his hands behind his back. Vega kicked out [redacted] feet to place him off balance. Vega grabbed his hands and left shoulder, and pressed downward on his shoulder. [redacted] was unable to keep his balance and fell to his buttocks. Vega then went inside of the East side of "G" Barracks for an unknown reason. Shortly after, Vega came back outside to counsel [redacted] While counseling [redacted] Vega asked him why he was continuously staring at him and not obeying his directives. [redacted] did not respond, and continued to stare at him. Vega asked him if he wanted to fight or something. [redacted] still had no response. Deputy M. Ceja #9111 handed Vega handcuffs. Vega placed the handcuffs on [redacted] and escorted him to the booking loop.

INVESTIGATING OFFICERS	REPORT BY	DATE OF REPORT	APPROVED
	Deputy A. Gutierrez #	6/14/16	SGT BRASS #4973

1. COPIES TO:
JI#TL061316/0810

2. CASE NO. 16-144242

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.

SANDRA HUTCHENS, SHERIFF-CORONER

FOLLOW-UP REPORT

7. OFFENSE	8. LOCATION OF OCCURRENCE	
Use Of Force	501 The City Drive, Orange, CA 92868	
9. VICTIM/INFORMANT	10. DATE AND TIME OF OCCURRENCE	11. GRID
Deputy C. Vega #9101	June 13, 2016/ 0816 Hours	799-C5

12. DETAILS OF OFFENSE:

On Monday, June 13, 2016, I was working my assigned position as an "F" Barracks Deputy at the Theo Lacy Maximum Security Jail. At approximately 0810 hours, Correctional Services Assistant M. Morales #9723 requested additional Deputies in "G" Barracks for an unknown disturbance.

When I responded to "G" Barracks, I was advised by Deputy C. Vega #9101 and Deputy G. Berry #9152 there was an inmate from the West Side of the Barracks that refused to go out to the back door exit. The inmate, later identified as [redacted] (Bkg# [redacted] DOB [redacted], was told to go to the back door via the Guard Station intercom speaker.

Deputy Vega was at the back door of the Barracks and instructed [redacted] to exit. [redacted] stood at the threshold of the door and refused to come out. Deputy A. Mott #9349 grabbed [redacted] and guided him outside of the Barracks.

When I exited the "G" Barracks guard station tunnel door, Deputy C. Vega was performing a grasping hand search of [redacted] Deputy Vega kicked [redacted] leg out to his side and placed him in a position of disadvantage. I was providing security, making sure no other inmates walked towards "G" Barracks while Deputy Vega performed a grasping hand search of [redacted] Deputy Vega placed [redacted] on the ground after he was unable to keep his balance during the search of his person. Deputy Vega then entered the East Side of "G" Barracks.

When Deputy Vega exited "G" Barracks, he told [redacted] to stand up so he could handcuff him. When [redacted] stood up, Deputy Vega asked [redacted] what he was looking at and if he wanted to fight. Deputy Vega told [redacted] to turn around and place his hands behind his back. Deputy Vega handcuffed [redacted] and escorted him to the Booking Loop.

Sergeant J. Brass #4973 was present and notified of the incident.

INVESTIGATING OFFICERS	REPORT BY	DATE OF REPORT	APPROVED
	Deputy M. Ceja #9111	6/14/16	SGT BRASS #4973

1. COPIES TO:

2. CASE NO. 16-144242

JI#TL061316/0810

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.

SANDRA HUTCHENS, SHERIFF-CORONER

FOLLOW-UP REPORT

7. OFFENSE	8. LOCATION OF OCCURRENCE	
Failure to Obey A Directive	501 The City Drive S. Orange, CA 92868	
9. VICTIM/INFORMANT	10. DATE AND TIME OF OCCURRENCE	11. GRID
Deputy C. Vega #9101	0810 Hours / June 13, 2016	799-C5

12. DETAILS OF OFFENSE:

Narrative:

On Monday, June 13, 2016, I was working my assigned position as a "H" Barracks Deputy. At approximately 0810 hours CSA P. Vielma #8827 informed me that "G" Barracks Deputies needed assistance for an unknown reason.

