



USE OF FORCE SUMMARY

Analysis Information

DR	17-011538	# of Deputies Using Force	2	Division	Investigations
Date	3/24/2017	# of Subjects	1	Sergeant	Craig Lang
Facility/Bureau	San Juan Capistrano Police Services	# of Witnesses	2	Lieutenant	Tracy Morris
				Captain	Kenneth Burmood
Off Duty?	No				
Type of Force	General				

Location

Address / Cross Streets	██████████		
City	San Juan Capistrano		
Initial Call/Event	Arrest warrant		
Supervisor Present?	No		
		Converted?	No

Notification

On 3-24-17, Deputy ██████████ and Deputy G. Dorado were working as members of the OCSD ██████████. At about 1855 hrs, they saw Erik Manuel Villegas ██████████ standing in the alleyway behind ██████████ in SJC. Villegas is a Varrio Viejo gang member and had a warrant. Deputy ██████████ and Deputy Dorado contacted Villegas. Deputy ██████████ told Villegas to put his hands behind his back. Villegas complied. Villegas immediately pulled away and tried to run down the alley. Deputy ██████████ attempted to stop Villegas from running. Villegas turned around and swung at Deputy ██████████ hitting him in the face. Deputy ██████████ and Deputy Dorado took Villegas to the ground. On the ground, Villegas swung at Deputy ██████████ and Deputy Dorado. Villegas reached for his abdomen attempting to retrieve an unknown object. Fearing Villegas was reaching for a weapon, Deputy Dorado punched Villegas in the face. Villegas continued to resist and refused to obey Deputy ██████████ commands. Deputy ██████████ and Deputy Dorado continued hitting Villegas and requested additional units. Deputy ██████████ and Deputy Dorado used their body weight to control Villegas. SJC Deputies arrived at the location and they were able to handcuff Villegas.

As a result of the altercation, Deputy ██████████ and Deputy Dorado suffered injuries to their hands. They were treated at Mission Hospital. Worker's Comp paperwork was completed.

Villegas was arrested for CPC 69, CPC 243(c)(1), CPC 135, CPC 11364, and the warrant.

Involved Employees



Employee Name	Injury / Details	Emergency Room?	Hospitalized	Blood borne pathogen/Needle Stick
	Complaint of Pain Pain to both hands	Yes	No	No
GILBERTO DORADO	Complaint of Pain Pain to right hand	Yes	No	No

Subjects

Subject Name Height Weight Gender Race DOB	Force Encountered Charges ID Type/#	Subject Injured? Admitted to Hospital Details of Injury & Treatment	Alcohol	Drugs	Mental	ADA	AB109	ICE	Parole	Pro Per	Probation
VILLEGAS, ERIK 6'0" 220 Male Mexican-Latin American [REDACTED]	CPC 69, CPC 243(c)(1), CPC 135, and H&S 11364 Booking Number 2987026	Moderate (lacerations) No Villegas received a broken nose during the altercation. Villegas was treated at Mission Hospital prior to being booked into the jail.	No	Yes	No	No	Yes	No	No	No	No

Force Used

Employee Reason for Force	Subject Force Used	Head/Face/Neck	Chest/Torso	Groin	Back/Buttocks	L Arm/Hand	L Leg/Foot	R Arm/Hand	R Leg/Foot
		-	-	-	-	-	-	-	-
GILBERTO DORADO Defense of Others	VILLEGAS, ERIK Punch / Kick	Yes	-	-	-	-	-	-	-



GILBERTO DORADO Defense of Self	VILLEGAS, ERIK Body Weight	-	Yes	-	-	-	-	-	-
██████████ Defense of Self	VILLEGAS, ERIK Punch / Kick	Yes	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-
██████████ Defense of Self	VILLEGAS, ERIK Takedown	-	Yes	-	-	-	-	-	-
██████████ Defense of Self	VILLEGAS, ERIK Body Weight	-	Yes	-	-	-	-	-	-

Witnesses

Witness Name	Contact Information (if available)
██████████	██████████
████████████████████	██████████

Supervisor's Review

All interviews were recorded with a department issued digital recorder. Villegas' injuries were also photographed. The recordings and pictures were placed onto a disk. The disk was later booked into Sheriff's Evidence.

During the review of this Use of Force, I realized I made a mistake in my interview with Villegas. In the interview, I stated the case number for this incident was 17-011638. The case number is actually 17-011538.

Audio / Video Review

During my review, I listened to the interviews of ██████████, and Villegas. I also reviewed the photographs of Villegas' injuries.

OCSD personnel walked the area of the incident but were unable to locate any video cameras. I am unaware of any recordings of the incident.

Materials Collected

(1) Disk containing interviews of Erik Manuel Villegas, ██████████, and ██████████. The disk also contained photographs of Villegas' person. Deputy ██████████ booked the disk into Sheriff's Evidence.

Subject Interview

At about 2053 hours, I spoke with Erik Villegas inside a room at the Mission Viejo Hospital. Villegas complained of pain to his face, nose, both knees, and lower back. Villegas claimed he was not injured prior to the incident. Villegas stated he was treated immediately after the incident by Orange County Fire Authority (OCFA). Villegas was cleared by the fire department but he still wanted to be treated a hospital. OCFA stated Villegas could be transported to the hospital via patrol car. San Juan Police Services transported Villegas to the hospital. At the hospital, he was examined and treated.