I responded to "G" Barracks and met Deputy C. Vega #9101 in the tunnel. He told me that there was an inmate, later identified as [redacted] (DOB: [redacted] / Bkg# [redacted] that refused several commands to exit the barracks. We exited the tunnel and Deputy Vega held the east side door open and ordered [redacted] outside. [redacted] was standing inside the threshold of the door and refused to come out. I grabbed the front of [redacted] smock top with my right hand and led him out of the doorway. [redacted] was told to face the wall so he could be searched.

Deputy Vega told [redacted] to interlock his fingers and spread his feet. [redacted] did not comply after being ordered multiple times to spread his feet. Deputy Vega spread [redacted] feet using his foot. Vega then counseled [redacted] and asked why he wasn't listening to Deputies. I walked towards "H" Barracks to direct any inmates that were coming toward "G" Barracks to go away for safety issues.

Deputy Vega pushed [redacted] down into a sitting position. Deputy Vega then entered "G" Barracks. When Deputy Vega came back he ordered [redacted] to stand and asked why he was staring at him. [redacted] continued to stare at Vega. Deputy Vega asked why [redacted] was staring at him and if he wanted to fight him. [redacted] was then told to turn around, was placed in handcuffs and escorted to the booking loop.

INVESTIGATING OFFICERS	REPORT BY	DATE OF REPORT	APPROVED
	Deputy A. Mott #9349	6/14/16	SGT BRASS #4973

1. COPIES TO:
JI# 061316/0816

Jail Crimes

2. CASE NO. 16-144242

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.

SANDRA HUTCHENS, SHERIFF-CORONER

FOLLOW-UP REPORT

7. OFFENSE	8. LOCATION OF OCCURRENCE	
Failure to Obey A Directive	501 The City Drive, Orange, Ca. 92868	
9. VICTIM/INFORMANT	10. DATE AND TIME OF OCCURRENCE	11. GRID
Deputy G. Berry #9152	June 13, 2016 / 0816 Hours	799-C5

12. DETAILS OF OFFENSE:

On Monday, June 13, 2016, I was working my assigned position as a G-Barracks Deputy. At approximately 0816 hours, Deputy C. Vega #9101 was assisting medical staff with morning medication distribution. After medication distribution Deputy Vega had a group of inmates sit at the dayroom table on the East Side of G-Barracks. I was inside the guard station when I noticed Deputy Vega standing in front of the group of inmates. I made entry into the East Side of G-Barracks through the inner door. Deputy Vega was verbally counseling the group of inmates that were not present at the back door during morning medication distribution. Correctional Services Assistant M. Morales #9723 told the inmates through the intercom system to go to the back door for medication prior to distribution. I assisted Deputy Vega while he searched the bunks of the inmates not present for medication distribution for contraband following a jail rule violation.

After searching for contraband we returned to where the group of inmates were seated. Inmate [redacted] (bkg# [redacted] was sitting at the back of the group with an angry look on his face. His body language appeared disrespectful. He was sitting slouched with his back leaned up against the dayroom table, his legs were straight out in front of him and his arms were crossed over his chest. Deputy Vega instructed the group of inmates to return to their bunks except for Inmate [redacted] Deputy Vega told Inmate [redacted] to go to the back door to talk to him. Inmate [redacted] told Deputy Vega, "No." Deputy Vega told Inmate [redacted] to go the back door a second time, Inmate [redacted] told Deputy Vega, "No, I'm not going." Deputy Vega told Inmate [redacted] to stay seated at the dayroom table and he complied.

Deputy Vega and I returned to the guard station. Deputy Vega called to other work locations to have more Deputies respond because there was an uncooperative inmate on the East Side of G-Barracks. There are 192 inmates housed on the East Side of G-Barracks and we needed to keep the situation safe while dealing with an uncooperative inmate.

INVESTIGATING OFFICERS	REPORT BY	DATE OF REPORT	APPROVED
	DEPUTY G. BERRY #9152	6-13-2016	SGT BRASS #4973

Deputies A. Gutierrez #9172, M. Ceja #9111, and A. Mott #9349 responded to the G-Barracks guard station. Deputy Vega used the intercom system and told Inmate [redacted] to go to the back door and he complied. Deputies Vega, Gutierrez, Ceja, Mott, and I proceeded through the guardstation tunnel to the backdoor of the guardstation. I was behind the other deputies in the tunnel and could not see Inmate [redacted] A Deputy told Inmate [redacted] to close the door and go to the wall outside of the barracks. Inmate [redacted] responded but I could not understand what was said. The Deputies exited the tunnel and I could see Inmate [redacted] walking towards the back wall outside of G-Barracks East Side. While I was exiting the guardstation tunnel I heard Deputy Vega tell Inmate [redacted] to face the wall, place his hands behind his back, interlock his fingers, and spread his feet. When I exited the guard station I went to my left by the back wall to G-Barracks West Side. I heard Deputy Vega tell Inmate [redacted] a second time to interlock his fingers and spread his feet. I heard what sounded like the bottom of a shoe sliding across the ground. I turned to where Deputy Vega and Inmate [redacted] were. I saw Deputy Vega use his left foot to press on the inner side of Inmate [redacted] left foot causing his feet to spread apart. I heard Deputy Vega tell him to spread his feet when he is told to do so.

Deputy Vega began to counsel Inmate [redacted] about following directives given by Deputies. Deputy Vega was holding Inmate [redacted] hands and appeared he was going to hand search him. During this time I turned to stand next to the railing behind G-Barracks. When I turned back around Inmate [redacted] was sitting on the ground with his left leg out to the side of him. Deputy Vega was standing next to him and continued to counsel him.

Deputy Vega entered the East Side of G-Barracks momentarily. When he exited and returned to where Inmate [redacted] was, he told Inmate [redacted] to stand up. Inmate [redacted] complied. Deputy Vega appeared angry and confronted Inmate [redacted] Deputy Ceja moved to the left side of Deputy Vega and handed him handcuffs. Deputy Vega placed handcuffs on Inmate [redacted] and escorted him to the booking loop.

I followed Deputy Vega and Inmate [redacted] to the Booking Loop. While escorting Inmate [redacted] to the Booking Loop, Deputy Vega asked him why he didn't listen and go to the backdoor so they could talk. Inmate [redacted] replied but I could not understand what was said. Deputy Vega asked Inmate [redacted] if

it would have just been easier if he would have listened so he could return to the barracks, Inmate [redacted] replied, "Yes."

Deputy Vega placed Inmate [redacted] in cell #1 on the Booking Loop without further incident.

I reviewed the video prior to writing my report.

Use of Force

16-144242

DR 16-144242 Report Stage Finalize

General

First time completing an Use of Force Report or has it been a while?
Watch our introductory video here. **Click Here for the Video**

Directions:
When you have completed this form use the "Send notifications button" to have the system automatically send

Hint: Fields with a button and spyglass allow you to search by clicking on the button.

Need Help?: Please contact S.A.F.E. if you have questions about completing this form. S.A.F.E. Contact Number (

Finalize

Analysis Information

DR	16-144242	**# of Deputies using Force**	1
Date	6/13/2016 8:00 AM	**# of Subjects**	1
Facility / Bureau / City	Theo Lacy Facility	**# of Witnesses**	4
Supervisor Present for UOF?	No		
Off Duty Incident	No		
Type of Force	General		

Location

Address / Cross Streets	501 The City Drive
City	Orange

Initial Call/Event Failure to obey a directive

Notification Summary

Enter a brief description of the event, please include an overview of injuries to subjects or Deputies, summary of
contacted the suspect (Smith) who provided a false name, but was recognized from past contacts. Alpha grabbe
Alpha pepper sprayed him as he ran away to a public bathroom. He attempted to shut the door, but Deps Beta
to keep the door from closing. He then gave up peacefully.

NOTE: THIS IS LIMITED TO 500 CHARACTERS.