I asked Villegas about his recent drug use. Villegas admitted he used methamphetamine throughout the day. He admitted to



smoking methamphetamine two hours prior to the altercation and that he still felt the effects of the drugs.

During the interview, Villegas spontaneously said, "I didn't hit him." He was referring to Deputy [REDACTED]

Villegas was later interviewed by Deputy [REDACTED] For more details, see his report.

Scene Documentation

This incident occurred in the alleyway behind [REDACTED] in the city of San Juan Capistrano. This area is composed of numerous housing units and several streets. This area is known as the "Villas." The Villas is a documented territory claimed by the Varrio Viejo criminal street gang.

Witness (es) Statement and Summary

Deputy [REDACTED] and Deputy Ruvalcaba (San Juan Police Services) looked for witnesses in the area immediately after the incident. They found two witnesses. They interviewed [REDACTED] and [REDACTED] in the alleyway near [REDACTED]. I was present during the interviews. Deputy [REDACTED] documented the interviews in his report.

Supervisor Questions

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

Members of [REDACTED] saw Villegas standing in the alleyway behind [REDACTED] in San Juan Capistrano. Villegas was standing outside a garage. Villegas was wanted for an outstanding felony warrant. Deputy [REDACTED] approached Villegas and asked him if he had anything illegal in his possession. Villegas said "no." Deputy [REDACTED] asked Villegas to turn around so he could be searched. Villegas complied and placed his hands behind his back. Deputy Larson attempted to grab Villegas' hands. At this time, Villegas turned around and started to run away. Deputy [REDACTED] grabbed the back of Villegas' t-shirt. Villegas continued running and Deputy [REDACTED] pulled him to the ground. While on the ground, Villegas punched Deputy [REDACTED] in the face a couple of times. Deputy Dorado responded. Deputy Dorado used his body weight in attempt to control Villegas. Villegas continued punching at Deputy [REDACTED] and Deputy Dorado. Deputy [REDACTED] and Deputy Dorado then punched Villegas in the face in an attempt to stop the attack. Deputy [REDACTED] requested additional units to respond. A few moments later, the additional units arrived. Deputies were able to place Villegas into handcuffs. For more details, refer to the reports with this DR. #.

- Were the force options or weapons in this incident effective? **Yes**
- Were the force options or weapons utilized in this incident reasonable under Policy 300? **Yes**
- Was relevant/necessary medical attention provided to department member(s) and the use of force subject(s)? **Yes**
- Was a supervisor notified of the use of force as required by department policy? **Yes**
- Was proper use of video and/or audio recording technology used in this force incident? **Yes**



- Were any training issues identified? (Examples include: officer safety, tactical communication, or de-escalation techniques) **No**
- Were any other policy violations identified (examples: professionalism, violation of pursuit policy, standard of contact, use of profanity, pvs)? **No**

Departmental Reviews

Involved Employees

Employee Name	Sgt. Recommendation	Lt. Recommendation	Cpt. Determination
██████████	In Policy, No further action required	In Policy, No further action required	In Policy, No further action required
GILBERTO DORADO	In Policy, No further action required	In Policy, No further action required	In Policy, No further action required
	Pending	Pending	Pending
	Pending	Pending	Pending
	Pending	Pending	Pending
	Pending	Pending	Pending
	Pending	Pending	Pending
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Sergeant's Conclusions

Based on Deputy ██████████, Deputy ██████████, and Deputy Dorado's report and my own observations, I determined this use of force involving Villegas was reasonable, appropriate, and within policy.

All actions taken against Villegas were objectively reasonable given the situation. In my opinion all the actions taken during the incident by Deputy ██████████ and Deputy Dorado were an appropriate response to Villegas trying to flee an arrest and assaulting Deputy ██████████.



As a result of this incident, the Orange County District Attorney filed charges against Villegas.

Sergeant's Recommendation

No further action needed.

Managerial Review

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

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

Are there any areas of training to be addressed? If yes, what are they? Corrected Actions taken? **No**

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

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

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

Lt. Conclusions / Recommendations

I reviewed the reports, the photographs and interviews regarding this use of force and concur with Sgt. Lang that his use of force was within policy. Deputies [REDACTED] and Dorado were conducting suppression enforcement in the city of San Juan

Capistrano. They saw Villegas, who they knew to be an active gang member and wanted for an outstanding warrant, standing in an alleyway behind [REDACTED]. Initially Villegas complied with the deputies directives to put his hands behind his back, but once Deputy [REDACTED] put hands on Villegas he pulled away and tried to run. Villegas struggled against Deputy [REDACTED] and punched [REDACTED] in the face in an attempt to escape. Villegas refused to comply with their repeated directives to stop resisting and even reached for his waistband on numerous occasions. Fearing for their safety deputies [REDACTED] and Dorado used punches, body weight and control holds to take a struggling/ assaultive Villegas into custody. Independent witnesses described Villegas resisting a lawful arrest. Based on Villegas' actions the force used by deputies [REDACTED] and Dorado was measured and reasonable under the Department's use of force policy. I recommend no further action be taken.