Notification On 6-13-16, Deputy C. Vega #9101 was working in "G" Barracks. At about 0816 hours, he went to the dayro
the importance of being on time for their medication. While talking to the inmates, Vega noticed Inmate [redacted]
him with an angry look on his face. [redacted] would not respond to questioning so Deputy Vega directed h
talk to him outside. [redacted] refused to go to the back door after numerous requests so Deputy Vega left
the guard station. Vega requested additional deputies and used the intercom to direct [redacted] to go to t
outside, Vega told him to face the wall, place his hands behind his back, and to interlock his fingers. He pla
not interlock his fingers. Vega grabbed [redacted] hands interlocking his fingers and used a firm grip to co
[redacted] to spread his feet apart but he refused. Vega swept [redacted] left leg so he could safely gain a
him. [redacted] continued to put his feet back together so Vega put his left foot on the inside of where [redacted]
maintain a safe position. [redacted] continued to attempt to move his legs so Vega grabbed the left should
down. He was handcuffed and escorted to the loop.

Involved Employees

Involved Employees

Use the plus "+" button to add new employees, subjects and force used. Each grid has a "+" to add t

Involved Employees

Employee Name ↑	Role	Type of Injury
No UOF Employee records found.		

Add additional Employe

Employee Name	Type of Injury	Description of Injury
CARLOS VEGA	**None**	

1 - 1 of 1 (0 selected)

Notifications

Once you have gathered the initial information click the send notifications button below to send this notificatio

Notes & Attachments (Attach Deputy reports (ICRs / Followups))

Attach Deputy reports (ICRs / Followups) below.

Attachments and Notes

Title:
Gutierrerz Follow-up.pdf
JOSHUA BRASS 6/28/2016 11:07 AM
Title:
Ceja JI.pdf
JOSHUA BRASS 6/28/2016 11:07 AM
Title:
Mott Follow-up.pdf
JOSHUA BRASS 6/28/2016 11:07 AM
Title:
Berry Follow-up.pdf
JOSHUA BRASS 6/28/2016 11:06 AM
Title:
Vega JI.pdf
JOSHUA BRASS 6/28/2016 11:06 AM

Summary of Events

Sergeant's Summary of Event

On 6-13-16, Deputy C. Vega #9101 was working in "G" Barracks. At about 0810 hours, Deputy Vega was standing by with the medi Several inmate were late for their medication so Deputy Vega told those inmates to sit at the dayroom tables after they received tl distributing the medication, Deputies Vega went to the dayroom tables and counseled the inmates about being late. Deputy Berry went out to the dayroom to assist Vega. Deputies Vega and Berry searched the bunks of the inmates, then returned to the dayroor talking to the inmates, Vega noticed Inmate [redacted] was staring at him with an angry look on his face. Deputy Ve bunks and left [redacted] sitting at the table. [redacted] would not respond to questioning so Deputy Vega directed him to go to t outside. [redacted] refused to go to the back door after numerous requests so Deputy Vega left him sitting at the table and return Barracks used the stenofon and requested additional deputies to respond to "G" Barracks. Vega used the intercom to direct [redacted] arrived at the back door, [redacted] refused to exit the dayroom so Deputy Mott grabbed his smock and led him outside. Once out place his hands behind his back, and to interlock his fingers. He placed his hands behind his back but did not interlock his fingers. interlocked his fingers and used a firm grip to control both of his hands. Vega told [redacted] to spread his feet apart but he refuse could safely gain a position of advantage while dealing with him. Vega immediately kicked [redacted] left foot a second time, spr kicked [redacted] left foot a third time, spreading his feet wider and causing the sandal to come off of [redacted] foot. Vega pla foot, preventing him from moving his left leg. Vega grabbed [redacted] somewhere on his upper body and forced his head toward

sit on the concrete. Vega left [redacted] sitting there unsecured and returned to the "G" Barracks dayroom to counsel the other inr seconds later and had [redacted] stand up. I had just left "F" Barracks and I heard Deputy Vega yelling at [redacted] As I approach up and Vega continued to yell and swear at him. Vega was yelling something similar to, "What the fuck's your problem, do you wa swear at [redacted] asking him what he was staring at and challenging him to fight. Once he realized I was there, Vega stopped ye Ceja, handcuffed [redacted] and escorted him to the Booking Loop.

Materials Collected

List the materials gathered and reviewed. Example: One DVD containing hand held footage of the incident and interview.

Security video footage of the incident and hand held footage of [redacted] nterview uploaded to the share drive (TL061316/0816

Scene Documentation

Theo Lacy Facility, Outside of "G" Barracks door.

Audio/Video Review

I reviewed all of the video from this incident. The video footage is not consistent with Deputy Vega's report. Deputy Vega wrote th Vega was unable to spread his feet. The video shows Vega kick [redacted] eft foot three times in succession, spreading his feet w [redacted] moved his right foot in an attempt to put his feet back together. In the video, Vega kicks [redacted] eft foot so hard it anymore and his right foot drags across the ground. Vega wrote that [redacted] sandal had come off and when he moved it with further apart. Its hard to see this in the video and it actually looks like Vega kicked the sandal off of his foot or it flew off while Veg

Vega wrote that [redacted] feet continued to slide further apart so he grabbed the left shoulder area of his smock top, told him t He wrote that [redacted] tensed his arms, put his left knee down and postured his upper body upwards so he (Vega) applied down sat on his butt. In the video, Vega grabs [redacted] somewhere near his shoulder (the view is blocked by Vega's body) and pushed until [redacted] falls to his right elbow and butt.

Audio/Video Booked as Evidence

Witness(es) Statement & Summary

Deputy statements should be captured in an ICR or Follow up report and not recorded under witness statement

None

Subject(s) Interview

On 06-14-16 at about 1415 hours, I interviewed Inmate [redacted] outside of the guard station of module "L" located at Theo Lacy the handheld digital camera for the interview. I spoke with [redacted] about the use of force incident and asked him if he wanted t was late for his medication and then got water prior to going to the dayroom tables as directed. He said the deputy "barraged" th lectured them being on time for medication. [redacted] kept looking at him in a way that made Vega uncomfortable and he kept a

told [redacted] to go talk to him outside but he was not sure how things worked here. He asked Vega if he could have a "shadow" talking to a deputy) and this got him more enraged. When he went outside force was used and the deputy kept trying to antagoni he did not sustain any physical injuries during this incident and did not need any medical attention.

Quick Navigate Related:

Report Stage	Finalize	**Report Status**	Referred to Internal Affairs

Rules of Conduct - General

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.

(b) Commissioned officers will conform with the Code of Professional Conduct and Responsibilities for Peace Officers (Policy 1001).

1018.2 LOYALTY

Members shall maintain such loyalty to the department and their associates as is consistent with their oath of office and personal and professional ethics. Loyalty to the department and to associates is an important factor in departmental morale and efficiency.

1018.3 COOPERATION

Members shall establish and maintain a high spirit of cooperation within the department and with other agencies. Cooperation between the ranks and units of the department and between the department and other law enforcement agencies is essential to effective law enforcement.

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

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.

1018.6 OBEDIENCE TO LAWS 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.

(b) Employees are to report to their immediate supervisor within 24 hours any arrest, incident, or allegation of criminal or other misconduct, which could result in the employee being criminally prosecuted. All allegations of criminal and other misconduct will be immediately documented by the supervisor in memo form to his/her Command Commander/Director.

(c) Employees authorized to carry a handgun, on duty or off duty, must immediately notify their Division Commander if they have been convicted of any domestic violence offense. Defined:

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1018.26 SURRENDER OF COUNTY PROPERTY

(a) Upon separation from the department, members shall surrender all County and departmental items of property to the Professional Standards Division within 48 hours.

(b) Department issued equipment, including handguns and badges are the sole property of the department and shall be returned immediately upon request.

1018.27 UNTRUTHFULNESS

No member shall knowingly make false statements or misrepresentations to other members or superiors.

1018.28 REMOVAL OR ALTERATION OF OFFICIAL RECORDS PROHIBITED

Members shall not remove or alter any official record of the department except as directed by superiors in accordance with established departmental procedures, or under due process of law.

1018.29 OFFICIAL CORRESPONDENCE

Only those members authorized by the Sheriff-Coroner may engage in official departmental correspondence.

1018.30 DEPARTMENT LETTERHEAD

All official correspondence shall be written on the department's official letterhead stationery. Official letterhead shall not be used for any purpose other than official business.

1018.31 ABSENCE FROM DUTY

No member shall be absent from duty without proper leave or permission from, or notification to, the appropriate supervisor.

1018.32 SICK LEAVE

(a) While on official paid sick leave, members shall remain at home or other place of confinement except when, in the department's judgment, their individual circumstances justify leaving the place of confinement. Members shall advise the department of their place of confinement.

(b) Members shall not feign illness or injury or deceive a superior as to the member's health condition.

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.

1018.34 PATRIOTIC COURTESY

To the flag:

Adoption Date: 2014/12/10
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1018.38 SLEEPING ON DUTY
Members shall not sleep on duty.

1018.39 USE OF OFFENSIVE LANGUAGE
Members shall not use offensive or uncomplimentary language within the hearing of any other person.

1018.40 OFFENSIVE CONDUCT
Members shall not by their actions, speech, or demeanor, antagonize any person.

1018.41 RECEIPT OF TRAFFIC CITATION - COUNTY VEHICLE
Members who receive a traffic citation while operating a county vehicle shall not request the department to intercede in their behalf but shall handle the matter as a private citizen.

1018.42 FIXING TICKETS
Members shall not "attempt to fix" or "fix" a citation for a traffic violation.

1018.43 FRATERNIZATION
(a) Except as permitted by written authority of their Division commander, no member shall fraternize with, engage the services of, accept services from, or give to or receive favors from any person in department custody or recently released (within one year) from department custody. Any member who is contacted by or on behalf of a recently released (within one year) prisoner shall immediately report same, in memorandum form, to his or her immediate supervisor.

(b) Members shall not associate socially with, or fraternize with the spouse or family member of any person in the custody of the department without the express permission of the Sheriff-Coroner.

(c) Except as necessary to carry out their assigned duties, members shall not engage in familiarity with inmates or the families or friends of inmates. Members shall not discuss departmental matters or private affairs concerning themselves or coworkers with inmates.

(d) Members shall not trade or barter with, lend to or borrow from, or engage in any other personal transaction with, any inmate. Members shall not, directly or indirectly, give to or accept from any inmate, or member of the family of any inmate, anything of value or a promise of same.

(e) Members shall not accept from, or send to, any inmate any verbal or written message, reading matter, literature, or any item, article, or substance except as necessary in carrying out the member's assigned duties.

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Use of Force

300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Any use of force is a serious responsibility. The purpose of this policy is to provide deputies of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each deputy is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 PHILOSOPHY

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied human encounters and when warranted, may use force in carrying out their duties. Deputies must have an understanding of, and true appreciation for, the limitations of their authority. This is especially true with respect to deputies overcoming resistance while engaged in the performance of their duties. The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting deputies with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

The use of force is based on the "Objectively Reasonable" standard as stated in U.S. Supreme Court case Graham vs. Connor (1989). This is the standard considered to be the benchmark across America. It is contemporary, reflecting the most current judicial wisdom and it mirrors the standard prescribed by the Commission on Peace Officer Standards and Training (POST). The appropriate application of this standard requires that all factors surrounding a particular event be considered. This is true when determining whether to use force, as well as writing the requisite reports to document an event where force was used and in the supervisory review of the same event to determine the appropriateness of the action.

300.2 POLICY

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. "Reasonableness" of the force used must be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact the sheriff's deputies are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is objectively reasonable in a particular situation.

Given that no policy can realistically predict every possible situation a deputy might encounter in the field, it is recognized that each deputy must be entrusted with well reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires a deputy to actually sustain physical injury before applying reasonable force. Law enforcement personnel shall use no more force than is objectively reasonable to accomplish lawful objectives.

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The use of any force to accomplish unlawful objectives is prohibited. The Department will not tolerate excessive and/or punitive force.

300.2.1 USE OF REASONABLE FORCE TO EFFECT AN ARREST

Any peace officer that has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance (Penal Code § 835(a)).

300.2.2 DEFINITIONS

Deadly and Non-Deadly Force:

Deadly force is that which creates a substantial risk of serious physical injury or death. Non-deadly force is any other physical force.

Objectively Reasonable Force:

Force that is proportionate to the threat presented by, or the need to lawfully control, a subject in a particular moment, as the threat or need would be perceived in that moment, and without benefit of hindsight. Force is not objectively reasonable if under the circumstances and in the relevant moment, it would be clear to a reasonable officer that lesser force would likely lead to safe control.

Serious Physical Injury:

"Serious physical injury" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

Physical Force:

Striking, holding, pulling, pushing, throwing, or exerting strength against another person.

300.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration.

These factors include, but are not limited to:

(a) The conduct of the individual being confronted (as reasonably perceived by the deputy at the time).

(b) Deputy/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of deputies vs. subjects).

(c) Influence of drugs/alcohol (mental capacity).

(d) Proximity of weapons.

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Policy 1800 - Use of Force

1800 - Force and Restraints

Refer to the Orange County Sheriff's Department Lexipol Manual for Policy 300 - Use Of Force and Policy 309 - Electronic Control Devices for complete details regarding the current use of force policy and reporting procedures.

1800.1 - General Rules

1. Staff will only use force in a good faith effort to maintain or restore order.
2. Staff will not use force maliciously or sadistically for the very purpose of causing harm.
3. Staff will not use force as a form of punishment. Inmate/Detainee discipline is administered through the disciplinary process. Details of the disciplinary process are located in JOM 1602.5 – Discipline.
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.
5. Staff will not encourage or permit inmates/detainees to exercise force against staff, visitors, or other inmates/detainees.
6. Custody Operations detection canines will not be used for force, control, or intimidation of inmates/detainees.
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.
    1. Voluntary compliance is the preferred means of achieving resolution to potential use of force encounters. When practicable, staff should ask for and allow reasonable time for compliance.
    2. The use of force is not always necessary. Deputies should use their command presence and verbal commands to attempt to gain compliance.
    3. When encountering a problem with an inmate/detainee in a cell, usually the safest and most practical immediate solution is to back out, close and secure the door, and notify a sergeant of the situation.
    4. When possible, staff will record the interaction with a video camera.

1800.2 - Oleoresin Capsicum (OC) / Pepper Spray

1. General
    1. Any use of a chemical agent must be in compliance with Policy 300 – Use of Force.
    2. All personnel below the rank of lieutenant who have completed Department approved chemical agent training shall carry their OC spray in an approved holster while on duty, unless their assignment precludes carrying a chemical agent.
    3. Lieutenants and higher rank may carry OC spray.
    4. On duty personnel are only authorized to carry chemical agents which the Department has issued to them.
2. Decontamination and Medical Care

1800.1

From SAFEwiki

POLICY

1800.1

Force and Restraints
General Rules

1800.1 – General Rules

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    4. When possible, staff will record the interaction with a video camera.

Previous:	Current:	Next:
1800	1800.1	1800.2

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Category: JOM

- This page was last modified 19:50, 27 September 2012.

1710.2

From SAFEwiki

Inspections, Searches & Contraband

Search of Facility Perimeter

1710.2 - The Search Process

1. The sergeant will review the condition of the area to be searched prior to the search and again after the search has been completed.
2. The condition of the search area shall be documented on the Sergeant's Log, Jail Incident Report or by video tape.
3. The Housing Deputy/SSO/CSA will be directed to observe the search and maintain control of doors in the area during the search.
    - Additional Search Locations may include:
        1. Kitchen: A Sergeant will supervise periodic, unannounced searches of the kitchen. The search will be conducted with a minimum of interruption to food service staff. The Senior Head Cook will be informed of the discoveries and discrepancies in the kitchen that were noted in the search.
        2. Clothing Room/Property Storage Rooms: Periodic, unannounced searches of the Clothing and Property Storage Rooms will be supervised by a Sergeant. Unsealed or untagged property/clothing will be brought to the Clothing Room CST's attention for proper storage and inventory. The search will be conducted with a minimum of disruption to the unit's functions. Searches of the women's clothing area will be conducted by female deputies; searches of the men's clothing area will be conducted by male deputies, unless directed by the Watch Commander.
4. To minimize distractions, messages for the sergeant and/or search deputies will be coordinated through the Housing Deputy/SSO/CSA.
5. The Housing Deputy/SSO/CSA will direct inmates out of the search area and into a secure area.
    - Inmates will be directed to be dressed in full jail issue.
6. Deputies will search each cell and bunk, separating the blanket and sheets and examining the mattress.
    - Bedding materials will be left on the bunk at the conclusion of the search.
    - Excess jail issue property will be collected and returned to its point of issue (e.g.: laundry, library, or warehouse).
    - Every hiding place around the bunk will be searched. Dark areas should be illuminated by use of a flashlight.
    - Deputies will use extra caution to not rub their fingers and hands over areas that cannot be seen. Sharp, hidden objects may cause severe injuries.
7. Deputies will not destroy jail or personal property during the search. Searches are not to be viewed as punishment.
    - Handcrafted items deemed to be contraband will be disposed of outside the facility at the Sergeant's direction.
    - Non-criminal contraband will be stored in the appropriate Guard Station until the end of shift when it is disposed of outside of the security area.

- Excess jail issue property will be collected and returned to its point of issue.
- Excess personal property items will be taken and placed into the inmate's stored personal property bag. The discovering Deputy will deliver this item(s) to the Property Room.

8. The physical plant and equipment will be examined for damage or malfunction during the search.
   - The sergeant will make note of needed repairs and forward the memo to the Maintenance Sergeant.
   - Unsanitary conditions and marking on the facility surfaces will be brought to the Housing Deputy's/SSO's/CSA's attention for further action.
9. All inmates will be searched prior to returning to their cells.

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- This page was last modified 01:15, 16 June 2016.

CASE MANAGEMENT NOTES

CASE # 16-089

7/13		Case Logged
7/28/16	—	RECEIVED CASE
9-20-16	—	CASE PREP
9-22-16	-	VIDEO REVIEW
9-23-16	—	CASE PREP / VIDEO REVIEW / NOF REVIEW / CONTACTED
		WITNESS FOR INTERVIEW. WAITING FOR RESPONSE
9-28-16	-	[redacted] INTERVIEWED
10-5-16	-	[redacted] INTERVIEWED
10-7-16	-	[redacted] INTERVIEWED
10-11-16	-	VEGA INTERVIEW SET FOR 10.20-16/1400
10-11-16	-	[redacted] INTERVIEWED.
10-12-16	—	RECEIVED MESSAGE FROM VEGA'S ATTORNEY (VICTORIA WOOD) [redacted]
		WHO REQUESTED INTERVIEW DATE TO BE RESCHEDULED.
		CONTACTED WOOD / INTERVIEW MOVED TO 11-4-16/1030.
11-4-16	-	CONDUCTED VEGA INTERVIEW.
11-15-16	-	CASE SUBMITTED TO LT. DANICS FOR REVIEW

ORANGE COUNTY
SHERIFF'S DEPARTMENT

550 N. FLOWER STREET
SANTA ANA, CA 92703
714-647-7000
WWW.OCSD.ORG

SHERIFF-CORONER
SANDRA HUTCHENS

P.I. #16-089 / Deputy Carlos Vega

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.

C. Vega
Employee Signature

11-4-2016
Date

Sgt. S. [illegible] #6475
Sergeant Signature

11-4-16
Date

ORANGE COUNTY
SHERIFF'S DEPARTMENT

550 N. FLOWER STREET
SANTA ANA, CA 92703
714-647-7000
WWW.OCSD.ORG

SHERIFF-CORONER
SANDRA HUTCHENS

P.I. #16-089

CONFIDENTIALITY DIRECTIVE

Deputy Carlos Vega, 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 Investigator 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.

C.Vga
Deputy Carlos Vega

11-4-2016
Date

Sgt. Dul #6475
Sergeant Signature

11-4-16
Date

SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

P.I. #16-089

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*** (NO)

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

Employee Initials (CW)

LYBARGER WARNING

Deputy Carlos Vega*, 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 (CV)

C. Vega #9101
Employee Name

11-4-2016
Date

Sgt. Gul #6475
Sergeant

11-4-16
Date

SHERIFF'S DEPARTMENT, ORANGE COUNTY
Santa Ana, California

COPY

TO: Personnel File of **CARLOS VEGA** DATE: 5/2/2017

FROM: Captain John Coppock, Professional Standards INTRA-DEPARTMENT MEMO

RE: PI# 16-089

Sustained: 1/30/2017 Reviewed by Captain Park

If you have any questions regarding this investigation, please contact Sergeant Dawn Haag in Professional Standards at (714) 834-5569.

JC/ch